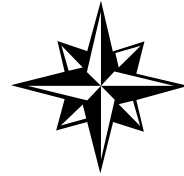


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COMMENT

This document is presented to you to provide a resource regarding session activity.

The information contained herein includes the final disposition of legislation for the 2008 Legislative Sessions.



Editing, *Jerry Guillot and Tom Wade*
Production, *Sabrina Whitaker*
August 28, 2008

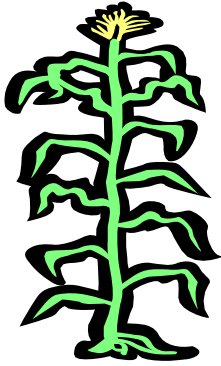
FINAL EDITION
of
2008 Legislative
Session Highlights

1st Extraordinary

2nd Extraordinary and

Regular Sessions

Agriculture/Rural Development



2008 REGULAR SESSION

ANIMALS House Bill 1193 by Representative Ritchie (Act 894) increases

license fees for spayed or neutered dogs and cats from not more than \$8 to not more than \$10 and for unspayed or unneutered dogs and cats from not more than \$16 to not more than \$20. The legislation also requires individuals or businesses with more than five dogs that breed and sell retail, wholesale, or to the public to procure kennel licenses and pay kennel license fees instead of individual dog licenses and fees. The governing body of each municipality or parish may fix the sum paid annually for the kennel license fee which must be dedicated solely for animal impoundment facilities. The legislation also prohibits an individual or business that breeds, buys, or sells dogs from maintaining more than 75 dogs over the age of one year at any time for breeding purposes. Violators are subject to a penalty of a fine not to exceed \$500 or imprisonment for not more than six months, or both.

Senate Bill 783 by Senator Butch Gautreaux (Act 796) expands the powers and duties of the Louisiana Animal Welfare Commission within the office of the governor. The legislation specifically authorizes the commission to do the following:

by: *Curry Johnson*
(225) 342-0645



(1) gather information from public records

pertaining to the animals within the purview of the commission; (2) inspect animal impoundment facilities for the purpose of making recommendations for improvements to those facilities and requires the governing authority to provide to the commission reasonable access to the facility, its records, and personnel within seven days of receipt of a written request; and (3) request an animal control agency to produce public records pertaining to animal intake, adoption, and euthanasia.

Senate Bill 198 by Senator Thompson (Act 527) This bill authorizes Louisiana's participation in the interstate Pest Control Compact. Every year plant pests cause billions of dollars in damage to the country's agricultural and forest crops and products. Through contractual agreements, the compact allows individual states to contribute to plant pest control, suppression, or eradication beyond their state boundaries. Currently there are 37 parties to the compact. In 2006 the compact adopted Articles of Association which clarified that the Interstate Pest Control Compact is organized exclusively for the charitable purpose of providing financial assistance to States who may not have the necessary resources to

combat plant pest infestations that threaten the agricultural and natural resources of other states impacted by infestations.

COMMODITIES

House Bill 801 by Representative Anders (Act 299) authorizes use of an oral contract or agreement for the sale of grain evidenced by a written, unsigned confirmation of sale mailed or electronically transmitted to the producer of the grain within five business days to be deemed a signed contract evidenced in writing.

House Bill 1253 by Representative Simon (Act 920) contains provisions related to the grain and cotton industries. This legislation creates the Grain and Cotton Indemnity Fund. The bill requires the Louisiana Agriculture Commodities Commission to charge an assessment of one twenty-fifth of one percent on the value of all agricultural commodities which are sold to grain dealers and cotton merchants. The assessment does not apply to grain or cotton purchased or contracted prior to August 15, 2008. The legislation allows for indemnity payments from the fund if either the licensed grain dealer becomes insolvent, the licensed cotton merchant becomes insolvent or the licensed grain dealer or cotton merchant, as a result of the insolvency, does not fully compensate the producer in accordance with a sale. When the fund reaches a level of six million dollars, the assessment will be suspended. If the balance in the fund drops below three million dollars, the collection of the assessment will be reimposed. Any licensee who knowingly or intentionally refuses or fails to collect the assessment from producers or to submit any assessment collected from producers is subject to civil

penalties established by the Louisiana Agriculture Commodities Commission.

House Concurrent Resolution 159 by Representative Anders (enrolled) suspends the state assessment on grain sorghum from July 1, 2008 until June 30, 2009. Currently, at the point of sale of grain sorghum, an assessment is made on the grain and paid by the farmer or producer. This assessment is earmarked for research and promotion programs. Recently, the federal grain check off program began providing for the same research and promotion programs. The producers are paying the fee twice for the same programs. This resolution suspends the state assessment on grain sorghum for one year in order to research this issue and possibly file legislation next year to remove the state assessment.

HORTICULTURE

Senate Bill 623 by Senator Thompson (Act 229) provides relative to violations of the Horticulture Law and increases current civil penalties. This legislation clarifies the current Horticulture Law and provides for the following violations of the law: (1) working without a valid appropriate license or permit; (2) receiving income, without a valid appropriate license or permit; (3) advertising or soliciting work without a valid appropriate license or permit; (4) failing to abide by a cease and desist order issued by the commission or any stop order or notice of non-compliance issued by the commissioner; (5) performing any fraudulent practice; (6) altering, forging, counterfeiting, or using without authority any license, permit, or other document; (7) knowingly permitting any person to violate the Horticulture Law; (8) failing to comply with the continuing

education requirements; (9) failing to timely pay any fee, penalty, or other cost imposed; or (10) failing to meet the appropriate minimum standards of practice established by the commission. The legislation specifically exempts people or entities "volunteering" to provide horticulture services from violations, adjudications and penalties.

Senate Bill 627 by Senator Thompson (Act 556) requires the Horticulture Commission to adopt rules and regulations regarding the demonstration portion of the retail florist examination. Current law requires that each applicant for a retail florist license must pass an examination administered and approved by the Horticulture Commission. The retail florist examination is administered in two parts consisting of a written exam compiled from a list of questions submitted by the Louisiana State Florists Association, Louisiana State University Agricultural Center, and the Louisiana Department of Agriculture and Forestry and a practical portion consisting of a demonstration of actual floral design work by the applicant. This legislation requires the Horticulture Commission to adopt rules and regulations regarding the demonstration portion of the examination in order to provide more clarity and less subjectivity to the demonstration portion of the exam.

Senate Bill 635 by Senator Thompson (Act 63) consolidates the professions of horticulturist and landscape contractor into one licensed profession known as "landscape horticulturist" and reduces the membership of the Horticulture Commission from 14 members to 13 members due to the consolidation. The legislation authorizes a landscape horticulturist's license holder to do

the following: (1) implement plans, studies, surveys, specifications, and designs prepared by a licensed landscape architect; (2) recommend and implement measures for interior and exterior beautification and development through the use of nursery stock; (3) sell or lease nursery stock and recommend measures for the maintenance of nursery stock; and (4) prepare drawings to indicate the placement of nursery stock.

DEPARTMENT OF AGRICULTURE AND FORESTRY

Senate Bill 133 by Senator Donahue (Act 117) provides relative to the Louisiana Agricultural Finance Authority. Prior law allowed the Louisiana Agricultural Finance Authority to acquire movable or immovable property and to own, hold, clear, improve, lease, construct, rehabilitate or dispose of property with or without complying with the public bid law normally required for public contracts. This legislation requires the Louisiana Agricultural Finance Authority to comply with the public bid law. Public Bid law requires that contracts let by any public entity for public works estimated to cost in excess of the contract limit to be advertised and let by contract to the lowest responsible bidder.

Senate Bill 489 by Senator Thompson (Act 237) provides an exemption for Department of Agriculture and Forestry aircraft from maintenance regulation by the aviation unit of the division of administration. Currently, the aviation unit of the division of administration regulates the maintenance of state owned aircraft, including helicopters and fixed-winged aircraft, owned or operated by any and all agencies within the executive branch of state government. This legislation

exempts aircraft owned or operated by the Louisiana Department of Agriculture and Forestry from maintenance regulation by the aviation unit of the division of administration. The department will maintain the fleet at their current facility.

Senate Bill 550 by Senator Thompson (Act 61) provides relative to fertilizer regulation and prohibits local government subdivisions from regulating fertilizers. This legislation prohibits local governmental entities or governing authorities of any private or public group or association from enacting ordinances, laws, subdivision restrictions or regulations regarding fertilizers. The governing authority of a public or private group or association may petition the commissioner for approval of restrictions. The legislation further requires that local governmental entities or governing authorities of a public or private group or association submit current ordinances or restrictions to the commissioner on or before December 1, 2008, for approval. Any such ordinance or restriction shall remain effective unless the commissioner disapproves the ordinance or restriction. Any such ordinance not received by the commissioner on or before December 1, 2008 is considered void.

House Bill 1253 by Representative Simon (Act 920) is the Department of Agriculture's omnibus bill which provides for changes to boards within Title 3 as well as makes technical changes throughout Title 3 to reflect name changes of boards and update definitions. The bill also provides for substantive changes which include creating the Grain and Cotton Indemnity Fund described above. The bill also authorizes Livestock brand inspectors to enforce farm

related crimes set forth in Title 14 (Louisiana Criminal Code). Currently, they are authorized to enforce only three criminal provisions that are set forth in Title 3.

House Bill 633 by Representative Anders (Act 591) provides a limitation of liability for certain agritourism activities. The bill defines "agritourism activities" as those activities related to agritourism as defined in rules and regulations adopted by the commissioner of agriculture and which is set forth in a plan of operation approved by the director of the extension service of the Louisiana State University Agricultural Center. The bill does not relieve liability to agritourism professionals if they commit an act or omission of an act that constitutes negligence. The legislation further requires that warning signs be placed at the entrance of the agritourism activity, farm or auditorium.

Capital Outlay

by: Martha Hess
(225) 342-8893



CAPITAL OUTLAY

House Bill 2 by Representative Greene (Act 29), provides for the comprehensive capital outlay budget for Fiscal Year 2008 - 2009, including funding from the following sources of monies:

General Fund (Direct)	\$ 10,000,000
Federal Funds	\$ 13,746,000
Federal Funds - TTF	\$587,300,000
Transportation Trust Fund (TTF) - Regular	\$178,212,952
TIMED Funds	\$ 17,813,221
Interagency Transfers	\$ 31,532, 840
Misc. Statutory Dedications	\$ 72,472,700
Fees and Self-Generated Revenues	\$ 79,225,664
Reappropriated Cash	\$ 2,189,574
Revenue Bonds	\$ 1,587,890,400
TOTAL CASH PORTION	\$ 2,580,383,351

Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as

follows:

Priority 1	\$1,198,885,000
Priority 2	\$57,755,000
Priority 3	\$ 0
Priority 4	\$ 0
Priority 5	\$1,028,395,000

**TOTAL GENERAL OBLIGATIONS
BONDS \$ 2,285,035,000**

**BONDS NRP/RBP
\$ 6,663,523**

**GRAND TOTAL ALL MEANS
OF FINANCING**

\$ 4,872,081,874

BONDS NRP is the reallocation of previously sold bonds.

BONDS RBP is the appropriation of funding made available from prepayments of reimbursement bond contracts.

Effective on July 13, 2008.

Section 16 limits cash lines of credit or authorization or issuance of general obligation bonds to \$1,251,475,000. After fulfilling the Priority 1 cash lines of credit, there will be approximately \$52,590,000 available for cash lines of credit or the sale of bonds for Priority 2 projects.

Civil Law & Procedure

by: *Angela De Jean*
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Several bills were introduced during the 2008 Regular Session of the Legislature seeking to increase the jurisdictional amounts of courts. **House Bill 143 by Representative Cromer (Act 195)** requires that in the Slidell City Court, small claims division, the civil jurisdictional amount in controversy to be the same as the amount established for civil jurisdiction in a justice of the peace court. Prior to the passage of **Act 195**, each city court was authorized to establish by court rule one or more small claims divisions which shall be a court not of record and shall have civil subject matter jurisdiction in cases where the amount in dispute does not exceed \$3,000, exclusive of interest, court costs, attorney fees, or penalties. **House Bill 129 by Representative Monica (Act 338)** increases the civil jurisdictional amount in dispute for justice of the peace courts from \$3,500 to \$5,000. The increase in the civil jurisdiction amount in dispute includes suits for the possession or ownership of movable property by landlords or lessors for eviction proceedings.

Senate Bill 55 by Senator Morrish (Act 44) adds the City Court of Jennings to those city courts having civil jurisdiction where the amount in dispute or the value of property involved does not exceed \$30,000. Under present law, as a general rule, civil jurisdiction for city courts is concurrent with that of district courts in cases where the amount in dispute or the value of the property involved does not exceed \$15,000. In the city courts of Hammond and Oakdale, the civil

jurisdiction is concurrent with the district court in cases where the

amount in dispute or the value of property involved does not exceed \$30,000.

House Bill 393 by Representative Greene Act (354) adds an additional requirement that plaintiffs seeking to confirm a divorce filed pursuant to Louisiana Civil Code Article 103(1) submit to the court a certification which includes information regarding the type and date of service, the date a preliminary default was entered, a certification by the clerk that the record was examined, and a statement that no opposition has been filed. **House Bill 424 by Representative Greene (Act 357)** provides that an action to collect on a promissory note may be brought in the parish where the promissory note was executed or in the parish for the domicile of the debtor. Presently, an action to collect an open account may be brought in the parish where the open account was created, where the services are to be performed, or in the parish of the domicile of the debtor.

SCR 27 by Senator Marionneaux (enrolled) requests the Louisiana State Law Institute to study the law regarding successions in light of the phase out of the inheritance tax provisions and to report its findings to the legislature prior to the convening of the 2009 Regular Session.

Currently a clerk of court, the Orleans Parish register of conveyance, or the Orleans Parish recorder of mortgages to adopt and implement a published plan which provides for the acceptance of an electronic record of any recordable written instrument except original maps, plats, property descriptions, or photographs as related to the work of a professional surveyor engaged in the practice of land surveying for filing and recording submitted by any department, political subdivision, agency, branch, entity, or instrumentality of the state or of the federal government or of a chartered financial institution. The filer of an electronic record to certify to the recorder that the written instrument from which the electronic record is taken conforms to all applicable laws relating to the form and content of instruments which are submitted in writing. **House Bill 828 by Representative Henry (Act 368)** authorizes a recorder to adopt a written contract between the clerk of court, the Orleans Parish register of conveyances or the Orleans Parish recorder of mortgages, and the filer which complies with the Louisiana Uniform Electronic Transactions Act.

Coastal Restoration

by: Jerry Jones
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2008 1st EXTRAORDINARY SESSION

Senate Concurrent Resolution 21 by Senator Dupre (enrolled) expresses support for the Coastal Restoration and enhancement through Science and Technology (CREST) program for its important work in ensuring sustainable and productive coastal habitats and communities.



Senate Concurrent Resolution 25 by

Senator Crowe (enrolled) memorializes Congress to permit the United States Small Business Administration to convert Economic Injury Disaster Loans and Physical Disaster Loans to grants in order to provide an additional economic stimulus for small businesses in the Gulf Coast region.

2008 2ND EXTRAORDINARY SESSION

House Bill 6 by Representative Dove (Act 3) provides for deposit of three hundred million dollars into the Coastal Protection and Restoration Fund.

Senate Bill 8 by Senator Dupre (Senate Finance Committee) would have provided for the deposit of certain monies into the Coastal Protection and Restoration Fund.

2008 REGULAR SESSION

Senate Concurrent Resolution 24 by Senator Dupre (enrolled) approves the annual Coastal Protection Plan for Fiscal Year 2008-2009.

Senate Bill 367 by Senator Dupre (Act 545) revises procedures, powers and duties of the Coastal Protection and Restoration Authority.

House Bill 1135 by Representative St. Germain (Act 606) provides for the Atchafalaya Basin Program.

Senate Bill 21 by Senator Dupre (Senate Finance Committee) would have created the Windfall Highway, Infrastructure, and Protection (WHIP) Fund to require certain revenues to be dedicated to infrastructure, hurricane protection, and coastal restoration projects.

Senate Bill 411 by Senator McPherson (Act 548) creates the Coastal Land Stewardship Authority.

House Bill 293 by Representative Dove (House Appropriations Committee) would have transferred monies from the state general fund to funds for the preservation of barrier islands and coastal passes.

House Bill 294 by Representative Dove (House Appropriations Committee) would have appropriated funds out of the Barrier Island Stabilization and Preservation

Fund and the Coastal Passes Stabilization and Restoration Fund.

House Bills 703, 709, 763 and 764 by Representative Baldone (House Appropriations Committee) would have proposed constitutional amendments and implementing legislation to provide for certain mineral revenues to be deposited into the Coastal Protection and Restoration Fund.

Senate Concurrent Resolution 38 by Senator Dupre (enrolled) memorializes Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to nine geographical miles.

Senate Concurrent Resolution 77 by Senator Dupre (enrolled) requests the U.S. Army Corps of Engineers to certify for purposes of the National Flood Insurance Program the Larose to Golden Meadow hurricane protection project.

House Concurrent Resolution 12 by Representative Hill (enrolled) urges inclusion of the Chenier Plain on an equal basis with the rest of the coast for its share of recognition, research, and resources.

House Concurrent Resolution 22 by Representative Leger (enrolled) memorializes the Louisiana congressional delegation to seek waivers of all required state or local fund matches to federal funding for coastal restoration and protection projects.

House Concurrent Resolution 39 by Representative Hutter (enrolled) urges and requests Congress to provide the state of Louisiana with one hundred year flood protection.

House Concurrent Resolution 127 by Representative St. Germain (enrolled) memorializes Congress to fully appropriate to the Corps of Engineers revenues received from the Harbor Maintenance Tax.

House Concurrent Resolution 178 by Representative Perry (enrolled) memorializes Congress to direct FEMA to review its recovery policies and programs, and report on social and economic issues relative to implementation of regulations of the National Flood Insurance Program affecting rebuilding efforts in coastal Louisiana.

House Concurrent Resolution 179 by Representative Perry (enrolled) urges and requests all state departments to review their recovery policies and programs affecting rebuilding efforts in coastal Louisiana and to make recommendations to the legislature.

House Concurrent Resolution 180 by Representative Perry (enrolled) urges and requests LSU to report on social and economic issues relative to the implementation of regulations of the National Flood Insurance Program affecting rebuilding efforts in coastal Louisiana.

Commerce & Consumer Protection



2008 REGULAR SESSION

House Bill 1162 by Representative

Wooten (Act 323) sets up regulation for residential moving companies. Testimony at the committee by the Attorney General's office established that some moving companies quote a price in advance of the move and, when the move is completed, increase the price. These disreputable companies "hold the furniture hostage" until the individual agrees to pay the exorbitantly increased price. The Act gives the Attorney General the ability to institute legal proceedings seeking injunctive relief, fines or other relief from these unscrupulous moving companies.

Senate Bill 806 by Senator LaFleur (Act 799) regulates the purchase of pre-need funerals to curtail the theft of payments by unethical funeral directors. Pre-need funerals are funeral services which are sold to a person in advance of their death. The money which is paid for the funeral is to be placed in a separate account for the benefit of the purchaser when they die. A rash of raids of these accounts by the funeral directors has taken place around the country, prompting the proponents of the bill to file the proposed legislation.

Senate Bill 339 by Senator Thompson (Act 541) allows the Attorney

by: *Carla Roberts*
(225) 342-9541

General to petition the court to put a cemetery in receivership where the cemetery refuses to allow entry to customers who have purchase plots in order to bury their loved ones. Testimony at the committee established that the owner of a cemetery in Monroe locked the gates to the cemetery for no reason and refused to allow persons who had prepaid for a cemetery plot to enter the cemetery to bury their loved ones.

Senate Bill 807 by Senator Duplessis (Act 433) allows consumers to have a choice between traditional cable television and fiber optic television programming which is delivered to the television via a phone line.

Senate Bill 590 by Senator Broome (Act 228) sets up a program at the Louisiana Housing Finance Agency to provide free mortgage foreclosure counseling and education to homeowners who have defaulted, or are in danger of defaulting, on their home mortgages.

Senate Bill 712 by Senator Smith (failed in Senate Commerce, Consumer Protection & International Affairs) was an attempt to regulate adult businesses such as strip clubs and shops which sell pornography. A hearing was held in the committee where testimony included the fact that a pornography shop had located within extremely close proximity to a Catholic Elementary School in Monroe. Since the city and parish had no zoning requirement regarding sex shops, the

Monroe City Council was helpless to remove the pornography shop from such close proximity to small children. Testimony at the committee revealed that, although state law requires bars and liquor stores not to locate within such proximity to schools, that state law is silent with regards to the sex industry establishments locating within a certain number of feet from a church or school. The bill also prohibited persons who are sex offenders and under aged children from working in the sex industry. The penalty for violating the prohibition included losing the license to operate the sex industry facility. The bill failed in a tie vote.

Constitutional Amendments

by: Tom Tyler
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2008 REGULAR SESSION

In addition to selecting a new presidential on November 4, 2008, voters will be asked to approve a number of amendments to our state constitution involving a number of issues - the use of public funds, taxation and takings of property, extraordinary sessions, and term limitations for members serving on certain board and commissions. While no proposals were adopted in the first or second extraordinary sessions of 2008, the regular session provides a number of items that will be submitted to the voters.

LEGISLATORS

House Bill 183 by Representative Lorusso (Act 931) authorizes the legislature to provide for the appointment of a temporary successor for a member of the legislature who is unable to perform his legislative functions or duties due to being ordered to active duty in the armed service of the United States.

SEVERANCE TAXES

Each parish governing authority receives one-fifth of the severance tax on all natural resources other than sulphur, lignite, or timber severed or produced in the parish. The maximum amount that can be remitted to a governing authority cannot exceed \$850,000 but this amount is adjusted each July first, beginning in 2008, by an amount equal to the annual increase in the Consumer Price Index for all urban consumers. **House Bill 420 by Representative Gallot (Act 932)** sets a maximum amount that can be remitted to the parish governing authority, beginning July 1,

2009, at \$2,850,000 and requires that at least

50% of the funds received be dedicated to the parish transportation fund.

In addition, **Act 932** requires that beginning July 1, 2009, 50% of severance taxes on state lands in the on state lands in the Atchafalaya Basin each fiscal year, not exceeding \$10 million/fiscal year, be remitted to the governing authorities of parishes within the Atchafalaya Basin in which the severance occurs to fund projects contained in the state or federal Basin master plans or an annual Basin plan developed by an Atchafalaya Basin Research and Promotion Board and such other advisory or approval boards within the Atchafalaya Basin Program, or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project, as directed by the secretary of the Department of Natural Resources. The bill also requires that 75% of these monies allocated in any one fiscal year are to be used for water management, water quality, or access projects, and the remaining 25% used to complete ongoing projects and for projects that are in accordance with the mission statement of the state master plan. The bill further prohibits use of these monies to pay salaries or operating costs of the program or the Department of Natural Resources. **Act 932** defines a "water management project" to means any project that facilitates improvements to water quality,



interior circulation, water access, or improvements to general ecosystem function by means of sediment reduction, removal, or diversion.

SPECIAL ASSESSMENT LEVELS ON PROPERTY

Owners of property may receive various special assessment levels on their property for purposes of computing ad valorem taxes if they meet certain requirements to qualify for the special assessment level - i.e. person who are age 65 or older; persons with military service connected disabilities; the spouse of a property owner who was killed while serving in the armed forces, is missing in action or is a prison of war for a period exceeding ninety days; and persons who are permanently totally disabled. **House Bill 461 by Representative Richie (Act 933)** provides that if the property subject the special assessment level is sold to or expropriated by the federal government, state government or expropriated by the state or any local governing authority or political subdivision then the special assessment level transfers to the new property provided the person entitled to the special assessment level remains the owner of the new property. **House Bill 461** requires that the new property be acquired by the no later than 24 months after the expropriation or sale becomes final and funds have been disbursed and that the new property be similar in nature, have a fair market value which does not exceed 200% of the fair market value of the property sold or expropriated, and is intended to replace the property that was sold or expropriated.

USE OF PUBLIC FUNDS

Our constitution prohibits the loan, pledge, or donation of any funds, credit,

property, or things of value of the state or of any political subdivision unless specifically excepted. **House Bill 584 by Representative Downs (Act 934)** provides an exception to this prohibition by allowing the investment in equities of monies of the state or a political subdivision which have been reserved to provide post-employment benefits other than pensions.

EXTRAORDINARY SESSIONS

Senate Bill 296 by Senator Adley (Act 937) changes from five to seven days the minimum time required within which to issue a proclamation calling the legislature into extraordinary session.

BOARDS & COMMISSIONS

- TERM LIMITS

The constitution creates the following boards and commissions and provides for the selection of members and the term of service on the board:

- (a) Public Service Commission
- (b) State Board of Elementary and Secondary Education
- (c) Board of Regents
- (d) Board of Supervisors for the University of Louisiana System
- (e) LSU Board of Supervisors
- (f) Southern University Board of Supervisors
- (g) Board of Supervisors of Community and Technical Colleges
- (h) State Civil Service Commission
- (i) Forestry Commission
- (j) State Police Commission

The constitution places no limitation on the number of consecutive terms a person can serve on each enumerated board or

commission. **Senate Bill 232 by Senator Mount (Act 935)** imposes term limits identical to the limitation for members of the legislature. **Act 935** provides that no person can serve on one of the boards or commissions listed above for more than two and one-half terms in three consecutive terms. The bill has a provision that this limitation does not apply to persons elected or appointed to the respective board or commission prior to the effective on this constitutional amendment except that the limitation does apply to any term of service beginning after such effective date.

In addition **Act 935** provides that a person who has served as a member on any one or more of the boards or commissions listed above, for more than two and one-half terms in three consecutive terms combined is prohibited from serving as a member of any of the other boards or commissions listed above for a period of at least two years after completion of his or her consecutive terms of service.

RIGHT TO PROPERTY

In the area of a person's right to property our constitution provides that no property can be taken or damaged by the state or its political subdivisions except for a public purpose and with just compensation paid to the owner. In addition, property is not to be taken or damaged by the state or its political subdivisions (a) or predominate use by any private person or entity or (b) for transfer of ownership to any private person or entity. In applying this provision, our constitution limits what is meant by "public purpose" but includes as a "public purpose" *the removal of or threat to public health or safety caused by the existing use or disuse of property.*

The constitution provides a procedure for disposing of expropriated held for not more than 30 years and for disposing of such property held for more than 30 years from the date of expropriation and for disposing of expropriated property identified as not necessary for the public purpose for which it was expropriated, declaring it surplus property, and offering first refusal to the original owner or to the general public. **Senate Bill 295 by Senator Murray (Act 936)** provides that if the property is taken for the "public purpose" *of removal of a threat to public health or safety caused by its existing use or disuse* then the constitutional requirements involving 30 years, first refusal by the original owner prior to sale, and the procedures for declaring it surplus property do not apply when disposing of the property.

Senate Bill 54 by Senator Murray (pending House final passage) is identical to **Act 936** except it is limited in application to New Orleans, Opelousas, and the parishes of East Baton Rouge, Jefferson, Lafayette, Plaquemines, St. Bernard, and St. Tammany.

Corrections

by: *Dennis Weber*
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During the **2008 Regular Session**, one of the most significant bills in the corrections area was **Senate Bill 749 by Senator Cravins (Act 565)**. The bill addresses the Juvenile Justice Reform Act Implementation Commission. It authorizes the commission to hire staff and other necessary personnel to handle juvenile justice reform, particularly as relates to the closure of Jetson Center for Youth-East Baton Rouge Parish Unit as a facility for juveniles and the development of a comprehensive plan to reduce the current over-reliance on secure incarceration for juveniles and to provide community-based services, including a time schedule for statewide implementation for the plan.



Senator Cravins' bill provides that by June 30, 2009, the Jetson Center for Youth-East Baton Rouge Parish Unit shall no longer be used as a juvenile facility. It authorizes the governor, by executive order and upon a declaration that there is a public safety emergency which necessitates the use of Jetson Center for Youth-East Baton Rouge Parish Unit as a juvenile facility, to extend the closure date by a period not to exceed five months from the date of issuance of the declaration of emergency. And the bill prohibits use of the Jetson Center as a juvenile

facility after November 30, 2009. It does not preclude the Department of Public Safety and Corrections (DPS&C) from closing Jetson Center for Youth-East Baton Rouge Parish Unit at any time prior to June 30, 2009, should the protection and public safety of society permit.

The bill requires that the secretary of the DPS&C submit the plan on or before September 1, 2008, to the governor, to the Joint Legislative Committee on the Budget, and to the Juvenile Justice Reform Act Implementation Commission. Beginning on January 1, 2009, and every month thereafter until such time as Jetson Center for Youth-East Baton Rouge Parish Unit is discontinued as a juvenile facility, the DPS&C is required to submit to the Juvenile Justice Reform Act Implementation Commission a status report. It also requires the commission to make recommendations to the governor and legislature, including the Joint Legislative Committee on the Budget, prior to the 2009 Regular Session, regarding suggested executive action or required legislation and funding for juvenile justice services, facilities, and personnel. The bill also requires that the Department of Corrections give a hiring preference to any employee who has been involuntarily dismissed as the result of the closure of the Jetson Center for Youth-East Baton Rouge Unit to fill an opening in the workforce of the office of juvenile justice for which that employee is qualified. The bill changes the name of the office of youth development to

the office of juvenile justice.

Crimes/Criminal Procedure

by: *Tim Prather*
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CRIME/PUNISHMENT

During the 2008 Regular Session **Senate Bill 510 by Senator Amedee (Act 461)** provides for the a mandatory minimum penalty for the crime of computer-aided solicitation of minors. **Senate Bill 514 by Senator Amedee (Act 426)** provides for the mandatory minimum penalty for the crime of molestation of a juveniles.

Senate Bill 143 by Senator N. Gautreaux (Act 400) prohibits a "sex offender" from wearing a mask, hood or disguise during certain holidays and rom distributing candy or other gifts on certain holidays to persons under eighteen years of age.

Senate Bill 237 by Senator Thompson (Act 177) retains present law definition of criminal abandonment and also defines criminal abandonment as the intentional physical abandonment of an "aged" person or disable person by a caregiver who is compensated for providing care to such person.

Senate Bill 263 by Senator Smith (Act 54) defines the crime of jumping bail as the intentional failure to appear at the date, time and place as ordered to do so by the court before which the defendant's case is pending.



House Bill 96 by Representative White (Act 6)

creates the crime of home invasion which is defined as the unauthorized entry of any inhabited dwelling, or other structure belonging to another and used in whole or in part as a home or place of abode by a person, where a person is present, with the intent to use force or violence upon the person of another or to vandalize, deface, or damage the property of another. At least five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Becomes effective August 15, 2008.

CRIMINAL PROCEDURE

Senate Bill 4 by Senator Shepherd (House Tabled Conference Committee Report) of the 2008 Regular Session would have provided for adults who are convicted of identity theft and juveniles who are adjudicated delinquent of identity theft register with local law enforcement within 21 days of residing in the state or after conviction or release from confinement and pay a fee of \$60 and imposes a penalty of a fine of not more than \$1,000 and imprisonment with hard labor for not less than two years nor more than 10 years without benefit of parole, probation, or suspension of sentence. The bill

would have become effective upon signature of the governor or lapse of time for gubernatorial action.

Senate Bill 474 by Senator Gray (Act 861) provides for procedures to determine mental capacity to proceed to trial. The Act also provides for the commitment to a designated and medically suitable treatment facility when the court has determined that the mentally defective defendant is incapable of standing trial, is a danger to himself or others and is unlikely in the foreseeable future to be capable of standing trial. Becomes effective upon signature of the governor or lapse of time for gubernatorial action.

Senate Bill 775 by Senator Nevers (Act 477) provides for a mandatory minimum sentence of 15 years without benefit of parole, probation, or suspension of sentence when a minor child 12 years of age or younger is present in the home, mobile home or other inhabited dwelling when a defendant produces or manufactures amphetamine or methamphetamine. Becomes effective August 15, 2008.

House Bill 28 by Representative Richmond (Act 66) prohibits release of a defendant on his own recognizance after an arrest for a crime of violence.

House Bill 292 by Representative White (Act 104) provides for drug court division probation that at the conclusion of a probationary period when the defendant has successfully completed the guidelines of his probation, the court may set the conviction aside and dismiss the prosecution; however, the dismissal of prosecution and setting aside of the conviction may only occur with

concurrence of the district attorney. Becomes effective August 15, 2008.

CONTROL DANGEROUS SUBSTANCE

Senate Bill 801 by Senator Nevers (Act 681) mandates that a statement of acknowledgment, prior to the sale of immovable property, as to whether or not an illegal laboratory for the production or manufacturing of methamphetamine was in operation on the purchasing property. Also, the Act provides for property seized by a judicial sale under fieri facias shall be inspected for evidence of an illegal laboratory for the production or manufacturing of methamphetamine prior to the sale. Upon completion of the inspection, the plaintiff shall submit to the clerk, along with any evidence, a property disclosure document acknowledging as to whether or not an illegal laboratory for the production or manufacturing of methamphetamine was in operation on the seized property; and the inspection shall be conducted by a certified industrial hygienist or other person or entity with experience in such inspections.

DWI

During the 2008 Regular Session **House Bill 786 by Representative Ponti (Act 161)** increased the minimum mandatory sentence for operation of a vehicle while intoxicated 3rd offenders from 30 days to 45 days, and for 4th offenders from 60 to 75 days, and requires court-approved community service as a condition of probation. Becomes effective August 15, 2008.

LAW ENFORCEMENT

Senate Bill 74 by Senator Shepherd (Act 435) prohibits a judicial officer that has obtained a conviction for a traffic offense,

based solely on evidence produced by a traffic camera, from forwarding the record of the conviction to the Department of Public Safety and Corrections. Becomes effective August 15, 2008.

SEX OFFENSES

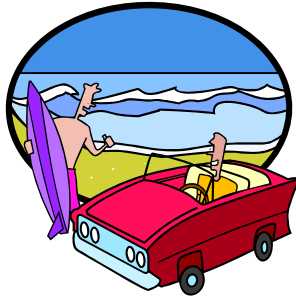
Senate Bill 144 by Senator N. Gautreaux (Act 441) provides that upon conviction of a first offense or subsequent offense as a sexual offender, in addition to the prescribed penalty, authorizes the court to sentence the defendant to treatment with medroxyprogesterone acetate (MPA). However, the Act allows a defendant to choose physical castration in lieu of treatment with MPA; or the defendant can choose a prison term of three to five years for refusal to comply with a court order to be treated with MPA. Becomes effective August 15, 2008.

Senate Bill 517 by Senator Amedee (Act 462) increases mandatory registration and notification requirements for certain offenders to a period of not less than 15 years or up to the duration of the lifetime of the offender and provides for such registration period to be reduced to 15 years if the offender maintains a clean record for the entire 15 year period. Additionally, the Act increases other mandatory registration and notification requirements to a duration of the lifetime of the offender for a person convicted of a sexual offense against a victim who is a minor. Becomes effective August 15, 2008.

Culture, Recreation & Tourism

CULTURE

by: *Michelle Broussard Johnson*
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CULTURAL DEVELOPMENT

It was labeled a culture war and for some Louisianans, **Senate Bill 724 by Senator Thompson (Act 908)** was deemed one of the most important measures of the session. The Act revamps the way the Louisiana State Museum is managed.

Months of controversy found the bill very close to final passage which would essentially please Lt. Governor Mitch Landrieu and disappoint many longtime museum supporters.

The bill allows the lieutenant governor to choose the museum's director and its board of directors. Lt. Gov. Landrieu saw the legislation as a way of bringing order to what was deemed a dysfunctional system. Critics of the lieutenant governor's opinion called it a power play and said it would give control of the museum to one individual. The media and others viewed the war as having little debate on the quality of the museum's exhibits and programs and whether it was serving the public. Instead, it was deemed to be a feud between Lt. Gov. Landrieu and the museum's executive director, David Kahn. At the foundation of the argument is the future of a system that includes the Cabildo, Presbytere, Old U.S. Mint, Lower Pontalba Building and other historic buildings in the New Orleans French Quarter; the two-year old State

Museum near the Capitol and smaller sites in Natchitoches, Thibodeaux and Patterson.

Under a study commissioned in 2005 by Robert MacDonald, a former director of the state museum, the system was determined to be underfinanced, poorly organized and considered irrelevant to many Louisiana residents. MacDonald further called for the creation of public-private partnerships to manage each branch of the state museum. Four statewide public hearings were scheduled but Hurricane Katrina placed those meetings on hold. In 2007, two consulting firms were hired by the lieutenant governor that produced a new report which was said to replicate many of the sentiments of the Macdonald 2005 study and called for a fundamental change in the way the system was managed. The new report was to be the basis for a new round of public hearings until Lt. Gov. Landrieu had SB 724 introduced that had many museum supporters feeling was a direct conflict of a public-private partnership previously endorsed.

By law since the 1970s, the state museum is one agency under the purview of the lieutenant governor and part of the Department of Culture, Recreation and Tourism. The concern is that the lieutenant governor can only appoint three members of the museum's twenty member board and control over the museum is divided among too

many officials. Lt. Gov. Landrieu indicated in order to be held responsible for the museum's annual budget, he needed direct control. The lieutenant governor's wish to change this situation originates in 2004 when a similar bill failed in the Senate after opposition from former Governor Blanco.

Present law establishes the Louisiana State Museum as a complex of facilities under the management and supervision of the office of the state museum and provides for twenty members of the board of directors. Proposed law would provide that all board members be appointed by the lieutenant governor, reduce the number of board members from twenty to eleven and reduce at-large members from eleven to four; and that the lieutenant would select the director of the state museum and determine the salary.

SB 724 was amended in the Senate to keep the museum's official domicile in New Orleans. In a House committee, Lt. Gov. Landrieu agreed to guarantee each nominating organization a seat on the board, but the number of such groups increased to nine and the full board increased to twenty-one instead of reducing it to eleven. Other amendments required each organization to submit four instead of three nominees.

In the end, Lt. Governor Landrieu won the war for control of the State Museum Board. The bill became law (Act 908) without the signature of the governor. Lt. Gov. Landrieu said he wanted the authority because his office pays the museum director, who carries the title of assistant secretary of the Department of Culture, Recreation, and Tourism. In its final posture, Act 908 authorizes the lieutenant governor to name all

twenty-one members of the State Museum Board. It also empowers the lieutenant governor to hire and fire the museum director.

House Bill 503 by Representative Gallot (Act 804) changes present law which created a board of commissioners for the State Library of Louisiana to be comprised of seven members appointed by the governor and confirmed by the Senate, to be transferred to the office of the lieutenant governor.

House Bill 620 by Representative Lorusso (Act 84) added requirements that the New Orleans City Park, New Orleans City Park Improvement Association and its board of commissioners to be solely responsible for responding to audit findings concerning the park, association and its board. They also become solely responsible for taking corrective action and implementing corrective measures regarding audit findings.

CULTURAL COMMENDATIONS

Popular resolutions **filed with the secretary of state** include:

- **Senate Resolution 80 by Senator LaFleur** - commends the Tunica-Biloxi Tribe of Louisiana for its contributions made to the state with its history, culture, and people.
- **House Concurrent Resolution 42 by Representative Hardy** - designates the city of Opelousas as the Zydeco Capital of the World.
- **House Concurrent Resolution 178 by Representative Perry** - memorializes congress to direct FEMA to review its recovery policies

and programs, and report on social and economic issues relative to implementation of regulations of the National Flood Insurance Program affecting the rebuilding efforts of coastal Louisiana.

- **House Concurrent Resolution 179 by Representative Perry** - urges all state departments to review their recovery policies affecting the rebuilding efforts in coastal Louisiana and to make recommendations to the legislature.

RECREATION

by: *Tammy Crain Waldrop*
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2008 REGULAR SESSION

Senate Bill 39 by Senator Duplessis (Act 40) the ("sunset" law) provides that the Department of Culture, Recreation and Tourism(DCRT) and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2008, and that all legislative authority for such entities shall cease as of July 1, 2009, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto. Provides for the general re-creation of DCRT and its statutory entities, effective June 30, 2008, in accordance with the "sunset" law. This supersedes the provisions of the "sunset" law which set out the procedure for review and re-creation and which requires a separate bill to re-create each statutory entity within the department along with additional provisions. Proposed law makes July 1, 2013, the new termination date, and termination would begin July 1, 2012, unless the department is again re-created. Effective June 30, 2008.



AMUSEMENT S/TICKETS

Senate Bill 508 by Senator Michot (pending Senate Commerce) would have provided with respect to internet ticket scalping. Current law allows for the resale or

offering for resale via the Internet of an admission ticket, at any price, to an athletic contest, dance, theater, concert, circus, or other amusement, if the organizer of the event and the operator of the location where the event is occurring authorizes admission tickets to such event to be resold for more than the price printed on the face of the ticket. The bill would have limited the resale amount of the admission ticket to a maximum of two times the face value plus any applicable processing and delivery charges, and any other costs associated contributions or other payments in excess of the printed price requested by or made to an institution of higher education or to the affiliated alumni organization or foundation.

GAMING

House Concurrent Resolution 119 by Representative Wooten (enrolled), provides nonprofit corporations located within the state of Louisiana who conduct charitable gaming to utilize charitable gaming proceeds solely for educational, charitable, patriotic, religious, or public-spirited purposes within the state of Louisiana. Current law provides relative to the purchase of tickets by such organizations. Provides requirements and procedures regarding payments of over \$1,000 for any single transaction to, or on behalf of, or to reimburse the expense of a public employee of a public higher education institution or a public employee or officer of a management board of a public higher education institution by a nonprofit organization. Retains present law, but

provides that any alumni association, alumni foundation, or other private, nonprofit alumni organization that raises private funds for the support of a public institution of higher education which receives \$75,000 or less in funds in a fiscal year shall not be required to have an audit, but shall execute a certification indicating that it received \$75,000 or less in funds in the fiscal year and prepare a sworn financial statement. Provides that the sworn financial statement shall be prepared in accordance with generally accepted accounting principles and include the disclosures required by state and federal regulations. Provides that the sworn financial statement shall include a recital that it presents fairly, in all material respects, the financial condition and results of operations of the organization; that the organization has maintained a system of internal control structure sufficient to safeguard assets and comply with laws and regulations; and that the organization has complied with all laws and regulations or shall acknowledge exceptions thereto. Requires copies of the certification and sworn financial statement to be furnished to the legislative auditor.

LICENSING

House Bill 1305 by Representative Downs (Act 898), provides for more stringent qualifications for obtaining and maintaining an explosives license, and increases the fees for explosives licenses. Proposed law provides that the deputy secretary shall revoke a license if at any time during the license period provided the license holder fails to satisfy any one of the qualification requirements. Proposed law prohibits an individual to whom an explosive license has been issued from handling explosives while under the influence of alcohol or a controlled dangerous

substance. Proposed law provides anyone who handles, moves, uses, manipulates or otherwise detonates explosives and does so with a blood alcohol concentration of .02% or greater by weight of alcohol in the blood or when a blood or urine test confirms the presence of any abused or controlled substance that has been prescribed by a licensed medical practitioner shall constitute a violation and shall be cause for the immediate suspension of the person's explosive license. Proposed law provides that such an act shall constitute a violation of careless or reckless use of explosives and the license holder's license shall be considered invalid. Proposed law provides that anyone who handles, moves, uses, manipulates or otherwise detonates explosives and does so with a blood alcohol concentration of .08% or greater by weight of alcohol in the blood, or when a blood or urine test confirms the presence of any abused or controlled dangerous substance that was not prescribed by a licensed medical practitioner. Proposed law provides that such an act shall constitute a violation of reckless handling of a hazardous substance and the license holder's license shall be revoked for life. Revises provision of proposed law regarding the handling, moving, using, manipulating, or otherwise detonating explosives while under the influence of alcohol or a controlled dangerous substance.

House Bill 247 by Representative Wooten (Act 209), provides with respect to fuel sales and the operation of video draw poker devices at qualified truck stop facilities. Current law provides for the licensing and operation of video draw poker devices at qualified truck stop facilities and provides that any person applying for a truck stop facility license must meet all requirements provided

by present law and must have fuel sales reports and verifiable fuel tickets which indicate average fuel sales of sufficient gallons for the 90 days immediately prior to licensing. This bill removes the fuel sales requirement for 90 days prior to licensing. Current law provides that the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales. This bill provides that upon approval and licensure of a new truck stop facility, up to 25 video poker devices may be temporarily placed and operated for up to 90 calendar days after initial approval of the license. At the end of 90 days, the number of video draw poker devices placed at the qualified truck stop facility shall be based on the average monthly fuel sales. Monthly fuel sales shall be calculated quarterly for the first year of operation. For each calendar year thereafter, the number of video draw poker devices placed at the qualified truck stop facility shall be based upon the average monthly fuel sales calculated annually. Limits the number of temporarily placed video draw poker devices to a maximum of 25. Provides that monthly fuel sales shall be calculated quarterly for the first year of operation. For each calendar year thereafter, the number of video draw poker devices placed at the qualified truck stop facility shall be based upon the average monthly fuel sales calculated annually.

MUSEUMS

Senate Bill 724 by Senator Thompson (Act 908), provides with respect to the Louisiana State Museum, including membership and appointment of the board of directors and the lease of certain property. Current Law establishes the Louisiana State Museum as a complex of facilities in Baton

Rouge, Natchitoches, New Orleans, Patterson, Thibodaux, and Winnfield under the management and supervision of the office of the state museum of the Department of Culture, Recreation and Tourism. The current law provides for 20 members of the board of directors of the Louisiana State Museum appointed by the governor. Provides for all board members to be appointed by the lieutenant governor. Reduces the number of board members from 20 to 11 and reduces the number of at-large members from 11 to four. Provides for appointment of seven members from a list comprised of three names submitted by each of the entities that submit a list of names for potential appointments and the Louisiana Sports Hall of Fame. Effective August 15, 2008, except that the provision for end of terms of current members of the board and the requirement for the lieutenant governor to appoint members are effective upon signature of the governor or the lapse of time for gubernatorial action. Moves the board's domicile back to New Orleans as it is in present law instead of moving it to Baton Rouge as in proposed law.

House Bill 1335 by Representative Doerge (Act 847) establishes the Germantown Colony Museum in Webster Parish as a museum within the Dept. of State as a historical, cultural, scientific, and technological educational institution with the purpose of researching, collecting, preserving, and presenting objects, documents, and the like that reflect the history of the Germantown Colony, Minden, Webster Parish, and northwest Louisiana. Creates a museum governing board.

Senate Bill 164 by Senator Thompson (Act 783) changes the name of the Aviation and Military Museum of Louisiana, Inc., to the Chennault Aviation and Military Museum of Louisiana, Inc.

Senate Bill 760 by Senator Thompson (Act 794) Creates the Eddie G. Robinson Museum Commission in the Department of State and provides that the secretary of state rather than the governor shall appoint seven rather than four members of the commission. Provides that these appointed members shall serve four-year terms concurrent with the term of office of the governor, rather than serving at the pleasure of the governor. Also deletes the provision of present law that provides that Eddie G. Robinson may serve as a member of the commission. (Mr. Robinson died in April 2007.)

PARKS

House Bill 620 by Representative Lorusso (Act 84) provides for the respective responsibilities of New Orleans City Park, the New Orleans City Park Improvement Association, and its board of commissioners and of the Dept. of Culture, Recreation and Tourism relative to audit findings concerning the park, the association, and its board of commissioners.

SPECIAL DISTRICTS

Senate Bill 748 by Senator Dorsey (pending Revenue & Fiscal Affairs) would have created the Thomas H. Delpit Area Special District in the parish of East Baton Rouge and grants it certain TIF and tax authority to finance economic development projects within the district. Economic development project" is defined as, without

limitation, any and all projects suitable to any industry determined by the "local governmental subdivision" including public works and infrastructure and projects to assist the following industries: Industrial, manufacturing, and other related industries. Housing and related industries. Hotel, motel, conference facilities, and related industries. Commercial, retail, and related industries. Amusement, places of entertainment, theme parks, and any other tourism-related industry. Any other industry determined by the "local governmental subdivision" whose assistance will result in economic development.

House Bill 1304 by Representative Baldone (Act 897) provides that members of the boards of commissioners of recreation districts in parishes with populations between 100,000 and 105,000 shall receive a per diem of \$25.

Senate Bill 696 by Senator Erdey (Act 430) increases the per diem of the board of commissioners of Livingston Parish Recreation District No. 2. increasing the per diem paid to the board of commissioners of Recreation District No. 2 of Livingston Parish from \$50 to \$100.

HUNTING

House Bill 694 by Representative St. Germain (Act 22) expands participation in special hunting season from youths under 16 years old to youths under 18 years old. requires participants 16 or 17 years old to possess a basic hunting license and a big game license and the person being supervised is within a normal audible voice proximity and in the direct line of sight of the supervising adult at all times while hunting.

TOURISM

by: Linda Nugent
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2008 REGULAR SESSION

Tourism continues to be a strength for the state as it rebuilds following hurricanes Katrina and Rita in 2005.

TOURISM CENTERS

Legislation was enacted that established centers highlighting some of the state's unique features. **Senate Bill 566 by Senator Crowe (Act 553)** creates a tourism center in St. Bernard Parish to promote awareness of wetlands conservation and the vital role it plays in rebuilding the coast of Louisiana and serving as hurricane protection for Louisiana and its citizens. The Louisiana Wetlands Conservation and Hurricane Protection Tourist Center will be domiciled in St. Bernard Parish.

The South Louisiana Wetlands Discovery Center will be established in Terrebonne Parish for the purpose of collecting, preserving, and exhibiting documents, archives, and other artifacts that promote wetlands. **House Bill 1206 by Representative Dove (Act 327)** also places the South Louisiana Wetlands Discovery Center and Commission within the Department of State.

HISTORIC CEMETERIES

One bill that traveled through the legislature, **House Bill 928 by Representative Sam Jones (Act 600)**, will require the division of historic preservation within the office of cultural development in the Department of Culture, Recreation and



Tourism to establish and maintain a register of historic cemeteries located in Louisiana. To be nominated to the register, a cemetery must be at least 50 years old or contain the burial of a person of local, state, or national importance by reason of civic, public or military service, culture achievement or historical significance, or contain structures that are considered architecturally significant. Since genealogy is a popular hobby and cemeteries are among the resources available to those interested in tracing their ancestry, it follows that this registry of historic cemeteries could provide information which may attract more visitors. Louisiana has a number of older cemeteries within its boundaries and having them catalogued and available would likely provide a boost to the state's tourism numbers.

TOURISM DISTRICTS

A number of bills were considered affecting tourism districts and the tax collections generated within the districts.

- Parishes with a population of 48,100 to 52,500 will be authorized to levy an additional 2% hotel occupancy tax by **House Bill 604 by Representative Mills (Act 360)**.
- The avails of an additional 1.97 cents of hotel occupancy tax will be deposited to the Webster Parish

Convention and Visitors Bureau through **House Bill 104 by Representative Doerge (Act 250)**.

- A change in the uses of the funds in the Lincoln Parish Municipalities Fund is handled through **House Bill 300 by Representative Downs (Act 267)**. Although monies have been restricted to economic development, tourism, or public health or safety, it will now be limited to economic development or tourism only.
- **House Bill 597 by Representative Montoucet (Act 288)** authorizes hotel occupancy taxes that are imposed in Acadia Parish by the Acadia Parish Convention and Visitors Bureau to increase from two percent to four percent.
- Monies in the Acadia Parish Visitor Enterprise Fund will be available to the Acadia Parish Convention and Visitors Commission to be used to promote tourism and economic development in Acadia Parish under the provisions of **House Bill 1144 by Representative Montoucet (Act 322)**.
- **Senate Bill 618 by Senator McPherson (pending in Senate Revenue & Fiscal Affairs)** would have changed the dedication of certain sales taxes in Rapides Parish with an increased portion going to tourism.

GOING WIRELESS

Current law authorizes welcome centers around the state, including in or near

the State Capitol, New Orleans, Vinton, Greenwood, Mound, Vidalia, St. Francisville, Kentwood, Pearl River, Alexandria, New Orleans East, and Butte LaRose. Although it did not make it through the legislative process, under the provisions of **House Bill 1189 by Representative Talbot (pending in House Municipal & Parochial Affairs)**, the office of Tourism would have been required to provide wireless internet services which would be made available free of charge to visitors at these welcome centers. This modern convenience would have appealed to the "connected" and encouraged travelers in our state to stop and take advantage of the wireless service with the added bonus of exposing them to promotional materials of the state.

Economic Development

by: Alan Miller
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2008 2nd EXTRAORDINARY SESSION

The 2nd 2008 Special Session focused on tax reforms to spur economic development and the strategic investment of surplus state revenues from the 06-07 state budget. Legislators' work regarding business taxes related to the accelerated phase-out and elimination of certain state taxes on businesses that have long been considered a deterrent to business development and expansion in Louisiana.

Tax Reforms

Senate Bill 12 by Senator Marionneaux (Act 12) accelerates the phase-out of the state sales tax on qualified manufacturing machinery and equipment purchases or leases by one year so that the tax will be eliminated by July 1, 2009. This Act provides businesses \$4 million in accelerated tax relief. The state began phasing-out this tax during the 04-05 state fiscal year with the tax to be eliminated July 1, 2010, prior to the enactment of Act 12.

Senate Bill 10 by Senator Marionneaux (Act 10) accelerates the phase-out of the state business tax on borrowed capital by one year so that the tax will be eliminated by 2011. This Act provides businesses with \$26 million in accelerated tax savings. The state began phasing-out this tax in the 2007 tax year with the tax scheduled for elimination in 2012, prior to the enactment of Act 10.

Senate Bill 7 by Senator Chaisson (Act 9) begins the phase out of business utility taxes.

Beginning July 1, 2008, one cent of the existing state sales tax on the purchase of utilities by businesses and industries will be phased-out. The remaining one cent of the tax will be eliminated beginning July 1, 2009.

House Bill 9 by Representative Richmond (Act 4) expanded the Louisiana New Market Tax Credit program last year that piggybacked the federal New Market Tax Credit program in an effort to encourage investments in low-income communities and storm-impacted GoZone eligible areas of the state. The initial program set aside \$50 million for the state income and corporate franchise tax credits. Almost all of the available tax credits have been granted resulting in over \$200 million in direct investments in the state. The new Act adds an additional \$50 million for the program, limiting the maximum amount of credit for any one entity to \$5 million unless the investment is in a recognized state-targeted industry in which case the credit is capped at \$15 million.



Strategic Investments

House Bill 46 by Representative Fannin (Act 7) allocates a portion of the 06-07 surplus to key investments in economic development initiatives, such as:

- \$24.6 million to fund the first phase of the Port of New Orleans' plan to expand capacity at the Napoleon Container Terminal. The expansion is expected to allow the port to substantially increase its container business and create at least 1500 new jobs.
- \$10 million to fund improvements at the Port of Terrebonne to accommodate plans by Edison Chouest Offshore to expand its Louisiana shipyard operations. The expansion is expected to bring 1000 new jobs to the area.
- \$57 million to improve access to the Cyber Innovation Center at Barksdale Air Force Base in an effort to make the site more attractive as a location for Cyber Command - a project that will mean the retention of several thousand jobs, the creation of several thousand new jobs and position the Northwest Louisiana area as a high tech professional center.

2008 REGULAR SESSION

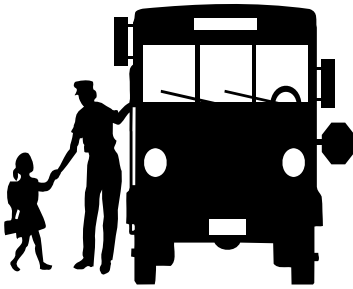
Senate Bill 343 by Senator Duplessis (Act 450) extends the authority of the secretary of the Department of Economic Development to conduct confidential negotiations for purposes of economic development until July 1, 2012. The current authorization was set to expire on June 30,

2008. Confidential negotiations are limited to 12 months, but may be extended another 12 months if negotiations remain active, and only if the party the department is negotiating with maintains confidential information provided to them by the department. When the negotiations are no longer active, or at such time that the entity makes permit applications, all records shall be subject to the public records law.

Senate Bill 807 by Senator Duplessis (Act 433) is designed to give consumers more control and choices in the video services market. By streamlining the local franchise process and thereby encouraging competition, the bill seeks to deliver consumers the benefits of competition including the opportunity for competitive prices, innovative products and better customer service.

Senate Bill 807 is similar to legislation passed in 19 other states. Where competitive video services have been introduced, consumers have benefitted from competitively priced services and significant investments in the broadband network.

The bill also seeks to stimulate investment in advanced communication and video services. AT&T Louisiana has already announced a planned investment of \$400 million in Louisiana over the next several years. This planned investment will allow for fiber network upgrades, further broadband deployment and Internet-based technology to bring new services to Louisiana consumers – including cutting-edge television services.



K-12 Education

by: *Jeanne Johnston*
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2008 REGULAR SESSION CHARTER SCHOOLS

Senate Bill 127 by Senator Nevers (pending House final passage) and House Bill 349 by Representative Trahan (Act 202) remove the specified 10-year renewal period for a charter school and instead allows the State Board of Elementary and Secondary Education to renew a school's charter for a period of not less than three but not more than ten years.

House Bill 321 by Representative Trahan (Act 350) raises the cap on the total number of Type 1, 2, 3, and 4 charter schools that can be chartered from forty-two to seventy. Type 5 charter schools (found only in the Recovery School District) do not count toward the cap.

House Bill 718 by Representative Trahan (Act 497) allows an employee of a charter school who is on leave from his home school system to request an additional leave of absence for up to two years after his initial three-year leave has expired.

House Bill 1105 by Representative Trahan (Act 744) allows a chartering authority to charge each charter school a fee not to exceed two percent of the total per pupil amount for administrative overhead costs for the chartering period and the first year of operation and a negotiated fee of up to three percent in each succeeding year of operation. Allows a charter school to contract

with the chartering authority for the direct purchase of specific services in addition to those included in the administrative overhead costs including food services, special education services, transportation services, etc.

CURRICULUM

Senate Bill 733 by Senator Nevers (Act 473) provides for the Louisiana Science Education Act which requires the State Board of Elementary and Secondary Education (BESE), upon the request of a local school board, to allow and assist teachers, principals, and other school administrators to create and foster an environment within the public schools that promotes critical thinking skills, logical analysis, and open and objective discussion of scientific theories being studied including, but not limited to, evolution, the origins of life, global warming, and human cloning. Requires teachers to teach the material in the standard textbook supplied by the school system, but allows the teacher to use relevant supplemental textbooks and instructional materials as permitted by the local school board, unless the use of such materials is otherwise prohibited by BESE.

DYSLEXIA SCREENING

Senate Bill 719 by Senator Nevers (Act 776) provides for the implementation of a pilot program designed to increase early identification of dyslexia by requiring schools to screen every child in grades Pre-K through 3 at least twice per year. Once identified, each

child with dyslexia or a related learning disorder will be provided with educational interventions targeted to his specific needs.

EARLY CHILDHOOD EDUCATION

Senate Bill 286 by Senator Duplessis (Act 876) provides for phased in universal access to the Cecil J. Picard LA 4 Early Childhood Program (LA 4) over a five-year period, beginning with the 2009-2010 school year. Contingent upon funding, beginning with the 2013-2014 school year, LA 4 classes would be provided to every eligible child, without regard to income level, at no cost other than the applicable lunch cost. Also requires participating school systems, beginning with the 2009-2010 school year, to use at least 10% of increased LA 4 funding received in excess of the amount received for the prior year to provide LA 4 classes through collaborative agreements with non-school system child care providers who meet LA 4 and Department of Social Services criteria.

EDUCATIONAL ACCOUNTABILITY

Senate Bill 582 by Senator Nevers (Act 772) requires the Department of Education to establish an early intervention program to identify low performing schools that are at-risk of being labeled "academically unacceptable" and provide targeted assistance designed to address identified areas of weakness and prevent the school from failing. A school is eligible for such assistance if it has a baseline school performance score that is not more than ten points higher than that required to be labeled "academically unacceptable" and has not met its growth target for two consecutive years.

FUNDING

House Concurrent Resolution 207 by Representative Trahan (enrolled) contains the formula adopted by the State Board of Elementary and Secondary Education on June 6, 2008, and has an implementation cost of \$3.2 billion dollars - an increase of \$90 million over the FY 2007-2008 appropriation.

Notable changes to the 2008-2009 MFP formula are as follows:

- A \$103 increase in the base per pupil amount from \$3,752 to \$3,855. This increase is generated by the annual 2.75% growth factor built into the formula.
- An increase in the weight for at-risk students from 21% to 22%.
- An increase in the weight for career and technical education students from 5% to 6%.
- An increase in the mandated cost allocation from \$91.50 to \$100 per student. These funds are used to offset the increased costs of retirement, health insurance, and fuel.
- Type 2 charter schools authorized by the State Board of Elementary and Secondary Education after July 1, 2008 will be funded within the MFP.

RECOVERY SCHOOL DISTRICT

House Bill 909 by Representative Morrell (Act 737) requires the State Board of Elementary and Secondary Education to conduct a public hearing within the

jurisdiction of the local school board from which a school was transferred, before the end of the transfer period, relative to whether the school should be continued in the Recovery School District (RSD) or returned to jurisdiction of the home school system. The bill also extends the time period during which low performing schools can be transferred to the RSD from a district that is in academic crisis from November 15, 2008 to November 15, 2009.

SCHOOL BOARDS

House Bill 1256 by Representative Downs (Act 380) increases the number of training hours required of members of a city, parish, or other local public school board from six hours in total to four hours annually. Specifies that board members of a school district that has one or more failing schools shall receive at least two hours of training that focus on school improvement issues and two hours with a focus on education policy issues. Each school board member's training attendance record must be reported to the Louisiana School Boards Association.

Senate Bill 548 by Senator Nevers (Act 466) requires the State Board of Elementary and Secondary Education to require local school boards to conduct exit interviews for teachers who leave their employ to determine their reasons for leaving and to gather information that might be used to develop strategies to improve teacher retention rates.

SCHOOL CHOICE

Senate Bill 795 by Senator Duplessis (pending Senate Finance) and House Bill 1347 by Representative Badon (Act 509) establish the Student Scholarships for

Educational Excellence Program to provide funds for eligible students in grades K-3 to attend participating nonpublic and public schools in Orleans Parish. To be eligible, a student must meet income requirements and either be entering kindergarten or have attended a failing public school in a program eligible grade the previous school year. The executive budget for FY 2008-2009 allocates \$10 million for this program that is estimated to provide scholarships to approximately 1,500 students in Orleans Parish. The Department of Education will conduct a random lottery to select scholarship recipients from the pool of eligible students. The program anticipates adding additional grade levels to the program in succeeding years. Participating schools must be approved by the State Board of Elementary and Secondary Education and be *Brumfield v. Dodd* compliant. Scholarship recipients enrolled in nonpublic schools must take the LEAP, iLEAP, and GEE examinations required by the Louisiana School and District Accountability System.

SCHOOL EMPLOYEES

Senate Bill 473 by Senator Jackson (Act 457) provides for extended sick leave for school employees who are not teachers or school bus drivers. School employees are now allowed to take up to 90 days of extended sick leave in each six-year period which may be used for personal illness or illness of an immediate family member. Teachers and school bus drivers already have this benefit.

SCHOOL FACILITIES

Senate Bill 632 by Senator Gray (Vetoed) would have established the Louisiana Statewide Education Facilities Authority to provide funding, coordination,

assistance, and oversight for the repair, renovation, and construction of public school facilities. Participation by local school systems is voluntary. Local school systems can apply to the authority for assistance in designing and financing local school construction projects.

STUDENTS

House Bill 574 by Representative Gary Smith (Act 359) requires the State Board of Elementary and Secondary Education to adopt a policy prohibiting interaction between a student in a public elementary or secondary school and a school employee in an enclosed area on school property unless the student's parent or another authorized adult is present or the student and the employee are clearly viewable by persons outside the room. Exemptions are provided for specified interactions including those with a guidance counselor, school health personnel, and testing as specified in the student's Individualized Education Plan.

House Bill 581 by Representative Trahan (Act 152) requires each student entering the sixth grade to provide documentation showing their immunizations are up to date in accordance with the schedule approved by the office of public health, Department of Health and Hospitals.

Postsecondary Education

by: *Sherri Breaux*
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2008 REGULAR SESSION ADULT EDUCATION

House Concurrent Resolution 116 by Representative Trahan (enrolled) requests the State Board of Elementary and Secondary Education (BESE), the Bd. of Supervisors of Community and Technical Colleges (LCTCS), and the Bd. of Regents jointly to study the feasibility and advisability of transferring the administration of adult education programs from BESE to LCTCS and to report study findings and recommendations, including any recommendations for legislation necessary as it relates to such transfer, to the House and Senate education committees prior to the 2009 R.S.

BOARD OF REGENTS

Senate Concurrent Resolution 47 by Senator Gray (enrolled) requests that the Board of Regents recommend and the governor provide recovery funds for public higher education institutions in southeast Louisiana in Fiscal Year 2008-2009 at the same level as in Fiscal Year 2007-2008 in order to supplement continued enrollment and revenue losses, and to help fully restore these institutions. The resolution also requests the funding of priority capital outlay projects of the public universities in the southeast Louisiana region as an investment in infrastructure projects that will provide the foundation for new economic activity.

S e n a t e Concurrent Resolution 46 by Senator Chaisson (enrolled) and House Concurrent

Resolution 65 by Representative Tucker (enrolled) request the Board of Regents, in developing and adopting a formula for FY 2009-2010 and subsequent years for the equitable distribution of funds to the institutions of postsecondary education, to consider the following factors relative to budget recommendations for institutions and programs under the supervision and management of the Board of Supervisors of Community and Technical Colleges: workforce development needs, the necessity to provide differential funding for each major program type; the necessity to provide appropriate funding for effective recruitment and student outreach initiatives; the costs for materials, supplies, equipment, and essential infrastructure to provide the needed high-quality skill and occupational training.

House Concurrent Resolution 114 by Representative Trahan (enrolled) requests the Board of Regents, in fulfilling the board's constitutional duties to formulate and make timely revision of a master plan for postsecondary education, which includes a formula for the equitable distribution of funds to the institutions of postsecondary education, to require, effective with FY 2009-2010 and thereafter, that at least 15% of an institution's funding pursuant to the formula be allocated based on performance standards, including but

not limited to improvements in student retention and graduation rates and increases in the amounts of external funding generated for the institution compared to institutional peers.

COLLEGES/UNIVERSITIES

Alumni associations/foundations.

House Bill 1184 by Representative Leger (Act 505) provides that any alumni association, alumni foundation, or other private, nonprofit alumni organization that raises private funds for the support of a public institution of higher education which receives \$75,000 or less in funds in a fiscal year will not be required to have an audit, but it must execute a certification indicating that it received \$75,000 or less in funds in the fiscal year and prepare a sworn financial statement which includes a recital that it presents the financial condition and results of operations of the organization; that the organization has maintained a system of internal control structure sufficient to safeguard assets and comply with laws and regulations; and that the organization has complied with all laws and regulations or acknowledge exceptions thereto. Copies of the certification and sworn financial statement must be furnished to the legislative auditor.

Articulation. **Senate Bill 537 by Senator Nevers (Act 464)** requires the Board of Regents and BESE to collaboratively provide for the adoption and implementation of a comprehensive system of articulation of Carnegie Units earned in a secondary school and college credit hours earned in a postsecondary institution. In implementing the plan for postsecondary institutions, the Act requires the Board of Regents to cause the management boards to collaboratively provide for the adoption and implementation of a

comprehensive system of course articulation between all institutions of public higher education for all college credit units earned in such institutions. These articulation plans must be implemented by July 1, 2010. Progress reports are due to the Senate and House committees on education by March 15 of each year.

Employees. **House Bill 1325 by Representative Dixon (Act 508)** provides that every unclassified employee who is employed by a public postsecondary education management board will be entitled to and allowed to use up to two days absence during each academic year without loss of pay for personal purposes as may be determined by the employee. This does not apply to any unclassified employee who receives annual leave.

Learning Centers. **Senate Concurrent Resolution 42 by Senator Nevers (enrolled)** approves the establishment of a learning center in St. Tammany Parish. Under state law, the Board of Regents may establish learning centers in certain areas of the state which have no public community college and are not adequately provided with postsecondary education services. However, if a learning center is proposed in an economic development district in which a public community college exists, then it may be approved only by the adoption of a concurrent resolution by the legislature. This instrument provides for that approval.

Tuition. See subject heading "TUITION" in this section.

DUAL ENROLLMENT

Senate Bill 482 by Senator Cassidy (Act 460) provides for the participation of any student who is enrolled in a Louisiana public high school, at least 15 years of age, currently in the 11th or 12th grade, and meets any other eligibility criteria as the Board of Regents may require. Students who are enrolled in a nonpublic high school or participating in a home school program and who meet the prescribed eligibility requirements are also eligible to participate and dually enroll in postsecondary course work; however, state funds will not be used to pay the tuition of such students. The tuition charged to nonpublic and home study students will be the same as that paid by the state on behalf of a public high school student.

The measure further requires the Board of Regents, in consultation with the La. Student Financial Assistance Commission, to study and report to the Senate and House committees on education not later than 60 days prior to the 2009 R.S. on the estimated cost of providing state dollars, beginning with FY 2009-2010 and continuing thereafter, to fund participation in the dual enrollment program of otherwise eligible students who attend nonpublic high schools or home study programs.

SPECIAL PROGRAMS

House Bill 1156 by Representative Abramson (Act 748) establishes the Grants for Grads Program and Grants for Grads Fund to provide for grants of cash awards to eligible Louisiana residents who have received an associate, baccalaureate, masters, or other postgraduate degree and who intend to live and work in the state at least five years after graduation, to be used by the grantee to pay

for the down payment or closing costs on the purchase of a first home in the state of Louisiana. The program provides for only 100 applicants to be selected for grants by random lottery administered by the La. Housing Finance Agency.

TUITION

House Bill 734 by Representative Trahan (Act 915) authorizes each postsecondary education management board to establish tuition and mandatory attendance fee amounts applicable to resident students at an institution under its supervision and management and, effective July 1, 2008, to adjust such tuition and mandatory fee amounts as follows:

- At a rate not to exceed **3%** annually if the tuition and mandatory fee amount in effect for the institution is 10% or less below the average or median tuition and mandatory fee amount of the institution's peers;
- At a rate not to exceed **4%** annually if the tuition and mandatory fee amount in effect for the institution is more than 10% but less than 20% below the average or median tuition and mandatory fee amount of the institution's peers; or
- At a rate not to exceed **5%** annually if the tuition and mandatory fee amount in effect for the institution is 20% or more below the average or median tuition and mandatory fee amount of the institution's peers.

The Board of Regents is required to establish guidelines on the use of data available from the Southern Regional Education Board (SREB) and other national sources in determining appropriate institution peers and peer average or median tuition and mandatory fee rates. The guidelines must be adopted following consultation and coordination with the management boards. The authority to increase tuition and mandatory fee amounts granted by the provisions of this Subparagraph is applicable for the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 academic years only and terminates June 30, 2012. Beginning with the 2009-2010 academic year, the authority to increase tuition and mandatory fee amounts is subject to the approval of the Joint Legislative Committee on the Budget. Prior to imposing any increase or increases in tuition or mandatory attendance fee amounts, or both, each management board must establish criteria for waivers of such increase or increases in cases of financial hardship.

House Bill 1145 by Representative Foil (Act 840) authorizes the LSU Board of Supervisors to impose specific increases in tuition and nonresident attendance fee amounts for students in future entering classes at the Paul M. Hebert Law Center and proportional amounts for part-time students and for summer sessions. Increases in tuition and nonresident attendance fee amounts will be increases from such amounts in effect for the Spring 2008 semester as follows:

- For full-time students in the first-year class for the Fall 2008 semester, an increase in tuition by an amount of \$500 per semester and an increase in the nonresident attendance fee by an

amount of \$500 per semester. Such tuition and nonresident attendance fee amounts will continue and not increase through the Spring 2011 semester.

- For full-time students in the first-year class for the Fall 2009 semester, an increase in tuition by an amount of \$1,000 per semester and an increase in the nonresident attendance fee by an amount of \$1,000 per semester. Such tuition and nonresident attendance fee amounts will continue and not increase through the Spring 2012 semester.
- For full-time students in the first-year class for the Fall 2010 semester or in a first-year class in a subsequent year, an increase in tuition by an amount of \$1,500 per semester and an increase in the nonresident attendance fee by an amount of \$1,500 per semester.

House Bill 1314 by Representative Michael Jackson (Act 899) authorizes the Board of Supervisors of Southern University and A&M College to impose the following increases in annual tuition amounts for full-time resident and nonresident students enrolled at the law center:

- For full-time students in the first year class in Fall 2008, an increase of \$500 from the annual tuition amount in effect for the 2007-2008 academic year. Such tuition amount for such students will continue and not increase through the Spring 2011 semester.

- For full-time students in the first year class in Fall 2009, an increase of \$500 from the annual tuition amount in effect for the 2008-2009 academic year. Such tuition amount for such students will continue and not increased through the Spring 2012 semester.
- For full-time students in the first year class in Fall 2010 and thereafter and for full-time students in the first year class in the fall of any subsequent year and thereafter, an increase of \$500 from the annual tuition amount in effect for the 2009-2010 academic year.

TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

Senate Bill 706 by Senator Crowe (House floor) would have established, beginning with the TOPS-Tech Plus Award for TOPS-Tech Award recipients who have been awarded an associate degree with a minimum GPA of 2.50 on 4.00 scale and who enroll in an eligible college or university to pursue an academic associate or undergraduate degree. The recipient of a TOPS-Tech Plus Award would have received from the state an amount equal to that provided to recipients of the Opportunity Award, provided that the recipient met the same continuation requirements as for an Opportunity Award. Eligibility of the TOPS-Tech Plus Award would have been limited to four semesters or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters, unless an extension was granted by the administering agency in accordance with its rules. The House committee added

amendments that would have authorized the award beginning with the 2009-2010 award year and limited the award to the first 50 eligible students who apply.

House Bill 1075 by Representative LaBruzzo (Act 652) modifies initial eligibility requirements for TOPS awards for certain students displaced by Hurricane Katrina or Rita, or both, who graduate from eligible out-of-state high schools during the 2006-2007, 2007-2008, and 2008-2009 school years. The Act also changes the name of TOPS to the Taylor Opportunity Program for Students after the late Patrick F. Taylor, a New Orleans oil magnate and philanthropist.

House Bill 1278 by Representative Waddell (Act 754) permits, beginning with the 2009-2010 award year, use of a TOPS-Tech Award at certain schools having a certificate of registration issued by the State Board of Cosmetology and proprietary schools licensed by the Board of Regents and accredited by a regional accrediting organization.

Vocational/Technical-Education

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2008 REGULAR SESSION COMMUNITY/TECHNICAL COLLEGES

House Bill 1278 by Representative Waddell (Act 754) permits, beginning with the 2009-2010 award year, use of a TOPS-Tech Award at certain schools having a certificate of registration issued by the State Board of Cosmetology and proprietary schools licensed by the Board of Regents and accredited by a regional accrediting organization. For purposes of the TOPS-Tech Award the term, "eligible colleges and universities" includes any school having a valid and current certificate of registration issued by the State Board of Cosmetology and accredited by a regional accrediting organization recognized by the U.S. Dept. of Education and any proprietary school having a valid and current license issued by the Board of Regents and accredited by a regional accrediting organization recognized by the U.S. Dept. of Education. Requires such a school to comply with all applicable provisions of law and rules adopted by the La. Student Financial Assistance Commission (LSFAC) relative to a college or university being initially eligible and remaining eligible for the TOPS program.

House Concurrent Resolution 65 by Representative Tucker (enrolled) requests the Board of Regents, in developing and adopting a formula for FY 2009-2010 and subsequent years for the equitable distribution of funds to the institutions of postsecondary education, to consider certain factors relative to budget recommendations for institutions

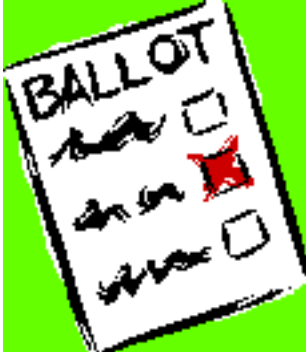
and programs under the supervision and management of the Board of Supervisors of Community and Technical Colleges

House Concurrent Resolution 116 by Representative Trahan (enrolled) requests the State Board of Elementary and Secondary Education (BESE), the Board of Supervisors of Community and Technical Colleges, and the Board of Regents jointly to study the feasibility and advisability of transferring the administration of adult education programs from BESE to the Board of Supervisors of Community and Technical Colleges, and to report study findings and recommendations, including any recommendations for legislation necessary as it relates to such transfer, to the House and Senate education committees prior to the 2009 R.S.

Senate Concurrent Resolution 46 by Senate Chaisson (enrolled) requests the Board of Regents, in developing and adopting a formula for FY 2009-2010 and subsequent years for the equitable distribution of funds to the institutions of postsecondary education, to consider certain factors relative to budget recommendations for institutions and programs under the supervision and management of the Board of Supervisors of Community and Technical Colleges.

Elections

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The First Extraordinary Session of 2008, although focused on ethics reform, saw the passage of several laws that have had at least a tangential effect on elections.

Although the Second Extraordinary Session of 2008 did not include any elections legislation, given that session's limited call, the 2008 Regular Session did see its share of significant revisions and additions to existing elections law.

2008 1st EXTRAORDINARY SESSION

House Bill 1 by Representative Tucker (Act 1) requires candidates for statewide elected office to publicly disclose their own personal financial information and that of their spouses in varying amounts of detail, depending upon the office being sought. The required financial disclosure statement must be filed within ten days of the person becoming a candidate. A candidate who fails to file the required disclosure statement can in some instances be fined up to \$10,000.

Senate Bill 14 by Senator Marionneaux (Act 14) provides that whenever any person, political committee, entity, or organization makes a disbursement for the purpose of financing any electioneering communication, then that communication must comply with the

following: (1) if the communication is paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, it shall clearly state that the communication has been paid for by such authorized political committee; (2) if the communication is paid for by other persons, but authorized by a candidate, an authorized political committee of a candidate, or its agents, it shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee; and (3) if the communication is not authorized by a candidate, a political committee of a candidate, or its agents, it shall clearly state the name, address, and telephone number or world-wide web address of the person, committee, entity, or organization that paid for the communication, and state that the communication is not authorized by any candidate or candidate's committee. Further, any oral, visual, or written material constituting a paid political announcement or advertisement that is paid for by a third-party entity must include the name of the third-party entity on the face of the advertisement so that it is clear and understandable.

House Bill 78 by Representatives Leger (Act 25) provides that from January 1, 2010, through December 31, 2011, each candidate for a major or district office shall electronically file reports of contributions or expenditures through the Board of Ethics Computerized Data Management System if they receive contributions or loans, or make

expenditures, in excess of \$25,000 in the aggregate during the aggregating period. Beginning January 1, 2012, the dollar amount threshold for reporting is removed so that electronic reports must be filed for all contributions and expenditures.

Senate Bill 47 by Senator Adley (Act 27) increases the fine that can be assessed for criminally failing to properly report money spent and received for canvassing efforts in a campaign.

2008 REGULAR SESSION

House Bill 790 by Representative Foil (Act 134) eliminates the July election date from the list of dates on which bond, tax, and other proposition elections may be held. Such elections may still be held during the spring primary and general elections and the fall primary and general elections.

House Bill 960 by Representative Gallot (Act 135) authorizes the secretary of state to establish a permanent program for the conduct of early voting. The secretary of state was formerly authorized to establish only a pilot program in up to four parishes. This Act also removes the cap on the number of parishes in which the early voting program may be implemented, and provides that the secretary of state shall select additional locations for the program based on feasibility, accessibility, and the number of registered voters.

House Bill 1017 by Representative Gallot (Act 136) makes various technical changes to the election code, as well as numerous substantive changes, including providing a definition of the term "polling place" (any location where voting, either early

or on election day, is conducted pursuant to the election code) and providing that a 17-year-old may serve as an election commissioner if certain criteria are met.

House Bill 1122 by Representative Badon (Act 167) extends the office hours of the registrar of voters during the early voting period by requiring the office to stay open until 6:00 p.m. rather than 4:30 p.m., and also provides that certain election expenses associated with the extended early voting hours shall be paid by the state.

Senate Concurrent Resolution 6 by Senator Donahue (enrolled) creates the Election Code Study Committee to study election offenses and to develop recommendations for changes to the Louisiana Election Code, and to develop a plan to implement such changes. A report of the committee's findings is due to the legislature by March 1, 2009.

Senate Bill 64 by Senator Kostelka (subject to call-Senate final passage) would have changed the hours that each registrar of voter's office is to be open on election day and shorten the time that polls are open on election day. The principal office of the registrar of voters would have remained open from 6:30 a.m. until 8:00 p.m. on election days, and for primary and general elections the polls would have been open from 7:00 a.m. until 8:00 p.m.

Senate Bill 333 by Senator Quinn (Act 764) requires that notice of the withdrawal of a candidate, and notice of disqualification of a candidate by a final judgment of a court of law, be posted or placed adjacent to the precinct register so that

it is clearly visible, and must be capitalized and in bold typed print of not less than 14-point font.

Senate Bill 479 by Senator Cassidy (pending House & Governmental Affairs) would have exempted prospective candidates for public office who are engaged in exploratory efforts from the financial disclosure provisions that are imposed on certain public officials and candidates.

House Bill 106 by Representative Morrell (failed House final passage) would have prohibited a candidate for elected office from distributing or causing to be distributed any oral, visual, or written material containing any statement that he knows makes a false statement about another candidate in the election with the intent to mislead the voters. This bill would also provide criminal penalties for such conduct.

House Bill 195 by Representative Lafonta (pending House & Governmental Affairs) would have required the secretary of state to send absentee voting applications to each person registered to vote in an area of the state that has an issue or a candidate on the ballot if that area has been designated to receive assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to a hurricane. This requirement would have been placed on the secretary of state for a period of four years after landfall of the hurricane.

House Bill 295 by Representative Gisclair (pending House & Governmental Affairs) would have required that political advertisements within thirty days of an election that use the image or name of a

candidate include a statement identifying the person responsible for the advertisement and state whether it was authorized by the candidate or his committee. Violators of this provision would have been subject to fines of up to \$1,000, or imprisoned for up to one year, or both, for the first offense, and fines of up to \$2,500, or imprisoned for up to five years, or both, for succeeding offenses.

House Bill 371 by Representative Connick (Act 821) prohibits a candidate from using a campaign contribution, loan, or transfer of funds to make any payment to an immediate family member. "Immediate family member" means the candidate's children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse. However, the use of a contribution, loan, or transfer of funds to make a contribution, loan, or transfer of funds to any immediate family member who is a candidate or to any principal or subsidiary political committee of such family member who is a candidate.

House Bill 789 by Representative Nowlin (involuntarily deferred in House & Governmental Affairs Committee) would have required criminal background checks on candidates for elected office. If the criminal background check revealed a felony conviction, the information would be forwarded to the district attorney, who has the authority to object to the candidacy if his investigation gave him reason to believe that the candidate was prohibited from qualifying for office due to the felony conviction.

House Bill 1044 by Representative Abramson (Act 810) prohibits any person

from making or causing to be made any telephone call or automated call expressly supporting or opposing a candidate, elected official, or ballot proposition unless the call identifies its source.

House Bill 1198 by Representative T. Burns (Act 812) prohibits a candidate in an election from distributing or causing to be distributed any oral, visual, or written material containing any statement that he knows makes a false statement about another candidate in the election, made with the intent to mislead voters.

Environment

by: Heyward Jeffers
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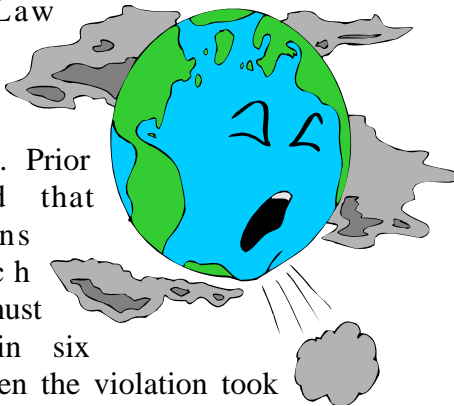
The governor's calls for the First and Second Extraordinary Sessions of 2008 were narrowly drawn and centered on non-environmental issues.

2008 REGULAR SESSION WASTES

House Bill 1196 by Representative Lafonta (Act 96) was signed by the governor and prohibits the transportation of foreign-generated waste into the state. Current law addressed transportation of high-level radioactive waste into the state for disposal in Louisiana or elsewhere. The new law prohibits transporting any radioactive waste generated outside of the United States into the state for disposal or storage, but exempts radioactive waste generated by the nation's Armed Forces.

Senate Bill 197 by Senator Hebert (Act 186) was signed by the governor and provides that the time limitation for instituting prosecution for criminal violations of the Hazardous Waste

Control Law begins to run from discovery of the violation. Prior law stated that prosecutions for such violations must begin within six years of when the violation took place. The new law allows that



prosecutions for such violations must begin within six years of the discovery of when the violation took place.



Senate Bill 196 by Senator Hebert (Act 526) was signed by the governor and places restrictions on any waste facility from operating within 5,000 feet of any main runway of an airport. The bill also requires the Department of Environmental Quality to comply with certain federal aviation rules before issuing permits for such facilities to operate. During the bill's journey through the legislative process, it was amended to apply only to parishes with populations of at least 70,000 and no more than 75,000 based on the latest decennial census and the requirements for following Federal Aviation Association rules were relaxed from mandatory to permissive.

Senate Bills 383 by Senator Hebert (Act 546) was signed by the governor and prohibits construction establishment, establishment, expansion, or permitting of a residential or commercial solid waste facility or an adjacent construction and demolition facility within 5,000 feet of an airport serving piston-powered aircraft or 10,000 feet of an airport serving turbine-powered aircraft. The distance is measured from the solid waste's facility's property line to the nearest runway, taxiway, apron, or aircraft parking

area of the airport. The bill applies to a recycling facility that accepts waste susceptible to rapid decomposition creating foul odors. The bill applies only to parishes with populations of at least 70,000 and no more than 75,000 based on the latest decennial census. It provides for an exemption for enclosed processing or non-processing transfer stations. Ultimately, the Senate concurred in amendments adopted by the house and sent the bill to the governor's desk for further action.

Senate Bill 326 by Senator Hebert (Act 56) was signed by the governor and provides the Department of Environmental Quality with the authority to license sewage haulers. Prior law had given the licensing authority to the state health officer of the Department of Health and Hospitals. Now preparation and promulgation of rules and regulations, as well as enforcement and licensing responsibilities for persons who haul sewage moves to the Department of Environmental Quality.

Senate Bill 321 by Senator Hebert (Act 119) became law without the signature of the governor and authorizes the Department of Environmental Quality to accept credit cards for payment of obligations owed to the state through use of a third-party processor to collect a convenience fee to adequately cover transaction fees. Prior law provided the authority to the Department of Revenue and the Department of Transportation and Development to accept credit cards for payment of obligations owed to the state through the use of a third-party processor to collect a convenience fee to adequately cover transaction fees. Now, the Department of Environmental Quality will join the Department of Revenue and the Department

of Transportation and Development as departments that may accept credit cards for payment of obligations owed to the state through the use of a third-party processor to collect a convenience fee to adequately cover transaction fees.

WATER QUALITY

Senate Bill 754 by Senator Hebert (Act 241) was signed by the governor and provides that the commissioner of conservation of the Department of Natural Resources shall not authorize or issue any permit which allows the use or withdrawal of three million gallons or more of ground water per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand according to the latest federal decennial census.

AIR QUALITY

Senate Bill 430 by Senator Hebert (Act 550) was signed by the governor and provides for certain requirements that certain facilities shall report certain releases of a hazardous material or substance and also provides for penalties for failure to issue such reports. The bill provides that any release or incident that occurs within the boundaries of a facility and may be subject to reporting will not be reportable by the owner or operator of the facility, or the employees, contractors, non-commercial carriers, or consultants of such owner or operator pursuant to Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950 unless such release or incident involves a railcar that is in transportation and the owner or operator of the facility is required to report the release or incident under C.F.R. 171.15. The bill further provides that the department will not subject an owner or operator to a civil penalty based on any

incident or release that was not required to be reported and that was reported by the owner or operator as a courtesy. The bill further defines "Reasonably be expected to affect the public safety beyond the boundaries of the facility" as fire, explosion, incident, accident, or cleanup within a facility that may reasonably impact public safety beyond the facility, including but not limited to an impact of such nature as to require off-site road closures, "shelter-in-place" orders, evacuations, or immediate response by emergency responders. The term shall not include facility drills, internal facility announcements, internal facility alarms and sirens, or internal facility response activities such as rolling facility fire trucks or ambulances, and movement of facility personnel in personal protective equipment. The bill further defines "Hospitalization" as the admission to a hospital as a patient for an overnight stay or hospital emergency treatment requested by the owner or operator or he becomes aware of such treatment with 24 hours of the release.

House Bill 528 by Representative Lambert (Act 81) was signed by the governor and requires the Department of Environmental Quality to adjust its reporting requirements for certain releases to the one-call system, and that certain reports to the one-call system shall satisfy the department's reporting requirements. The new law provides that proper notification to the Department of Public Safety and Corrections through the one-call system of a release that does not cause an emergency but is in excess of an applicable reportable quantity shall satisfy all prompt report obligations, except for releases of radionuclides in excess of reportable quantities.

DRILLING OPERATIONS

Senate Concurrent Resolution 82 by Senator Hebert (filed with the secretary of state) directs the commissioner of conservation of the Department of Natural Resources to move expeditiously to promulgate additional mineral drilling safety regulations for wells drilled near Louisiana's interstate highways.

Ethics

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(225) 342-0640

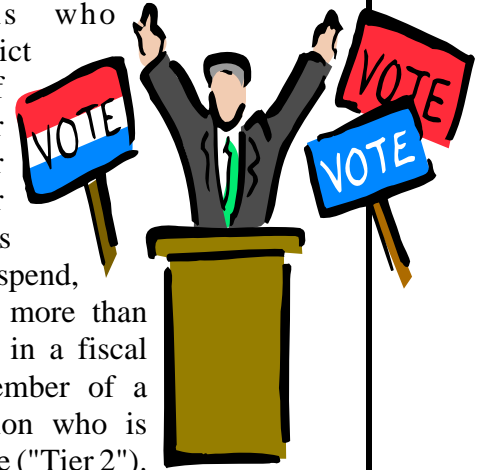
The First Extraordinary Session of 2008 saw major additions and revisions to state ethics laws. Although the Second Extraordinary Session of 2008 did not see the introduction of any ethics legislation, given that session's limited call and the previous special session devoted solely to ethics reform, the 2008 Regular Session saw more than its share of bills proposing significant revisions to both current and soon-to-be-effective ethics laws.

2008 1st EXTRAORDINARY SESSION FINANCIAL DISCLOSURE

House Bill 1 by Representative Tucker (Act 1) requires lawmakers, statewide elected officials, local officials, certain state appointed officials, and members of certain state boards and commissions to publicly disclose their own personal financial information and that of their spouses on an annual basis, in varying amounts of detail depending upon the office held. Candidates for those offices must also file financial disclosure reports.

The most stringent requirements apply to the governor, statewide elected officials, department secretaries, the executive secretary of the Public Service Commission, the state superintendent of education, the commissioner of administration, and the governor's chief of staff, deputy chief of staff, executive counsel, and legislative director (informally called "Tier 1").

The next level of reporting applies to legislators, members of the Board of Elementary and Secondary Education (BESE), elected officials who represent a district with a population of five thousand or more, each member of a state board or commission that has the authority to spend, disburse, or invest more than one million dollars in a fiscal year, and each member of a board or commission who is paid \$16,800 or more ("Tier 2").



Finally, the third and least stringent level of reporting applies to elected officials representing a voting district with a population of less than five thousand and members of state boards and commissions with the authority to spend, disburse, or invest between ten thousand and one million dollars in a fiscal year.

Furthermore, **Senate Bill 35 by Senator Chaisson (Act 15)** prohibits the transfer of anything of economic value to any person or governmental entity for the purpose of circumventing the financial disclosure requirements imposed on public servants.

Senate Bill 37 by Senator Chaisson (Act 20) requires the Division of Administration to establish and maintain a website that details state spending with a

searchable database, which is to be fully implemented by January 1, 2009.

CAMPAIGN FINANCE REFORM

House Bill 7 by Representative Tucker (Act 4) sets a limit of \$10,000 on individual contributions to gubernatorial transition and inaugural activities, and requires that such contributions be disclosed.

Senate Bill 14 by Senator Marionneaux (Act 14) requires that, effective January 1, 2010, third party campaign communications clearly state who is paying for the ad and whether or not the candidate authorized the communication.

House Bill 73 by Representative White (Act 17) requires political action committees that collect donations or spend more than \$50,000 in a calendar year, except those PACs affiliated with political parties, to electronically file their contribution and expense reports beginning on July 1, 2009. **House Bill 78 by Representative Leger (Act 25)** phases in the requirement of electronic filing of campaign finance reports for all major or district candidates beginning January 1, 2010, with full implementation by January 1, 2012. Beginning January 1, 2010, and through December 31, 2011, each candidate for a major or district office that receives contributions or loans or makes expenditures over \$25,000 in the aggregate must file electronically. When fully enacted on January 1, 2012, candidates must electronically file no matter the amount of contributions, loans, or expenditures.

Senate Bill 29 by Senator Marionneaux (Act 26) requires third party political committees organized under Section 527 of the Internal Revenue Code to disclose

their contributors and expenses on a monthly basis. Further, a candidate is prohibited from using campaign funds to pay an ethics fine or campaign finance disclosure fine.

Senate Bill 47 by Senator Adley (Act 27) increases the fine for criminal violations of the law requiring the reporting of money spent and received for canvassing efforts in a campaign. Any person who commits an intentional criminal violation of these provisions shall be fined up to twice the amount of such expenditure, or imprisoned for up to five years, or both.

CONFLICTS OF INTEREST

In a significant change to the Code of Governmental Ethics, **Senate Bill 1 by Senator Chaisson (Act 2)** prohibits legislators, the governor, statewide elected officials, state department secretaries, state prison system wardens and assistant wardens, the director of the Civil Service Commission, members of BESE, the state superintendent of education, college system presidents, the commissioner of higher education, members of the Board of Ethics and the ethics administrator, the executive secretary of the Public Service Commission, and the governor's chief of staff, commissioner of administration, executive counsel, and legislative director, as well as their spouses and businesses, from contracting with the state.

Senate Bill 5 by Senator Chaisson (Act 8) eliminates the ability of an elected official to vote on matters in which there may be a personal conflict of interest. The elected official must recuse himself from voting, but may participate in debate and discussion of the matter so long as the conflict is verbally disclosed.

ETHICS, ETHICS BOARD, & ETHICS ENFORCEMENT

House Bill 41 by Representative Tucker (Act 23) made what are perhaps the two most significant changes to ethics enforcement procedures to come out of the First Extraordinary Session.

The first change is the transfer of the power to adjudicate ethics charges from the Board of Ethics to the newly created Ethics Adjudicatory Board, which is to be composed of administrative law judges of the division of administrative law. Although the Board of Ethics is no longer empowered to conduct hearings, it remains empowered to administer oaths, subpoena witnesses, take evidence, and require the production of relevant documents for purposes of investigating ethics complaints and determining whether to bring formal ethics charges.

The second significant change made by Act 23 is the change of the standard of proof for conviction of ethics charges from "any substantial evidence" to "clear and convincing evidence." The "clear and convincing evidence" standard is presently employed in any number of civil administrative contexts, including disability retirement, worker's compensation, gaming, and the Louisiana Administrative Procedure Act. "Clear and convincing evidence" is also the standard of proof for charges brought by the Louisiana Attorney Disciplinary Board. It does not appear that the "clear and convincing" standard of proof in any way changes or limits the investigatory abilities and discovery devices available to the Board of Ethics, as this standard of proof relates to the hearing of charges once they have been brought, and not to either the investigation of complaints or the determination of whether or

not formal charges and a public hearing are warranted in a particular case.

House Bill 6 by Representative Tucker (Act 3) expands ethics training for public servants so as to require at least one hour of training every year of the public servant's term of office, and imposes ethics training requirements on lobbyists as well. This ethics training plan will be phased in beginning this year, with all public servants not otherwise required to receive ethics training being required to obtain their annual ethics training beginning January 1, 2012.

House Bill 29 by Representative Tucker (Act 10) requires that at least three of the governor's seven appointees to the ethics board be attorneys with at least eight years as a member of the Louisiana bar. Further, members of the Board of Ethics may not participate in political campaign activities, hold public contracts, or hold any elected office.

House Bill 65 by Representative Green (Act 16) prohibits a person from qualifying for elected office if he or she owes \$250 or more in ethics fines.

LOBBYING AND LOBBYISTS

Senate Bill 8 by Senator Chaisson (Act 9) limits the cost of food and drink that may be provided by a lobbyist to a public servant to \$50 per occasion. However, the limit does not apply to national or regional organizations' events, or to events connected with statewide organizations of governmental officials or employees. This limit went into effect on March 20, 2008.

Senate Bill 11 by Senator Chaisson (Act 13) expands the information that

lobbyists must disclose on their registration and expenditure reports to include not only their clients, but also how much they are paid by those clients, their and their clients' business relationships with legislators and executive agency officials and those public servants' spouses, the subject matters for which they intend to lobby, and their expenditures on public servants' spouses and children. These reports are to be made on a monthly basis and include everything of economic value provided. The thresholds of \$50 per event and \$250 per reporting period have been eliminated. These new reporting requirements take effect on January 1, 2009, with the first of the new monthly reports due by February 15, 2009.

Senate Bill 3 by Senator Chaisson (Act 19) eliminates the exception in the ethics code that allowed elected officials to receive free tickets for sporting and cultural events from those seeking to influence legislation or obtain business with the official's agency. In particular, complimentary admissions to professional, semi-professional, or collegiate sporting events and fishing trips, hunting trips, or golf outings that are not associated with a fund-raising events open to the general public are prohibited. However, there is an exception that allows the acceptance of complimentary admissions to civic, non-profit, educational, or political events when the official is a program honoree, speech presenter, or panel member.

OTHER REFORMS

House Bill 56 by Representative Tucker (Act 12) creates the office of the inspector general, which presently exists only by executive order of the governor, and requires the legislature to provide adequate funding for the office, prohibits the governor

or the legislature from reducing the salary of the inspector general during his term of office, and allows for the removal of the inspector general by the governor with the approval of a majority of the legislature.

Senate Bill 53 by Senator Murray (Act 21) doubles the maximum sentence for corrupt influencing to ten years imprisonment, or a fine of \$10,000, or both.

Senate Bill 58 by Senator Martiny (Act 22) creates the crime of abuse of office, which prohibits a public servant from using his or her office to coerce someone to do something or to give something that the public servant is not otherwise entitled to by nature of his or her office.

2008 REGULAR SESSION

The 2008 Regular Session saw a number of bills designed to clarify and otherwise "fine tune" the reforms passed in the First Extraordinary Session.

FINANCIAL DISCLOSURE

House Bill 842 by Representative Gallot (Act 162) changes the deadline for a candidate to file a financial disclosure statement from within 10 days of becoming a candidate to within 10 days of filing a notice of candidacy. A candidate is required to file a financial disclosure statement when he is a candidate for an office for which the holder of that office would be required to file a disclosure statement. Further, each designee of a member of a board or commission is now included in the list of persons required to file a disclosure statement. These disclosure provisions apply to persons holding a covered office or position on or after July 1, 2008.

In an attempt to address the concerns expressed by many legislators, among others, about the effect of the new disclosure requirements on the willingness of certain board and commission members to serve, **Senate Bill 718 by Senator Martiny (Act 472)** creates a new "Tier 2.1" for members of boards and commission that expend, disburse, or invest \$10,000 or more in a fiscal year (except for those who are already required to file in either Tier 1 or Tier 2), members of the State Civil Service Commission, and members of the Board of Commissioners of the Louisiana Stadium and Exposition District. These disclosure reports are due by May 15 of each year during which the official holds office, and by May 15 of the year after the official's term ends. Members of parish and municipal governing authorities are excluded, as are members of the boards of private nonprofit corporations not created by law.

House Bill 176 by Representative Abramson (vetoed) would have required that the head of a statewide elected official's agency, and each appointed member of a board or commission that has the authority to expend, disburse, or invest one million dollars or more in a fiscal year, disclose any contribution made by the agency head or board or commission member to the campaign of the appointing elected official in excess of \$1,000.

Other bills would have broadened the range of public officials required to file financial disclosure reports with the Board of Ethics. **House Bill 340 by Representative Morrell (subject to call-Senate final passage)** would require the wardens of state prisons to file annual financial disclosure reports pursuant to the ethics code. **House Bill 313 by Representative Tucker (pending**

House & Governmental Affairs) would require judges, who are presently exempted from the disclosure requirements imposed on other state and local officials, to annually file a financial statement with the Board of Ethics. **House Bill 635 by Representative Green (subject to call-Senate final passage)** would make the financial disclosure requirements already applicable to state legislators, certain elected officials, the members of the Board of Ethics, the ethics administrator, members of certain state boards and commissions, and BESE members, also applicable to the state inspector general, the legislative auditor, the head of the governor's transition team, each member of the State Civil Service Commission, and each member of the Board of Commissioners of the Louisiana Stadium and Exposition District. **House Bill 648 by Representative Gallot (subject to call-Senate final passage)** would make these financial disclosure requirements applicable to each member of a local board or commission that expends or disburses more than \$10,000 but less than \$1,000,000 of funds in a fiscal year.

ETHICS, ETHICS BOARD, & ETHICS ENFORCEMENT

House Bill 290 by Representative Dixon (Act 128) requires the Board of Ethics to provide to a public servant accused of an ethics violation, and to the complainant, a detailed explanation regarding the alleged ethics violation, including the specific factual allegations upon which the board based its decision to investigate, and a copy of any complaint with the name of the complainant redacted.

House Bill 1336 by Representative Aubert (Act 173) provides an exception to the Code of Governmental Ethics that allows

a person to obtain a permit, and to enter into any transaction incidental thereto, under the provisions of the state uniform construction code.

Senate Bill 53 by Senator Shaw (vetoed) would have provided that the Board of Ethics shall not accept, consider, or investigate any complaint that does not contain information identifying the complainant, including the complainant's name and contact information. However, the board would still, by a two-thirds vote, have been able to consider any matter that it had reason to believe may have been a violation of any law within its jurisdiction.

Senate Bill 370 by Senator Dorsey (pending House & Governmental Affairs) would have added the governor's deputy chief of staff, legislative director, and policy director to the list of public servants who may not enter into contracts directed to addressing needs arising from a gubernatorially declared disaster or emergency when the public servant knows or should know that the contract is funded with federal or state funds.

Senate Bill 691 by Senator Long (assigned to the Senate and Governmental Affairs Committee) would have imposed criminal penalties on candidates for elected office and their supporters who file false or frivolous complaints against their opponents in an attempt to gain a political advantage.

House Bill 947 by Representative Hutter (vetoed) would have allowed a public official to accept complimentary admission to a fund-raising event held by or for the benefit of an educational institution, or to a fund-raising event of a nonprofit organization that conducts educational programs.

LOBBYING AND LOBBYISTS

House Bill 844 by Representative Tucker (Act 709) allows a person who is both an executive branch and a legislative branch lobbyist to file one registration form and disclosure report, rather than separate reports. Further, if a lobbyist is paid for both lobbying and non-lobbying services, he must allocate his compensation accordingly and report only the amount received for lobbying. This is the same requirement already in place for legislative lobbying.

Finance

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2008 1ST EXTRAORDINARY SESSION

Senate Bill 37 by Senator Chaisson, et al. (Act 20) - Requires the commissioner of administration to establish and maintain a website to post reports of state spending. The reports shall include the amount of appropriations for the executive branch of state government in the General Appropriation Act and other acts, including annual salaries and total compensation of statewide elected officials and cabinet-level positions. The commissioner of administration shall also maintain on the website a monthly report of spending by each budget unit.

2008 2ND EXTRAORDINARY SESSION

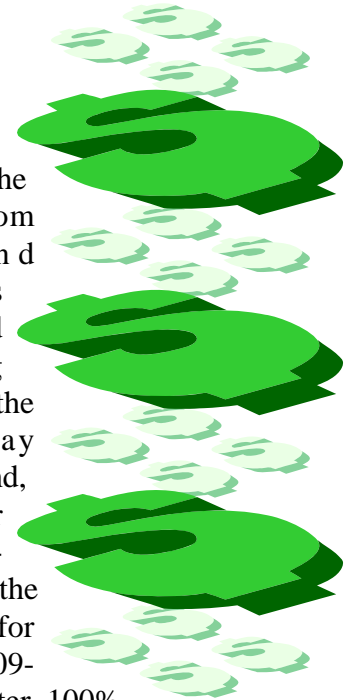
Senate Bill 11 by Senator Michot (Act 11) - Act 11 dedicates a portion of the collections from the state sales tax on the sales, use, lease, or rental, the distribution, the consumption, and the storage of motor vehicles. Beginning July 1, 2008, it dedicates 10% of the proceeds and increases the portion over seven years to 100% by Fiscal Year 2014-2015 and each year thereafter.

The proceeds are to be allocated as follows: 93% to the Transportation Trust Fund (TTF) for capacity projects, port priority projects, and for highway priority projects and 7% to the Transportation Mobility Fund for design and construction projects. Provides for reducing deposits into the funds in the event of a decrease in collections in the official forecast.

Act 11 also accelerates the collections from license and registration fees on trucks and trailers being deposited into the State Highway Improvement Fund, as follows: for Fiscal Year 2008-2009, 75% of the collections and for Fiscal Year 2009-2010 and thereafter, 100% of the collections.

House Concurrent Resolution 1 by Representative Fannin, et al. (enrolled) - Directs the commissioner of administration to increase the expenditure limit for Fiscal Year 2007-2008 by the amount of \$1,014,658,270 for a total of \$12,614,422,713. Provides that such changes shall in no way be construed to change the limit for Fiscal Year 2008-2009.

House Bill 46 by Representative Fannin, et al. (Act 7) - Significant supplemental appropriations were provided out of nonrecurring state general fund revenues and dedicated revenue sources, including: \$60 million to accelerate payoff of the Unfunded Accrued Liability of LASERS and Teachers' retirement systems; \$142 million for major repairs for higher education facilities, Cyber Innovation Center and Transportation Infrastructure, and other



improvements; \$396 million in federal highway, off-system roads, and non-federal aid highways project funding; \$67 million in public improvements; \$300 million in coastal restoration and management projects; and \$50 million for the Pennington Biomedical Research Center.

2008 REGULAR SESSION

Appropriations and Funds

House Bill 1 by Representative Fannin (Act 19), the General Appropriation Bill, provides for the ordinary operating expenses of state government for Fiscal Year 2008-2009. The bill contains \$9.1 billion of State General Fund (Direct) and total means of financing of \$29.9 billion and is effective July 1, 2008. These totals reflect gubernatorial veto action to 258 items which reduced funding by approximately \$16.2 million (see link to veto messages:

<http://www.legis.state.la.us/archive/08RS/veto/HB1v.pdf>).

(The FY09 Budget Summary of HB1 and other fiscal bills of significance has been sent to members.)

House Bill 1287 by Fannin (Act 511) provides for supplemental appropriations for Fiscal Year 2007-2008 and provides for various adjustments in operating and capital appropriations to the current fiscal year. **House Bill 1116 by Ellington (Act 1 of the 2008 Regular Session)** provides supplemental appropriations of \$2 million for boll weevil eradication.

House Bill 926 by Representative Fannin (Act 513) provides for the transfer and deposit of monies among various state funds. It also creates the Legislative Capitol

Technology Enhancement Fund to provide for improvements to certain areas of the Capital Complex for audio visual upgrades and technology enhancements. Additionally, it authorizes the use of the Mega-Project Development Fund, in Fiscal Year 2008-2009, for a one-time salary supplement for all school support personnel and nonpublic lunchroom employees in accordance with the provisions of HB1 of the 2008 R.S.

House Bill 1018 by Representative Tucker (890) creates and establishes the Workforce Training Rapid Response Fund and directs the state treasurer to deposit an amount into the fund at the beginning of the fiscal year to bring the unencumbered fund balance to \$10 million. Monies in the fund are to be used in accordance with a strategic plan to be developed exclusively for workforce education.

Supplemental Pay

Senate Bill 26 by Senator Alario (Act 664) increases supplemental pay for certain eligible firemen, police officers, deputy sheriffs, harbor police officers, fireboat operators, and bridge police to \$500 per month. This Act becomes effective July 1, 2009.

Miscellaneous

Senate Bill 601 by Senator Michot (Act 910) creates the Post Employment Benefits Trust Fund as a special permanent trust in the State Treasury to provide benefits to or for employees retired from agencies, departments, boards, and commissions of the state and their dependents eligible to participate in the Office of Group Benefits programs.

Senate Bill 615 by Senator Jackson (Act 774) provides relative to the Children's Cabinet by extending the sunset on the cabinet and the board and revising the preparation and submission of the children's budget. It is effective August 15, 2008.

House Bill 910 by Representative Tucker (Act 829) requires the division of administration, office of community development to report monthly to the Legislative Audit Advisory Council with respect to payments, subcontractors, contract value, and performance by ICF Emergency Services under their contract to administer The Road Home Program.

Senate Bill 598 by Senator Scalise (subject to call - House Final Passage) and House Bill 888 by Representative Henry (Act 734) provide for the development and determination of the expenditure limit. The proposed law specifies the actual method of calculation of the rate of change in personal income for the calendar year immediately preceding the fiscal year for which the limit is calculated. It is effective July 6, 2008.

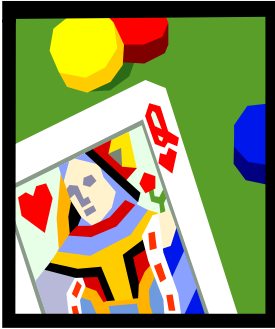
House Bill 1182 by Representative Schroeder (Act 842) requires the Joint Legislative Committee on the Budget (JLCB) to approve operating budgets of certain state and other entities in advance of the beginning of the subject entity's fiscal year, and also the salaries of certain public officials prior to the execution of any employment contract for that official. Further authorizes the JLCB to adopt resolutions directing the denial of warrants for entities failing to comply.

The Act also provides that no later than November first of each year, each nongovernmental entity which is neither a

budget unit of the state nor a political subdivision and which is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill shall transmit certain information relative to such proposed funding to the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs in a form and manner as shall be prescribed jointly by the committees. Provisions provide that the completed information shall be published and shall be available to the public in an online, searchable database. The Act also provides for minimum information requirements, submission procedures, and other form completion requirements. These provisions in statute are similar to those of Joint Rule No. 17 adopted by the Senate and House of Representatives in the First Extraordinary Session of 2008.

Gaming

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CHARITABLE GAMING

There were several pieces of legislation filed this session to address issues related to charitable gaming.

Senate Bill 82 by Senator Martiny (assigned to Senate Judiciary B) would have provided for the use of the net proceeds derived from charitable gaming. It would have provided that such proceeds shall be used solely for educational, charitable, patriotic, religious, or public-spirited purposes within the state of Louisiana. In addition to this bill, **House Concurrent Resolution 119 by Representative Wooton (enrolled)** requests that nonprofit corporations located within Louisiana use the proceeds in the same manner as provided for in **Senate Bill 82**.

The most contentious gaming bill debated this session was a bill addressing the images on electronic bingo machines. **House Bill 280 by Representative Wooton (Act 630)** provides that the electronic bingo machine shall only display the game of bingo and that the machine shall not contain entertainment display features that simulate slot reels or card games. The bill has a provision that grandfathers licensed distributors that have purchased or have a lease agreement approved by the office for electronic bingo machines and have sent by certified mail an application, which has been received by the office on or prior to August 15, 2008, to have those machines permitted

along with proof of a non-refundable purchase, or a copy of the lease agreement approved by the office for those machines.

The bill was also amended to provide a ban on electronic bingo machines in parishes that voted out video draw poker devices in the 1996 congressional general election. Additionally, the bill was amended to state that electronic bingo machines shall be linked by telecommunications to a central computer system for purposes of monitoring and reading devices activities.

Senate Bill 739 by Senator Shepherd (assigned to Senate Judiciary B) would have proposed to levy an additional boarding fee on riverboats located in Jefferson Parish. The legislation would have created the Jefferson Parish Hospital Fund and would have provided that monies in the fund be used solely to offset increased expenses of medical care in the following manner: (i) amounts derived from admission fees levied on the East Bank shall be distributed to the East Jefferson General Hospital, and (ii) amounts derived from admission fees levied on the West Bank shall be distributed to the West Jefferson General Hospital.

LINES OF CREDIT AND AUTOMATED TELLER MACHINES

Senate Bill 41 by Senator McPherson (assigned to Senate Judiciary B) would have provided that no person holding a gaming license and no servant, agent, or employee of the licensee shall extend a line of credit or advance anything of

value to any patron of a gaming facility for purposes of taking part in gaming activities.

The bill would have further provided that no bank, financial institution or other business entity or individual operating an automated teller machine service shall locate an automated teller machine on the premises of any licensed riverboat, an official gaming establishment licensed to conduct gaming operations, any qualified truck stop facility licensed for the operation of video draw poker devices, or an eligible facility licensed to conduct slot machine gaming. Any bank, financial institution, or other business entity, or individual operating an automated teller machine service would have sixty days from the effective date of the act to discontinue the operation of automated teller machines at the prohibited locations.

LOUISIANA GAMING & CONTROL BOARD

Senate Bill 399 by Senator Marionneaux (subject to call-Senate Final Passage) would have changed the appeal process for any matter, action, decision, or order of the Louisiana Gaming and Control Board. The bill would have proposed that appeals from the board would go before a hearing officer. The hearing before the hearing officer would take place in a public hearing conducted in accordance with the adjudication provisions of the Administrative Procedure Act. The bill would have further provided that any decision rendered by a hearing officer may be appealed by either party to the Nineteenth Judicial District Court.

HORSE RACING

Currently there are four live race horse facilities in the state. There is one located in St. Landry Parish, Bossier Parish, Orleans Parish, and Calcasieu Parish. There were two bills filed to allow for a live horse racing facility in Iberville Parish.

Senate Bill 187 by Senator Marionneaux (subject to call-Senate Final Passage) and House Bill 937 by Representative Karen St. Germain (Vetoed) would have authorized the electors in Iberville Parish to participate in a referendum election, which will include three propositions. The first proposition would be whether the business of horse racing and pari-mutuel wagering be conducted within the parish of Iberville. The second proposition would be whether an offtrack wagering facility could be established in Iberville Parish. And, finally, whether the business of slot machine gaming at a live horse racing facility be conducted within the parish of Iberville.

RIVERBOATS

Senate Bill 729 by Senator Dorsey (assigned to House Criminal Justice) would have authorized the governing authority of East Baton Rouge Parish to levy a fee not to exceed six percent of the monthly net gaming proceeds from each riverboat located within the jurisdiction of the governing authority.

House Bill 1131 by Representative Wooton (Act 319) authorizes alternative inspections and provides that either a Certificate of Inspection or a certificate of compliance utilizing a combination of applicable marine structural and life safety standards, the National Fire Protection Association Life Safety Code, and the

International Building Code as adopted in the state of Louisiana and as accepted by the La. Gaming Control Board, which are suitable to the vessel's location and configuration.

This legislation further provides that the certification by the third-party inspector shall incorporate the standards, conditions, policy letters, alternative examinations, and alternative design approvals placed upon the vessel by the U.S. Coast Guard at the time the third-party inspector began inspecting the vessel.

TRUTH IN ADVERTISING

Senate Bill 797 by Senator McPherson (assigned to House Criminal Justice) would have sought to promote a truth in advertisement for gaming winnings as well as gaming losses. The bill would have provided that if an advertisement of gaming activities or of a gaming establishment refers to the amount of monies won by or paid out as winnings to patrons of gaming activities during a specified period of time, the advertisement shall also state, in the same form as the statement of winnings, the total amount of gaming losses of all patrons of gaming activities collected by the licensee or casino gaming operator for the same period that the winnings are reported.

The bill would have defined gaming losses as the total of all cash and property, including the total of all cash paid out as winnings to patrons and checks received by a licensee or casino gaming operator, whether collected or not, received by the licensee or casino gaming operator from gaming operations.

VIDEO POKER DEVICE LAW

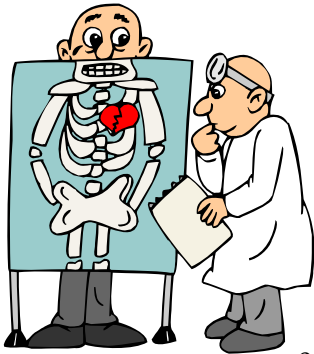
There were several pieces of legislation filed this session which affect the Video Draw Poker Device Purse Supplement Fund, the placement of video draw poker machines, and licensing qualified truck stops.

Senate Bill 784 by Senator Nick Gautreaux (Act 243) provides for funds appropriated from Video Draw Poker Device Purse Supplement Fund to the Louisiana State Racing Commission. The bill removes the requirement that funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association on Louisiana-bred thoroughbred races scheduled for purses not to exceed twenty thousand dollars.

House Bill 247 by Representative Wooton (Act 209) provides that the determination of the number of video poker devices operated at truck stops shall be based upon average monthly fuel sales. This legislation shall require that the number of video draw poker devices placed at a qualified truck stop facility must be based on the average monthly fuel sales calculated quarterly for the first year of operation and after the first year such determination shall be based upon the average monthly fuel sales calculated annually. However, upon a determination by the board that a truck stop facility meets the licensing and amenity requirements as provided by law, up to twenty-five video draw poker devices shall be temporarily placed at that facility without the requirement that the facility meet the fuel sale requirement for ninety days. At the end of the ninety day period, the number of video draw poker devices placed at the qualified truck stop facility shall be based on the average

monthly fuel sales. During the first year of operation, the monthly fuel sales shall be calculated quarterly. After the first year of operation, the number of devices shall be based upon the average monthly fuel sales calculated annually.

House Bill 462 by Representative Wooton (Vetoed) would have addressed a potential situation that may take place when a merger occurs between a licensee and a non-licensee and the non-licensee is the survivor of the merger. However, in the Senate Committee on Judiciary B, the bill was amended to address the issuance of a license to a truck stop facility that meets all the amenity provisions as required by law. The amendment further provides that nothing shall be construed to preclude the Louisiana Gaming Control Board from conducting hearings deemed necessary to determine the suitability of an applicant for a license to operate video draw poker devices. The bill as amended by Senate Committee on Judiciary B is similar to **Senate Bill 381 by Senator Martiny (failed House Final Passage)**.



Health & Hospitals

by: Greg Waddell
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HEALTH CARE TRANSPARENCY

In an effort to equip consumers with more information with which to make health care choices **Senate Bill 287 by Senator Mount (Act 537)** provides for the Louisiana Health Care Consumers Right To Know Law. This legislation requires certain health care providers to submit to the Department of Health and Hospitals information which relates to health care cost, quality and performance. The legislation creates the Health Data Panel which represents all interests involved in the collection and dissemination of the information collected. The information gathered by the Department of Health and Hospitals will then be presented to consumers through a user-friendly web site where consumers can easily access the information when making their health care choices.

MENTAL HEALTH

There were several pieces of legislation which tried to address the growing issues surrounding mental health especially in areas which were affected by hurricanes Katrina and Rita. One of the most prominent of pieces of legislation was **Senate Bill 182 by Senator Gray (Act 407)**. This legislation provides a procedure whereby the courts may order a person to obtain civil involuntary outpatient treatment if the person satisfies eight detailed criteria and the court finds that a written treatment plan is in place and there

is no less restrictive alternative. If civil involuntary outpatient treatment is ordered by a court the initial treatment period may not exceed six months. Additional treatment period of one hundred eighty day can be ordered by the court if the procedure detailed in the legislation is followed and the person still satisfies all of the original criteria.

The second substantial mental health piece of legislation establishes crisis receiving centers. The appropriate crisis identification and stabilization services, including a coordinated system of entry into the crisis system, is critical to successful recovery for people in behavioral crisis. Successful crisis identification and stabilization services will most successfully be developed and maintained through collaboration between the state, local communities and stakeholders of the crisis system. **Senate Bill 228 by Senator Heitmeier (Act 447)** creates a crisis receiving network to be administered by the Department of Health and Hospitals in conjunction with human service districts and local collaboratives. The legislation additionally establishes a licensing framework for crisis receiving centers. These centers, subject to appropriation, would be located in each region of the state and will receive, examine, triage, refer or treat people suffering from a behavioral health crisis. The legislation allows the centers to be placed in hospitals, mental health facilities, other health care facilities, or may be freestanding.

LONG TERM CARE

There were several pieces of legislation dealing with various aspects of the long term care industry. This year, as in years past, most of the attention in the area focused on the facility need review process.

Senate Bill 75 by Representative Gray (Act 393) extends the time period that the exception to the moratorium on nursing homes applies to January 1, 2010. Current law provides that the facility need review approval for licensed nursing homes or intermediate care facilities for people with developmental disabilities (ICF/DD) located in an area or areas which have been affected by an executive order or proclamation of emergency or disaster and which were operating at the time the executive order or proclamation was issued under R.S. 29:724 shall remain in effect and shall not be terminated, considered to have expired, or revoked until January 1, 2008. In addition current law provides that this exception to the moratorium does not apply if the provider fails to recommence providing services prior to January 1, 2008. This legislation extends the time period that the exception shall apply to January 1, 2010. In addition, the legislation provides that the exception to the moratorium does not apply if the provider fails to recommence providing services prior to January 1, 2010.

Senate Bill 249 by Senator Mount (Act 187) repeals the moratorium on nursing homes with respect to replacement facilities. Under current law, the nursing home moratorium on the replacement of existing nursing facilities until expires July 30, 2008. This legislation moves that date forward upon the signature of the governor.

House Bill 155 by Representative Katz (Act 341) makes technical changes to the facility need review process. Current law provides for a facility need review process for adult residential care providers and community and group homes for the mentally retarded. This legislation adds nursing homes and changes the reference to community and group home beds for the mentally retarded to community and group home beds for the developmentally disabled.

House Bill 466 by Representative Richard (Act 490) provides an exception to the Louisiana Smoke-free Air Act for nursing homes. Under present law, smoking is allowed in designated and well-ventilated smoking rooms in nursing homes which permit smoking. This legislation retains the current law and adds that the designated and well-ventilated smoking rooms of nursing homes which permit smoking cannot be the reception area, lobby, waiting room, or any other room or area defined as a public place under the La. Smoke-free Air Act.

RURAL HOSPITALS

Senate Bill 36 by Senator Dupre (Act 389) broadens the definition of "rural hospital" under the Rural Hospital Preservation Act to include as a "rural hospital" one which met the qualifications of a sole community hospital as of June 30, 2005, and subsequently converted to critical access hospital status.

DEPARTMENT OF HEALTH AND HOSPITALS

Several pieces of legislation this session dealt with penalties and sanctions that can be imposed against certain health care providers which are regulated by the Department of Health and Hospitals.

Senate Bill 43 by Senator Mount (Act 518) allows the Department of Health and Hospitals to adopt by rules and regulations remedies for health care facilities which have violations of the licensure standards, certification requirements, or the Medicaid standards of participation. These alternative remedies may include denial of Medicaid payment, denial of new admissions into the facility, removal from the freedom of choice list, the transfer of residents or patients from the facility, suspension of the license, or other alternate remedies with the goal of deter noncompliance.

Senate Bill 229 by Senator Mount (Act 785) amends the penalties for nursing homes and other health care facilities to make such penalties consistent among all types of facilities.

House Bill 194 by Representative Katz (Act 255) allows the Department of Health and Hospitals to revoke, deny, or not renew a license of a home health provider if the provider fails to allow department surveyors from entering the facility for the purposes of conducting a survey.

Several pieces of legislation made changes to licensure and operational requirements of certain health care providers.

House Bill 1333 by Representative Mills (Act 332) provides for a licensing framework for supervised transitional residential and aftercare facilities. The legislature found there was a need for a secured residential facility for persons found not guilty of a crime by reason of insanity or found incompetent to stand trial after such person has been released from a state forensic facility. Historically, all secured residential

facilities have been overseen by the Department of Social Services under its authority to regulate traditional adult residential care homes. This legislation moves these types of facilities to the Department of Health and Hospitals to license and regulate these types of facilities serving forensic clients due to the mental health issues of the residents, the fact that the individuals are discharged from forensic hospitals operated by the Department of Health and Hospitals, and the security issues involved at such facilities.

Senate Bill 234 by Senator Mount (subject to call - House Referral) would have moved the regulation of substitute family care services for developmentally disabled children from the Department of Social Services to the Department of Health and Hospitals. The legislation defines a substitute family as an unrelated person or persons, or a family member except for a parent, spouse, or legal guardian who provides for the needs of an individual with developmental disabilities. The legislation further defines a substitute family agency as an agency, institution, society, corporation, person, or any other group responsible for recruiting, selecting, training, and monitoring a substitute family. The legislation requires that a substitute family agency may not be established, operated, or reimbursed for Medicaid services unless the Department of Health and Hospitals has licensed the agency to perform such services.

House Bill 1361 by Representative Patricia Smith (Act 174) changes the requirement that adult day health care programs render services from five or more hours a day to a portion of the day. Under current law an adult day health care program

is a program which offers services to adults who are physically or mentally impaired. This legislation provides that the program offer services to adults who are functionally impaired and eliminates the five-hour requirement in favor of rendering services for a portion of the day.

House Bill 1098 by Representative Katz (Act 839) provides for a home and community-based service provider license. Current law provides for licensing of community-based services providers, including personal care attendant services agencies, respite care services agencies, supervised independent living programs, adult day care agencies, and family support agencies. This legislation changes current law by consolidating licensing for these community-based services providers and providing for one home and community-based service provider license and uniform fees for personal care attendant services agencies, respite care services agencies, supervised independent living programs, adult day care agencies, and family support agencies. This legislation further changes present law by authorizing the secretary of the Department of Health and Hospitals to set and collect fees for the licensure of home and community-based service providers. Sets fees at \$600 per year for the base license fee for home and community-based services provided in the home and an additional \$200 per year for providers who offer adult day care services and out-of-home respite care.

House Bill 1224 by Representative Nowlin (Act 328) places a moratorium on the licensure of new home- and community-based service providers that provide personal care attendant services, respite care services, and supervised independent living program

services, with certain exceptions, effective July 1, 2008, until July 1, 2010. This legislation provides an exception to the moratorium by allowing the Department of Health and Hospitals to license new or additional home- and community-based service providers that provide personal care attendant services, respite care services, and supervised independent living program services if it determines, in its sole discretion, that there is a need for such providers in a certain geographic location.

House Bill 1062 by Representative Mills (Act 166) extends the moratorium on the licensure of methadone maintenance programs and clinics. Current law authorizes a moratorium upon the certification of additional methadone maintenance programs until July 1, 2008. This legislation extends the moratorium until July 1, 2010. In addition, the legislation allows the Department of Health and Hospitals the discretion to determine if there is a need for new or additional methadone maintenance programs in a certain geographic location and in the event an additional methadone maintenance program is needed the Department of Health and Hospitals can issue a license. The legislation requires the department to promulgate and adopt rules and regulations in accordance with the Administrative Procedure Act to provide criteria and processes for determining whether a need for a new program exists, as well as procedures for selecting a methadone maintenance program to be licensed once a need has been determined.

Senate Bill 540 by Senator Mount (failed House Final Passage) would have made changes to the moratorium placed upon the licensure of hospice facilities. Present law

provides that the Department of Health and Hospitals shall implement a moratorium on the issuance of licenses for hospices until December 31, 2008. This legislation retains the moratorium and provides that the Department of Health and Hospitals shall not process any new applications for hospice or its satellites for licensure unless the department can substantiate that for the preceding year, beginning October 1, 2008 through September 30, 2009, that all of the existing licenses applicable that year along with their satellites or branches have been surveyed.

House Bill 1051 by Representative Katz (Act 165) removes the prohibition against patients who are related from obtaining treatment from the same adult brain injury facility. Present law prohibits related brain injury patients within the same facility. This legislation removes the prohibition in present law against related brain injury patients within the same facility.

House Bill 1341 by Representative Tucker (Act 333) provides for situations in which a parent, stepparent, grandparent, brother, sister, aunt, or uncle of a recipient may serve as a paid direct service worker. Present law requires rules and regulations to be promulgated by Department of Health and Hospitals for the maintenance of the direct service worker registry which must include minimum mandatory criteria regarding any parent, stepparent, grandparent, brother, sister, aunt, or uncle of a recipient serving as a paid direct service worker. This legislation retains present law and further clarifies that in order for a relative to serve as a direct service worker, he must obtain a waiver issued by the secretary of the Department of Health and Hospitals stating that he is the best available

appropriate direct service worker for the recipient. The legislation also contains a grandfathering provision for any relative serving as a direct support worker as of July 1, 2008.

Senate Bill 269 by Senator McPherson (Act 534) moves the Louisiana Health Works Commission from the Louisiana Workforce Commission to the Board of Regents. The legislation further changes the composition of the members of the commission and the composition of the executive committee of the commission.

HUMAN SERVICE DISTRICTS

House Bill 930 by Representative Mills (Act 373) makes changes to the way human service districts are operated. The Department of Health and Hospitals has found it necessary to make these changes in order to ensure the greatest success for future human service districts. The legislation conditions operation and management of existing and newly created districts upon execution of a contract with the department as well as compliance with other applicable criteria. Conditions operation and management of newly created districts on the successful completion of a readiness assessment. This legislation provides uniform standards for the governing boards of districts and requires the board to consist of one resident of each parish in the region appointed by the local governmental body and three residents appointed by the governor. The legislation also requires the adoption of governance bylaws within 90 days of being established, including the following: (1) Procedures for the election of officers including terms of office and methods and grounds for removal; (2) Procedures and grounds for removal of any board member which must include removal

for the conviction of a felony or for failure to meet board attendance requirements.

CLONING & UMBILICAL CORD BLOOD

Senate Bill 738 by Senator Morrish (pending Senate Health & Welfare) would have prohibited human cloning and human-animal hybrid cloning. This legislation mandated criminal penalties of imprisonment at hard labor for not more than 10 years, or a fine of not more than \$100,000.00, or both. The legislation further provides that whoever violates the provisions of the legislation that involves the derivation of a pecuniary gain shall be fined not less than \$1,000,000.00 and not more than an amount equal to the amount of the gross gain multiplied by two, if that amount is greater than \$1,000,000.00. The legislation would not have prohibited areas of scientific research not specifically prohibited by the legislation, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants or animals other than humans or human animal hybrids.

House Bill 370 by Representative Henry (Act 486) prohibits the use of public funds, including tax proceeds, funds received from the federal government, or other revenues of the state or political subdivisions thereof, from being used by any person or entity, including any state-funded institution or facility, for human somatic cell nuclear transfer, commonly known as human cloning. The legislation provides for exceptions from the prohibition for areas of scientific research which are not specifically prohibited by proposed law including research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid,

cells other than human embryos, tissues, organs, plants, or animals other than humans. In addition, the legislation stipulates that the use of federal funds for research using embryonic stem cell lines approved for federal funding prior to August 9, 2001, shall not be prohibited.

House Bill 861 by Representative Hines (Act 163) establishes the Umbilical Cord Blood Banking Program within the Department of Health and Hospitals for the purpose of promoting public awareness of the benefits of cord blood banking, encouraging research into the uses of cord blood, and facilitating pre-delivery arrangements for banking of cord blood donations. This legislation requires the Department of Health and Hospitals to develop a public education and outreach program, coordinate and promote professional education programs, and establish a toll free hotline to receive requests for information and direct potential cord blood donors to available cord blood banks.

SEXUALLY TRANSMITTED DISEASES

Senate Bill 238 by Senator Cassidy (Act 449) provides an innovative tool for treating sexually transmitted diseases. This legislation provides that when any physician, registered advanced practice nurse, or physician assistant diagnoses or does a clinical assessment of a case of chlamydia or gonorrhea in an individual patient the physician or advanced registered practice nurse may prescribe or otherwise provide prescription antibiotic drugs to that patient's sexual partner or partners absent a doctor-patient relationship and without examination of that patient's sexual partner or partners. The legislation requires that the health care provider provide to the patient written documentation to give to their sexual contact

which contains important medical information that the sexual contact should follow.

OPTOMETRY

Senate Bill 112 by Senator Heitmeier (Act 439) expands the definition of "optometry" to include dispensing of frames and lenses, therapeutic purposes for contact lenses and the dispensing of pharmaceutical agents provided that such dispensing activities shall conform to the rules and regulations relative to packaging, labeling, and record keeping.

SENIOR CITIZENS

Many people are aware of the Amber Alert system for missing children. **Senate Bill 423 by Senator Cravins (Act 453)** expands on this concept and creates the Silver Alert system for senior citizens and those citizens suffering from a developmental disability. The Department of Public Safety and Corrections is mandated to provide for a procedure to determine that the senior citizen or person with a developmental disability is truly missing. In addition, the department must provide for a procedure for notifying the general public that a senior citizen or person with a developmental disability is missing and the type of notification to be utilized to inform the general public. The legislation also requires that the department coordinate with and encourage the private sector to participate in secondary distribution, including the creation and distribution of flyers, electronic mail, and text messaging of the missing senior citizen or person with a developmental disability.

NO WRONG DOOR

Senate Bill 701 by Senator Mount (Act 775) expands the "No Wrong Door" initiative in a further effort to make it easier

for the citizens of this state to become aware of the services offered by the state and to make it easier to receive access to these programs and services. The legislation provides for a state leadership composed of various cabinet level positions. In addition, it requires the leadership group to identify opportunities & implement recommendations regarding human service integration. The legislation provides that in cooperation with local government & community organizations, the state leadership group shall establish a Neighborhood Place service integration delivery model initially in one of the nine regional service areas defined. Local governmental and community organizations shall be engaged with the state to expand the Neighborhood Place model to additional sites in multiple regional service areas. The legislation further defines the goals for the human services integration model to be the following: (1) To provide economic self sufficiency among families who receive services; (2) To provide citizens with timely access to an array of health care, education, employment and human services; (3) To improve the level of student participation and achievement in the school among children who receive services; and (4) To prevent fraud and abuse to ensure funds are appropriately utilized.

MEDICAID

Several pieces of legislation this session dealt with Louisiana's Medicaid Program.

The first piece of legislation, **House Bill 366 by Representative Katz (Act 352)**, expands Medicaid eligibility to former foster children who have reached adulthood. Under current law, there is no provision which allows for an election of the Chafee Option

under the state Medicaid program. This legislation law allows the Department of Health and Hospitals to exercise its option under applicable federal statutes to extend an alternative Medicaid benefits package or regular Medicaid to independent foster care adolescents who are not otherwise eligible for Medicaid (the Chafee Option). As defined by federal statute, independent foster care adolescents are persons who: (1) have left the custody of the state, (2) have attained the age of 18 and are under the age of 21, and (3) have assets, resources, and income that do not exceed a level established by the state Medicaid plan. The legislation provides that an alternative benefits package may consist of the following: (1) A high deductible private insurance policy; (2) A health savings account; (3) A program to educate recipients about health insurance.

The second piece of legislation, **House Bill 154 by Representative Mills (Act 139)**, gives the Department of Health and Hospitals the statutory authority to determine if a Medicaid provider is out of business. This is not an ability the department had under current law and was necessary to prevent overpayments to defunct Medicaid providers.

Another change in the Medicaid program requires prostheses, orthoses, and the related services which are purchased by a state agency or reimbursed by Medicaid to be provided by an accredited facility. **House Bill 799 by Representative Baldone (Act 732)** defines an "accredited facility" as any facility that is accredited by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, or by the Board for Orthotist/Prosthetist Certification which provides prostheses, orthoses, prosthetic services, or orthotic services. The legislation

further provides applicable penalties if these types of services and products are not purchased from an accredited facility.

EMERGENCY PREPAREDNESS

House Bill 53 by Representative Mills (Act 480) provides that during a declared state of emergency, the limitation of liability for health care providers who gratuitously render emergency health care to persons injured as a result of the emergency extends to any area in which the emergency health care is rendered. Under current law, a person shall not be held liable for death, injury, or destruction to property if they, in good faith and without charge, render health care services, first aid, or emergency services to a person injured in a disaster area as a result of the emergency. This limitation of liability does not apply if the person rendering the care acts in gross negligence or willful misconduct. This legislation extends the limitation of liability to emergency health care services rendered anywhere in the state, provided that the health care providers render the care without compensation of any kind.

ELECTRONIC CONSENT & TELEMEDICINE

Three pieces of legislation dealt with the practice of telemedicine. As the technology advances and physicians are able to use video and web conferencing effectively to diagnose patients, the need for this type of practice will likely increase. The two pieces of legislation allow telemedicine to be practiced in the state of Louisiana.

House Bill 1384 by Representative Marchand (Act 850) provides for the licensure of physicians practicing telemedicine. This legislation defines telemedicine as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive video communications via video communications only. Telemedicine under this legislation does not include telephone conversations or electronic mail messages. This legislation requires out-of-state physicians to acquire either an unrestricted license to practice medicine in this state or license to practice telemedicine in order to perform medical services deemed the practice of medicine upon persons located in this state. Additionally, the presence of a licensed health care professional in the examination room at the time telemedicine services are being provided is required.

House Bill 653 by Representative LaBruzzo (Act 153) allows for an actual examination of a patient conducted by a psychiatrist to be conducted by telemedicine utilizing video conferencing technology. Under current law, psychiatrists may only conduct an actual examination of a person alleged to be mentally ill or suffering from substance abuse. This legislation allows the examination to be conducted through the use

of telemedicine so long as a health care professional who can adequately and accurately assist with obtaining information is in the room at the time. The legislation requires the licensed health care professional to be responsible for obtaining, recording, and then attaching to the emergency certificate the following information: the date, the starting and ending times, the names of all persons who were in the room, and the type of license issued to the health care professional.

House Bill 193 by Representative Katz (Act 717) provides for medical malpractice coverage for physicians who provide voluntary telemedicine services for the state. Current law provides for medical malpractice liability coverage for a state health care provider who is performing voluntary professional services in a health care facility or institution for or on behalf of the state. This legislation extends this coverage to telemedicine services.

Senate Bill 323 by Senator Thompson (assigned to House Civil Law & Procedure) would have expanded the definition of medical consent to include an electronic signature or affirmative electronic mark. Under present law, only handwritten consent to medical treatment is effective to constitute medical consent. With the emergence of health care technology, such as electronic medical records, and the use of the internet it is becoming increasingly difficult on health care providers to have to obtain a handwritten consent. This legislation expands the definition of medical consent to include the voluntary and continuing permission of a patient, through signature, marking, or other affirmative action including electronically.

Senate Bill 340 by Senator Thompson (assigned to House Civil Law & Procedure) would have provided that electronic signature authentication and identification may be used for an individual who participates in agreements, authorizations, contracts, records, or transactions that involve individually identifiable health information, including medical records and record keeping, transfer of medical records, medical billing, health care mandates or powers of attorney, health care directives, consent to medical or dental treatment, medical research, and organ and tissue donation or procurement. The legislation provides that the electronic authentication and identification may be accomplished by an interactive system of security procedures that include any of the following: (1) A tamper proof electric appliance that receives input of unique identification numbers, unique biometric identifiers, or location devices; (2) A computerized authentication process for biometric identifiers that is linked to the appropriate identification numbers upon receipt of identifiers; (3) Transmission of verification of the identifiers to a securely maintained electronic repository.

AUTISM

Under current law the office of human services of the Department of Health and Hospitals is responsible for providing services to autistic persons and must report to the House and Senate committees on health and welfare at the end of the fiscal year. **House Bill 670 by Representative Williams (Act 154)** retains present law but removes specific reference to the office of human services. In addition, this legislation renames the center of excellence for autistic services to the center of excellence for autism spectrum disorder,

transfers the center from the office of human services to the office of citizens with developmental disabilities (OCDD) and clarifies that the center may partner with the LSU Health Sciences Centers in New Orleans and Shreveport as well as St. Mary's Training School in Alexandria, La. The legislation further empowers the center to receive any gifts, grants, donations, or any sum of money, property, aid, or assistance from any person, firm, or corporation upon the creation of a special fund by the legislature.

WATER FLUORIDATION

Senate Bill 312 by Senator Mount (Act 761) makes changes to the statutes which regulate water fluoridation. Under current law the intent of the water fluoridation program is to encourage each public water system with at least 5,000 service connections to provide fluoridation of its water supply by January 1, 2000. This legislation provides that each public water system that has at least 5,000 service connections and natural levels of fluoride that are less than the minimum established in the rules and regulations adopted pursuant to present law shall acquire, install, operate and maintain appropriate equipment and material in order to maintain the level of fluoride in its water system in the optimum range for the purpose of protecting the dental health of citizens of this state.

The legislation further provides that such public water system shall provide to the Department of Health and Hospitals no later than March 1, 2009, an estimate of the total capital costs to acquire and install fluoridation treatment equipment capable of maintaining fluoride levels within the optimum range for the purpose of protecting the dental health of citizens of this state. The legislation only requires compliance by a public water system

when sufficient funds have been identified by the state, whether by appropriation, capital outlay, grants or similar appropriation, as available to that system for the cost of acquiring and installing fluoridation equipment and the cost of material required to fluoridate the system for at least six months from the date of initial installation.

The legislation further provides that a public water system that has never used fluoridation to adjust fluoride levels in its water and whose water contains fluoride in amounts less than the minimum established in the rules and regulations adopted pursuant to present law as optimal for the purpose of protecting the dental health of the citizenry shall be exempt from compliance with proposed law provided all of the following apply: (1) A petition requesting the exemption has been signed by at least thirty percent of the registered voters in all municipalities served by said water system, as certified by the parish registrar of voters, and has been presented to the governing body of each municipality in whose jurisdiction the system provides service; (2) Each municipal government in whose jurisdiction the water system provides service, after receiving the petition and certification from the parish registrar of voters, has called for a local election on the exemption; (3) Each local election pertaining to the exemption of said water system has been held in accordance with state and local law, and the certified results of each election show that a majority of the registered voters who cast a vote in said election approve the exemption; and (4) No election on the same question in the same municipality took place in the four years immediately prior to the election in which the exemption was approved.



Homeland Security Military Affairs

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HOMELAND SECURITY

Interoperability and Unified Command Group The Statewide Interoperability Communications System Executive Committee (SIEC) was created by executive order in 2006. State and local agencies have met and worked together to create a communication interoperability plan for first responders. **Senate Bill 788 by Senator Walsworth (Act 797)** codifies the executive order and provides for an assistant deputy director of interoperability, as well as provides for additional functions of the Unified Command Group.

Under the director of the governor's office of homeland security and emergency preparedness (GOHSEP), the assistant deputy director of interoperability shall serve as the chairman of the "interoperability subcommittee" and serve as the state liaison for interoperability. Other duties of the assistant deputy are enumerated in the bill. Two additional subcommittees, "first responders subcommittee" and "regional parish OEP parish directors subcommittee" are established under the Governor's Unified Command Group (UCG). The UCG shall hold quarterly meetings, other than during declared state disasters, to discuss common objectives of effectively managing an incident or other items that the group may deem necessary for emergency preparedness.

State Emergency Operations During Hurricanes Katrina and Rita, the legislature had to constantly negotiate for access to information sharing and access into the emergency operations center with the office of homeland security and emergency preparedness. Public information and service to the citizen is a vital component of the legislature, particularly during an emergency. **Senate Bill 488 by Senator Thompson (Act 122)** provides a working space for a liaison from each house of the legislature selected by the chairman of the Senate Committee of Homeland Security and selected by the chairman of the House Committee on Homeland Security, on the floor of the state emergency operations center with same access to areas and briefings given to the unified command group. The director of the office of homeland security and emergency preparedness shall coordinate with the chairman of the Senate Committee on Homeland Security and the chairman of the House Committee on Homeland Security to include a role of support for the legislature within the Emergency Operations Plan (EOP) and to provide for an Emergency Support Function(ESF) for the legislature.

Emergency Preparedness - Evacuations Each parish president may issue an evacuation order, as well as the governor. **House Bill 495 by Lopinto (Act 214)** expands on the definitions and criteria for each type of evacuation and provides for curfews for those who refuse the evacuation order. If one or more parishes, or parts of a

parish, are not forced to evacuate by the parish president, then the governor may order a forced evacuation for the area. The following provides details on these differences on the evacuations:

Voluntary Evacuation Order - threat of lives is not yet imminent but conditions exist or may exist in the near future:

Residents are advised to leave the area and relocate to a safer location and those with special needs are encouraged to leave as soon as possible after the order is issued; Business owners are advised to take whatever precautions necessary for protecting equipment and inventory and are strongly urged to suspend normal business hours and release nonessential employees.

Mandatory Evacuation Order - danger is imminent and conditions exist that seriously imperil or endanger the lives in the evacuation area:

a person who refuses to comply with this evacuation order may remain in his home and not be forcibly removed; however, all public services will be suspended during this order and those remaining to stay may not be rescued or provided other lifesaving assistance. Any nonessential person found traveling through the area will be subject to arrest or escorted out of the area. EXCEPTIONS: essential or critical workforce.

An unauthorized person found on the property of another or on a public street, place, or other public property shall be subject to arrest or forcible removal from the evacuation area. During a declared disaster or emergency, the parish president may establish a curfew prohibiting anyone to be on a public

street or place who is not essential or critical workforce for the entire parish or certain areas of the parish.

REAL ID Act of 2005 House Bill 715 by Representative Geymann (Act 807) directs the Department of Public Safety and Corrections not to implement the provisions of the Federal Real ID Act of 2005 due to use of certain equipment and the sharing of databases which would create a potential for the information to be released about the bearer if the license is stolen, sold or used for purposes that were never intended. Another concern is the cost to the states which is estimated to be over \$11 billion over the next five years.

Under the federal act, states are required to adopt federal standards for driver's licenses and identification cards or the federal government will not accept the licenses or identification cards for federal purposes. The regulations require states to reissue 245 million existing driver's licenses and identification cards by December 1, 2017. "Since 2005, legislators in 42 states have considered legislation that either asserted the state's opposition to REAL ID or urged Congress to amend or repeal the act."

MILITARY AFFAIRS

Senate Bill 722 by Senator Smith (Act 777) amends current law which requires the local governing authority to notify the commander of the installation affected at least thirty days in advance of taking any action on an application for a zoning request affecting property within three thousand feet of the boundary of a military installation to notification within ninety days. The local governing authority shall notify the commander of the installation within thirty

days if they are considering any action to be taken on an application for a variance affecting property within three thousand feet of the boundary of a military installation. A notice of intent shall also be published in the official journal of the local governing authority at least ninety days prior to taking any such actions.

Insurers who offer homeowner's policies, effective August 15, 2008, are authorized to give a 10% discount to military personnel who own real estate property in this state. **House Bill 1375 by Representative Girod (Act 849) Jackson** also requires the commissioner of insurance to adopt rules and regulations to implement this new law.

House Bill 200 by Representative Hazel (Act 142) temporarily excuses a child from school if the parent is a member of the United States Armed Forces or the National Guard of a state and the parent has been called to duty or is on leave from overseas. The granted excused absences are not to exceed five school days per school year.

Human Resources

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INDEPENDENT CONTRACTORS

Senate Bill 466 by Senator Murray (pending Senate Commerce, Consumer Protection & International Affairs) would have penalized employers in the construction industry that misclassify employees as independent contractors. The bill is founded on its proponent's belief that construction industry employers that misclassify workers deprive them of social security, workers' compensation, and other benefits, while reducing their company's state and federal tax withholding and related obligations.

SB 466 would have applied to any partnership, association, joint stock company, trust, corporation, or other legal business entity, in the construction industry. It would have also applied to subcontractors and lower-tier contractors. The law would have prohibited a covered employer from requiring or requesting that any individual enter into an agreement or sign any document that results in his misclassification as an independent contractor or otherwise doesn't accurately reflect his employment relationship with the employer.

Under the new law, any individual employed as a construction worker would have had the right to sue his employer or any other employer that contracts with the employee for damages if the employer knew about the misclassification. The law would have authorized a labor union or other individual representative to file a lawsuit on behalf of an aggrieved employee, and it

allows class actions and awards of attorneys' fees and costs to successful employees.

The legislation also would have imposed criminal penalties on any employer, including any officer, agent, superintendent, foreman, or employee of the company that fails to properly classify someone as an employee for the purpose of Louisiana workers' comp, unemployment, and tax laws and fails to pay wages, benefits, taxes, or other contributions required by those laws. The penalties that could have been imposed would range from imprisonment with hard labor from six months to 10 years and a fine from \$500 to \$10,000, depending on the amount of benefits

claimed or obtained by the aggrieved employee. Those penalties would have been for first offenses only. Subsequent offenses would



have carried an additional potential prison term and fines of up to \$30,000 per offense.

EMPLOYING UNDOCUMENTED IMMIGRANTS

House Bill 1103 by Representative Williams (pending House Labor & Industrial Relations) would have required every employer to verify the employment

eligibility of every employee hired after December 31, 2008, through the basic employment verification pilot program jointly administered by the U.S. Department of Homeland Security and the Social Security Administration. It also would have amended current law that prohibits persons from knowingly or intentionally employing, hiring, recruiting, or referring for state or private employment any alien who isn't entitled to lawfully reside or work in the United States.

The bill would have allowed a new complaint procedure authorizing the attorney general or district attorney to investigate a complaint that an employer is in violation of the law. If it's determined after an investigation that the complaint isn't frivolous, the law would have authorized the attorney general or district attorney to file a legal action against the employer for any violation that occurs after January 1, 2009.

If the employer is found to be in violation of the law, the court would have been required to order the company to discharge the unauthorized alien(s), be subject to a three-year probationary period during which it provides quarterly reports of new hires to the district attorney, and submit an affidavit of compliance or risk loss of certain licenses for not doing so. Subsequent violations would have carried harsher penalties, including the revocation of all licenses necessary to operate the employer's business. An employer that could have established good-faith compliance with federal work eligibility verification law would have had a defense to any claim that it intentionally or knowingly hired an unauthorized alien.

House Bill 1082 by Representative Geyman (pending House Appropriations) would have prohibited state agencies from contracting to acquire goods or services from any person knowingly using the services of illegal immigrants in the performance of the contract. It would have also prohibited persons who knowingly use the services of illegal immigrants from contracting to supply goods or services to state agencies. The law would have imposed a requirement that certain contracts entered into after January 1, 2009, include an attestation that the person supplying the goods or services to the state agency isn't knowingly using the services of illegal immigrants. Any person violating the new law would have been subject to a one-year ban on bidding or contracting with state agencies for such work.

House Bill 1380 by Representative Harrison (pending House Labor & Industrial Relations) would have added an exception to current state law prohibiting the employment of any immigrant not entitled to reside or work in the United State. The exception would have allowed "undocumented immigrants" who obtain a "biometrics card" to work in Louisiana. A biometrics card is defined in the bill as "any technological card that uses a unique physical attribute, including but not limited to a fingerprint of a person as the "password" to gain access to a protected location or device."

FORGIVING UNEMPLOYMENT DEBT

Senate Bill 168 by Senator Murray (Act 510) grants relief to nonprofit organizations, the state and its political subdivision, and Indian tribes or tribal units that are saddled with unemployment compensation debt caused by Hurricanes Katrina and Rita in 2005.

PROTECTED CLASSIFICATIONS FOR STATE EMPLOYERS

House Bill 981 by Representative LaFonta (pending House & Governmental Affairs) would have established a separate law specifically prohibiting the state and its agencies, including "officers", from engaging in discrimination or harassment based on race, color, religion, sex, sexual orientation, national origin, political affiliation, or disability.

HB 981 defines sexual orientation as heterosexuality, homosexuality, or bisexuality. The law also would have expressly recognized covered employers' right to establish appropriate dress and appearance requirements for its employees.

NONCOMPETE LAW

House Bill 346 by Representative Baldone (subject to call, Senate Final Passage) would have expanded the scope of permissible agreements to allow them between corporations and their individual shareholders, partnerships and their individual partners, and limited liability companies and their individual members.

House Bill 968 by Representative Edwards (Act 711) allows a franchise and its employee to agree that during the term of the franchise, the employee will not compete with the employer or its other franchises or engage in any business similar to the employer's. It also allows a franchise and its employee to agree that the employee will refrain from engaging in any business similar to the franchise and from soliciting customers of the employer or its other franchises for two years following the end of the franchise relationship.

Information Technology

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ADMINISTRATION DIVISION

Senate Bill 37 2008 1ES by Senator Chaisson (Act 20) requires the commissioner of administration to establish and maintain a website to post reports of state spending. The Act also requires that the reports include the nature and amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected officials and cabinet-level positions in the executive branch of state government, and the total number in the table of organization for each budget unit. It requires the commissioner to maintain on the website a monthly report of spending by each such budget unit. The commissioner of administration is required to consult with the joint Legislative Committee on the Budget in the development of specifications of the database used for the website.



House Bill 870 by Representative Peterson (pending Appropriations Committee) would have provided additional requirements to the website of reports of state spending required in Act 20 of the 2008 First Extraordinary Session. The bill would have required the website include midyear adjustments, tracking of the impact of proposed legislation on the state general fund

throughout the legislative session; proposed midyear adjustments to be considered by the Joint Legislative Committee in the Budget; the continuation budget; and the official five-year base-line budget projection.

Senate Bill 106 by Senator Morrish (involuntarily deferred House Governmental Affairs Committee) would have required an entity which is neither a budget unit nor political subdivision of the state that receives state funding to submit information, including but not limited to, information concerning the entity, and the goals and objectives anticipated to be achieved through the use of state monies. The bill would have required information to be submitted on a form known as the "General Appropriation Bill Supplemental Information Form." The secretary of the Senate and the clerk of the House of Representatives jointly would have prescribed the form for submitting the information. The information submitted would have been published electronically by the secretary and the clerk and made available to the public via the Internet. The secretary and the clerk would have maintained the information in an on-line, searchable database available to the public via the Internet.

CAMPAIGN FINANCE

House Bill 73 2008 1ES by Representative White (Act 17) requires each person and political committees required to file reports pursuant to Chapter 11 of Title 18 of the Louisiana Revised Statutes that receives contributions or loans in excess of \$50,000 in

a calendar year, other than a candidate or an authorized political committee of a candidate, or a political committee of a recognized political party to file all reports required by this Chapter electronically with the supervisory committee through the Board of Ethics Computerized Data Management System. The Act further provides in addition to any other applicable penalties, the failure of a person or a political committee required to file a report electronically, and subjects such person or political committee to penalties of \$500 per day until the report is filed.

House Bill 78 2008 1ES by Representative Leger (Act 25) requires each candidate for a major or district office and each principal campaign committee of a candidate for a major or district office that receives contributions or loans in excess of \$25,000 in the aggregate during the aggregating period or that makes expenditures in excess of \$25,000 in the aggregate during the aggregating period to file electronically reports of contributions and expenditures with the supervisory committee through the Board of Ethics Computerized Data Management System.

CHILDREN

Senate Bill 472 by Senator Jackson (pending Judiciary A) would have provided for the posting on the Internet of information about services and programs within the children's budget.

CRIME

House Bill 377 by Representative Leger (Act 273) requires the Bureau of Criminal Identification and Information to provide the capability to allow a social networking website to compare its database of

registered users to the State Sex Offender and Child Predator Registry.

House Bill 867 by Representative Baldone (Act 646) amends the elements of the crime of computer-aided solicitation to include a person seventeen or older who communicates through electronic textual communication with a person under the age of seventeen who is at least two years younger, or is reasonably believed to be at least two years younger, and provides that a person convicted of computer-aided solicitation shall not be eligible for "good time."

House Bill 1374 by Representative Norton (Act 660) provides that it shall be unlawful for a person who is either a principal or accessory to a crime to obtain an image of the commission of the crime using any camera, videotape, photo-optical, photo-electric, or any other image recording device and to transfer that image obtained during the commission of the crime by the use of a computer on-line service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or on-line messaging service for the purpose of gaining notoriety, publicity or the attention of the public.

CULTURE/RECREATION/TOURISM

House Bill 1189 by Representative Talbot (pending Municipal & Parochial Affairs) would have provided for free wireless Internet services at welcome centers throughout the state.

ETHICS

House Bill 1 2008 1ES by Representative Tucker (Act 1) requires financial disclosure for candidates, the governor, and certain public servants be filed with the Board of Ethics. The Act further requires the Board of Ethics to post on its website on the Internet a list of all persons who: (1) have failed to file, or failed to file timely, (2) have failed to provide omitted information and (3) failed to provide accurate disclosure information. No person shall be included on the list unless he fails to file, to provide omitted information, or to provide accurate information by the deadline included in a notice of delinquency, nor shall he be included on the list if he has filed an answer contesting the allegations included in the notice of delinquency. A person shall be removed from the list within two business days after filing the statement or accurately disclosing the required information.

House Bill 313 by Representative Tucker (pending House Governmental Affairs Committee) would have required judges and judicial candidates to disclose certain financial information to the Board of Ethics. The bill would have required the Board of Ethics to post on its website on the Internet a list of all persons who: (1) have failed to file, or failed to file timely, (2) have failed to provide omitted information and (3) failed to provide accurate disclosure information. No person would have been included on the list unless he failed to file, to provide omitted information, or to provide accurate information by the deadline included in a notice of delinquency, nor would he have been included on the list if he had filed an answer contesting the allegations included in the notice of delinquency. A person would have been removed from the list within two

business days after filing the statement or accurately disclosing the required information.

FUNDS/FUNDING

Senate Bill 505 by Senator Michot (pending Finance Committee) would have created the Information Technology Fund in the State Treasury and provided that monies in the fund would have been used solely to purchase information technology for state agencies.

House Bill 915 by Representative Fannin (pending Appropriations Committee) would have created the Information Technology Fund in the State Treasury and provided that monies in the fund would have been used solely to purchase information technology for state agencies.

House Bill 1173 by Representative Fannin (pending Appropriations Committee) would have established the Louisiana Trade and Industrial Education Fund and would have required each public school system to prepare and submit annually to the Department of Education for review and approval a proposal for the use of monies allocated to it from the fund. The bill would have also required that the department collect and publish on its website participation data on the activities conducted by the public school systems receiving allocations from the fund.

HEALTH/ACCIDENT/INSURANCE

Senate Bill 154 by Senator Cravins (Act 442) creates the Louisiana Discount Medical Plan Act and requires the medical plan organization to: disclose that the plan is a discount plan and not insurance coverage, the range of discounts will vary, the plan

member must pay for all discounted medical services, the toll-free telephone number and Internet website address for assistance and details of the plan. The bill requires each discount medical plan organization to provide the commissioner of insurance at least thirty days advance notice of any change in its plan or the organization's name, address or Internet website.

HEALTH/CARE

Senate Bill 340 by Senator Thompson (pending Civil Law Committee) would have provided for the use of electronic signature authentication and identification with respect to individually identifiable health information.

House Bill 954 by Representative Ellington (Act 738) provides for the use of electronic signature authentication and identification with respect to individually identifiable health information. The bill defines electronic signature authentication and identification as a tamper-proof electric appliance that receives input of unique identification numbers, unique biometric identifiers, or location devices; a computerized authentication process for biometric identifiers that is linked to the appropriate identification numbers upon receipt of the identifiers; and transmission of verification of the identifiers to a securely maintained electronic repository.

HEALTH/HOSPITALS

Senate Bill 332 by Senator Thompson (Act 763) creates the Health Care Information Technology and Infrastructure Advisory Committee. The bill requires the committee to advise the secretary of the Department of Health and Hospitals on the following matters: assessing the use of health

care information technology by the state; implementing a statewide interoperable health care information infrastructure; and encouraging the use of innovative health care applications using information technology and systems to improve patient care.

House Bill 972 by Representative Ellington (pending House Health & Welfare Committee) would have created the Health Care Information Technology and Infrastructure Advisory Committee. The bill would have required the committee to advise the secretary of the Department of Health and Hospitals on the following matters: assessing the use of health care information technology by the state; implementing a statewide interoperable health care information infrastructure; and encouraging the use of innovative health care applications using information technology and systems to improve patient care.

HEALTH/MENTAL

House Bill 653 by Representative LaBruzzo (Act 153) allows the use of telemedicine to conduct an actual examination to a psychiatrist so long as a licensed health care professional is in the examination room with the patient at the time of the video conference. The bill requires a patient examined by a psychiatrist via telemedicine to be medically cleared prior to admission to a mental health facility.

HEALTH/SERVICES

Senate Bill 337 by Senator Michot (Act 540) requires state and non-state hospitals to submit specific data on the amount and type of uncompensated care provided as a condition of payment of uncompensated care costs. The bill requires the Department of Health and Hospitals to

include data from rural hospitals to be reported to the governor and the legislature and to make such data available on the department's website.

HOUSE RULES

House Resolution 1 2008 1ES by Representative Tucker (enrolled) provides that audio and video of each meeting of a committee or of the House be recorded and maintained for viewing on the Internet. The resolution further provides that audio and video of the entirety of all legislative proceedings occurring in House committee rooms and the House chamber shall be broadcast live via the Internet and maintained for three years. The archived legislative proceedings are to be available to the public for viewing through a link clearly identified on the Internet home page of the House of Representatives. These requirements are only for proceedings that occur in the State Capitol; the recordings shall not be construed as the official record of a legislative proceeding. If the Speaker of the House of Representatives is precluded from fulfilling these requirements due to a technical problem or difficulty beyond his control, the failure to broadcast or record a legislative proceeding shall not be construed in any manner to be a violation of these requirements.

House Resolution 2 2008 1ES by Representative Tucker (enrolled) requires any appropriation bill which upon introduction contains funding for an entity which is neither a budget unit nor a political subdivision of the state to submit information required by House Rule 11.6 on an "Appropriation Bill Supplemental Information Form." The information submitted pursuant to this rule shall be published by the clerk of the House of Representatives and shall be

made available to the public via the Internet. The clerk is required to maintain the information submitted in an on-line, searchable database available to the public via the Internet.

House Resolution 16 2008 1ES by Representative LaBruzzo (enrolled) allows the clerk of the House of Representatives to provide the order of the day electronically to members, and provides no hard copies of the order of the day shall be distributed to a member unless the member specifically requests a hard copy. The resolution further amends House rules to provide the house journal shall only be made available electronically to the members and no hard copies of the house journal shall be distributed to a member unless the member specifically requests a hard copy.

HUMAN DEVELOPMENT

Senate Bill 405 by Senator Broome (Act 766) requires the Louisiana Financial Literacy and Education Commission establish and maintain a website that serves as a clearinghouse concerning financial and educational programs in order to access information about federal, state, nonprofit, and for-profit financial literacy and educational programs.

INTERNET

Senate Bill 500 by Senator Crowe (Act 672) provides for child Internet safety by allowing the court to limit or restrict access to the Internet when the Internet was used in the commission of a crime and requires the Department of Corrections to notify the Internet provider with whom the sex offender has an account. The bill mandates that the state shall make the electronic mail addresses and instant message names or names collected

for the sex offender registry available to any commercial or nonprofit entity who makes a request and which promotes child safety. The bill clarifies liability of an interactive computer service provider for identifying, removing, disabling, blocking or otherwise affecting a user on a good faith belief that such user's electronic mail address or other identifier appeared in the national Sex Offender Registry or any analogous state registry.

Senate Bill 508 by Senator Michot (pending Senate Commerce Committee) would have allowed for the resale or offering for resale via the Internet of an admission ticket to an athletic contest, dance, theater, concert, circus, or other amusement. The bill would have limited the resale amount of the admission ticket to a maximum of two times the face value plus any applicable processing and delivery charges, and any other associated costs.

JOINT RULES

House Concurrent Resolution 6 2008 1ES by Representative Tucker (enrolled) requires no later than the first day of November each year any nongovernmental entity which is neither a budget unit nor a political subdivision of the state that is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill shall complete and transmit on a "Nongovernmental Entity Funding Request Form" certain information relative to such proposed funding to the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs. The Act requires that each completed form be published by the

clerk of the House and secretary of the Senate and shall be made available to the public via the Internet. The clerk and the secretary are required to maintain the information contained in the completed forms in an on-line, searchable database available to the public via the Internet.

LABOR

House Bill 1103 by Representative Williams (ending House Labor & Industrial Relations) would have prohibited an employer from knowingly and intentionally hiring an unauthorized alien and would have established procedures to investigate and sanction an employer who failed to comply with this requirement. The bill would have provided that the Attorney General maintain copies of court orders of employers in violation of this proposed law in a database available of the Attorney General's website.

LOCAL FINANCE

Senate Bill 665 by Senator Cassidy (pending Senate Local & Municipal Affairs Committee) would have required local governmental subdivisions with populations in excess of 100,000 to transmit to the division of administration local governmental expenditures for inclusion on the website of the division of administration.

LOBBYING

Senate Bill 11 2008 1ES by Senator Chaisson (Act 13) requires lobbyists to register electronically with the Board of Ethics and complete forms that provide, but are not limited to, information about the lobbyist, his employers, his clients, and amount paid to the lobbyist. The forms are to be published by the board on the Internet. The act further provides that expenditure reports are filed electronically monthly. The

board is required to establish and maintain a searchable database of the expenditure reports, which is to be available on the Internet.

MEDICAID

House Bill 1264 by Representative Marchand-Stiaes (pending Appropriations Committee) would have required the Department of Health and Hospitals to file a Medicaid state plan amendment to allow for the reimbursement of all telemedicine services to the Centers for Medicare and Medicaid Services (CMS) prior to September 1, 2008. The bill defined telemedicine as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications. The definition specifically excluded telephone conversations and electronic mail.

MOTOR VEHICLES

Senate Bill 159 by Senator Cravins (Act 666) prohibits any person seventeen years old or younger from using any wireless telecommunications device while operating a motor vehicle. The bill provides exceptions for emergencies and excludes vehicles legally parked. The bill further provides for fines, that are doubled if a crash indicates the person was using a wireless device, and requires the Louisiana Highway Safety Commission to collect and compile statistical information on the number of crashes which involve the use of a wireless telecommunications device. The bill also provides that the violation is a non-moving violation.

Senate Bill 137 by Senator Quinn (Act 665) prohibits any person holding a Class E license from operating a motor vehicle while using a wireless

telecommunications device to write, send or read a text message, instant message, or e-mail. The bill allows the use of hands-free wireless telephones. The bill provides exceptions for emergencies and physicians, provides for fines, that are doubled if a crash indicates the person was using a wireless device, and requires the Louisiana Highway Safety Commission to collect and compile statistical information on the number of crashes which involve the use of a wireless telecommunications device. The bill further provides the violation shall constitute a moving violation.

Senate Bill 373 by Senator Duplessis (Act 689) requires the office of Motor Vehicles to provide for electronic lien recordation and title information of motor vehicles. The Department of Public Safety shall develop and implement a computer system that permits electronic recording of information concerning the perfection and release of vehicle security interest without submitting or receiving paper title documents. It shall provide for the submission of vehicle title information for new, transferred, and corrected certificates of title, including the perfection and release of security interest, through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents.

MUNICIPAL HOME RULE

House Bill 80 2008 1ES by Representative Morrell (Act 18) allows a municipality that is authorized by its home rule charter to create local ethics entities with all investigative powers and privileges appurtenant to a law enforcement agency under state law. The Act allows access to computer systems and information maintained for the use of law enforcement personnel, and

any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information. Allows a local ethics entity to examine, review, audit, inspect, and investigate the records, books, reports, documents, papers, correspondence, accounts, audits, inspections, reviews, recommendations, plans, films, tapes, pictures, computer hard drives, software data, hardware data, e-mails, instant messages, text messages, and any other data and material relevant to any matter under audit, investigation, inspection, or performance review of all entities of municipal government or entities receiving funds through or for the benefit of a municipal government.

OFFICIAL JOURNALS

House Bill 971 by Representative Richard (pending Municipal, Parochial, & Cultural Affairs Committee) would have authorized the governing authority of a parish to provide, by ordinance, that its official website would be its official journal.

PROCUREMENT

House Bill 822 by Representative Patricia Smith (pending Appropriations Committee) would have authorized procurement of data processing equipment, computer software and maintenance services for public colleges and universities without prior approval of the division of administration or the office of information technology.

PUBLIC CONTRACTS/BIDS

House Bill 610 by Representative White (Act 590) provides an option for contractors to submit bids electronically for public contracts including purchases of materials and supplies. The bill updates the

wording that would have allowed public entities to accept bids electronically by requiring the subdivisions to develop the necessary provisions for electronic bids with the updated standards promulgated and adopted in LAC 4:XV.701. The bill also provides an exception for public entities that do not have available Internet access, parishes with a police jury form of government and populations less than 50,000, and municipalities with populations less than 25,000.

PUBLIC PRINTING

Senate Bill 204 by Senator Walsworth (pending House Final Passage Subject to Call) would have revised the law regarding public printing by providing that the newspaper selected as the official journal of the state or a political subdivision would also publish documents on the Internet for no extra charge to the state or political subdivision.

SCHOOL BOARDS

House Bill 1256 by Representative Downs (Act 380) provides relative to training and instruction for public school board members and requires the Louisiana School Boards Association to post on its website regularly updated information relative to the number and subject matter of training hours completed by each school board member.

SECRETARY OF STATE

House Bill 446 by Representative Greene (pending Senate & Governmental Affairs) would have removed the requirement that Acts of the legislature be published in the official journal of the state. The bill would have removed the duties of the state printer of the official journal of the state, the secretary of state, and clerks of court regarding publication of Acts of the legislature in the

official journal of the state. The bill would have also provided specific authority to make Acts of the legislature accessible on the website of the legislature.

SEX OFFENSE/REGISTRY

House Bill 1373 by Representative Baldone (Act 816) provides for revisions to the sex offender registration and notification provision that includes registering every e-mail address, on-line screen name or other on-line identity used by the offender to communicate on the Internet.

STATE AGENCIES

House Bill 1036 by Representative Harrison (pending Appropriations Committee) would have required each state department and each agency in the executive branch of state government having independent budget authority to submit to the commissioner of administration an itemized monthly report of spending. The bill would have required the commissioner to maintain such information on a website.

WEAPONS/HANDGUNS

House Bill 75 by Representative Austin Badon (Withdrawn from the files of the House of Representatives) would have provided for ballistic fingerprinting of handguns and establishment of a ballistic fingerprint database and databank administered by state police. The state ballistic fingerprint database would have had the capability of providing the imaging, analysis, and comparison of bullets or projectiles and shell casings and was to store and maintain ballistic fingerprinting records related to the investigation of criminal offenses.

WORKFORCE DEVELOPMENT

Senate Bill 612 by Senator Chaisson (pending House Final Passage - subject to call) would have created and provided for the Louisiana Workforce Commission which would have included an automated job-matching information system that was accessible to employers, job seekers, and other users via the Internet, and that included at a minimum the following: skill match information, including skill gap analysis; résumé creation; job order creation; skill tests; job search by area, employer type, and employer name; and training provider linkage.

House Bill 1104 by Representative Tucker (Act 743) creates and provides for the Louisiana Workforce Commission which includes an automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, and that includes at a minimum the following: skill match information, including skill gap analysis; résumé creation; job order creation; skill tests; job search by area, employer type, and employer name; and training provider linkage.

Insurance

by: Cheryl Horne
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There is a great deal to be said for change of composition with regard to the Louisiana Senate committee on insurance. Even with a majority of new faces, including that of chairman Donald Cravins, Jr., the committee never showed an ounce of amateurish or timid behavior. Rather, the wide array of insurance related issues spurred lively debate and an overall zealous effort to accomplish two goals: protect the interests of the citizens of our state and re-engage a working relationship with the Department of Insurance.

Senate Bill 44 by Senator Cravins (Act 390) Last year, legislation was passed to create the Insure Louisiana Incentive Program. After two invitations for grants under that program that started with a fund balance of \$100 million, a balance remained of approximately \$70 million. Senate Bill 44 requires the commissioner to issue a third invitation for grant applications. Any grant under this third invitation would be between \$2 million and \$10 million for first-time applicants and up to \$10 million for any applicant who was awarded a grant in the first or second invitation. Grants made to insurers are authorized for policies transferred from an existing dwelling to a new dwelling, provided the risk of catastrophe associated with the new dwelling is the same as or is no greater than the level of risk of catastrophe associated with the existing dwelling. Grants are also allowed in the instance where the insurer was forced to reduce coverage or drop coverage entirely, on existing dwellings to maintain its financial stability or solvency, contingent on the insurer

reinstating the former coverage or better coverage on the existing dwellings. Senate Bill 44 includes a provision for the return of grant money to the state for any violation of program requirements from January 1, 2009, through December 31, 2013.

The interesting aspect of Senate Bill 44 is that it provides that any unexpended and unencumbered money from the matching capital grant or other grants under the program be used for a homeowner policy premium assistance program for any individuals who paid a homeowner insurance policy premium during the previous 12 calendar months and exempts such use from review by the Joint Legislative Committee on the Budget. The program, administered through the office of consumer advocacy within the Department of Insurance, would provide assistance toward payment of a homeowner's insurance policy premium as long as funds are available in the Insure Louisiana Incentive Program Fund or otherwise appropriated by the legislature. The amount of this assistance will be equal to the pro rata share of funds available.

Senate Bill 588 by Senator Cravins (Act 469) is a companion piece of legislation that stipulates once the commissioner finalizes all responses from three separate



invitations for grant applications under the Insure Louisiana Incentive Program, any unexpended and unencumbered money from the matching capital grant or other grants under the program be used for a homeowner policy premium assistance program; however, if less than \$35 million remains in the fund after responses have been finalized to the three separate invitations for applications, then the remaining monies in the fund shall instead be used to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems.

Senate Bill 160 by Senator Cravins (Act 854) was probably one of the more controversial pieces of legislation the committee considered. Under this bill, an insurer is permitted to file with the commissioner of insurance a written petition for authorization to increase a policy deductible to not more than 4% of the value of the property being insured for named storms or hurricanes on a homeowner's policy that has been in effect for more than three years. The commissioner is required to promulgate regulations for the particulars of the petition including the necessity for the insurer to itemize to the insured the premium savings based on the increase in the insured's deductible. A homeowner's policy is strictly prohibited from containing any provision that would apply more than one deductible to a loss resulting from any single incident.

House Bill 958 by Representative Foil (Act 648) is a mandate bill that drew votes from legislators that typically vote against such instruments. Currently, a pervasive developmental disorder or autism and Asperger's Disorder is included among certain severe mental illnesses mandated to be covered by health coverage plans. House bill

958 defines autism as a neurological disorder under a single statutory mandate law, which requires that any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2009, provide coverage for the diagnosis and treatment of autism spectrum disorders in individuals less than 17 years of age. All insurers or issuers of a health coverage plan are prohibited from terminating coverage or refusing to deliver, execute, issue, amend, adjust, or renew coverage to an individual solely because the individual is diagnosed with one of the autism spectrum disorders or has received treatment for an autism spectrum disorder. The coverage provided for autism disorders is subject to a maximum benefit of \$36,000 per year and a lifetime maximum benefit of \$144,000. House Bill 958 exempts any health coverage plan issued to an employer with 50 or fewer employees, as well as individually underwritten, guaranteed renewable health insurance policies.

House Bill 1312 by Representative Ponti (Act 921) resurrected a long standing fight to increase the minimum liability limits for motor vehicle insurance policies. Current law provides that the minimum liability bond with respect to each motor vehicle is as follows: (a) not less than \$10,000 for damages to the property of others, (b) not less than \$10,000 on account of injury to or death of any one person, and (c) not less than \$20,000 on account of any accident resulting in injury to or death of more than one person. If House Bill 1312 becomes law, the minimum liability bond with respect to each motor vehicle would be as follows: (a) not less than \$25,000 for damages to the property of others, (b) not less than not less than \$25,000 on account of injury or death of any one person, and (c) not less than \$50,000 on

account of any accident resulting in injury to or death of more than one person.

House Bill 1312 also provides for the following coverage increases:

- (1) the minimum recoverable for bodily injury by an uninsured driver increases from \$10,000 to \$25,000.
- (2) the minimum recoverable for property damage by an uninsured driver increases from \$10,000 to \$25,000.
- (3) the recovery amount by an insurer for subrogation claims increases from \$10,000 to \$25,000 per bodily injury.
- (4) the recovery amount for property damage by an insurer for subrogation claims changes from \$10,000 to \$25,000.
- (5) the amount credited upon a judgment rendered in excess due to bodily injury or death of one person increases from \$10,000 to \$25,000.
- (6) when subject to the limit of proposed law because of bodily injury to or death of one person increases from \$20,000 to \$50,000.
- (7) the amount credited upon a judgment rendered in excess due to property damage changes from \$10,000 to \$25,000.

House bill 1312 also provides that an owner's policy of liability insurance must insure the named insured and any other insured person using the motor vehicle with permission of the named insured against

damages arising from ownership, maintenance, or use of such motor vehicle subject to limits exclusive of interests and costs with respect to each motor vehicle as follows:

- (a) \$25,000 for bodily injury to or death of one person in any one accident,
- (b) subject to said limit of one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and
- (c) \$25,000 because of bodily injury to or destruction of property of others in any one accident.

Judiciary

by: Tom Wade
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There were a number of bills in the extraordinary sessions and the regular session in 2008 that sought to make changes in the organization of the court system in Louisiana, the funding of the system, the jurisdiction of certain courts, and the qualifications of judges, and to require financial disclosure by judges. The key ones are discussed below.

FINANCIAL DISCLOSURE

During the **2008 First Extraordinary Session**, several bills were filed that would



have required financial disclosure by judges and candidates for those offices. **House Bill 3 by Representative Tucker (House final passage)** would have required such disclosure by judges and candidates for judge. Because of concerns related to separation of powers, the author of the bill agreed not to pursue the bill, with assurances from members of the judiciary that the Louisiana Supreme Court would adopt financial disclosure standards for judges. **Senate Resolution 6 by Senator Chaisson (enrolled)** urges the Louisiana Supreme Court to adopt such financial disclosure standards. Those standards were subsequently adopted by the Louisiana Supreme Court.

During the **2008 Regular Session**, a number of bills were filed related to the organization of the judicial system, the funding of the system, jurisdiction, and qualifications of judges.

ORGANIZATION AND REORGANIZATION

Most of the bills filed concerning the organization of the judicial system related to Orleans Parish. **Senate Bill 166 by Senator Murray (Act 873)** requires that judges elected to the 41st Judicial District Court for a six year term commencing January 1, 2009 be assigned to the corresponding section or division in the civil and criminal district courts of Orleans parish in existence prior to the enactment of Act 621 of the 2006 Regular Session for the duration of the judge's six year term, if Act 621 which creates the 41st Judicial District is held unconstitutional. It further requires that a magistrate elected or appointed to the Forty-First Judicial District Court on January 1, 2009, be assigned to the corresponding section or division in the civil and criminal district courts of Orleans parish in existence prior to the enactment of Act 621 for the duration of his six year term or as otherwise provided by law, if Act 621, which creates the 41st Judicial District, is held unconstitutional.

Senate Bill 625 by Senator Murray (Act 675) affects the present law relative to the consolidation of courts in Orleans Parish. The present provisions consolidating the courts impact the clerks of court, district

judges, court reporters, the office of custodian records, the register of conveyance for Orleans Parish, and provide that certain provisions of Act 621 of the 2006 Regular Session (consolidation of courts in Orleans Parish into the 41st Judicial District Court) become effective on January 1, 2009. The present provisions also provide for the repeal of provisions regarding certain court employees and officers on January 1, 2009 due to the court consolidation. The bill changes the repeal date to May 3, 2010. The bill further provides that when the 41st Judicial District Court comes into existence, that the judges elected to the Civil District Court and the Criminal District Court, and the magistrate judge are to finish the term of office as judges of the 41st Judicial District Court. It also provides that the judges elected to take office on January 1, 2009, and presiding over Divisions A through N of the Civil District Court for the parish of Orleans shall continue to preside over those divisions until May 3, 2010, at which time they shall preside over Divisions A through N of the 41st Judicial District Court. They shall continue to serve until December 31 of the year in which their terms expire. It also provides that the judges elected to take office on January 1, 2009, and presiding over Divisions A through L of the Criminal District Court for the parish of Orleans shall continue to preside over those divisions until May 3, 2010, at which time they shall preside over Divisions O through Z of the 41st Judicial District Court. The judges shall continue to serve until December 31 of the year in which their terms expire.

The bill requires the clerk of the 41st Judicial District Court to deposit at least 60% of specified fees into the Clerk's Salary Fund and the remaining fees to be deposited into the

Consolidated Judicial Expense Fund. It provides that until a single clerk for the 41st Judicial District Court is elected, as it relates to the collection of civil filing fees only, the clerk means the clerk of the Civil District Court. Currently, the law authorizes the clerk and chief judge of the 41st Judicial District Court on and after January 1, 2009 to renegotiate the 60% of monies in the Clerk's Salary Fund but that such shall not be reduced below 50% of the civil filing fees collected by the clerk. The bill retains these provisions but moves the January 1, 2009 date to May 3, 2010.

The present law provides that beginning January 1, 2009, the clerk of court for the Civil District Court and the clerk of court for the Criminal District Court serve as clerk for the 41st Judicial District Court, civil section and criminal section, respectively. The bill retains these provisions but changes the January 1, 2009 date to May 3, 2010.

The bill provides that the magistrate judge elected to take office on January 1, 2009, and presiding over the magistrate section of the Criminal District Court continue to preside until May 3, 2010, at which time he shall preside over the magistrate division of the 41st Judicial District Court and that he continue to serve until December 31 of the year in which his term expires. It also provides that the four magistrate commissioners appointed to the Criminal District Court continue to preside in those sections until May 3, 2010, at which time they shall preside in the magistrate divisions of the 41st Judicial District Court and continue to serve until June 30 of the year in which their terms expire.

The bill also authorizes a U.S. district judge in a municipality with a population in excess of 470,000 according to the latest decennial census to perform marriage ceremonies within his official duty station during November 2008.

House Bill 538 by Representative Morrell (Senate final passage, subject to call) would have affected the civil and criminal courts in Orleans Parish. The law currently provides that all judges of the 41st Judicial District shall be elected by the qualified electors of the parish for terms of six years at the congressional election immediately preceding the expiration of their terms and every six years thereafter. It also provides that each judge shall take office on the first day of January of the year following election and shall serve through December 31 of the last year of his term. Any candidate for election to the office of judge of this court must designate the division for which he is a candidate, and, if elected, shall succeed to the office of judge of the division for which he was a candidate. It further provides that the judge oldest in continuous service in each division of the district court shall preside, and in the event two or more judges shall have served the same length of time, the judge oldest in years shall preside.

This bill would have retained present law, but further would have provided that the judges elected to the 41st Judicial District Court for a six-year term commencing January 1, 2009, who were sitting judges of the civil and criminal district courts for the parish of Orleans at the time of the qualifying for the term, would automatically revert back to the section or division which the judges were assigned in the civil and criminal courts of Orleans Parish for the duration of the

judge's six-year term, if Act 621 of the 2006 Regular Session which creates the 41st Judicial District were held unconstitutional. It also would have provided that a magistrate elected or appointed to the 41st Judicial District Court, who was sitting as an elected or appointed magistrate of the civil and criminal district courts for Orleans Parish at the time of qualifying for the new judicial term commencing on January 1, 2009, would automatically revert back to the section or division in which he was assigned in the civil and criminal district courts for the duration of his term if Act 621 were held unconstitutional. It would further have provided that the consolidation of the clerks of the civil and criminal district courts for Orleans Parish and the civil and criminal sheriffs of the parish of Orleans would take effect when the next term of office for the clerks and sheriffs begins after completion of a new district courthouse.

House Bill 854 by Representative Lambert (Act 369) affects the First Circuit Court of Appeal. The current law provides that the Court of Appeal for the First Circuit shall have twelve judges. It also provides that four judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district. The current law further provides that the parishes of Ascension, Assumption, Iberville, Lafourche, Pointe Coupee, St. Mary, Terrebonne, and West Baton Rouge shall compose the first district of the first circuit.

The bill retains present law but additionally provides that the first district shall be divided into two election sections as follows:

- (1) Election Section One: Ascension, Assumption, Iberville, Pointe Coupee, and West Baton Rouge.
- (2) Election Section Two: Lafourche, St. Mary, and Terrebonne.

The bill further provides that one judge, Division C, shall be elected from Election Section One and that one judge, Division A, shall be elected from Election Section Two in the first district. It further provides that the remaining two judges, Divisions B and D, shall be elected by the qualified electors of the entire first district. It also provides that the elections for the judgeships assigned to election sections (Divisions A and C) shall be elected from the assigned election section either at the specified regularly scheduled election or at any specially called election due to the earlier of the death, resignation, retirement, or incapacity of the judge serving.

FUNDING

Senate Bill 101 by Senator Morrish (Act 47) provides for the transfer of the surplus of filing fees and costs that have remained unclaimed for five years, from the City Court of Jennings' civil fee account to the general operational fund of the court.

Senate Bill 579 by Senator Murray (Act 868) provides for the handling of fees collected by the clerk of the 41st Judicial District Court. Under present law the clerk is required to deposit not less than 60% of fees collected into the Clerk's Operational Fund. The remaining funds are required to be deposited in the Consolidated Judicial Expense Fund. The bill changes the name of the fund from the Clerk's Operational Fund to the Clerk's Salary Fund in which the clerk is

to deposit not less than 60% of the collected fees. The bill also provides that until a single clerk of court for the 41st Judicial District Court is elected, as it relates to the collection of civil filing fees only, the clerk shall mean the clerk of the Civil District Court. The bill retains present law provision that all remaining funds shall be deposited into the Consolidated Judicial Expense Fund. The present law provides that the clerk deposit certain fees collected into the Consolidated Judicial Expense Fund. The bill retains this provision and provides the clerk with the option of also depositing such funds into the Clerk's Salary Fund.

The law currently requires that after January 1, 2009 the clerk of the 41st Judicial District Court deposit certain sums collected into the Consolidated Judicial Expense Fund. The bill retains this provision and provides the clerk with the option of also depositing such funds into the Clerk's Salary Fund. The bill also provides that the clerk collect from every person filing any civil suit or proceeding, and who is not otherwise exempted by law from the payment of court costs, a sum to be determined by the judges of the district, sitting en banc. The judges sitting en banc have the power to fix costs and charges to be paid for official services. The bill provides that a separate account shall be used by the clerk of court as the parish recorder for purposes connected with the administration or function of the recordation of documents including salaries, benefits, and pension contributions and with the administration of the civil courts.

House Bill 17 by Representative Ellington (Act 713) affects the 37th Judicial District Court. The law currently provides that in all civil and criminal cases, a fee not to exceed \$1.50 per 31-line page and 25¢ per

copy reported and transcribed shall be charged by and be paid to the court reporter who reported and transcribed the testimony. This bill provides that in the 37th Judicial District Court, the judge shall determine the amount to be paid for each page of all testimony reported and transcribed in all cases, which fee shall not exceed \$2.75 for each 32-line page and a fee not to exceed 25¢ per copy per page of transcribed testimony.

House Bill 298 by Representative Ellington (Act 201) affects the City Court of Winnsboro. This bill provides that the judge of the City Court of Winnsboro may transfer surplus costs and fees and unclaimed fees and costs that have been in the civil fee fund for at least three years to the court's operational fund. It also provides that its provisions shall not affect any claim to funds granted to a claimant pursuant to the Uniform Unclaimed Property Act.

House Bill 1174 by Representative Fannin (Act 59) provides funding for the ordinary expenses of the judicial branch. It appropriates funds to defray the expenses of the Louisiana judiciary, including the supreme court, courts of appeal, district courts, and other courts within the state. The total appropriation is \$146,357,762. Last fiscal year's judicial appropriation bill totaled \$138,681,153. The bill also provides that the appropriations out of the State General Fund (Direct) contained in the bill shall be reduced by a total amount of \$2,438,251 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the supreme court.

JURISDICTION AND POWERS

House Bill 116 by Representative Rosalind Jones (Act 68) affects the 4th

Judicial District Court. The law currently authorizes the judges of the 4th Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, to assign certain divisions of the court to a criminal section and certain divisions to a civil, drug court, juvenile, or other section of the court. This bill retains present law and authorizes the judges of the 4th Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, to assign a division of the court as a DWI court. It also prohibits a rule adopted by the court from assigning any division, without its consent, to any section for a longer period than three years. It further retains present law providing that all divisions of the court shall retain general jurisdiction to hear all matters even if they are assigned as a specialized section subject matter jurisdiction.

House Bill 130 by Representative Rosalind Jones (Act 71) also affects the 4th Judicial District Court. This bill authorizes the judges of the 4th Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, to assign a division of the court as a mental health court. It also retains present law and prohibits a rule adopted by the court from assigning any division, without its consent, to any section for a period longer than three years. In addition, it retains present law providing that all divisions of the court shall retain general jurisdiction to hear all matters even if they are assigned as a specialized section subject matter jurisdiction.

House Bill 138 by Representative Geymann (Act 340) affects constables. The law currently authorizes a constable to issue summons and serve subpoenas for litter violations occurring anywhere in the parish in which his court is situated. It also authorizes a constable to issue summons and serve

subpoenas for such removal, disposition, or abandonment violations occurring anywhere in the parish in which his court is situated. It requires a constable of the justice of the peace court to have authority parishwide to enforce a judgment of the justice of the peace court. The bill authorizes a constable of a justice of the peace court to effectuate service of process within the parish of that court for any case before that court.

House Bill 143 by Representative Cromer (Act 195) affects the Slidell City Court. The law currently provides that each city court is authorized to establish by court rule one or more small claims divisions which shall be a court not of record and shall have civil subject matter jurisdiction in cases where the amount in dispute does not exceed \$3,000, exclusive of interest, court costs, attorney fees, or penalties. The bill retains present law but provides that in the Slidell City Court, small claims division, the civil jurisdictional amount in controversy shall be the same as the amount established for civil jurisdiction in a justice of the peace court.

QUALIFICATIONS

House Bill 144 by Representative Cromer (Act 196) also affects the Slidell City Court. The law currently requires the city judge from the Slidell City Court to have been licensed to practice law in the state of La. for at least five years prior to his election and to be a qualified resident elector of the territorial jurisdiction of the court for at least two years prior to his election. The bill requires the city judge from the Slidell City Court to have been licensed to practice law in the state of La. for at least eight years prior to his election.

Juvenile Justice

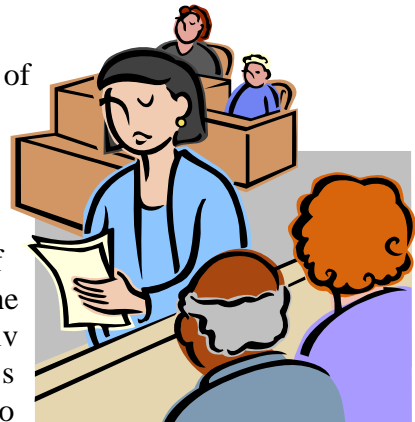
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2008 REGULAR SESSION

Senate Bill 749 by Senator Cravins (Act 565) requires the Juvenile Justice Reform Act Implementation Commission ("commission") to address the closure of Jetson Center for Youth-East Baton Rouge Parish Unit as a facility for juveniles and the development of a comprehensive plan to reduce the over-reliance on secure incarceration, and to provide community-based services including a time schedule for statewide implementation for the plan. The bill additionally provides that by June 30, 2009, the Jetson Center for Youth-East Baton Rouge Parish Unit shall no longer be used as a juvenile facility. The governor by executive order and upon a declaration that there is a public safety emergency which necessitates the use of Jetson Center for Youth-East Baton Rouge Parish Unit as a juvenile facility, is authorized to extend the closure date by a period not to exceed five months from the date of issuance of the declaration of emergency. However, under no circumstances shall the facility be used as a juvenile facility after November 30, 2009. The department is not prohibited from closing Jetson Center for Youth-East Baton Rouge Parish Unit at any time prior to June 30, 2009, should the protection and public safety of society permit.

The office of juvenile justice, within the Department of Public Safety and Corrections, is required to develop a comprehensive plan for the transitioning of these youth based upon the health, safety, and

best interests of each child and the protection and public safety of society. The comprehensive plan is required to include the following:



- (1) A specific plan for provision of aftercare services to meet the needs of juveniles for whom release to the community is recommended and to provide for safety to the community.
- (2) A specific date after which youths adjudicated delinquent and committed to the department shall no longer be assigned or reassigned to Jetson Center for Youth-East Baton Rouge Parish Unit.
- (3) The plan shall permit funds spent at Jetson Center for Youth-East Baton Rouge Parish Unit to be reallocated or transferred to each regional center in proportion to the youth reassigned from Jetson to such regional centers.
- (4) The plan shall include recommendations for an alternative use of the facility and property of the former Jetson Center for Youth-East

Baton Rouge Parish Unit, such as a productive reentry center managed by the Department of Public Safety and Corrections provided that all youth offenders will be treated in a humane manner.

- (5) A recommendation for implementation and funding for three regional youth centers with populations not to exceed 48 youths and housing units not to exceed 12 youths. Each center shall execute effective educational and therapeutic practices.
- (6) The Department of Public Safety and Corrections, office of juvenile justice, in conjunction with the Juvenile Justice Reform Act Implementation Commission shall develop a comprehensive needs assessment plan for determining the quantity and location of additional community-based treatment and supervision programs for youth within the Louisiana juvenile justice system.

The secretary of the department is required to submit the plan on or before September 1, 2008, to the governor, to the Joint Legislative Committee on the Budget, and to the Juvenile Justice Reform Act Implementation Commission. Beginning on January 1, 2009, and every month thereafter until such time as Jetson Center for Youth-East Baton Rouge Parish Unit is discontinued as a juvenile facility, the department shall submit to the Juvenile Justice Reform Act Implementation Commission a status report. The commission is required to make recommendations to the governor and legislature, including the Joint Legislative

Committee on the Budget, prior to the 2009 Regular Session of the Legislature, regarding suggested executive action or required legislation and funding for juvenile justice services, facilities, and personnel. The bill also changes the name of the office of youth development to the office of juvenile justice.

By House Floor Amendments, the bill also requires the comprehensive plan for the transition of the youth to include: recommendations for the development of operating procedures to ensure that the violence and other documented problems that occurred at the facility are not replicated at another facility or other facilities where the youth are transferred, and a study concerning the feasibility of dispersing youth to multiple facilities if they have been adjudicated delinquent for a crime of violence or who have documented histories of violence since being placed at the facility. Another set of House Floor Amendments require the department to give hiring preference to any employee who has been involuntarily dismissed as the result of the closure of the Jetson Center for Youth-East Baton Rouge Parish Unit to fill an opening in the workforce of the office of juvenile justice for which that employee is qualified.

Senate Bill 716 by Senator Martiny (pending House Criminal Justice) would have provided that any records or reports, including arrest reports and adjudication information relating to a child shall be open and available to the public if the child is adjudicated a delinquent of a crime of violence and the child was at least fourteen years of age at the time of the commission of the delinquent act. The bill would also have required that all medical, psychiatric, and psychological evaluations remain confidential

along with any information in the records and reports relating to any other child.

Senate Bill 707 by Senator Erdey (Act 190) provides for immunity from suit and liability for the members and employees of the regional juvenile justice commissions, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of regional juvenile justice commission employment, duties or responsibilities, provided that nothing shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. The immunity provided by this Act is in addition to any other immunity provided by law.

Senate Bill 400 by Senator Gray (subject to call-Senate final passage) would have allowed a juvenile convicted in an adult court to be eligible for parole consideration after completion of a GED and upon reaching his thirty-fifth birthday, if not otherwise eligible at an earlier date.

Senate Bill 786 by Senator Gray (Act 568) authorizes the Louisiana Youth Enhanced Services Consortium to seek, accept, and expend any private or public funds from any source to carry out its activities and provides that the children and youth planning boards include a representative of the Louisiana Youth Enhanced Services Consortium, if established in a judicial district in Orleans, Jefferson, Plaquemines, St. Bernard, and St. Tammany parishes, to provide information, input and assistance

regarding development of a comprehensive "system of care" for children with serious mental health problems and their families, including but not limited to system of care principles and practices, and to coordinate planning and implementation efforts by the children and youth planning boards in such parishes and the consortium. The bill also adds a representative of the Children's Defense Fund to the membership of the consortium.

Senate Bill 77 by Senator Gray (Act 394) adds court-appointed special advocate volunteers to the list of mandatory reporters of child abuse.

Senate Bill 76 by Senator Gray (Act 436) was filed on recommendation of the Louisiana State Law Institute and authorizes counsel appointed for a child who is in foster care and over the age of 15 or the department to file a motion to restore the parental rights or parental contact with a parent whose rights have been terminated. The court is required to sign an order setting the time and place of the hearing on the motion to restore parental rights not less than 45 days nor more than 60 days after the date of the filing of the motion, and the court is authorized to continue the hearing for up to 30 additional days for good cause, including a showing by the department that despite its efforts it has been unable to complete a required confidential report. The court is further authorized to set the hearing within 15 days after filing of the motion upon joint motion of the department and the child. The moving party is required to mail a copy of the motion and order to the child's parents, foster parents, and CASA volunteer, all of whom have a right to be heard at the hearing, but the motion is required to be dismissed if the parent cannot be located. The department

is required to make a diligent effort to locate the parent, notify him of the effects of restoration and financial obligations, and provide the parent with a copy of the motion showing the time and date of the hearing. The bill further requires the department within 45 days after the motion is filed or at an earlier date if ordered by the court to submit a confidential report to the court to include findings on the following:

- (1) The change in circumstances since the certification for adoption.
- (2) A summary of the reasons why parental rights were terminated and the date of the judgment.
- (3) The willingness of the parent to resume contact with the child and to have parental rights restored.
- (4) The willingness of the child to resume contact with the parent and to have parental rights restored.
- (5) The ability and willingness of the parent to be involved in the life of the child and to accept the physical custody of the child.
- (6) Other relevant information which the department desires to bring to the court's attention.

The court may, at the hearing on the motion, allow contact between the parent and child under specified conditions, restore the parental rights of the parent, or place the child in the custody of the parent with or without continuing supervision of the department if it is in the best interest of the child. The court may also enter a judgment without a hearing

if the department, counsel, CASA volunteer, and the parent stipulate that restoration of parental rights is in the best interest of the child. The court's restoration of parental rights and placement of the child in the custody of the parent without supervision by the department is a permanent placement, but any other disposition becomes a part of the case plan. The bill further requires review hearings to be held if no permanent placement has been made by the department within 90 days after a voluntary surrender to a child care agency. Additionally, the bill requires the court at a permanency review hearing to inform the child of the provisions regarding restoration of parental rights.

Senate Bill 73 by Senator Gray (Act 392) was filed on recommendation of the Louisiana State Law Institute and requires the court to advise parents of their obligation to contribute to the cost of care and treatment of their child, and additionally requires a department's case plan to recommend an amount for parents to contribute for the cost of care and treatment of their child while he is in the custody of the department. The bill also requires the court to consider certain factors in determining the amount of the contribution and provides that contributions shall not be ordered if there is an existing child support order, and that contributions terminate when a child support obligation is ordered. The department is required to recommend an amount for the parental contribution commensurate with the ability of the parent to pay and in accordance with a sliding scale established by the department.

Senate Bill 781 by Senator Jackson (Act 567) provides that an attorney representing a child in a child abuse and neglect case, together with other professionals

involved with the child, should participate in multi-disciplinary interaction concerning the child, including but not limited to interdisciplinary communication, investigation, discovery, meetings, conferences, proceedings, and administrative hearings.

Senate Bill 38 by Senator Gray (Act 222) was filed on recommendation of the Louisiana State Law Institute and provides for competency and sanity commissions in juvenile proceedings. The bill provides that if a competency or sanity examination is ordered, no further steps to prosecute a child in a court exercising criminal jurisdiction will occur until counsel is appointed for the child and notified and the court determines mental capacity to proceed. The bill further requires a competency commission to consist of at least one and not more than three persons who are physicians or psychologists, and every person appointed to the commission shall be licensed in his field in Louisiana, have been in the actual practice of medicine or clinical or counseling psychology for not less than three consecutive years immediately preceding the appointment, have expertise in child development specific to severe chronic disability of children attributable to intellectual impairment, and be qualified by training or experience in the forensic evaluation of children. Additionally, the bill requires that the determination of competency be made by a preponderance of the evidence and requires the child to establish by a preponderance of the evidence that he was insane at the time of the offense. If all parties stipulate that the child presently has the mental capacity to proceed, another mental examination by a competency commission is not necessary, but if all parties do not agree that the child has the mental capacity to

proceed, then the court shall order a mental examination by a competency commission to re-evaluate the child. The court may release the child from the custody of the Department of Health and Hospitals to a less restrictive environment during the re-evaluation process.

Under the bill, the court is also required to appoint a sanity commission within seven days after a mental examination is ordered to examine and report upon the mental condition of the child. The sanity commission is required to consist of at least two and not more than three physicians and the court may appoint a psychologist in lieu of one physician. The bill requires the sanity commission to file its report in the court record and mail copies to all counsel of record within forty-five days after the date of the order of appointment. The report is required to include the following:

- (1) The reason for the evaluation, if known.
- (2) The evaluation procedures used, including any psychometric tests administered, records reviewed, and identity of any persons interviewed.
- (3) Pertinent background information, including history of school performance, previous psychiatric history, and family history.
- (4) Results of all previously completed mental examinations.
- (5) A description of any psychiatric symptoms or cognitive deficiencies, including any diagnosis.
- (6) A determination as to whether or not as a result of mental disease or mental defect the child was incapable of distinguishing between right and wrong at the time of the offense.

Senate Bill 615 by Senator Jackson (Act 774) provides that in reviewing the annual children's budget recommendations, the executive departments, agencies, and cabinet shall adhere, to the extent possible and reasonable, to the policy priorities as recommended to the Children's Cabinet by the Children's Cabinet Advisory Board that are considered, amended or adopted by the Cabinet. The bill further requires the division of administration to create and update the Early Childhood System Integration Budget herein referred to as ECSIB. The ECSIB is required to support and inform the work of the BrightStart initiative, Louisiana's commitment to young children ages 0-5 with the goal to develop service systems integration and partnerships to enhance children's ability to enter school healthy and ready to learn. Additionally, the bill provides that the ECSIB will provide information needed to make informed decisions about Louisiana's early childhood systems. The executive director of the Children's Cabinet will present the children's budget to the House Appropriations Committee and the Senate Finance Committee during their review of the General Appropriations Bill.

Senate Bill 812 by Senator Jackson (Act 780) provides that the primary responsibilities of the Children's Cabinet Advisory Board are:

- (1) To ensure information sharing between governmental and non-governmental entities serving Louisiana's children.
- (2) To make recommendations to the Children's Cabinet, through the executive director, as requested by the Cabinet.

- (3) To make recommendations to the Children's Cabinet, through the executive director, as necessary as determined by the Advisory Board.
- (4) To make recommendations to the Children's Cabinet, through the executive director, as to the budget priorities for the coming year by August 31.
- (5) To make recommendations to the Children's Cabinet, through the executive director, as to specific budget items to be supported in the Children's Budget by November 30.
- (6) To make an annual report to the legislature, Senate Committee on Health and Welfare, the House Committee on Health and Welfare, Select Committee on Women and Children and any other legislative committee requesting a copy of the annual report, by January 31 summarizing the well-being of Louisiana's children, the accomplishments of the past year, and specific goals and priorities for the next fiscal year.

The bill additionally requires the advisory board to create its own by-laws that shall define quorum as at least one-third of those who have been appointed to the advisory board, extends the sunset date for the Children's Cabinet to August 15, 2014, and adds the secretary of the Department of Economic Development to the membership of the Children's Cabinet.

Senate Resolution 76 by Senator Cassidy (enrolled) acknowledges the need for reform of the children's mental health system, the crisis level of unmet need for children and adolescents living with mental

illnesses, and the need for leadership at the state and community levels to address the mental health crisis for children and adolescents living with mental illnesses.

Senate Resolution 122 by Senator Jackson (enrolled) requests representatives from the Department of Social Services, Department of Health and Hospitals, and the office of family and youth development, within the Department of Education to jointly conduct a study and develop a comprehensive continuum of support from birth to adulthood for Louisiana's children as modeled by the Harlem Children's Zone. Requires a report to the Senate Select Committee on Women and Children before September 1, 2009, with recommendations for models and quality assurance.

House Bill 29 by Representative Morris (Act 335) provides that a videotaped statement of a "protected person" may be admissible in a juvenile proceeding if either the person conducting or supervising the interview of the "protected person" is present at the proceeding and is available to testify or be cross-examined by either party.

House Bill 460 by Representative Tucker (Act 279) removes the limitation on the number of members of the Juvenile Justice Reform Act Implementation Commission and further includes the membership of the lieutenant governor and removes the original chairman of the commission. The bill also adds as a member of the commission a representative appointed by the speaker of the House of Representatives.

House Bill 1214 by Representative Schroder (Act 752) provides that attorneys and other professionals should participate in

multidisciplinary interaction concerning a child in child abuse and neglect cases.

House Bill 682 by Representative Hutter (Act 641) provides that a child may be photographed or fingerprinted in connection with either a felony-grade delinquent act or a misdemeanor-grade delinquent act and deletes the requirement that it be done upon motion of the district attorney or court order. The bill also provides for the destruction of the fingerprint card if the child does not have a felony conviction in adult court and has not been adjudicated for a felony-grade delinquent act upon reaching the age of 17. By Senate Committee Amendments the bill also requires rather than authorizes the destruction of the fingerprint card if the child does not have a felony conviction in adult court and has not been adjudicated for a felony-grade delinquent act upon reaching the age of 17.

House Bill 513 by Representative Foil (pending Senate Judiciary A) was filed on recommendation of the Louisiana State Law Institute and would have required that the trial court fix a reasonable time, not to exceed 14 days, within which applications for supervisory writs may be filed in juvenile court.

House Bill 498 by Representative Edwards (Act 634) provides that in a judicial district comprised of more than one parish, a continued custody hearing for children in need of services and for children adjudicated delinquent may be conducted in any parish in the judicial district.

House Bill 122 by Representative Morrell (subject to call-House final passage) would have provided that juveniles

who are 15 or 16 years of age who have been tried and convicted as adults would become eligible for parole consideration upon reaching their 31st birthday, if not otherwise eligible at an earlier date.

House Bill 115 by Representative Lambert (Act 715) authorizes law enforcement agencies to release to the public the child's name, age, physical description, and photograph when the child has escaped from a juvenile detention center.

House Bill 84 by Representative Rosalind Jones (Act 336) provides that the penalty for failure to pay a legal child support obligation when the amount of the obligation is more than \$15,000 and the obligation has been outstanding for at least one year shall be a fine of not more than \$2,500, or imprisonment with or without hard labor for not more than two years, or both.

House Bill 374 by Representative Chandler (Act 631) provides for the qualifications of former judges to serve as mediators in child custody matters. The bill retains the 20-hour specialized mediation training requirement in child custody disputes, but additionally provides that to be qualified, a former judge is required to have actually served as a judge in a family court for three years and completed a minimum of 12 hours of general mediation training or completed the 20 hours of training in child custody and visitation disputes. The bill deletes the requirement that mediation training shall include theoretical and clinical training in the development and practice of negotiation and mediation skills and further deletes the requirement that the LSBA, Dispute Resolution Section, shall make available to courts and parties the approved register of

mediators and a summary of their qualifications.

House Bill 283 by Representative Greene (Vetoed) would have provided for petition and discovery procedures for child in need of care proceedings. The bill would have authorized the Department of Social Services, when authorized by the court, to file a petition if there are reasonable grounds to believe that the child is a child in need of care and eliminated the right of any other authorized person to file a child in need of care petition. Additionally, the bill would have provided that at any stage of the proceeding, upon written motion of counsel for the child or his parent, the district attorney, or the department, the court would be required to order the other party to permit counsel to obtain discovery regarding any matter, not privileged, including but not limited to attorney-client privilege or information not otherwise protected, which is relevant to the subject matter involved in the adjudication hearing including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of a person having knowledge of any discoverable matter. It would not have been grounds for objection that the information sought would be inadmissible at the trial if the information sought appeared reasonably calculated to lead to the discovery of admissible evidence. The party requesting discovery would have been responsible for reasonable copy costs associated with such discovery, and such fees for copying would have been charged according to the uniform fee schedule adopted by the division of administration, unless the child or parent is indigent, in which case no charge would have been made for such copies.

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Labor/Employment

by: *Mary O'Brien*
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2008 REGULAR SESSION REDESIGN OF THE DEPARTMENT OF LABOR

According to officials at the Louisiana Department of Labor, Louisiana currently has approximately 100,000 jobs that are unfilled, while nearly 75,000 Louisianians who could, with training, enter the workforce remain chronically unemployed. This disconnect is the focus of the Jindal administration's efforts to redesign the Department of Labor. The Department is to be renamed the Louisiana Workforce Investment Council in an effort to focus the mission of the department on the development and training of a large and well-trained workforce to fill the jobs of today and tomorrow. During the 2008 Regular Session, the legislature passed significant legislation designed to accomplish the goal of a large and well-trained workforce in Louisiana.

House bill 1104 by Representative Tucker (Act 743) - (duplicate of SB 612 by Senator Chaisson) provides for the change of the name of the Department of Labor to the Louisiana Workforce Investment Council, provides that the secretary shall have the title of "executive director", and changes the name of the current workforce commission to the Louisiana Workforce Investment Council. The legislation is a comprehensive redesign of the department and an attempt to re-focus the efforts at the state level on serving the needs of employers, employees, and potential

employees in Louisiana. The goal is to develop integrated programs, including programs in other state departments and federally-funded programs, into a seamless system designed to serve business and industry, as well as employees and those seeking to enter the workforce. The more than eighty page bill has five main areas of focus, as follows:

- (1) To align the Louisiana Community and Technical College System (LCTCS) funding with the priority workforce needs. These needs will be determined by regional and state workforce demands and anticipated economic opportunities.
- (2) To enhance capacity to rapidly address major workforce-related opportunities and challenges. The Workforce Investment Council will establish the "Louisiana Fast-Start Program" which will provide turn-key workforce training solutions designed for an individual business or industry. This effort will be in collaboration with both the Louisiana Department of Economic Development and the LCTCS to provide training solutions for business expansion and recruitment
- 3) To enhance business and industry engagement to establish demand-

driven priorities and measure impact at the regional level. The Workforce Council will work through the regional Workforce Investment Boards (WIB's) to develop a decentralized system which will more efficiently serve the employment needs in each region. The commission will integrate all key workforce development programs and support services from various state and federal agencies into local "One Stop" centers.

- (4) To work toward the realignment of junior high, high school, and post-secondary education systems to address market demands. The council is charged to work with state and local educational institutions to promote dual-enrollment initiatives and other alternatives to address career options that do not require four-year degrees, but do require some post-secondary training.
- (5) To dramatically increase workforce participation. The council will work with the Louisiana Department of Economic Development to recruit job-ready workers in high-demand areas from other states. The commission will also implement an aggressive marketing campaign to recruit targeted populations into "entry level" workforce development programs to increase the general workforce.

UNEMPLOYMENT COMPENSATION

Senate bill 168 by Senator Murray (Act 510) deals with nonprofit and government entities who pay their unemployment compensation benefits on a

reimbursement basis. Employers pay for unemployment benefits owed to employees in two ways: (1) most employers pay a monthly premium, much like an insurance premium and (2) nonprofit organizations and government entities reimburse the state dollar-for-dollar for benefits that have been paid to their employees. After hurricanes Katrina and Rita, several executive orders suspended the criteria required of an employee in order to receive unemployment compensation benefits. After the hurricanes, the federal government gave monies to Louisiana to cover the costs of unemployment benefits paid. In an earlier session, the legislature forgave any premiums owed for benefits paid as a result of these executive orders. At that time, the nonprofits and governments received only a postponement. This bill forgives the payments for those who pay by reimbursement, putting all employers on an even basis. The bill will produce savings for state and local governments, school boards, and many nonprofit organizations.

House bill 1165 by Representative Honey (Act 169) provides for an increase in the maximum unemployment benefit allowed by Louisiana law.

WORKFORCE MATTERS

Drug-testing of the workforce. **House bill 514 by Representative Ponti (Act 150)** provides that those engaged in construction, maintenance, or manufacturing at any refining or chemical manufacturing facility may be subject to a reduced cut-off level of marijuana in one's bloodstream.

Modification of employment for minors. **House bill 738 by Representative Baldone (Act 364)** provides that minors who are 12 or 13 years of age may be employed in

a business in which the minor's parents are owners or partners. The legislation further provides that the minor is to work only under the supervision of the parent and that all protections afforded to minors aged 14 and 15 shall be afforded to those who are employed as a result of this legislation. These minors shall obtain an employment certificate prior to beginning work.

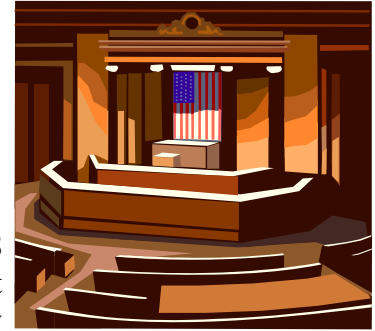
Non-compete agreements between franchisers and the employees of its franchisees. Current law contains no provision allowing non-compete agreements between those who sell franchises and the employees working for the franchises sold. Non-compete agreements are specifically prohibited by Louisiana law, unless specifically provided for. **House bill 968 by Representative Edwards (Act 711)** provides for such non-compete agreements to be entered into by franchisers and the employees of their franchisees.

WORKERS' COMPENSATION

Despite considerable efforts on the part of Senator Cassidy, the Department of Labor, and many others, the disparate parties who have an interest in whether or not preferred provider organization agreements are allowed in the workers' compensation arena were unable to reach a compromise acceptable to most parties. Without reform, the costs at issue in litigation regarding these types of agreements in Louisiana increase by millions of dollars per year. Because of this extraordinary cost, the parties will continue to work toward a compromise bill for introduction in the 2009 Regular Session.

Legislative Affairs

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2008 REGULAR SESSION COMPENSATION FOR LEGISLATORS & EMPLOYEES

Legislators

Senate Bill 672 by Senator Duplessis (Vetoed) would have provided for a pay increase for members of the Louisiana House of Representatives and Senate. Beginning July 1, 2008, the following annual salaries would have been paid to the members of the legislature: (1) president of the Senate and speaker of the House of Representatives, \$71,250; president pro tempore of the Senate and speaker pro tempore of the House of Representatives, \$54,750; chairmen of the Senate Committee on Finance, the Senate Committee on Revenue and Fiscal Affairs, the House Committee on Appropriations, and the House Committee on Ways and Means, \$54,750; all other legislators, \$37,500. On July 1 of each year, beginning with 2009, these salaries would have been adjusted by any increase in the Consumer Price Index for all urban consumers (CPI-U) as prepared by the U. S. Department of Labor, Bureau of Labor Statistics for the preceding calendar year.

Legislative assistants

Senate Bill 653 by Senator Duplessis (pending House Final Passage), Senate Bill 223 by Senator Shepherd (subject to call-Senate Final Passage), and House Bill 1063 by Representative Tucker (Act 838) provides relative to a pay increase for legislative assistants of members of the Louisiana House of Representatives and

Senate. Act 838 deletes the current statutory salary schedule for legislative assistants and instead requires the Legislative Budgetary Control Council to establish and provide for the implementation of a salary schedule for legislative assistants, specifying that the council may make any necessary adjustments to the schedule.

In provisions that are substantially similar to current procedures and limitations, the Act provides relative to multiple legislative assistants. A legislator may employ more than one legislative assistant under the Act. However, the total salary for all legislative assistants employed by the legislator is limited to the base salary established by the council plus either the equivalent of one step for each year of employment as a legislative assistant or, at the option of the employing legislator, the equivalent of one step for each year of the employing legislator's service as a legislator.

In new provisions, the Act additionally requires the council to provide a detailed mechanism for factoring other governmental experience of a legislative assistant into the years of experience used to determine that legislative assistant's salary.

When a legislator has only one legislative assistant, the Act allows the assistant to participate in the state's group life, health, and hospitalization insurance program and in the state employees' retirement system.

"Primary legislative assistant" is defined in the Act as the legislative assistant receiving the highest salary in an amount which is at least sixty percent of the total salary permitted for that legislator's assistants. If a legislator chooses to employ more than one legislative assistant, only the primary legislative assistant is eligible to participate in the state's group insurance programs and retirement system.

LEGISLATIVE AFFAIRS

Restriction on Compelling Legislative Employees

House Bill 1004 by Representative Connick (Act 374) adds the clerk of the House, the secretary of the Senate, and any employee of the House of Representatives, the Senate, or the Legislative Bureau to the persons associated with the legislature to whom certain restrictions on the compelling of testimony apply. The Act applies strict requirements of a motion and hearing when subpoenas or certain motions to compel discovery are issued to legislative support personnel seeking their testimony regarding legislative activities or duties, in both criminal and civil cases.

Temporary Successors for Legislators
House Bills 164 (Act 702) and 183 (Act 931) by Representative Larusso provides for successors for legislators ordered to active duty in the U.S. armed services. Act 702 is a proposed constitutional amendment to be submitted to the voters on November 4, 2008. If approved, the amendment would require the legislature to provide by law for the temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to the incumbent being ordered to active duty in the armed services of the U.S.

Act 931, effective concurrent with the proposed constitutional amendment, provides for a temporary successor to act for a legislator who has been ordered to active duty for a period of 180 days or more in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including reserve components of the armed forces, the Army National Guard, and the Air National Guard. The Act specifies that the successor shall meet the qualifications and eligibility requirements to serve as a member of the legislature from the district of the legislator for whom such person acts; however, the Act prohibits immediate family members from being nominated or selected to serve as the legislator's temporary successor.

The Act requires a legislator who may be ordered to active duty to submit the names of at least three nominees to his presiding officer and for the presiding officer to designate the temporary successor from the nominees. The Act requires a temporary successor to be given the privileges, immunities, and compensation to which a legislator is entitled, including per diem, salary, unvouchered allowance, mileage allowance, and travel reimbursement. Under the provisions of the Act, the legislator who is ordered to active duty shall not be entitled to his compensation during the time period the temporary successor serves.

**2008 1ST EXTRAORDINARY SESSION
NONGOVERNMENTAL
ENTITY APPROPRIATIONS**

HCR 6 by Representative Tucker (enrolled) proposed Joint Rule 17, requiring nongovernmental entities which are requesting state funding to submit certain information by November first of each year to the House and Senate committees which oversee funding. The rule applies to any nongovernmental entity which is neither a budget unit nor a political subdivision of the state that is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill. Each such entity is required to send detailed information relating to the requested funding to the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs on a form prescribed jointly by the committees.

The rule specifies that each completed form shall include information on the entity's name and address, and last four digits of its taxpayer identification number; the names and addresses of officers, board members, and certain key personnel; the amount of funding requested and a comprehensive budget showing the anticipated uses of the funding; the public purpose the entity seeks to achieve through the use of state monies; information regarding contracts, employment, or ownership relationships of the entity with elected or appointed officials or their immediate family members; and certain information showing the entity is in good standing with any regulatory or financial agency or is in the course of gaining such good standing.

The rule requires the Clerk of the House and the Secretary of the Senate to publish each completed form, to make the forms available to the public via the Internet, and to maintain the information contained in the completed forms in an online, searchable database available to the public via the Internet.

Local Government

by: James Benton
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2008 REGULAR SESSION PUBLIC CONTRACTS

Senate Bill 72 by Senator Crowe (Act 391) allows the governing authority for the city of Slidell to utilize the design-build method in the construction or repair of any public building or structure which has been destroyed or damaged by Hurricane Katrina, Hurricane Rita, or both. **Senate Bill 396 by Senator Hebert (pending Senate Final Passage)** would have provided that any contract with a private entity for a photographic monitoring system to assist local law enforcement in identifying traffic violators would be subject to the following restriction: No information regarding the driver's license number, telephone number, or social security number of a violator shall be furnished to any private entity.

HOSPITALS

Senate Bill 88 by Senator Chaisson (pending Senate Local & Municipal Affairs) would have allowed the parish governing authority of any parish with a population of not more than forty-eight thousand five hundred persons and not less than forty-five thousand persons based on the latest federal decennial census may provide per diem to each member of the board of commissioners of any hospital service district in the parish in an amount of not less than forty dollars nor more than sixty dollars for each day of his attendance at meetings of the commission, not to exceed twelve meetings per year payable out of the funds of the hospital service district.

TAX/LOCAL

Senate Bill 319 by Senator Cassidy (Act 319) establishes crime prevention and security districts throughout the state funded by various parcel fees and other revenue. The districts were created, in general by local bills. Establishes a procedure for creating neighborhood crime prevention and security districts.

PLANNING/ZONING

Senate Bill 722 by Senator Smith (Act 777) provides that the local governing authority considering any action to be taken on an application for a zoning request or variance affecting property within 3,000 feet of the boundary of a military installation shall publish an announcement 90 days prior to taking such action.

SPECIAL DISTRICTS

This year there were several bills that were introduced addressing the priorities for special districts in members respective areas. **Senate Bill 811 by Senator Cravins (Act 912)** authorizes the city of Lafayette to formulate a workable program for the community improvement for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed rehabilitation, and to provide for the redevelopment of slum or blighted areas or to undertake other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program.

Senate Bill 681 by Senator Duplessis (pending House Final Passage) would have created the New Orleans East Advisory Commission which primary objective would be to advise the appropriate governmental entities on matters of government policy.

MUNICIPALITIES

Senate Bill 732 by Senator Gray (Act 732) creates the Magnolia Street Residential Neighborhood Enhancement Program within the Department of Culture, Recreation and Tourism. Provides that the purpose of the program is to assist municipalities in preparing and implementing a revitalization strategy for residential neighborhoods that are in close proximity to either a Louisiana Main Street Program project or an existing commercial district. **Senate Bill 782 by Senator Jackson (pending Senate Committee)** would have prohibited any person or entity from establishing or operating a rendering plant or transfer center within the corporate limits of the city of Shreveport.

RECOVERY AUTHORITIES

The hurricane season of 2005 was the costliest hurricane season in the history of the United States. Hurricane Katrina and Hurricane Rita devastated many of the homeowners in Louisiana. Hurricane Katrina's destruction to homes in the Greater New Orleans area is still largely unrepaired. **Senate Bill 740 by Senator Shepherd (pending Senate Final Passage)** would have established the Louisiana Road Home Applicant's Bill of Rights and Principles for the Operation of the Road Home Program under the supervision of the Louisiana Recovery Authority (LRA). It would have provided for penalties for failure to comply with specified rights and principles for

operation. The bill would have directed the LRA board to adopt rules and regulations to carry out the provisions and penalties of the Louisiana Road Home Applicants' Bill of Rights and Principles for the Operation of the Road Home program. It would have provided for the following rights:

- (1) The right of access to the complete and current policies and rules of the program.
- (2) The right to written notification of awards, changes in awards, and dispute resolution decisions.
- (3) The right to information concerning the determination of the grant calculation and review appraisal by a Louisiana certified appraiser if valuation is contested.
- (4) An applicant's right to the complete application file.
- (5) The right to a determination of the grant amount.
- (6) The right to an appeal of an adverse grant determination before an administrative law judge of the right to mediation, at the applicant's option.
- (7) The right of the indigent to legal assistance in the grant application process and on appeal.
- (8) The right to an independent audit of applicant files by the legislative auditor and applicant protection for overpayments not the result of his own fault.

- (9) The right to investigation and oversight of the Road Home Program by the state inspector general.
- (10) The right to the use of unobligated Road Home Program funds for applicants most in need of those funds for repair or rebuilding their homes.
- (11) The right to the use of unobligated Road Home Program funds for an ombudsman who shall confer with community workers who help Road Home applicants.

Natural Resources

by: J.W. Wiley
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2008 REGULAR SESSION

MINING

House Bill 439 by Representative Dove (Act 278) provides relative to abandoned mine reclamation. The Act repeals the Abandoned Mine Reclamation Fund and expands the abandoned mine reclamation program from coal mine operations to solid mineral development operations.



MINERAL LEASES

House Bill 557 by Representative Dove (Act 283) provides relative to mineral lease applications. The Act allows information from the Louisiana secretary of state's website to evidence a company in good standing when the company registers with the State Mineral Board. The board is also required to set seismic, geophysical, or geological surveying permit fees every twelve months.

House Bill 1026 by Representative Dove (Act 93) allows the State Mineral Board to administer mineral leases of any levee district, state university, state college, state penal or charitable institution, or agency, unit, or institution of the state.

UNDERGROUND STORAGE

House Bill 1117 by Representative Morris (Act 315) provides for leasing and permitting of certain underground storage.

House Bill 1220 by Representative H. Burns (Act 610) provides for operating agreements of certain underground storage. The bill allows the State Mineral Board to enter into operating agreements whereby the state shares in the revenue from stored oil, natural gas, liquid or liquified hydrocarbons, or carbon dioxide.

OIL AND GAS

Senate Concurrent Resolution 82 by Senator Hebert (filed with secretary of state) directs the commissioner of conservation to move expeditiously to promulgate additional drilling safety regulations for wells drilled near Louisiana's interstate highways.

House Bill 1128 by Representative H. Burns (Act 115) increases the risk charge for a nonparticipant in a drilling unit from 100% to 200% of the tract's allocated share of the cost of drilling, testing, and completing the unit well.

Property

by: *Danielle Doiron*
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2008 REGULAR SESSION COMMUNITY DEVELOPMENT

Senate Bill 811 by Senator Cravins (Act 912) creates the North Lafayette Redevelopment Authority with its "area of operation" being district 3 and 4 of the Lafayette City Parish Council. Provides for a board of nine commissioner of the authority who serve staggered terms.

Senate Bill 636 by Senator Murray (failed House final passage) would have provided for appeals from decisions of the office of community development on Road Home claims. The bill would have permitted a property owner who has adversely been affected by a decision or rulings of the office of community development in the administration of the Road Home Housing Corporation to appeal that decision or ruling to the district court for a judicial review de novo. It would have provided that the right to seek de novo judicial review be retroactive to the inception of the Road Home Program, both as to the interpretation of the Program and actions and decisions taken under the Program and also for the remedial purpose of addressing any issue, action or decision that has resulted in inconsistent results. Appeals from the decision of the office of community development would have to be lodged within 180 days from the date the decision is postmarked, or 90 days from the effective date of the proposed law.

Senate Bill 740 by Senator Shepherd (subject to call - Senate final passage) would have created the Louisiana Road Home

Applicants' Bill of Rights and Principles for the Operation of the Road Home Program under the supervision of the La. Recovery Authority.

Senate Bill 793 by Senate Shepherd (Act 700) authorizes prestige license plate for New Home Ministries Community Development Corporation and provides for the creation and issuance of the New Home Full Gospel Ministries license plate. Provides for the design of the plate, the required number of applicants for prestige license plates for the Beacon Light Baptist Church and the Greater St. Stephens Ministries. Provides for the distribution of proceeds collected from applicants for the Life Center Full Gospel Baptist Cathedral prestige license plate. Provides for issuance of prestige license plates for retired law enforcement officers to certain vehicles and motorcycles. Provides for issuance of military honor license plates for disabled veterans to motorcycles. Authorizes of rules and regulations and provides for related matters.

Senate Bill 811 by Senate Cravins (Act 912) creates the North Lafayette Redevelopment Authority and provides for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides for the expeditious conversion of blighted or underused property into habitable residential dwellings needed to address the influx of displaced persons due to

the effects of hurricanes Katrina and Rita. Provides for the governing body of the authority, and for the powers, duties, functions, and liabilities. Further provides for the funds, series, facilities, and property in aid of redevelopment projects and authorizes the authority to initiate expedited quiet title and foreclosure actions.

Senate Concurrent Resolution 104 by Senator Shepherd (filed with the Sec of State) directs and authorizes the Louisiana Recovery Authority not to spend certain funds for community recovery projects for New Orleans.

Senate Concurrent Resolution 108 by Senator Gray (filed with the Sec of State) requests the Louisiana Recovery Authority and the office of community development to include minority businesses in its Hazard Mitigation Grant Program.

House Bill 905 by Representative Tucker (Act 888) provides that certain members of community development district boards shall be appointed rather than elected. Provides that the position of each member whose term has expired shall be filled by a qualified elector of the district elected by the qualified electors of the district or if there are none, a qualified elector of the parish or municipality that created the district. In districts with a population of six hundred or less, the governing authority of the parish or municipality that created the district shall appoint the members of the board.

House Bill 910 by Representative Tucker (Act 829) requires ICF Emergency Management Services to disclose all of its subcontractors to the Legislative Audit Advisory Council.

House Bill 934 by Representative Templett (Act 601) provides relative to the removal of dangerous structures by the governing authority of parishes and municipalities.

COMMUNITY PROPERTY

Senate Bill 27 by Senator B. Gautreaux (subject to call - Senate final passage) would have allowed garnishment of Louisiana public retirement or pension system, plan, or fund benefits of an elected official to pay fines or restitution imposed for a felony associated with his office.

Senate Bill 179 by Senator Quinn (Act 855) provides relative to reserving fruits of property as separate property. Authorizes that separate assets, bonuses, delay rentals, royalties, and shut-in payments arising from mineral leases are community property. Authorizes that a spouse may reserve them as separate property. Adds requirement that a copy of the declaration shall be provided to the other spouse prior to filing of the declaration.

Senate Bill 220 by Senator Quinn (Act 408) provides relative to possession and use of family residence or community property in the event of divorce.

EXPROPRIATION

Senate Bill 54 by Senator Murray (subject to call - House final passage) is a constitutional amendment which would have removed certain restrictions on the disposition of blighted property expropriated in the city of New Orleans.

Senate Bill 295 by Senator Murray (Act 936) is a constitutional amendment to remove certain restrictions on the disposition

of blighted property that has been expropriated. Adds requirement that when property is taken for the public purpose of removal of a threat to public health or safety caused by the existing use or disuse of the property. Further provides that the first refusal by the owner prior to sale and procedures for declaration of the property as surplus property, are not applicable in such cases. Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2008.

House Bill 337 by Representative Burrell (Act 819) provides relative to property taxes, tax sales, and adjudicated property. Provides general provisions, definitions, payment and collection. Further provides for tax sales of movable and immovable property, for adjudicated property and provides for redemptions and procedures to quiet tax title and to annul.

House Bill 461 by Representative Ritchie (Act 933) is a constitutional amendment which provides for the transfer of the special assessment level to new property purchased to replace expropriated property.

House Bill 590 by Representative Hutter (Act 284) authorizes the St. Bernard Port, Harbor, and Terminal District to acquire certain property. Removes the exception for acquisition of lands or parcels of land upon which structures, buildings, or improvements are constructed and actually used for industrial purposes and pipelines not in operation on May 1, 2008.

House Bill 791 by Representative Hutter (Act 298) provides with respect to expropriated property of DOTD not used for projects in a certain time period.

House Bill 874 by Representative Tucker (Act 596) provides relative to railroad crossings. Extends the application of existing law relative to the construction, maintenance, and financial responsibility for railroad viaducts and subways to specifically include railroad crossings and extends the authority of municipalities to parishes.

House Bill 1108 by Representative Barrow (Act 891) provides relative to the East Baton Rouge Redevelopment Authority.

HOUSING

Senate Bill 224 by Senator Shepherd (Act 874) requires that the board of each housing authority include at least one tenant and provides for a five member board of commissioners to govern local housing authorities with a certain population. Provides for related matters.

Senate Bill 520 by Senator Morrish (Act 463) prohibits an action to collect a tax applicable to movables on certain purchases of certain manufactured homes between 9/1/05 and 12/31/06 used as residences in certain parishes which were impacted by hurricanes Katrina and Rita, if the basis of such action is the date upon which a declaration of immovability is recorded in the conveyance or mortgage records.

Senate Bill 569 by Senator Morrish (Act 468) creates the Manufactured Home Tax Fairness Fund to be used for refunds of tax, penalty, and interest paid on purchases from September 1, 2005 through December 31, 2006 of manufactured homes used solely as residential housing for which a declaration of immovability is recorded, in certain

parishes severely impacted by hurricanes Katrina and Rita.

Senate Bill 590 by Senator Broome (Act 228) authorizes the Louisiana Housing Finance Agency (LHFA) to establish a program for mortgage foreclosure counseling education. Requires LHFA to submit an annual report to the Senate and House committees on commerce on the operation of the program.

Senate Bill 611 by Senator Murray (Act 791) provides relative to the New Orleans Redevelopment Authority. Authorizes the authority to acquire blighted or abandoned property by a declaration of taking pursuant to delegation of authority by the city of New Orleans.

Senate Bill 811 by Senator Cravins (Act 912) creates the North Lafayette Redevelopment Authority.

Senate Bill 678 by Senator Adley (Act 880) deposits motor vehicle and state sales tax paid by a person on a mobile or manufactured home provided by FEMA or the GSA to Louisiana citizens and used or intended for use solely as residential housing and thereafter returned to such agencies into the FEMA Mobile Home Reimbursement Fund to be used solely for refunds of such amounts to such persons.

Senate Bill 710 by Senator Shepherd (Act 869) authorizes the Jefferson Parish Housing Authority to levy a tax without approval of the parish governing authority. Provides that the authority may only levy an ad valorem tax not to exceed one-half mill rather than being authorized to levy special taxes and fees.

Senate Bill 732 by Senator Gray (Act 431) provides for a neighborhood enhancement program to be administered by the Louisiana Department of Culture, Recreation and Tourism. Creates the Magnolia Street Residential Neighborhood Enhancement Program within the Department of Culture, Recreation and Tourism, to assist municipalities in preparing and implementing a revitalization strategy for residential neighborhoods that are in close proximity to either a Louisiana Main Street Program project or an existing commercial district. Requires the department to create application forms for the grant program and award grants to municipalities and other eligible entities based on specific criteria. The department must require a map be furnished with all applications clearly identifying the residential neighborhood district. Provides additional requirements and eligibility.

Senate Bill 755 by Senator Hebert (Act 872) provides relative to the Louisiana Road Home Housing Corporation Act. Provides certain criteria that housing assistance rendered by the Road Home Corporation or the Louisiana Land Trust or any other housing assistance program shall be subject to. Provides for the powers and responsibilities of the Road Home Corporation and the Louisiana Land Trust.

Senate Concurrent Resolution 104 by Senator Shepherd (filed with the Sec of State) directs and authorizes the Louisiana Recovery Authority not to spend certain funds for community recovery projects for New Orleans.

House Bill 54 by Representative M. Guillory (Act 101) requires a local housing

authority to enter into an employment contract with the executive director of the housing authority.

House Bill 523 by Representative Connick (Act 587) authorizes Jefferson Parish to take certain actions in court relative to certain owners of deleterious premises.

House Bill 545 by Representative Arnold (Act 217) provides changes to the minimum standards for installation of manufactured homes.

House Bill 1297 by Representative Barrow (Act 896) authorizes parish and municipal ordinances to secure or condemn and demolish and remove structures that endanger the public health and welfare, including payment of costs, and provides for national guard assistance

House Concurrent Resolution 190 by Representative Tucker (filed with the Sec of State) approves a proposed amendment, Action Plan Amendment Number 6, to the Action Plan for Fiscal Year 2006 Community Development Block Grant Disaster Recovery Funds for the Long Term Community Recovery Program and for Infrastructure Program Delivery.

House Concurrent Resolution 191 by Representative Tucker (filed with the Sec of State) approves a proposed amendment, Action Plan Amendment Number 19, to the Action Plan for Fiscal Year 2006 Community Development Block Grant Disaster Recovery Funds for the Long Term Community Recovery Program and the Local Government Emergency Infrastructure Program: Primary and Secondary Education Infrastructure.

House Resolution 117 by Representative Baldone (filed with the Sec of State) requests the House Committee on Commerce to study distributing earned interest on real estate broker escrow accounts to various entities

House Resolution 148 by Representative Ellington (filed with the Sec of State) memorializes congress to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans.

IMMOVABLE PROPERTY

Senate Bill 416 by Senator Murray (Act 877) enacts the Louisiana Unincorporated Association Act. Provides that immovable and movable property in this state may be acquired, held, encumbered, and transferred by an unincorporated association. Proposed law provides that an unincorporated association is a legal entity separate from its members for the purposes of acquiring, holding, encumbering, donating and otherwise transferring immovable and movable property. Proposed law provides that an unincorporated association may acquire, hold, mortgage, hypothecate, encumber, donate or otherwise transfer its interest in immovable or movable property.

Senate Bill 709 by Senator Duplessis (Act 677) provides for the duties of notaries and that They register documents involving certain immovable property in Orleans Parish. Provides that the notary cause an act of sale or any other act evidencing a transfer of immovable property situated in Orleans Parish to be registered with the office of the clerk as the recorder for the parish of Orleans within 48 hours after the passage of the act. Provides that the original of every authentic act, except

chattel mortgages and acts related to real property outside of Orleans Parish, passed before a notary in Orleans Parish, and also every act, contract, and instrument, except money judgments and chattel mortgages filed for record in the offices of either the recorder of mortgages or the registrar of conveyances for Orleans Parish, shall first be filed in the notarial archives of Orleans Parish. Deletes the provision that notaries are liable to a penalty of \$500 fine, to be recovered before any court of competent jurisdiction, for the use of the clerk's office, and also under the penalty of being liable for damages which the parties may suffer through the neglect of the notary to register acts. Proposed law deletes this provision.

House Bill 337 by Representative Burrell (Act 819) provides relative to property taxes, tax sales, and adjudicated property. Provides general provisions, definitions, payment and collection. Further provides for tax sales of movable and immovable property, for adjudicated property and provides for redemptions and procedures to quiet tax title and to annul.

House Bill 388 by Representative Greene (Act 632) provides relative component parts to immovable property. Further provides the criteria for things to be considered component parts of immovable property.

House Bill 445 by Representative Greene (Act 721) provides that the listing of property in the name of the tax sale purchaser shall occur in the same manner as the listing of non-tax sale properties. Provides that property sold at tax sale shall be placed on the assessment list in the manner provided for in R.S. 47:1952(A). From the date property is

placed on the assessment list in the name of the tax sale purchaser, all taxes thereon shall after that date be assessed to and paid by the purchaser, until the property, or any part thereof, be redeemed.

House Bill 815 by Representative Abramson (Act 367) provides for prescriptive period for actions involving the sale of certain immovable property. Provides a prescriptive period for setting aside the sale of an immovable by a domestic or foreign corporation or unincorporated association. Changes the prescriptive period from 10 years to five years. Further provides that the prescriptive periods shall be retroactive and shall apply to all documents recorded prior to or after Aug. 15, 2008, but if prescription has not already run and become final, the period in proposed law shall not become final until 10 years from recordation or Aug. 15, 2013, whichever occurs first.

House Bill 920 by Representative Fannin (Act 830) provides for changes to the Louisiana State Uniform Construction Code. Defines accessory structure and prohibits the governing authority of a parish or municipality from enforcing that portion of the state uniform construction code which regulates the construction or improvement of residential accessory structures. Prohibits certain officers and providers from conducting plan review or inspections in certain circumstances. Allows the issuance of a certificate of registration in certain circumstances.

House Bill 1008 by Representative Abramson (Act 924) requires the filing of an act of immobilization of a manufactured home with the secretary of the Department of Public Safety and Corrections and further requires the

department to maintain a public record of each such filing.

MOVEABLE PROPERTY

House Bill 1109 by Representative Fannin (Act 49) ancillary appropriations for operating expenses of the state for Fiscal Year 2008-2009. Establishes and reestablishes agency ancillary funds. Provides for ancillary expenses of state government including internal service funds, auxiliary accounts, and enterprise funds.

PRIVILEGES/LIENS

Senate Bill 93 by Senator Quinn (Act 183) provides for the notice and place of filing of a federal lien on certain. Additionally requires to present law that notices of federal liens upon vessels subject to the Vessel Titling Act not held as inventory for sale or lease be filed in the same manner.

PUBLIC PROPERTY

Senate Bill 47 by Senator McPherson (Act 41) authorizes the transfer of certain state property in Rapides Parish by the Department of Health and Hospitals to the Red River Waterway District.

Senate Bill 270 by Senator McPherson (Act 535) authorizes the transfer of certain state property, located in Rapides Parish from the Department of Health and Hospitals to the Department of Transportation.

Senate Bill 335 by Senator Cravins (Act 415) reorganizes and recodifies the Louisiana Insurance Code. Amends R.S. 22 and directs the Louisiana State Law Institute to redesignate and renumber the current provisions of Title 22 into a new format and

number scheme without changing the substance of the provision, to be comprised of R.S. 22:1 through 2371. Directs the Louisiana State Law Institute to change any reference to citations, chapters, parts, subparts, or other references is contained in the current provisions of Title 22 or in any other title or code of the revised statutes to reflect the new citations, chapters, parts, subparts, and references found in this Act.

Senate Bill 780 by Senator Crowe (Act 699) creates the Louisiana International Deep Water Gulf Transfer Terminal Authority. Requires the authority to enter into cooperative endeavor agreements with the local governing authority, as well as appropriate existing port commission, port, harbor and terminal district, or offshore terminal authority prior to acquiring lands or facilities within such ports, districts, or terminal authority. Adds the chairmen of the House and Senate committees on transportation, highways and public works or their designees as commissioners of the authority.

REAL ESTATE

Senate Bill 811 by Senator Cravins (Act 912) provides relative to local redevelopment. Creates the North Lafayette Redevelopment Authority. Provides for the formation of a program or programs for the use of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas; to allow the rehabilitation, clearance, and redevelopment of slum, blighted, and distressed areas; to provide for the expeditious conversion of blighted or underused property into habitable residential dwellings needed to address the influx of displaced persons due to the effects of

hurricanes Katrina and Rita. Provides for the governing body, powers, duties, functions, and liabilities of redevelopment authorities, and provides for related matters.

House Bill 156 by Representative Arnold (Act 197) creates the Peer Review Committee within the Louisiana Real Estate Appraisers Board.

House Bill 192 by Representative Arnold (Act 254) provides for changes to the requirements for licensure by the Louisiana Real Estate Commission. Changes the requirement for an initial real estate broker applicant to first serve actively as a real estate salesperson from two years to four years prior to receiving initial licensing. Further changes the requirement that each real estate broker or salesperson receiving licensing must complete 45 post-license education hours within 180 days after the initial license date.

House Bill 212 by Representative Arnold (Act 257) Provides relative to the sale of property by parishes and municipalities, including provisions relative to the payment of a fee or commission to a real estate broker. Further provides that the fee or commission shall not exceed 10% of the final sale price and also authorizes a parish or municipality to pay a broker's commission or fee, not to exceed 10% of the sales price, for assistance in the sale of any property.

House Concurrent Resolution 177 by Representative G. Smith (filed with the Sec of State) memorializes congress to extend the GO Zone bonus depreciation benefit to all parishes in Gulf Opportunity Zone.

House Resolution 117 by Representative Baldone (filed with the Sec

of State) requests the House Committee on Commerce to study distributing earned interest on real estate broker escrow accounts to various entities.

SEIZURES /SALES

House Bill 768 by Representative Abramson (Act 828) provides for the prescriptive period and method of cancellation of a notice of seizure. Provides for automatic cancellation of the notice of seizure of affected property and provides for a 10-year prescription period. Further provides that cancellation of a mortgage, whether legal, judicial, or conventional, shall automatically cancel the notice of seizure of property affected by the mortgage. Requires a notice of seizure to prescribe 10 years after the date of recordation unless reinscribed in the same manner as an instrument creating a mortgage. Provides that any interested party may obtain cancellation of the notice of seizure on the basis of prescription of 70 years without submitting evidence that all costs due to the clerk of court and sheriff have been paid in full.

Public Safety

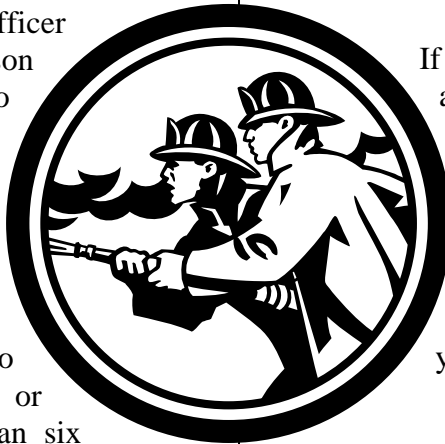
by: *Mark Barnes*
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2008 REGULAR SESSION

The Legislature of Louisiana, in its 2008 Regular Session, has attempted to make the citizens of Louisiana safer by adopting legislation that will provide essential public safety services by promoting effectiveness and accountability within all agencies of public safety services.

DWI

Senate Bill 752 by Senator Walsworth (Act 240) provides for an electronic signature of the officer issuing a report that a person submits or refuses to submit to a chemical test. The bill also provides for certification of the report and penalties for false certification of the report. It requires that any person who violates the provisions of the Section is to be fined not more than \$500 or imprisoned for not more than six months, or both.



LAW ENFORCEMENT

Senate Bill 74 by Senator Shepherd (Act 435) prohibits a judicial office that has obtained a conviction for a traffic offense, based solely on evidence produced by a traffic camera, from forwarding the record of the conviction to the Department of Public Safety and Corrections.

Senate Bill 799 by Senator McPherson (Act 479) prohibits quotas for law enforcement officers. This legislation

prohibits the state, an agency of the state, or political subdivision of the state from establishing or maintaining a plan to evaluate, promote, compensate, or discipline a law enforcement officer for making a predetermined or specified number of any type or combination of types of arrests or traffic citations. The bill also prohibits the requirement of a law enforcement officer from making a predetermined or specified number of any type or combination of arrests or traffic citations.

If enacted, the bill does not prohibit a municipality from obtaining budgetary information from a municipal court or a municipal court of record, including an estimate of the amount of money the court anticipates will be collected in a budget year.

House Bill 1378 by Representative Simon (Act 662) creates a Silver Alert Network for issuing a "Silver Alert" for a missing person with a verified mental impairment who is missing from his residence or from the supervision of his caretaker, whose whereabouts are unknown, and which poses a credible threat to his health and safety.

MOTOR VEHICLES

House Bill 402 by Representative Foil (Act 355) prohibits and provides penalties for persons talking on cellular radio telecommunication devices while driving a

school bus and provides for an exception in the case of emergencies.

Senate Bill 137 by Senator Quinn (Act 665) prohibits any person from operating a motor vehicle while using a wireless telecommunications device to write, send or read a text message, instant message, or e-mail. This does not apply to any law enforcement officer, firefighter, or operator of an authorized emergency vehicle while engaged in the actual performance of his official duties. **SB 137** provides an exclusion for an operator of a moving vehicle using a wireless telecommunications device to report illegal activity, an emergency, or to navigate using a global positioning system.

Senate Bill 159 by Senator Cravins (Act 666) is similar in nature to **SB 137** by Senator Quinn, as it prohibits any person who is 17 years old or younger from operating a motor vehicle while using a wireless telecommunications device, unless such device is hands-free.

House Bill 814 by Representative Templet (Act 300) increases fines for failure to properly restrain a child in a motor vehicle. **Act 300** also provides for the suspension of a person's driver's license under certain circumstances and prohibits a driver whose license is suspended for failure to properly restrain a child from obtaining a hardship license.

CRIME

House Bill 126 by Representative Baldone (Act 70) provides that a registered victim may contact the Crime Victims Services Bureau to request a recent photograph of the inmate within three months of his earliest projected release date from the

Department of Public Safety and Corrections. **Act 70** also requires Department of Public Safety and Corrections to take all reasonable steps to provide a photograph to the registered victim at least 10 days prior to the inmate's actual release.

House Bill 634 by Representative Ponti (Act 291) prohibits a person who has been charged by bill of information or indictment for any crime of violence or any immediate family member of such person from communicating, by electronic communication, in writing, or orally, with a victim of the offense or with any immediate family member of the victim for which the person charged has been convicted or for which disposition of the case is pending. **Act 291** also provides for exceptions, including when the victim consents to the communication.

Retirement

by: Lauren Bailey
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2008 1st Extraordinary Session

The major legislative instruments of the 1st Extraordinary Session in the public retirement arena generally focused on forfeiture of benefits upon conviction of certain felonies and urging the U.S. Congress to reduce or eliminate the

Social Security reductions known as the Windfall Elimination Provision and the Government Pension Offset.



FORFEITURE OF BENEFITS

Several bills were filed seeking to require forfeiture of public retirement or pension benefits upon conviction of certain felonies. These bills include **Senate Bill 15**, **Senate Bill 16**, and **Senate Bill 17** by **Senator Scalise** and **Senate Bill 74** by **Senator Riser** as well as **House Bill 19** by **Representative Champagne** and **House Bill 35** by **Representative Henry**, **House Bill 46** by **Representative Ligi**, and **House Bill 48** by **Representative Greene**. However, none of these bills was able to make it out of its house of origin.

WEP & GPO

Senate Concurrent Resolution 3 by **Senator Alario** (filed with the Sec of State) and **House Concurrent Resolution 7** by **Representative Hoffman** (filed with the Sec of State), both sought to have the Congress of

the United States review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans or funds.

These resolutions were specifically aimed at the two different offsets which can reduce a public employee's Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) which were enacted by the federal government in the late 1970s and early 1980s.

2008 2nd Extraordinary Session

Two bills were filed during the 2nd Extraordinary Session which sought to provide additional funding for the unfunded accrued liability (UAL) of the public retirement systems. **House Bill 46** by **Representative Fannin (Act 7)** provides an additional twenty million dollars to accelerate payoff of the UAL of the LASERS system and an additional forty million dollars to accelerate payoff of the UAL of the Teachers' system. **House Bill 36** by **Representative St. Germain (subject to call - pending House final passage)** also sought to provide supplemental appropriations for payments against the UAL. However, it failed to make it through the entirety of the legislative process.

2008 Regular Session

The major legislative instruments of the 2008 Regular Session in the public retirement arena generally focused on granting of cost-of-living adjustments, forfeiture and/or garnishment of benefits, providing a comprehensive benefit plan for employees whose service involves hazardous duty, creating back-DROP programs for certain systems and establishing options for investment of interest in certain DROP accounts.

COST OF LIVING

ADJUSTMENTS (COLAs)

For the second year in a row, the balance in the experience account of the Teachers' Retirement System of Louisiana (Teachers') was sufficient to fund a COLA for the retired teachers. For the third year in a row, the balance in the Louisiana State Employees' Retirement System (LASERS') employee experience account was sufficient to fund a cost-of-living adjustment (COLA).

The amount of a COLA paid from an experience account is statutorily limited to the lesser of 3% or the consumer price index (CPI). For the 2007 calendar year, the CPI was 4.1%. The experience account laws require legislative approval through concurrent resolution before a COLA can be granted from the funds of the account.

Senate Concurrent Resolution 1 by Senator Butch Gautreaux (filed with the Secretary of State) grants approval to the Teachers' board of trustees to pay the 3% COLA. **House Concurrent Resolution 2 by Representative Robideaux (filed with the Secretary of State)** grants similar approval to the LASERS board. **House Bill 1014 by Representative Morris (Act 113)** allows the

Boards of Trustees of the Assessors' Retirement Fund, Municipal Employees' Retirement System of Louisiana, and Municipal Police Employees' Retirement System to authorize one permanent benefit increase (COLA) of up to 3%.

DIMINISHMENT OF BENEFITS

As in the 1st Extraordinary Session, several bills were filed which sought to provide for forfeiture of public retirement benefits by certain persons upon conviction of felony acts associated with their positions. These bills include **Senate Bills 310 and 639 by Senator Amedee**, and **House Bills 740, 1022 and 1263 by Representative Ligi**, **House Bills 783 and 1013 by Representative Connick**, and House Bill 1237 by Representative Robideaux.

Senate Bill 27 by Senator Butch Gautreaux (pending Senate Final passage) sought to allow garnishment of public retirement benefits of elected officials to pay fines or restitution imposed for a felony associated with his office. All of these bills faced tough opposition from various interest groups as well as the systems, and at the end of the day none of the bills was able to make it out of its house of origin.

HAZARDOUS DUTY PLANS

House Bills 1084 by Representative Robideaux (pending in conference committee) would have established the Hazardous Duty Service Plan which was to be a comprehensive retirement plan for new employees hired on or after January 1, 2009, within LASERS, whose service to the state required them to carry weapons and routinely be put in harm's way. This plan would have provided a single and consistent plan of benefits to recognize the dangerous and

unpredictable nature of their responsibilities, however the conferees were unable to agree on the terms of the bill and in turn the bill died in conference committee. **House Bill 1077 by Representative Robideaux (Vetoed)** would have provided for transfers of service for members of existing hazardous duty plans to the newly established Hazardous Duty Service Plan.

BACK-DROP PROGRAMS

Senate Bill 120 by Senator Butch Gautreaux (Act 398) creates a back-deferred retirement option program (Back-DROP) for members of the Assessors' Retirement Fund. **House Bill 1033 by Representative Geymann (Act 835)** creates a back-deferred retirement option program (Back-DROP) applicable to current and former DROP participants of the District Attorneys' Retirement System.

DROP INTEREST INVESTMENT OPTIONS

House Bill 89 by Representative Doerge (Act 714) allows members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana who are DROP participants and began DROP on or after January 1, 2004, to participate in the Deferred Retirement Option Plan (DROP) and irrevocably waive their constitutional rights protecting accrued benefits as it relates to interest earned by their DROP account, so as to earn the system's investment portfolio return rather than have the money invested in the money market. A similar bill, **House Bill 710 by Representative Green (Act 827)** allows certain members of Municipal Police Employees' Retirement System to participate in the Deferred Retirement Option Plan (DROP) and irrevocably waive their

constitutional rights protecting accrued benefits as it relates to interest earned by their DROP account, so as to earn the system's investment portfolio return.

Revenue & Taxation

by: Riley Boudreaux
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The hurricane-recovery/stratospheric-oil-price driven Louisiana economy was the basis for the enactment of tax reductions and continuing the trend of recent sessions of legislatively granting more exemptions, deductions and credits for individuals and businesses.

Unless otherwise indicated, the bills below are from the 2008 Regular Session.

For Individuals:

The **BIG KAHUNA** of course was **Senate Bill 87 by Senator Shaw (Act 396)**. It restored the pre-Stelly Act income tax rates and brackets. The bill is effective January 1, 2009, but a provision in the bill prohibits the Department of Revenue from changing the withholding tables to reflect the reduction until July 1, 2009 (the beginning of the fiscal year). This, of course, limits the fiscal impact before that time since most taxpayers (or payroll divisions) will not reduce tax withholdings from paychecks until the official tables are published. For the Special Session, a close second in popularity was **Senate Bill 5 of the 2008 2nd Ex. Session by Senator Marionneaux (Act 8)**

which provides for a non-refundable state income tax deduction for 50% of the actual amount of tuition and fees paid for private

elementary and secondary schools and university lab schools per child, or \$5,000 per child, whichever is less. Also includes payments for school uniforms, textbooks, curricula, or other instructional materials, and school supplies required by schools. Public school students also get a similar deduction for these items. Home schooled children get a similar deduction for textbooks and curricula necessary for home-schooling of each child.

The Legislature acted to preempt some possible tax burdens which would have been an unpleasant surprise to most Louisiana taxpayers. **House Bill 18 of the 2008 2nd Ex. Session by Representative Greene (Act 5)** provided that the federal economic stimulus rebate checks would not reduce the federal income tax deduction, and therefore, increase Louisiana income tax. **Senate Bill 520 by Senator Morrish (Act 463)** prohibits an action to collect sales taxes on purchases between 9/1/05 and 12/31/06 of certain manufactured homes used as residences in a list of parishes which the Legislature determined were impacted by Hurricanes Katrina and Rita, if the basis of the collection was an inadvertent failure to immediately file a "declaration of immovability" (which would have made the transaction non-taxable) in the conveyance or mortgage records.

For Business:



The Governor and the Legislature decided to accelerate some of the exemptions that had been originally set for a more lengthy phase-out. **House Bill 1 of the 2008 2nd Ex. Session by Representative Greene (Act 1)** finally restored exemptions against sales tax for business purchases of electricity, natural gas, water, and steam and included an exemption for business purchases of butane and propane as well. **Senate Bill 10 of the 2008 2nd Ex. Session by Senator Marionneaux (Act 10)** accelerated the phase-out of corporate franchise tax on "borrowed capital" by one year, by excluding all "borrowed capital" from "taxable capital" for tax years beginning in 2011 (instead of 2012) and thereafter. **Senate Bill 12 of the 2008 2nd Ex. Session by Senator Marionneaux (Act 12)** accelerated the phase-out of state sales taxes on manufacturing machinery and equipment by one year, making the purchase or lease of such machinery and equipment beginning 7/1/09 and thereafter tax free. Not an acceleration, but lagniappe, **House Bill 9 of the 2008 2nd Ex. Session by Representative Richmond (Act 4)** provided an additional \$50 million of new markets tax credits for businesses and non-profits.

Responding to complaints that the state and local governments have been slow to refund taxes and make rebates under incentive contracts, the Legislature enacted **House Bill 416 by Representative Ellington (Act 720)** which requires the Department of Revenue to make 80% of Enterprise Zone sales tax rebates within 10 business days of a request that contains copies of invoices over \$15,000. Ten days after a 3-month period during which the department may audit, the remainder must be rebated less amounts disallowed. Local Enterprise Zone and Quality Jobs sales tax rebates must be made 90 days after request

with copies of all invoices. **Senate Bill 445 by Senator John Smith (Act 456)** reduces the amount of annual average purchases or leases necessary for certain taxpayers to receive a "Direct Payment Number" and authorizes those receiving certain tax exemption contracts from the Board of Commerce and Industry, upon approval of the governor, to receive a DP Number for exempt contract purchases rather than wait for refunds or rebates. **House Bill 579 by Representative Jane Smith (Act 826)** provides for a 30-day time limit for refunds ordered by a final administrative decision or a judgement.

A question which caused the filing of many bills and lots of discussion was whether it was fair for a taxpayer to bear the cost of audits and litigation by private auditors and private attorneys employed by the state and local tax collectors. Current law authorizes tax collectors to charge taxpayers 10% of amounts found due if a claim is referred to a private attorney for collection. **Senate Bill 290 by Senator Kostelka (pending House Ways & Means)** would have limited the ability to charge the 10% to taxpayers only on amounts of tax not paid under protest. **House Bill 747 by Representative Robideaux (pending Senate Revenue and Fiscal Affairs)** would have prohibited compensation of private auditing firms on a contingency basis or any other basis dependent on the outcome of an examination and would have required an hourly rate agreed to in advance of the audit, placed certain professional requirements on their lead auditors, and prohibited them from performing assessment or collection functions. The bill also would have limited the cost charged to a taxpayer for an audit or examination performed by the tax authority itself to 10% of the amount determined to be due. **Senate Bill 288 by**

Senator Kostelka (Act 857) prohibits the employment of private counsel by the tax commission on a contingency fee basis.

When the Uniform Local Sales Tax Code was enacted, it contained several provisions calling for uniform interpretation of local sales tax ordinances and rules. **Senate Bill 329 by Senator Adley (Act 762)** provides for proceedings, including an arbitration proceedings, to determine whether a taxpayer or a tax collector is asserting an interpretation of a rule, regulation, policy, or interpretation of sales tax law, or ordinance which violates the requirement in the Uniform Local Sales Tax Code.

Capital Outlay Reform:

For some time the press and outside nonpartisan public/business interest groups have been pressing for Capital Outlay Reform. There has also been agreement among legislators that the time for some reform of the process is overdue. As a response, **Senate Bill 808 by Marionneaux (Act 911)** and **House Bill 582 by Representative Tucker (pending Senate Revenue and Fiscal Affairs)** were filed, each proposing a version of such reform. At the end of the process, Act No. 911 was enacted. It greatly enhances the authority of the commissioner of the division of administration [hereafter "DOA"] and the division's office of facility planning and control [hereafter, "the office"] in the capital outlay process and, at the same time, limits the amount of funding which the projects of "non-state entities" (i.e. political subdivisions or NGO's [non-governmental organizations]) might receive, as follows:

1. Authorizes the office to require "the information necessary for" a true "feasibility study" for all projects requested by "non-

state" entities [as originally required by the Louisiana Constitution] - and then authorizes the office to establish: the standards and procedures to determine such "feasibility; a system for comparatively evaluating projects based on the "feasibility" and merits of the projects; a system of "categorization" of projects; and then a priority ranking of projects.

2. Prohibits the legislature from funding any project of a "non-state" entity which has not certified that it does not have a source of funds available to fund the project and deletes the Joint Legislative Committee's authority to allow a project of a non-state entity requesting funding of \$1 million or more and submitted after the November 1st deadline to be included in the capital outlay bill.

3. Authorizes the office of facility planning and control to determine whether a project has complied with the laws concerning feasibility, timeliness, and other requirements and to report those findings to the Joint Legislative Committee on Capital Outlay, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs.

4. Requires a match of not less than 25% of the total requested amount of funding for projects of "non-state entities" except:

(a) A project deemed by the commissioner of administration to be an emergency project.

(b) A project of a non-state entity which has demonstrated its inability to provide a local match according to rules promulgated by the division of administration establishing a needs-

based formula for determining such inability.

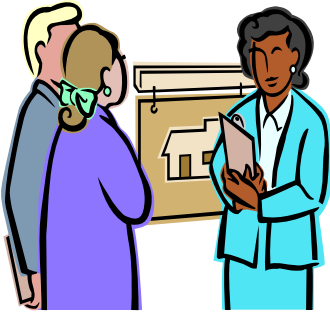
5. Limits general obligation bond funding of "non-state projects" to no more than 25% of the "cash line of credit capacity for projects" in any fiscal year. The "cash line of credit capacity for projects" in a fiscal year is defined in the same manner as it has been informally interpreted in previous years - that is, that is \$200 million annually adjusted for construction inflation from 1994. [A provision in the bill prohibits raising the limit except by a 2/3's vote of the elected members of each house of the legislature.]

6. Defines "non-state projects" as those projects not owned and operated by the state except projects determined by the commissioner of administration to be "regional economic development initiatives" or "regional health care facilities operated in cooperation with the state".

Act 911 has retained a roll for the legislature. The Act authorizes the division of administration to promulgate rules and regulations it deems necessary for the implementation of the above provisions; but requires them to be approved by the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated. In addition, the Joint Legislative Committee on Capital Outlay is specifically authorized to "make recommendations" to the commissioner of administration concerning non-state entity projects to be granted lines of credit. Requires the commissioner to submit to the committee a list of projects that will be submitted to the State Bond Commission for

lines of credit a minimum of five days prior to the submission to the State Bond Commission.

Another important provision of Act 911 requires any project to be funded through the sale of bonds and secured by or payable from a state appropriation to be included in a separate section of the capital outlay act entitled "appropriated debt projects" or, as an alternative, the Act allows such a project to be considered between sessions by authorizing its submission by the division to the Interim Emergency Board, and its approval by a majority vote of the elected members of each house of the legislature by mail ballot. Authorizes requests to sell bonds for such projects to be submitted to the State Bond Commission for review and approval only after such legislative approval is obtained.



Social Services

by: *Ann Brown*
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2008 REGULAR SESSION ADOPTIONS

House Bill 322 by Representative Rosalind Jones (Act 351) requires court authorization in cases where the adoption of an adult is by an adoptive parent who is not the spouse or the surviving spouse of the parent of the person to be adopted.

House Bill 444 by Representative Templet (Act 583) requires additional declarations in the act of surrender relative to the adoption of children. Such information regards:

- (1) Whether the parent wants to be notified of any opposition to the adoption; and
- (2) Whether the parent wants future release of identifying information in the event of a medical necessity to treat the child; and
- (3) The Statement of Family History which will be given to the adoptive parents and may be given to the adopted person.

CHILDREN

Senate Bill 260 by Senator Jackson (Act 533) provides that a judgement establishing paternity may be set aside or vacated by the adjudicated father of a child, the child, the mother of the child, or the legal representative of any of these persons if genetic testing conducted in accordance with

law indicates that the adjudicated father of a child is not the biological father of the child.

Senate Bill 286 by Senator Duplessis (Act 876) provides, subject to the appropriation of funds, for the phased in of the universal access to the LA 4 Early Childhood Program and for participation by non-school system providers of early childhood education.

Senate Bill 660 by Senator Nevers (Act 559) creates the Child Poverty Prevention Council for Louisiana and the Child Poverty Prevention Fund. Their purpose is to pursue programs which will reduce child poverty in the state by fifty percent over the next ten years and work to establish public-private partnerships and seek private sector funding to be used with public funds to support solutions to poverty initiatives with the greatest potential for reducing child poverty.

Senate Bill 749 by Senator Cravins (Act 565) authorizes the Juvenile Justice Reform Act Implementation Commission to make recommendations concerning the closure of the Jetson Center for Youth-East Baton Rouge Parish Unit.

House Bill 447 by Representative St. Germain (Act 584) provides that an agency accepting an act of surrender, regarding the adoption of children, shall be licensed by DSS. Further requires that the act of surrender state that either the surrendering

parent, agency, or adoptive parent is domiciled in this state.

House Bill 759 by Representative Harrison (Act 886) provides for the modification of child support order. Requires DSS or the clerks of court to provide the information, rules, and forms regarding modification of support.

House Bill 1007 by Representative Cromer (Act 649) provides that employers of persons who have authority over children shall request information from the La. Bureau of Criminal Identification and Information to determine whether a person has been arrested for or convicted of, or has pled nolo contendere to, *any* criminal offense.

ELDERLY CARE

The combination of these two bills, **Senate Bill 423 by Senator Cravins (Act 453) and House Bill 1378 by Representative Simon (Act 662)**, creates the "Silver Alert" program and the "Silver Alert Network" which issues alerts to the police, media and the public about missing senior citizens, persons with developmental disabilities or persons with mental impairment. The Silver Alert program is created within the Dept. of Public Safety and Corrections (DPS&C).

Senate Bill 810 by Senator Mount (Act 571) requires employees of an "adult residential care provider", an "adult residential care facility," or a nursing home, which provides care to a resident in an "Alzheimer's special care unit", to receive training in dementia issues and practices.

LOUISIANA WORKFORCE COMMISSION

Senate Bill 612 by Senator Chaisson (House Floor) and House Bill 1104 by Representative Tucker (Act 743) address changes within the Louisiana Dept. of Labor. Act 743 renames the department the La Workforce Commission. Charges the commission with meeting the needs of many, including the employers and workers of the state, by creating a workforce development delivery system. Further provides that the delivery of the workforce development system operates on the state, regional, and local levels.

Senate Resolution 33 by Senator Broome (Enrolled) requests that the governor designate an office in the newly created La Workforce Commission to focus on issues of women in the workforce.

SOCIAL SERVICES

Senate Bill 405 by Senator Broome (Act 766) creates the Louisiana Financial Literacy and Education Commission in the Dept. of Treasury. The commission's purpose is to develop and implement a state strategy to promote financial literacy and improve the financial education of Louisiana's citizens.

House Bill 876 by Representative Richmond (Act 733) creates the Louisiana Council on the Social Status of Black Men and Boys within the office of the lieutenant governor. The council's purpose is to be the leading entity that provides and promotes an environment that is conducive to productivity, success, and excellence for all black men and boys in the state of Louisiana.

House Bill 967 by Representative Simon (Act 308) allows a person with

significant disabilities, who qualified for personal assistance services through the State Personal Assistance Services Program, to choose a qualified provider from anywhere in the state.

State Government

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2008 1ST EXTRAORDINARY SESSION GOVERNMENT ORGANIZATIONS



In an effort further transparency in state government, **House Bill 56 by Representative Tucker (Act 12)**, creates an independent office of the state inspector general within the office of the governor.

The Act provides an independent office of the state inspector general in the office of the governor to examine and investigate the management and affairs of covered agencies as follows:

- (1) The inspector general shall be appointed by the governor with the Senate's consent. No person shall be appointed who holds or is a candidate for any elective office, including elective political party office, holds any other public office, or has held any elective or political party office within two years immediately preceding his appointment. No former inspector general shall be eligible to become a qualified candidate for any elective office, including elective political party office, or shall assume any elective office or political party office, within four years after the termination of his service as inspector general.

- (2) Provides that the inspector general shall serve a six-year term. Provides that if a vacancy exists in the office of the state inspector general for more than six months, then the holder of the next highest level administrative position in the office shall become the inspector general, subject to confirmation by the Senate.
- (3) Provides for the governor to set the compensation of the inspector general, not to exceed the amount approved for the position by the legislature while in session.
- (4) Requires the legislature to make adequate appropriations to the office to enable it to implement the Act.
- (5) Provides that the attorney general or his designee shall be responsible for the legal representation of the office.

The inspector general shall have the following authority, functions, and duties:

- (1) To serve as executive head and chief administrative officer for the office and be responsible for the policies, administration, control, and operation of the office.
- (2) To examine and investigate the management and affairs of covered agencies concerning waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and

corruption, including misuse of state property, patterns of excessive bills on state contracts, unauthorized use of leave, mismanagement of governmental operations, waste or abuse of things of value belonging to or used by covered agencies, and construction, operation, and maintenance of facilities. "Covered agencies" includes all departments, offices, agencies, boards, commissions, task forces, authorities, and divisions of the executive branch.

- (3) To administer oaths and take the testimony of those sworn and compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena; however, such a subpoena (or subpoena duces tecum) shall be issued only upon approval of a judge of the district court of the parish where the inspector general's office is domiciled upon the inspector general's written application; the judge shall issue a written decision within 72 hours after receiving such application; any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes. The Act provides that the subpoena may be served by certified mail, return receipt requested, by representatives appointed by the inspector general, or by the office of the state police. It further provides that if a person refuses to obey a subpoena issued by the inspector general, the court where the inspector general is domiciled, upon application of the inspector general, may issue an order to the

person requiring him to appear before the court to show cause why an order shall not be issued ordering him to obey the subpoena.

- (4) To have access to all of a covered agency's records, information, data, reports, plans, projections, matters, c o n t r a c t s , m e m o r a n d a , correspondence, and other materials and to be deemed to be an authorized representative and agent of each covered agency for: (a) examining and investigating the records of all contractors, subcontractors, grantees, or subgrantees of covered agencies, and (b) obtaining access to any records of a covered agency in the possession of a third party, including bank account records.
- (5) To help prevent waste, inefficiency, mismanagement, misconduct, abuse, fraud, and corruption by reviewing policies and procedures, monitoring operations, and making recommendations.
- (6) To receive complaints of waste, inefficiency, mismanagement, misconduct, abuse, fraud, or corruption in the covered agencies, investigate such complaints which warrant investigation and recommend if disciplinary action or further investigation by his office or other agencies is appropriate and to take other appropriate action; to maintain a toll-free fraud hotline number and web site for anonymous reporting.
- (7) To report complaints to federal, state, or local agencies when there is

evidence of criminal activity and when otherwise appropriate and to cooperate with them.

- (8) To make reports of findings to the governor, which reports are subject to existing law relative to public records.
- (9) To submit an annual report detailing his office's activities to the governor and make such report available online.
- (10) To submit an annual report to the governor and the Joint Legislative Committee on the Budget (and their staffs upon request) at the end of each fiscal year describing the office's accomplishments and contributions toward preventing and detecting waste, fraud, and abuse in government.

The inspector general shall provide for an opportunity for agency response prior to the release of a report concerning the agency except for when the inspector general, in conjunction with a U.S. attorney, the state attorney general, district attorneys, or other prosecutorial agencies, determines that supplying such a report will jeopardize a pending or potential criminal investigation. The inspector general is required to engage in prevention activities, including reviewing legislation, rules, regulations, policies, procedures, and transactions; providing for training and education; and making recommendations to the governor and the legislature to strengthen public integrity laws.

The Act requires the inspector general, upon credible information of corruption or fraud, to notify law enforcement agencies and allows him to assist in conducting the law

enforcement agency's investigation subsequent to notification and authorizes him to file a complaint with the Board of Ethics upon detecting a violation of the ethics code.

The inspector general is authorized to monitor implementation of its recommendations made to covered agencies and to conduct joint investigations and projects with other oversight or law enforcement agencies and requires him to do all things necessary to carry out the functions set forth in the Act.

The Act provides that the records prepared and obtained by the inspector general in connection with his investigations shall be deemed confidential and protected from disclosure. The inspector general shall keep confidential any record or information which is confidential under other provisions of law and any violation of this provision by the inspector general or his employees is a misdemeanor punishable by a fine up to \$2,000 and/or imprisonment for not more than one year.

The Act provides for the placement of the office of state inspector general in the office of the governor under provisions granting it independent status.

LOBBYING

Continuing the transparency theme, **Senate Bill 8 by Senator Chaisson (Act 9)**, amends existing law that prohibited a public servant (which includes a public employee or an elected official) from receiving any thing of economic value, other than compensation and benefits from the governmental entity to which he is entitled, for the performance of his duties. Existing law further prohibited a public servant from soliciting or accepting any

thing of economic value as a gift or gratuity from any person if the public servant knows or should know that such person has or is seeking to obtain a business relationship with the public servant's agency or is seeking to influence the passage or defeat of legislation by the public servant's agency. It also prohibited public employees from accepting any thing of economic value from any person who conducts operations regulated by the public employee's agency or who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

The Act prohibits a person from whom a public servant or a public employee from receiving a thing of economic value from giving to such public servant any food, drink, or refreshment, the total value of which exceeds \$50 for a single event at which food, drink, or refreshment is given and specifies that the total value of the food, drink, or refreshment given to a public servant or public employee at any single event shall not exceed \$50 regardless of the number of persons giving food, drink, or refreshment to the public servant or public employee at the single event.

Requires the Board of Ethics, on July 1, 2009, and annually thereafter, to calculate and adjust the food, drink or refreshment limit of \$50 based upon the increase in the index as measured by the Consumer Price Index (CPI-U). Requires the board to promulgate the limit in accordance with the Administrative Procedure Act.

The Act further requires that at an event to which a group or organization of public servants is invited and at which food,

drink, or refreshment is given, the value of the food, drink, or refreshment provided to a public servant is to be determined by dividing the total cost of the food, drink, and refreshment provided at the event by the total number of persons invited to the event however, the Act does not apply to a gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees.

Continuing the transparency theme, **Senate Bill 11 by Senator Chaisson (Act 13)**, amends existing law which regulates lobbying of the legislature and the executive branch of state government. Existing law defined "expenditure" (relative to legislators/executive branch officials) as a gift or payment of money or any thing of value when the amount of value exceeds \$10 for the purchase of food, drink, or refreshment for a (legislator/executive branch official) and any gift or payment as permitted by R.S. 42:1123(13) and (16) when the value exceeds \$10 for the purpose of lobbying when the lobbyist or principal accounts would be expected to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

The Act deletes the \$10 requirement and adds spouse or minor child of a legislator/executive branch official, a public servant, other than a legislator in the legislative branch of state government to those individuals from whom a lobbyist cannot purchase food, drink, or refreshment.

Lobbyist are now required to register with the board as soon as possible or after the

first action requiring his registration, whichever occurs first, but not later than five days of such employment or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first and requires that such registration be filed electronically with the board.

Existing law required a lobbyist to provide the following information when registering:

- (1) His name and business address.
- (2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.
- (3) The name of each person by whom he is paid or is to be paid for lobbying.
- (4) A copy of a 2" x 2" photo made within the preceding six months of an initial registrant.

The Act further requires that the following information be filed by a lobbyist:

- (1) The amount he is paid or is to be paid for lobbying using category ranges. Category ranges are:
 - Category I, less than \$24,999;
 - Category II, \$25,000 - \$49,999;
 - Category III, \$50,000-\$99,999;
 - Category IV, \$100,000-\$249,000;
- (2) A characterization of such payment as paid, earned but not received, or prospective.

- (3) An indication of potential subject matter about which he anticipates lobbying. Provides that such indication is to be made by choosing from one or more items on a list of potential subject matter categories. The Act lists 32 such categories. Provides that the unintentional omission of a potential subject matter shall not be a violation.

- (4) The identity of each legislator or spouse of a legislator, or each statewide elected official or spouse, or each executive branch department head or spouse, with whom he or his employer or principal has, or has had in the preceding 12 months a business relationship.

The term "business relationship" (relative to a legislator, his spouse, an executive branch department head, his spouse and a statewide elected official and his spouse) is defined as any transaction, contract, or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist, his employer, or principal and a legislator or his spouse when the legislator or his spouse owns 10% or more of such interest or entity.

The term "executive branch department head" is defined as the following individuals:

The secretaries of each of the following departments of state government: Department of Economic Development, Department of Culture, Recreation and Tourism, Department of Environmental Quality, Department of Health and Hospitals, Department of Labor, Department of Natural

Resources, Department of Public Safety and Corrections, Department of Revenue, Department of Social Services, Department of Transportation and Development, Department of Wildlife and Fisheries, and Department of Veterans Affairs.

The executive secretary of the Public Service Commission.

The director of state civil service.

Each member of the State Board of Elementary and Secondary Education.

The state superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.

The commissioner of the division of administration.

Each member of the Board of Ethics and the ethics administrator.

The chief of staff of the office of the governor.

The executive counsel to the governor

The legislative director for the governor.

The policy director for the governor.

The deputy chief of the office of the governor.

With respect to legislative lobbying, the Act allows a lobbyist who is compensated for both lobbying and non-lobbying services to reasonably allocate compensation received and report only the amount received for lobbying and requires that the board publish

such forms electronically and make such filings available to the public via the Internet.

A lobbyist who has a change in information provided to the board shall file a supplemental electronic registration as soon as possible and in no event not later than five days of such change using forms provided by the board.

The Act provides for monthly filing of expenditure reports, by the 25th of the month for the previous month and requires a lobbyist to list each subject matter lobbied during each reporting period and provides that the expenditure report shall be filed electronically with the board and retained by the lobbyist for no less than three years.

Existing law (with respect to legislative/executive branch lobbying) provided that the expenditure report contain the following information:

- (1) Total expenditures made during each reporting period.
- (2) Aggregate total of expenditures attributable to an individual during the reporting period, including the individual's name.
- (3) Aggregate total of expenditures for all reporting periods during the same calendar year.

- (4) Aggregate total of expenditures attributable to an individual for all reporting periods during the same calendar year, including the individual's name.

The existing law provided that the aggregate amount or any per occasion amount attributable to an individual shall not include any expenditure which is already required to be reported or which is exempted from reporting. The Act adds public servants, and spouses or minor children of a legislator/executive branch official to those individuals to which a lobbyist has to report and attribute any expenditures, however the name of the spouse or child must not be included on the report.

The board shall establish and maintain access to a searchable electronic database available to the public via the Internet and requires lobbyist filings to be filed in an electronic format for use with such electronic database.

Under the Act, the board is required, if it determines that a person has filed a registration or report that is inaccurate or incomplete, to mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information provided no later than 14 business days after receipt of the notice of delinquency. If the person corrects the inaccuracy or provides the missing information prior to the deadline, no penalties shall be assessed against the person but if such person should fail to correct the inaccuracy or provide the missing information by the deadline shall be subject to penalties provided by law.

Any person who with knowledge of its falsity files a registration or report that contains a false statement or false representation of a material fact shall be made subject by the board to the civil penalties as provided in the Code of Governmental Ethics or referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133 (filing or maintaining false public records), or both. With respect to legislative lobbying, the board is required to notify the chief clerical officer of each house of the legislature of a violation.

The Act provides an immediate family member of a legislator may register as a lobbyist or lobbying provided the following:

1. The immediate family member was a registered lobbyist as provided in law for at least one year prior to becoming an immediate family member of the legislator or at least one year prior to the legislator's initial election to the legislature.
2. The immediate family member shall not lobby the legislator as provided in law or communicate with any public employee assigned to the district office of the legislator, with any public employee whose primary duty is to assist the individual legislator, or if the legislator is a committee chairman, with any public employee assigned to the committee of which the legislator is chairman concerning any matter which may be the subject of action by the legislature.

The Act provides that the first required monthly expenditure report must be filed not later than February 15, 2009, and must

include information for the month of January, 2009. It further requires that not later than February 15, 2009, each lobbyist must file an expenditure report for the period from July 1, 2008 through December 31, 2008 prior to January 1, 2009.

ADMINISTRATION DIVISION

With access to state government the buzz word, **Senate Bill 37 by Senator Chaisson (Act 20)**, requires the commissioner of administration to establish and maintain a website to post reports of state spending. It further requires that the reports include the nature and amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected officials and cabinet-level positions in the executive branch of state government, and the total number in the table of organization for each budget unit.

The commissioner shall maintain on the website a monthly report of spending by each such budget unit and requires her to consult with the Joint Legislative Committee on the Budget in the development of the specifications for the database used for the website.

Moreover, each secretary or executive head of each state office, department, board, commission, or institution is required to cooperate fully with the commissioner of administration in executing the purposes and provisions of Act. The commissioner is required to proceed with establishment of the website in the most expeditious manner possible and requires that reports posted on the website shall be complete and inclusive of all budget units no later than Jan. 1, 2009.

2008 2ND EXTRAORDINARY SESSION TAX/INCOME/PERSONAL

In an effort to help parents deal with the cost of educating of their children, **Senate Bill 5 by Senator Marionneaux (Act 8)**, authorizes a deduction from tax table income for the sum of amounts paid or incurred during the taxable year for tuition and fees required for a student's enrollment in a nonpublic elementary or secondary school which complies with the criteria set forth in *Brumfield v. Dodd* and Section 501(c)(3) of the Internal Revenue Code or to any public elementary or secondary laboratory schools operated by a public college or university. The deduction cannot exceed the total taxable income of the taxpayer.

The Act limits the deduction for schools to 50% of the actual amount of tuition and fees paid by the taxpayer per child or \$5,000 per child, whichever is less.

The term "tuition" is defined as funds paid to any laboratory and nonpublic elementary and secondary schools which include the following:

- (1) The purchase of school uniforms required by schools for general day-to-day use.
- (2) The purchase of textbooks, curricula, or other instructional materials required by schools.
- (3) The purchase of school supplies required by schools.

A deduction for 50% amounts paid or incurred during a tax year by a taxpayer for textbooks and curricula for home-schooled students, limited to \$5,000 per child is

authorized, however the deduction cannot exceed the total taxable income of the individual.

The Act authorizes a deduction for certain educational expenses for a quality public education equal to 50% of the actual amount paid during a tax year by a taxpayer per student or \$5,000, whichever is less, for the purchase of school uniforms for general day-to-day use, textbooks, curricula, instructional materials, or the purchase of school supplies, all as required by the school. It further provides that the amount of the deduction shall not exceed the total taxable income of the taxpayer.

TAX/SALES

To entice industry to locate in the state, **Senate Bill 56 by Senator Marionneaux (Act 12)**, phases in a state sales and use tax exclusion for the purchase, use, lease, or rental of certain machinery and equipment used by certain manufacturers in manufacturing for agricultural purposes or in the actual manufacturing process of an item of tangible personal property.

The Act phases in a state sales and use tax exclusion for the purchase, use, lease, or rental of certain machinery and equipment used by certain manufacturers in manufacturing for agricultural purposes or in the actual manufacturing process of an item of tangible personal property, and specifically includes rubber tired farm tractors, cane harvesters, cane loaders, cotton pickers, combines, haybalers, attachments and sprayers, clippers, cultivators, discs, plows, and spreaders.

The Act accelerates the phase-in by one year, by making the purchase, use, lease,

or rental of manufacturing machinery and equipment beginning 7/1/09 and thereafter tax free.

Existing law required the receipt of a tax exclusion certificate from the Department of Revenue certifying that the person is a manufacturer before the machinery or equipment can be purchased, used, leased, or rented without payment of the state sales tax. Under the Act, existing law is retained and further provides that the department's manufacturer's exemption certificate shall serve as a substitute for the sales tax exemption for certain farm equipment.

FUNDS/FUNDING

Hoping to save or vanishing coastline, **House Bill 6 by Representative Dove (Act 3)**, authorizes and directs the state treasurer to deposit \$300 million into the Coastal Protection and Restoration Fund. The money will be transferred from the state general fund for FY 2007-2008, to be comprised wholly of nonrecurring revenues out of the state general fund for FY 2006-2007, as recognized by the Revenue Estimating Conference.

TAX/SALE-USE, STATE

Furthering the attempt to attract and keep industry, **House Bill 1 by Representative Greene (Act 1)**, reduces the sales and use tax for sales of electricity and natural gas from 3.3% to 2.3% for all taxable periods beginning on or after July 1, 2008. After June 30, 2009, there will be no state sales and use tax on such items. It further reduces the sales and use tax for sales of steam and water from 3.8% to 2.8% for all taxable periods beginning on or after July 1, 2008. After June 30, 2009, there will be no state sales and use tax on such items.

The Act provides for a state sales and use tax exclusion for all purchases of fuels or gas, including but not limited to butane and propane.

2008 REGULAR SESSION APPOINTED OFFICIALS

Attempting to allow for more participation by the public, **Senate Bill 210 by Senator Marionneaux (Act 528)**, amends existing law that requires the governor to submit persons appointed to public office to the Senate for confirmation, whether to a board, commission, committee, or district, or to an executive or other office to fill an initial or succeeding full term of office or the unexpired portion of a term in the executive branch of state government or in a local governmental entity. Existing law further requires those appointments to public office made by a public official other than the governor, whether to a board, commission, committee, or district, or to an executive or other office, and whether to fill an initial or succeeding full term of office or the unexpired portion of a term of office, to be submitted to the Senate for confirmation if required by the constitution or statute.

The Act retains existing law but provides that all appointees to a board, commission, committee, or district requiring Senate confirmation be reconfirmed at the beginning of each legislative term or at the expiration of their appointed term of office if they continue to serve because no successor has been appointed. It further provides that all such appointments shall be completed and submitted to the Senate for confirmation no later than the last legislative day of the second regularly scheduled legislative session. Those appointments that are not reconfirmed expire at the end of the regular session, and a

vacancy is created for that position and prohibits that appointee from being appointed to the same office during a recess of the legislature.

ENVIRONMENTAL QUALITY DEPT

Making transaction with state government easier, **Senate Bill 321 by Senator Herbert (Act 119)**, amends existing law that provides authority to the Department of Revenue and the Department of Transportation and Development to accept credit cards for payment of obligations owed to the state through use of a third-party processor to collect a convenience fee to adequately cover transaction fees.

The Act retains the existing law and allows the Department of Environmental Quality to accept credit cards for payment of obligations owed to the state through use of a third-party processor to collect a convenience fee to adequately cover transaction fees.

Governmental Organization

Furthering the Cajun culture, **Senate Bill 180 by Senator Michot (Act 760)** amends existing law that places the Council for the Development of French in Louisiana (CODOFIL) in the Department of Education.

The Act transfers CODOFIL from the *Department of Education* to the *Department of Culture, Recreation and Tourism*.

HOMELAND SECURITY

Addressing the state's response to natural and manmade disasters, **Senate Bill 788 by Senator Walsworth (Act 797)**, provides for a governing structure within the Governor's Office of Homeland Security.

The Act provides for the following terms:

"First responders" means the first arriving organized responders with the capability and mission to contain, mitigate, and resolve the emergency at hand.

"Interoperability" means the ability of two or more systems or their components to exchange information and to use the information exchanged.

"Interoperability for public safety" means the ability for emergency safety agencies and public services to talk to one another via communications systems and share information with one another accurately, on demand, in real time, when needed, and when authorized, regardless of the device used.

"Statewide Interoperability Plan" means short-term and long-term statewide plans for interoperability for communications and information sharing needed during an emergency adopted by the State Unified Command Group.

"Statewide Interoperability Plan for First Responders" means a statewide shared communications system for first responders with the ability to transport and receive voice, data, image and video information adopted by the Interoperability Subcommittee.

"State Unified Command Group" or (UCG) means the group which is established by Executive Order of the governor to bring senior officials within the governor's office and cabinet secretaries or their designees together with a common objective of effectively managing an incident ensuring that regardless of the number of agencies or jurisdictions involved in which all decisions

will be based upon mutually agreed upon objectives.

The Act creates the office of interoperability headed by an assistant deputy director of interoperability who shall be in the unclassified service. The assistant deputy director may delegate authority to such designees or to any governmental body as the assistant deputy director may deem appropriate within the limitations of state and federal laws, rules, and regulations. The office of interoperability is established within the Governor's Office of Homeland Security and Emergency Preparedness and shall have the authority to oversee, direct, and manage interoperability programs and efforts identified in the Statewide Communication Interoperability Plan and the Statewide Shared Communications System for First Responders in coordination with local, state, and federal officials. The office shall address critical interoperability issues relating to public safety and emergency response, including communications, spectrum, networks, equipment, training, and other areas as needs are identified.

The assistant deputy director of interoperability will work in conjunction with the UCG and Interoperability Subcommittee to develop, implement, and maintain a secure interagency communication across jurisdictional and geographic boundaries to enable end users to access authorized information when and how they need it as identified in the Statewide Communication Interoperability Plan and Statewide Shared Communications System for First Responders.

The Act provides for the UCG and shall be composed of the members established by Executive Order of the governor. The UCG

is the strategic decision making body for emergencies in the state with the governor serving as the unified commander and shall meet quarterly meetings during times other than a state declared emergency and at such times as the chairman deems necessary, beginning September, 2008. The UCG may establish subcommittees as it deems advisable and feasible, but only the UCG may take official action. The bill establishes the following committees and their membership:

"Interoperability Subcommittee" composed of the following members:

- (1) Assistant Deputy Director of Interoperability, or his designee.
- (2) Commissioner of administration, or his designee.
- (3) Adjutant General of the Louisiana National Guard, or his designee.
- (4) President of the Louisiana Sheriff's Association, Inc., or his designee.
- (5) President of the Louisiana Association of Chiefs of Police, Inc., or his designee.
- (6) President of the Louisiana Fire Chief's Association, or his designee.
- (7) Chair of the Regional Parish Homeland Security and Emergency Preparedness Directors Committee, or his designee.
- (8) The deputy secretary of the Department of Public Safety and Corrections, public safety services, or his designee.

- (9) Executive director of the governor's Office of Indian Affairs, or his designee.
- (10) A representative of the Association of Public Safety Communications Officials.
- (11) A representative of the Louisiana Ambulance Alliance.

"First Responders Subcommittee" composed of the following members:

- (1) President of the Louisiana Sheriff's Association, Inc., or his designee.
- (2) President of the Association of Chiefs of Police, Inc., or his designee.
- (3) President of the Louisiana Fire Chief's Association, or his designee.
- (4) Chair of the Regional Parish Homeland Security and Emergency Prepared Directors Committee, or his designee.
- (5) The executive director of the Governor's Office of Indian Affairs, or his designee.
- (6) The deputy secretary of the Department of Public Safety and Corrections, public safety services, or his designee.
- (7) The director of the Governor's Office of Homeland Security and Preparedness, or his designee.

- (8) A representative of the Association of Public Safety Communications Officials.

"Regional Parish OEP Directors Subcommittee" composed of the following members:

- (1) Each regional parish office of emergency preparedness directors, or his designee.
- (2) The director of the Governor's Office of Homeland Security and Preparedness, or his designee.

The Act provides that the UCG must establish three permanent subcommittees, in addition to and any other subcommittees deemed feasible to implement the statewide interoperability plan. The executive director of the Governor's Office of Indian Affairs, and a representative of the Assoc. of Public Safety Communications Officials and added as members of the interoperability subcommittee. The subcommittee may make recommendations to the UCG, but have no authority to change any plans. The UCG may make recommendations to the interoperability subcommittee on plans for first responders, but will have no authority to change the system.

Transportation & Development

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AIRPORTS

Senate Bill 212 by Senator Marionneaux (Act 686) as introduced would have abolished the Louisiana Airport

Authority. House Committee amendments changed the composition of the board to have members representing the parishes of Ascension (2), St. James (1), Assumption (1) and Iberville (2), the governor, two members at large to be appointed by the governor, the secretary of the Department of Economic Development or his designee and the secretary of the Department of Transportation and Development or his designee.

Absent from the board are one member representing Ascension; two representing Jefferson Parish; three representing Orleans; one representing St. Bernard Parish; one representing St. Charles; one representing St. John the Baptist; one representing St. Tammany; one representing Assumption; four at large members; one representing Tangipahoa; one representing Livingston; one representing East Baton Rouge; one member representing parishes in the Fourth Congressional District; and one member representing West Baton Rouge.

House Committee Amendments also moved the Authority and transferred its books, records, property, etc. to DED and to the creation of a new board pending a DED study. Further, the House Committee Amendments requires DED to complete a plan and program for a project "commonly referred to as the Louisiana Transportation Center" and make a recommendation as to whether it is feasible by May 1, 2009 if an appropriation is made for such plan and program. If the recommendation is that the Center is not feasible, then all of the Louisiana Airport Authority (including the new board) law is repealed effective July 1, 2009 and all of its books, papers, records, money, equipment, actions, and other property is to be transferred to DED within 180 days.

House Bill 1272 by Representative Tucker (Act 927) creates the Southeast Regional Airport Authority to possibly take over the New Orleans International Airport. The Authority requires the sale, transfer, or conveyance of the New Orleans International Airport be approved by a 2/3 vote of the New Orleans City Council and by the majority of voters voting in a local referendum of the citizens of the city of New Orleans.

Requires each employee of the authority, including any person who becomes an employee of the authority as a result of the transfer of the New Orleans International Airport to the authority, to be a member of the state civil service system and subjects the member to applicable state civil service laws, rules, and regulations.

CELL PHONES (see Public Safety Section of this document)

HIGHWAYS

Senate Bill 341 by Senator Erdey (pending House Transportation, Highways & Public Works) would have prohibited certain trucks from using the far left lane on highways with three or more lanes of traffic moving in the same direction.

House Bill 1367 by Representative Hardy (Act 757) prohibits passing or overtaking a vehicle during posted hours in school zone.

Senate Bill 657 by Senator McPherson (Act 429) creates a statewide incident management plan which includes a standard of practice for a more efficient management of roadway incidents. Reduces the time abandoned vehicles can be left on a highway, street, or shoulder to 24 hours

before they can be towed. Requires DOTD and DPS&C, office of state police, to jointly develop and adopt an open roads agreement which requires only that portion of any state roadway which is necessary for safe management and clearance of a traffic incident be closed. Requires every law enforcement officer in the state to be trained in a traffic incident management POST-certified course and requires such course to be offered to all other entities that respond to emergencies on LA roadways. Requires DOTD and the office of state police to coordinate with the Louisiana Motor Transport Association, the Towing and Recovery Professionals of Louisiana, and the appropriate municipal and parochial law enforcement associations to develop and implement an Instant Tow Dispatch Pilot Program for passenger vehicles and an Expedited Towing Pilot Program for freight-carrying vehicles in order to achieve improved traffic incident management practices. The Expedited Towing Pilot Program must create a pilot program in two areas of the state with high density interstate highway traffic and are at a greater risk of incidents involving freight-carrying vehicles which will identify procedures that will reduce interstate highway blockage time and provide for a more effective incident response performance that will mitigate resulting traffic congestion, as well as efficiently preserving commercial goods.

MOTOR VEHICLES

Senate Bill 51 by Senator McPherson (Act 684) authorizes a person who lawfully possesses a firearm to transport or store such firearm in a locked, privately-owned motor vehicle in any parking lot, parking garage, or other designated parking area. Provides that an employer or

business owners may adopt policies specifying that firearms stored in privately-owned vehicles on property controlled by an employer or business entity be hidden from plain view or within a locked case or container within the vehicle. Provides that no property owner, tenant, public or private employer, or business entity or their agent or employee is liable for damages resulting from or arising out of an occurrence involving a firearm transported or stored pursuant to this Act. Senate Bill 51 provides for exceptions for:

(1) Any property where the possession of firearms is prohibited under state or federal law.

(2) Any vehicle owned or leased by a public or private employer or business entity and used by an employee in the course of his employment, except for those employees who are required to transport or store a firearm in the official discharge of their duties.



(3) Any vehicles on property controlled by a public or private employer or business entity if "access is restricted or limited through the use of a fence, gate, security station, signage, or other means of restricting or limiting general public access onto the parking area, and if one of the following conditions applies:

- (a) The employer or business entity provides facilities for the temporary storage of unloaded firearms.
- (b) The employer or business entity provides an alternative parking area reasonably close to the main parking area in which employees and other persons may transport or store firearms in locked, privately-owned motor vehicles.

Senate Bill 771 by Senator Hebert (Act 698) authorizes mini-vehicles powered by a motor with a displacement of six hundred sixty cubic centimeters or more on the streets and highways, except interstate highways, if such vehicle meets all applicable federal and state safety and emissions standards. Furthermore, requires all mini-vehicles operating on the streets and highways in this state to bear a valid safety inspection certificate issued by the state of Louisiana.

RAILROADS

Senate Bill 592 by Senator Riser (Act 773) requires a railroad corporation owning or operating a railway which is constructed across the land of a person, leaving a portion of the land on either side of its right-of-way, to allow continued access to any private crossing which is the only access to a private rural residence or which is a private agricultural crossing when ordered by the commissioner of Agriculture and Forestry. Further provides that if a railroad corporation has closed a private crossing which is the only access to a private rural residence or which is a private agricultural crossing between January 1, 2000 and August 15, 2008, it shall, when ordered by the commissioner of the Department of Agriculture and Forestry,

immediately restore the private crossing and keep it in good repair.

Senate Bill 659 by Senator Nick Gautreaux (pending in Senate Transportation, Highways & Public Works) would have provided that the owner of land may serve upon a railroad corporation a request in writing for the installation of a private crossing, accompanied by a plat of the owner's land designating the location and character of crossing desired. Would have provided that if the railroad corporation failed or refused to comply within 30 days of a written request, the owner of the land may make written application to DOTD to determine the owner's rights. Would have required DOTD, after notice to the railroad corporation, to hear the application and all objections to the application, and make an order which is reasonable and just, and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with the order and apportion the costs as appropriate.

House Bill 258 by Representative Little (Act 718) provides that closing of a crossing by a railroad company is not to be considered interruption for purposes of acquisitive prescription, and requires any crossing closed since January 1, 2006 to be reopened upon the attainment of 30 years peaceful and "otherwise uninterrupted" use or possession of servitude of use or passage across the crossing with or without just title.

Wildlife & Fisheries

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2008 REGULAR SESSION FISH/FISHING

House Bill 475 by Representative St. Germain (Act 722) creates out-of-state wholesale and retail crab shipping licenses and provides for the collected revenues.

House Bill 1138 by Representative Gisclair (Act 320) and Senate Bill 20 by Senator Dupre (assigned to House Natural Resources) provides relative to the legal size of trawl doors on trawling vessels.

House Bill 1142 by Representative St. Germain (Act 321) authorizes the Wildlife and Fisheries Commission to develop and implement rules for the use of oyster cargo vessels.

Senate Bill 13 by Senator Dupre (Act 37) changes the number of hoop nets allowed with a recreational gear license from 3 to 5.

Senate Bill 744 by Senator Dupre (Act 564) allows charter boat fishing guide licensees to provide certain information to the Department of Wildlife and Fisheries.

Senate Concurrent Resolution 36 by Senator Morrish (filed with secretary of state) memorializes Congress to oppose the authorization of offshore aquaculture in the Gulf of Mexico.

Senate Concurrent Resolution 64 by Senator Dupre (filed with secretary of state) creates the Louisiana Recreational

Saltwater Fishing Task Force to advise the Department of Wildlife and Fisheries and other entities on various recreational saltwater fishing issues.

BOATS/BOATING

House Concurrent Resolution 25 by Representative St. Germain (filed



with secretary of state) suspends the provisions of the Vessel Titling Act until sixty days after the end of the 2009 Regular Session.

HUNTERS/HUNTING

House Bill 694 by Representative St. Germain (Act 22) provides relative to eligibility for youth hunts. The Act expands participation in special hunting season from youths under 16 years old to youths under 18 years old.

House Bill 698 by Representative St. Germain (Act 36) requires all hunters possessing certain firearms to wear "hunter orange" during deer season.

Senate Bill 165 by Senator Thompson (Act 51) provides relative to deer hunting with primitive firearms and crossbows. The Act allows the Wildlife and Fisheries Commission to establish two special deer hunting seasons: (1) a bow and arrow

only season; and (2) a bow and arrow and crossbow season.

Senate Concurrent Resolution 10 by Senator McPherson (filed with secretary of state) requests the Wildlife and Fisheries Commission to consider waiving the WMA hunting permit for small game hunters during the first nine days of the regular squirrel season.

WILDLIFE/FISHERIES DEPT

House Bill 699 by Representative St. Germain (Act 363) authorizes Louisiana to join the Interstate Wildlife Violator Compact.

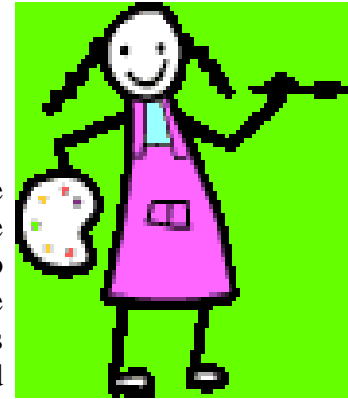
House Bill 1025 by Representative St. Germain (Act 27) provides relative to nonresident trip licenses for hunting and fishing. The Act changes the fee and duration of nonresident hunting and fishing licenses.

WATER/WATERWAYS

Senate Bill 48 by Senator McPherson (Act 42) includes a portion of Drake's Creek in the parish of Vernon in the state natural and scenic rivers system.

Women & Children

by: *Bobbie Hunter*
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2008 Regular Session

House Bill 861 By Representative Hines (Act 163) establishes the Umbilical Cord Blood Banking Program (program) within DHH for the purpose of promoting public awareness of the benefits of cord blood banking, encouraging research into the uses of cord blood, and facilitating pre-delivery arrangements for banking of cord blood donations. Act 163 requires DHH to:

- (1) Develop a public education and outreach campaign to promote cord blood banking awareness and the benefits of cord blood banking.
- (2) Develop educational materials and brochures to be made available to the general public and potential cord blood donors through a variety of health care providers and organizations.
- (3) Coordinate and promote professional education programs for health care providers on the benefits of cord blood banking.
- (4) Establish a statewide toll-free telephone number to receive requests for information and to direct potential cord blood donors to available cord blood banks serving the area in which the potential donor resides.

In addition, DHH is required to expend any grants, awards, or other funds as may be made

available for the purposes of the program, and to implement the program if funds are appropriated from the legislature.

House Bill 543 by Representative LaFonta (assigned to House Insurance) would have required that any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after January 1, 2009, provide coverage for the human papillomavirus vaccine and any expenses incurred in administering that vaccine. HB 543 specified that such coverage not be subject to any health plan deductible and not require prior authorization by a health coverage plan.

"Human papillomavirus vaccine" was described as the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration (FDA) for the prevention of the human papillomavirus infection and cervical cancer and which shall be administered to women and girls at such ages as are recommended for vaccination by a competent authority, including but not limited to the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the FDA, or the manufacturer of the vaccine.

In addition, HB 543 defined "health coverage plan" as any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs. HB 543 would not have applied individually underwritten, guaranteed renewable limited benefit health insurance policies.

Senate Bill 76 by Senator Gray (Act 436) authorizes the counsel appointed for a child who is in foster care and over the age of 15 or the Department of Social Services, hereafter referred to as "the department", to file a motion to restore the parental rights or parental contact with a parent whose rights have been terminated. The court would be required to sign an order setting the time and place of the hearing on the motion to restore parental rights not less than 45 days nor more than 60 days after the date of the filing of the motion and the court is authorized to continue the hearing for up to 30 additional days for good cause, including a showing by the department that despite its efforts it has been unable to complete a required confidential report. The court is further authorized to set the hearing within 15 days after filing of the motion upon joint motion of the department and the child.

SB 76 also requires the moving party to mail a copy of the motion and order to the child's parents, foster parents, and CASA volunteer, all of whom have a right to be heard at the hearing, but the motion is required to be dismissed if the parent cannot

be located. The department is required to make a diligent effort to locate the parent, notify him of the effects of restoration and financial obligations, and provide the parent with a copy of the motion showing the time and date of the hearing. Within 45 days after the motion is filed or at an earlier date if ordered by the court the department shall submit a confidential report to the court to include findings on the following:

- (1) The change in circumstances since the certification for adoption.
- (2) A summary of the reasons why parental rights were terminated and the date of the judgment.
- (3) The willingness of the parent to resume contact with the child and to have parental rights restored.
- (4) The willingness of the child to resume contact with the parent and to have parental rights restored.
- (5) The ability and willingness of the parent to be involved in the life of the child and to accept the physical custody of the child.
- (6) Other relevant information which the department desires to bring to the court's attention.

The court is authorized at the hearing on the motion if it is in the best interest of the child to allow contact between the parent and child under specified conditions, restore the parental rights of the parent, or place the child in the custody of the parent with or without continuing supervision of the department. The court is further authorized to enter a

judgment without a hearing if the department, counsel, CASA volunteer, and the parent stipulate that restoration of parental rights is in the best interest of the child. Presently, review hearings are required to be held if no permanent placement has been made by the department within 90 days after a voluntary surrender to a child care agency, but SB 76 further requires the court at a permanency review hearing to inform the child of the provisions regarding restoration of parental rights.

House Concurrent Resolution 68 by Representative Williams (filed with Sec of State) requests for the House Committee on Health and Welfare and the Senate Committee on Health and Welfare to function as a joint committee to study possible initiatives, policies, programs, and other actions to decrease childhood obesity in the state. According to a 2004 study in *Obesity Research*, Louisiana ranked eighth in the nation in obesity, was among the top six states in total obesity related medical expenditures, and in the top six states in Medicaid obesity related expenditures. The study indicated that the estimated total amount of obesity expenditures in Louisiana in 2003 was almost one billion four hundred million dollars, and the estimated amount of Louisiana Medicaid obesity expenditures in 2003 was five hundred twenty-five million dollars. HCR 68 spotlights childhood obesity and its serious health problem in the state requiring urgent attention and a community-based prevention approach so as to ensure the health, productivity, and well-being of future generations.

House Bill 377 by Representative Leger (Act 273), requires the Bureau of Criminal Identification, hereafter referred to

as "the bureau" to develop and maintain the State Sex Offender and Child Predator Registry in a manner which allows persons to search the registry by e-mail addresses, online screen names, or other online identifiers.

Act 273 requires the bureau to provide for the capability to allow social networking web sites to compare its database of registered users to the State Sex Offender and Child Predator Registry. Those entities who desire to compare its database of users to the state registry are required to provide certain pieces of information to the bureau, including contact information of the entity operating the social networking web site, the legal and corporate status of the entity, contact information of a natural person authorized to receive service of process for the entity, and a statement to the effect that the information obtained from the registry shall not be disclosed for any purpose other than protecting children from online predators. The entities which comply with provisions of proposed law may claim compliance as a defense to a claim for liability. In addition, Act 273 defines "chat room", "instant message address", "online identifier", and "social networking web site".

House Bill 84 by Representative Rosalind Jones (Act 336) increases penalties for failure to pay child support when amount owed is greater than \$25,000. The law presently provides for the crime of failure to pay child support obligation and provides penalties for a first offense, of a fine of not more than \$500 or imprisonment for not more than six months, or both. Penalties for a second or subsequent offense, of a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both. HB 84 will retain present law,

and further provide that the penalty for failure to pay a legal child support obligation when the amount of the obligation is more than \$25,000 shall be a fine of not more than \$2,500, or imprisonment with or without hard labor for not more than two years, or both.

Point by Point

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2008 1ST EXTRAORDINARY SESSION FOCUS ON ETHICS REFORM

Overview -

The first special session of the 2008-2012 Louisiana Legislature was an effort to address the perception - sometimes deserved and sometimes not - on the part of Louisiana citizens and others across the nation that government in Louisiana does not operate in an ethical, honest and open manner. To that end, state lawmakers finally approved over 25 bills at the session.



The measures focus on financial disclosure, transparency in government operations, conflicts of interests involving public servants, campaign disclosure reforms and ethics board operations and enforcement. The idea is to give citizens free and open access to information about their government and the conduct of their public servants and candidates for office. Legislators balanced the need to strengthen Louisiana's ethics laws with the desire to make sure the reforms were not overreaching or otherwise discouraged citizens from public service.

The resulting reforms will not only elevate Louisiana to one of the top states in the nation with strong ethics laws and regulations, the new laws also will provide the state with the foundation needed to address other issues of importance to our citizens, economic development, education, workforce training and health care reform. Legislators are expected to continue their discussions about additional ethics reform measures at the Regular Session which begins the end of March.

Financial Disclosure & Transparency -

- HB 1 (Tucker) - Requires lawmakers, statewide elected officials, local officials, certain state appointed officials and members of certain state boards and commissions to publicly disclose personal financial information and that of their spouse on an annual basis in various amounts of detail depending on the office held. Candidates for those offices must also file financial disclosure reports. The financial disclosure requirements are defined in three tiers with varying degrees of detail.
- The most stringent requirements apply to the governor, statewide elected officials, department secretaries, the executive secretary of the PSC, the state education superintendent, college system presidents, the commissioner of higher education, the

commissioner of administration, and the governor's chief of staff, deputy chief of staff, executive counsel and legislative director. Detailed information regarding employment, business interests, relationships with non-profit organizations in which they are officers or directors, sources of income including specific information about any income from the state, its political subdivisions and gaming interests, immovable property assets and certain other assets as well as certain transactions involving those assets, and certain liabilities over \$10,000. The income, assets and liabilities are reported in six categories ranging from less than \$5000 to \$200,000 or more, except for the income from the state, any political subdivision or gaming services which must be reported dollar-for-dollar.

- The next tier of reporting requirements applies to legislators, BESE members, members of the Board of Ethics and its administrator, elected officials who represent a district of 5000 or more and each member of a state board or commission with the authority to spend, disburse or invest more than \$1 million in a fiscal year or a member of a board or commission who is paid \$16,800 or more. The reporting requirements are similar to Tier I, however the level of detail and required reporting thresholds in some instances are less. Credit card debt and loans from financial institutions are not reported. The income, assets and liabilities are reported in four categories ranging from less than \$5000 to \$100,000 or more. The same dollar-for-dollar reporting requirement in Tier I for income from the state, any political subdivision or gaming services is required for Tier II.
- The third tier of reporting requirements applies to elected officials representing a voting district of less than 5000 population and members of state boards and commissions with the authority to spend, disburse or invest \$10,000 to \$1 million in a fiscal year. This tier requires the reporting of any income over \$250 received from the state or any political subdivision and gaming interests.
- The first reports are due May 15, 2009 covering financial data from calendar year 2008 for Tier I and Tier II, except for those in Tier II who notify the ethics board that they are filing an extension for completion of their federal income tax return. For those with federal tax filing extensions, the new reports are due within 30 days of the tax filing. Those affected by the Tier III requirements will file their first reports May 15, 2010 covering financial data from calendar year 2009.
- Judges are no longer included in the law. However, the Louisiana Supreme Court is on the record agreeing to require the same type of financial disclosure reports as to be required of legislators by June 15th. Senate Concurrent Resolution 5 urges and requests the Louisiana Supreme Court to adopt such rules and the legislative leadership intends to file a bill for consideration at the Regular Session which would place the financial requirements for judges in state law in case the State Supreme Court does not adopt the ethics standards as agreed.

- SB 35 (Chaisson) - Prohibits the use of counter letters by public officials and candidates in an effort to avoid disclosing assets required by the ethics code. Violators will face up to \$10,000 in fines. Counter letters are used to temporarily transfer property from one entity to another. Such counter letters are already prohibited as it relates to the office of the governor and candidates for that office.
- SB 37 (Chaisson) - Requires the Division of Administration to establish and maintain a web site that details state spending with a searchable data base. The web site must be fully implemented by Jan. 1, 2009. The implementation cost is estimated to be \$1 million.
- HCR 6 (Tucker) SR 12 (Chaisson) - These measures create a process for the submission and public review of budget requests from non-governmental entities for state funding. Beginning July 1, 2008, such non-governmental entities must submit detailed information about their operations, officers, key personnel, the proposed budget and goals connected with the state monies and any relationship with an elected or appointed state official or that official's immediate family. The new requirement is designed to bring more transparency to how taxpayer dollars are spent.

Conflicts of Interest -

- SB 1 (Chaisson) - Prohibits legislators, the governor, statewide elected officials, state department secretaries, state penal system wardens and assistant wardens, the governor's chief of staff, commissioner of administration, executive counsel, and legislative director, the Civil Service Commission director, members of BESE, the state education superintendent, college system presidents, the commissioner of higher education, Board of Ethics members and the board administrator, the executive secretary of the PSC and their spouses and businesses from contracting with the state.
 - Immediate family members can continue to contract with the state through a competitively bid or negotiated contract. No negotiated agreements for consulting contracts will be allowed.
 - Retail purchases under \$2500 are exempt.
 - Legislators, statewide elected officials, the commissioner of administration, the governor's chief of staff and his executive counsel and their spouses and businesses are specifically prohibited from entering into contracts for disaster recovery-related projects where the federal funds pass through the state. The prohibition will not apply to construction-related contracts more than two years after the declared disaster.
 - Other elected and appointed officials are allowed to have such disaster recovery-related projects, but must disclose such contracts.
 - Existing contracts that are banned with the new law may continue until the end of this legislative term in 2012. Annual reports detailing information regarding those

- contracts as well as those contracts that will be allowed on the part of immediate family members must be filed with the Board of Ethics.
- Contract prohibitions continue for one year after leaving office. However, an elected official who currently holds a "prohibited" contract may continue the contract after the end of this term if he leaves office.
- SB 5 (Chaisson) - Eliminates the ability of an elected official to vote on matters where there may be a personal conflict of interest as long as they file a statement disclosing the conflict. In the case of a possible conflict of interest, the official must recuse himself from voting. The conflict will not prohibit the official from participating in the debate and discussion of the matter in question as long as the conflict is verbally disclosed.
- HB 22 (Champagne) - Closes a loophole in the current state nepotism law that could allow an elected official with no hiring authority to get the person with such authority to hire their relatives without any repercussions.

Lobbyists Reform -

- SB 3 (Chaisson) - Eliminates the broad exception in the ethics code that allows elected officials to receive free tickets for sporting and cultural events from persons seeking to influence an elected official as long as the value of the tickets does not exceed \$100 per event or more than \$500 in a year.
 - Free tickets to such events will now be limited to complimentary admission to civic, non-profit, educational or political events when the elected official is a program honoree, a speaker or panel member.
 - Free admission to professional, semi-professional or collegiate sporting events are specifically prohibited.
 - Free fishing trips, hunting trips and golf outings are also specifically banned unless such trips and outings are in connection with a candidate's, elected official's or organization's fundraising event that is open to the public.
 - The new restrictions are effective upon the signature of the governor.
- SB 8 (Chaisson) - Limits food and drink provided by a lobbyist to a public servant to \$50 a person per an occasion.
 - Ties the limit to the CPI, beginning July 1, 2009.
 - The prohibition will not apply to national or regional organizations' events or to events connected with statewide organizations of governmental officials or employees.
 - The new limits go into effect March 30, 2008.
- SB 11 (Chaisson) - Expands the information lobbyists must disclose on their registration and expenditure reports to include not only their clients but also how much they are paid by those clients within certain ranges, any business relationship they or their clients have with legislators and their spouses and certain executive agency officials and their spouses, the

subject matters which they intend to lobby, and expenditures on public servants as well as the spouse and children of legislators and certain executive branch officials.

- The reports must be made on a monthly basis and include anything of economic value provided. The current thresholds of \$50 an event or \$250 in the aggregate for the reporting period are eliminated.
- An immediate family member cannot register as a lobbyist unless they were a lobbyist at least one year before the legislator was elected to office or before becoming an immediate family member. Those lobbyists with immediate family members in the legislature will not be allowed to lobby their family member or their employees or committee chair staff.
- Nineteen other states require lobbyists to disclose their income from lobbying.
- The new reporting requirements take effect Jan. 1, 2009 with the first monthly reports due by Feb. 15, 2009.

Campaign Finance Reform -

- SB 14 (Marionneaux) - Requires that third party campaign communications clearly state who is paying for the ad and whether or not the candidate authorized the communication. The third party must also clearly identify who they are and name the chief operating officer of the group. The law is effective Jan. 1, 2010.
- SB 29 (Marionneaux) - Requires third party political committees organized under section 527 of the Internal Revenue Code known as 527 committees disclose their contributors and expenses on a monthly basis. ***The House added provisions to prohibit a candidate from using campaign funds to pay an ethics fine and to require a candidate to pay campaign finance disclosure fines personally or with contributions from qualified donors.
- HB 73 (Bodie White) - Requires political action committees, except those affiliated with political parties, to file required contribution and expense reports electronically beginning 7/1/09 if the committees collect donations or spend more than \$50,000 in a calendar year.
- HB 78 (Leger) - Phases-in required electronic filing of campaign finance reports for all major or district candidates beginning Jan. 1, 2010 with full implementation by Jan. 1, 2012. When fully enacted, statewide candidates must file electronically no matter the amount of contributions or expenditures. Others must file electronically if they raise or spend more than \$25,000.
- SB 47 (Adley) - Increases the fine that can be assessed against those who commit an intentional criminal violation by not properly reporting money spent and received for canvassing efforts in a campaign. ***The House added the same provisions regarding the payment of ethics and campaign fines as added to SB 29 above.

- HB 7 (Tucker) - Sets a limit of \$10,000 on individual contributions to gubernatorial transition and inaugural activities and requires the contributions and expenses to be disclosed.

Ethics Board Operations and Enforcement -

- HB 41 (Tucker) - Revamps the operations of the Board of Ethics so that a 3-person state administrative law judge panel, the Ethics Adjudicatory Board, will take over the responsibility of issuing findings regarding violations of ethics laws. Any finding issued by the adjudicatory panel must be accepted by the Board of Ethics. The change is a move to address the perception that the current process puts the board in the position of judge, jury, prosecutor and investigator.
- HB 29 (Tucker) - Requires that at least 3 of the governor's seven appointees to the ethics board be lawyers with at least 8 years as a member of the Louisiana Bar. Ethics board members may not participate in political campaign activities, hold public contracts or hold any elected office.
- HB 6 (Tucker) - Expands ethics training for public servants approved by the legislature last year to require at least one hour of training every year and includes lobbyists in the training requirements. The ethics education plan is being phased-in beginning this year with all public servants required to complete the training by 2012.
- HB 33 (Carter-Peterson) - Requires the person or persons designated to provide ethics training and advice in an agency receive ethics training. One of the designated ethics counsels must be an attorney. State law already requires that each agency have at least one person on staff that advises on ethics matters. The measure is effective Jan. 1, 2009.
- HB 65 (Greene) - Prohibits a person from qualifying for elected office if they owe \$250 or more in ethics fines. State law already prohibited a person from becoming a candidate if they owed campaign finance-related fines.
- HB 74 (Connick) - Sets up a process for the ethics board to issue declaratory opinions on ethics issues that are appealable through the courts. The board now issues advisory opinions, however those opinions may change and are not appealable by the person seeking the opinion.
- HB 8 (Tucker) - Provides additional protections for whistleblowers to prohibit *threats* of reprisal on the part of anyone who has the authority to discipline a public servant who reports possible wrongdoing to authorities.

Other Reforms -

- SB 58 (Martiny) - Creates the crime of abuse of office to prohibit public servants from using their office to coerce anyone into doing something or giving them something that they are

not entitled to by the nature of their office. Violators face up to \$5000 in fines and 5 years in prison.

- SB 53 (Murray) - Doubles the maximum sentence for corrupt influencing or public bribery to 10 years in jail and/or \$10,000 in fines.
- HB 56 (Tucker) - Creates the Office of Inspector General, which currently exists only by gubernatorial executive order, in state law. Establishes nationally accepted standards for the office operations and the qualifications for the Inspector General. Requires the legislature to provide adequate funding for the office and prohibits the governor or the legislature from reducing the salary of the Inspector General during his six year term of office. Allows for the removal of the Inspector General by the governor with the approval of a majority of the legislature.

2008 2nd EXTRAORDINARY SESSION

Tax Relief & Strategic Investments

Overview -

With the work of the 1st 2008 Special Session now one for the record books as to ethics reforms, lawmakers in the 2nd 2008 Special Session focused on tax reforms to spur economic development and the strategic investment of surplus state revenues from the 06-07 state budget to provide a strong foundation for building a better Louisiana for our families and children.

Tax Reforms -

- The Business Taxes - Legislators' work regarding business taxes related to the accelerated phase-out and elimination of certain state taxes on businesses that have long been considered a deterrent to business development and expansion in Louisiana. For the most part, the taxes in question are not paid by businesses and industries in other states putting Louisiana in a competitive disadvantage when economic development opportunities arise.
- State Sales Tax on Qualified Manufacturing Machinery & Equipment Purchases/Leases (SB 12 - Marionneaux)
 - Louisiana is one of only three states - and the only southern state - that taxes manufacturing machinery and equipment.
 - The state began phasing-out this tax during the 04-05 state fiscal year with the tax to be eliminated July 1, 2010.
 - This fiscal year 68% of the costs of the eligible machinery and equipment purchases is exempt from the state tax.

- The new law accelerates the phase-out of the state sales tax by one year so that the tax is eliminated July 1, 2009 to provide businesses \$4 million in accelerated tax relief.
- The total elimination of the tax removes an \$18 million a year tax burden on businesses and industries.
- Franchise Tax on Borrowed Capital/Business Debt (SB 10-Marionneaux)
 - Louisiana is one of the few states in the nation that taxes businesses on borrowed capital.
 - Legislators began phasing-out this tax in the 2007 tax year with the tax scheduled for elimination in 2012.
 - In 2008, 58% of the borrowed capital is subject to the corporate franchise tax.
 - The new law speeds up the planned phase-out by one year so that the tax burden is removed in 2011, resulting in \$26 million in accelerated tax savings for businesses and industries.
 - The total elimination of the tax removes a \$161 million a year tax burden on businesses and industries.
- State Sales Tax on Business Utilities (HB 1- Greene/SB 7 -Chaisson)** After final passage, a flaw was discovered in HB 1, so the business utilities tax issues are now addressed in SB 7 to correct the flaws.
 - Louisiana is one of only a handful of states that levies a state sales tax on business utility purchases.
 - A portion of the existing state sales tax on the purchase of utilities by businesses and industries is being phased-out so that all but one cent of the tax will be eliminated beginning July 1, 2009.
 - The new law eliminates the remaining one cent tax on business and industry purchases of electricity, natural gas, steam and water for energy purposes beginning July 1, 2008. Non-residential purchases of propane and butane will also be exempt from state sales taxes beginning July 2, 1008.
 - The result is a new annual tax savings to businesses and industry totaling \$69 million.
 - When all of the sales tax is eliminated in July 2009, a \$224 million business and industry tax burden will be removed.
- New Market Tax Credits (HB 9 - Richmond)
 - State lawmakers established a Louisiana New Market Tax Credit program last year to piggyback the federal New Market Tax Credit program in an effort to encourage investments in low-income communities and storm-impacted GoZone eligible areas of the state.

- The initial program set aside \$50 million for the state income and corporate franchise tax credits. Almost all of the available tax credits have been granted resulting in over \$200 million in direct investments in the state.
- The new law adds an additional \$50 million for the program, limiting the maximum amount of credit for any one entity to \$5 million unless the investment is in a recognized state-targeted industry in which case the credit is capped at \$15 million.
- Under the new program, the amount of New Market Tax Credits that can be granted each year is limited to \$25 million in 2008, \$12.5 million in 2009 and \$12.5 million in 2010. Any unused allowed credits in a given year may be carried forward to the next year.
- Individual Taxes -
 - Education Tax Deductions - (SB 5 - Marionneau)
 - This measure provides parents of elementary and secondary school students with a state income tax deduction for certain educational related expenses beginning with expenses incurred on and after Jan. 1, 2009.
 - The tax deduction is capped at \$5000 per child and is limited to 50% of the allowable educational-related expenses.
 - Parents with children in non-public schools may deduct 50% of the annual tuition costs per child. Tuition is defined as the actual tuition costs and fees as well as costs associated with the purchase of school uniforms for general day-to-day use, the purchase of textbooks, supplies and other instructional materials required by schools.
 - Parents with children who are home-schooled may deduct 50% of their qualified educational expenses such as textbooks and curricula-related materials per child.
 - Parents with children in public schools may deduct 50% of the costs they incur for educational expenses such as school uniforms, supplies, textbooks and other instructional-related materials required by the school.
 - Parents in the highest state income tax bracket who claim the maximum allowed deduction of \$5000 per child can expect a tax savings of about \$300 per child.
 - The education tax deductions are expected to save Louisiana families over \$23 million a year.
 - Protecting Federal Economic Stimulus Checks from State Taxes - (HB 18 - Greene)
 - Under the federally approved economic stimulus package, about \$1.6 billion in economic stimulus checks will be sent to Louisiana citizens.
 - This measure makes sure the federal money will not increase an individual's state income tax liability.

Strategic Investment of State Surplus Monies (HB 46 - Fannin)

- The Surplus -
 - The Revenue Estimating Conference has officially certified that the state has \$1.088 billion in additional revenue that was collected and not spent in the last state fiscal year. The surplus is the result of unexpected increased revenue from corporate and individual income taxes as well as mineral taxes.
 - The prior year budget surplus is considered one-time funds and can only be spent for specific one-time purposes such as state construction needs, state debt payments, etc.
 - The State Constitution requires a certain amount of any surplus be set aside for the Budget Stabilization Fund or "Rainy Day" Fund unless the fund has already reached its cap. So \$73 million of the surplus is set aside for that purpose.

- The Investments -

The remaining \$1.015 million is allocated to the reduction of long-standing liabilities and infrastructure needs as well as key investments in economic development initiatives.

 - Transportation & Infrastructure - Over \$500 million is allocated to various needs in this area including ports, road overlay and rehabilitation, bridge repairs and replacement, state highway priority projects as well as specific new capacity projects across the state and rural transportation needs. Specific economic development-related transportation and infrastructure investments include:
 - \$24.6 million to fund the first phase of the Port of New Orleans' plan to expand capacity at the Napoleon Container Terminal. The expansion is expected to allow the port to substantially increase its container business and create at least 1500 new jobs.
 - \$10 million to fund improvements at the Port of Terrebonne to accommodate plans by Edison Chouest Offshore to expand its Louisiana shipyard operations. The expansion is expected to bring 1000 new jobs to the area.
 - \$57 million to improve access to the Cyber Innovation Center at Barksdale Air Force Base in an effort to make the site more attractive as a location for Cyber Command - a project that will mean the retention of several thousand jobs, the creation of several thousand new jobs and position the Northwest Louisiana area as a high tech professional center.
 - Hurricane Protection & Coastal Restoration - \$300 million.
 - Unfunded Accrued Liability of the State Employees and Teachers Retirement Systems - \$60 million. For every dollar we invest now in paying down this liability, we save the taxpayers over \$4 dollars.

- Higher Education Deferred Maintenance - \$75 million. There is currently a \$1.8 billion deferred maintenance backlog at Louisiana's colleges and universities. Approximately \$308 million of the deferred maintenance needs are considered critical.
- Pennington Biomedical Research Center - \$50 million. This money will fund the completion of a new clinical research building, create a new imaging center, allow for the purchase of high-tech instruments and equipment and help the center recruit and retain faculty. Center officials predict the new investment in the nutrition and disease prevention research center will create over 1100 new direct and indirect jobs with an overall economic impact of over \$110 million a year.
- The Spending Cap - (HCR 1 - Fannin)
 - To spend the surplus monies, lawmakers agreed by a two-thirds vote to exceed the constitutionally-set state expenditure limit.
 - Growth in state spending year-to-year is limited by the State Constitution and can only be exceeded by a two-thirds vote when legislators are acting in a special session.

Long-Term Funding/Transportation Needs - (SB 11- Michot)

Prior to this special session, state transportation officials had identified a \$14 billion plus backlog in state transportation and highway infrastructure needs. Even with the targeted use of surplus funds to address some of those needs, the current revenue stream is not adequate to put a dent in the problem. This measure attempts to address the issue by:

- Accelerating the current phased-in dedication of registration and license fees on trucks and trailers to the State Highway Improvement Fund, a fund that provides monies for rural roads.
 - In the 2008-09 fiscal year, 75% of the collections will go into the fund.
 - In the 2009-10 fiscal year, all of the collections will go into the fund.
- Phasing-in over seven years the dedication of the state taxes on the sale, use, lease or rental of motor vehicles to the Transportation Trust Fund and the Transportation Mobility Fund, a fund to assist with mega-projects, beginning in the 2008-09 fiscal year through the 2014-15 fiscal year with the initial dedication of 10% of those monies the first year.
 - 7% of the available money must be deposited in the Transportation Mobility Fund with the remainder placed in the Transportation Trust Fund.
 - Of the money deposited in the Transportation Trust Fund at least 30% of the money must be used for capacity, 7% for port priority projects and the remainder for priority projects.
 - The dedications are suspended if a state budget deficit is projected due to a decrease in state revenue collections during a fiscal year.

- In the 2008-09 state budget, the dedications will increase transportation funding by \$42.4 million. In five years, when 75% of the motor vehicle taxes are dedicated to transportation needs, that number will grow to \$254.7 million.

Other Issues -

- Superdome Commission Bond Debt (HB 5 - Tucker)
 - A troubled bond market has left the Superdome Commission with few buyers for some \$290 million in bonds issued by the commission in 2006 to refinance debt, post-Katrina improvements and working capital.
 - The result is skyrocketing interest rates on the bonds, increasing the interest costs by about \$65,000 a day.
 - This measure will allow the state treasurer to buy the bonds as an investment and then resell them on the private market when the interest rates are lower and the market improves.

2008 REGULAR SESSION

Overview -

The work of the 2008 Regular Session centered on workforce development reforms, education improvements, economic development enhancements, needed health care services, public safety issues, continued governmental ethics reforms and more. In the development of those policies and programs, lawmakers focused on making sure the state was prudent in the investment and use of taxpayers' dollars to maximize the benefits to the people and minimize the tax burden on our citizens.

The result was a commitment to increase state support of local schools; increase teacher pay to maintain their salary at the southern regional average; provide school support workers with a salary supplement; fully fund the state formula for financing higher education; continuation of vital health care services for the state's needy and elderly; increased commitment to economic development initiatives; and one of the biggest personal income tax cut in the state's history.

The 2008 Regular Session is a continuation of lawmakers' commitment to the development of common sense policies and programs that deliver services to our citizens, providing them with the tools they need to improve themselves, their communities and Louisiana.

The Budget Issues -

- The State Operating Budget **ACT 19** (HB 1 - Fannin) - While Louisiana is experiencing continued growth in revenue collections due mostly to increases in mineral revenue and corporate income taxes, lawmakers were cautious in their use of the increasing funds with revenue experts predicting a slower state revenue growth in future years. Additionally, the

State Constitution limits how much the state's budget can grow from year to year. **SIGNED WITH LINE-ITEM VETOES*** (The governor vetoed 258 line-item appropriations, reducing the proposed budget by over \$16 million. The governor also vetoed language regarding Medicaid spending for chiropractic services which will reduce potential Medicaid program costs by an additional \$27 million in savings.)

- Totals approximately \$29.69 billion, a 13% reduction from the 07-08 state operating budget mostly due to a decrease in federal funds relating to hurricane recovery and other matters.
- State General Fund increases by about \$1 billion, a 12% increase. A large portion of the increase in state general fund monies is due to replacement of carry-over funds and federal funds in the Department of Health and Hospitals with recurring state dollars.
- Most of the increased spending is in the Department of Health and Hospitals, Public Safety & Corrections, Education and Higher Education.
- The budget reduces the state payroll by 724 through the elimination of vacant positions in state agencies.
- The budget sets up a process where no "one-time" money is used for recurring expenses in this budget. Over the last several years, money from the previous year has been rolled over into the next fiscal year via special funds to finance state services and programs, mostly in the area of health care services.
- The budget is under the constitutionally mandated state spending cap by about \$56-\$66 million when the governor's line item vetoes are considered.. Legislators can authorize state spending above the cap with a 2/3rds vote.
- The State Construction Budget **ACT 29** (HB 2 - Greene) - **SIGNED WITH ONE LINE ITEM VETO**
 - Totals approximately \$4.8 billion
 - Governor Jindal included no new projects in the construction budget for the 08-09 fiscal year. State lawmakers included about \$20 million for new capital outlay needs.
 - The State Constitution limits the amount of bonds the state can sell each year to finance construction needs. Adjusted for inflation, that limit is about \$350 million.
 - The problem is the state has already committed through lines of credit to projects totaling \$1.46 billion.
 - State lawmakers are urging the Governor to begin addressing that backlog with at least 25% of the surplus state revenue collections expected from the 07-08 fiscal year. That surplus will not be officially certified until sometime in December. The known surplus as of the end of April was \$765 million after supplemental appropriations for 07-08 needs. That number is expected to grow.
- Supplemental Appropriations **ACT 571** (HB 1287 - Fannin) - Sets aside funds for on-going needs and special initiatives in the 07-08 fiscal year. **SIGNED WITH LINE ITEM VETOES** *(Gov. Jindal vetoed 25 specific appropriations in this measure, reducing the supplemental appropriations bill by nearly \$9.3 million)
 - Totals about \$358 million* from state general fund, statutory dedications, self-generated revenue, interagency transfers and federal funds.

- Provides funding for such things as the LSU hospital system, new professorships at universities, economic development initiatives, local projects, legal judgments and the state's contractual obligations with the Saints and the Hornets.
- Special Funds for Future Needs **ACT 513** (HB 926 - Fannin) - Sets aside monies from revenue collections during 07-08 fiscal year into a series of special funds for future use. **SIGNED**
 - Totals about \$643 million.
 - The largest appropriation, \$307 million, is to the Economic Development "Mega-Fund" for the state to use to provide incentives to large manufacturing facilities considering locating in Louisiana. Any expenditure from this fund must be approved by the Joint Legislative Committee on the Budget. *In the 08-09 fiscal year, money from this fund will finance the salary supplement for school support workers.
 - Money is also set aside in special funds to respond to the workforce and infrastructure needs of new and expanding businesses - the Rapid Response Fund, rural water system needs, juvenile corrections needs, and state legislative technology upgrades.

Tax Issues -

- State Individual Income Tax Cut **ACT 396** (SB 87 - Shaw) - Restores state personal income tax brackets and rates to pre-Stelly levels for incomes above \$12,500 as of Jan. 1, 2009. The so-called "Stelly Plan" increased individual income taxes in exchange for the elimination of the state sales tax on individual food and utility purchases. **SIGNED**
 - Taxpayers with incomes above \$12,500 will see their state income taxes reduced. The maximum tax cut will be about \$500 for an individual and about \$1000 for joint filers.
 - The total tax savings for Louisiana citizens when fully implemented is \$359 million a year.
 - Since the state will not change the withholding tables until July 1, 2009, immediate tax savings in 2009 is dependent on taxpayers making individual arrangements with their employers to adjust the amount of state tax withheld from their paychecks.
 - Taxpayers will see lowered state income taxes when they file their state income taxes in 2010 for the 2009 tax year.
 - This tax break will take effect the same tax year in which taxpayers will once again be able to claim 100% of their federal excess itemized deductions on their state income taxes. The state legislature approved a phase-in of this tax break in 2007.
- Parishes' Share of State Severance Tax **ACT 932** (HB 420 CA - Gallot) - Proposes a change in the State Constitution to increase the limit on the amount of state severance taxes allocated to parishes to \$2 mil 850 thousand over a two-year beginning July 1, 2009. This fiscal year the limit is raised to \$1.85 million, a \$56.3 million increase.
 - The current limit is \$850,000 and is set to be adjusted annually for increases in the prior year Consumer Price Index (CPI) beginning July 1, 2008.
 - The CPI adjustments will continue with the increased allocations to the parishes.

- Fifty percent of the increased severance tax allocation to a parish must be set aside for the same purposes as any money received from the Parish Transportation Fund.
- Places \$10 million from state severance tax collections in the Atchafalaya Basin into the Atchafalaya Basin Conservation Fund for projects in the basin. Eighty-five percent of those funds must be used for water management, water quality or access projects within the basin. FINAL
- Taxes on Manufactured Homes and Mobile Homes -
 - State Taxes on FEMA mobile home purchases **ACT 880** (SB 678 - Adley) - Sets up a process for returning state taxes paid on manufactured homes and mobile homes purchases from FEMA for residential use and consequently sold back to FEMA because of health issues related to the homes. SIGNED
 - State Sales Taxes on Certain Manufactured Homes **ACT 463/ACT 468** (SB 520/SB 569 - Morrish) - Prohibits the collection of sales taxes on certain manufactured home purchases between 9/1/05 and 12/31/06. The prohibition applies to homes used as residences in certain parishes impacted by Hurricanes Katrina and Rita for which a "declaration of immovability", which would make the purchase non-taxable, was not timely filed. The measure also creates the Manufactured Home Tax Fairness Fund to allow for the reimbursement of taxes already paid on such homes. SIGNED
- Timely Tax Rebates and Refunds for Businesses -
 - Enterprise Zone and Quality Jobs Sales Tax Rebates **ACT 720** (HB 416 - Ellington) - Sets down time limits for the Department of Revenue to provide sales tax rebates and refunds owed businesses under the Enterprise Zone and Quality Jobs programs. SIGNED
 - Tax Exemption Contracts **ACT 456** (SB 445 - Smith) - Sets up a system for industries receiving tax exemption contracts from the Board of Commerce and Industry to not pay the sales tax at the time of purchase rather than wait for a tax rebate or refund from the state. SIGNED

Pay Raises /Benefits Issues -

- Legislative Assistant Pay Raise **ACT 838** (HB 1063 - Tucker) - Requires the Legislative Budgetary Control Council (LBBC) to establish and implement a salary schedule for legislative assistants that results in an increase over the current pay. The salary will be based on the number of years of employment as a legislative assistant with the LBBC providing a mechanism to factor in other governmental experience as well. Lawmakers will still be able to employ more than one assistant based on his years of service in the legislature with the salaries of the assistants based on the salary schedule to be developed by the LBBC. Currently the salary schedule for legislative assistants ranges from \$2000 to \$3000 a month, with a 4% step increase available to those who have reached the maximum monthly salary. SIGNED
- Executive Branch Employees **ACT 19** (HB 1 - Fannin) - The state's operating budget includes significant pay increases for state agency secretaries, deputy secretaries and other high ranking staff. The pay for the DED secretary is rising by \$75,000 over what was paid his predecessor. The DED deputy secretary's salary is going up \$94,000. The state's public health officer's pay is increasing by \$60,300. The homeland security director's pay increase totals \$27,000. And, the state education superintendent is receiving a pay package totaling over \$335,000, nearly \$100,000 more than the previous superintendent's pay package. The raises for the various executive branch employees are the largest raises approved for any group at the 2008 Regular Session. SIGNED
- Supplemental Pay Increase **ACT 664** (SB 26 - Alario) - Increases state supplemental pay for eligible public safety officials from \$425 to \$500 a month beginning July 1, 2009. SIGNED
- Cost of Living Increases for Retired Teachers & State Employees (SCR 1 - B. Gautreaux/HCR 2 - Robideaux) - Provides a 3% cost of living raise to eligible retired teachers and state employees. FINAL

Education Issues -

- School Funding -
 - Minimum Foundation Program (MFP) (HCR 207 - Trahan) - FINAL
 - Totals \$3.2 billion.
 - Increases basic state aid to public schools by \$90 million, a 3% increase.
 - Per pupil funding increases by \$103 to \$3,855 per student.
 - \$5 million increase for schools to boost career and technical education programs as part of the high school redesign effort and focus on workforce development.
 - \$14 million to partially fund within the MFP a minimum \$1019 annual pay raise for teachers and other certificated personnel, about 57,000 school employees total. Teachers in some parishes will receive higher raises. *The remainder of the funding for the raise, \$56 million, is included in the general budget and is not part of the MFP. The 2008-09 pay raise is designed to keep Louisiana teacher salaries at the SREB average. The average teacher pay for the 2007-2008 school year was \$46,800.

- Increased funding for at-risk students, school operational costs and stipends for foreign associate teachers.
- General Budget Initiatives -
 - \$1000 one-time salary supplement for all public school support workers as well as certain cafeteria workers and support personnel at private schools. The House provided funding for this bonus by moving \$48.6 million out of the Economic Development Mega-Fund.
 - \$10 million for rural school systems to provide incentive pay to quality teachers in an effort to address shortages in certain disciplines such as math, science and foreign languages. Schools systems will apply for the funds which will be allocated by the Department of Education.
 - \$3.9 million to provide stipends to speech and hearing specialists and social workers in schools.
 - \$12.5 million for a literacy and numeracy program to improve reading and math skills of pre-k to 4th grade students. Louisiana's 4th graders rank last in the nation in reading. About one-third of the state's public school students in the 4th grade read at grade level. The reading program, Ensuring Literacy for ALL, will target students in about 150 schools across with the state with reading coaches and professional development for teachers. Over 300 schools have applied to participate in the program.
 - \$2.9 million for alternative schools in an effort to address the state's dropout problem. The funding will provide for a pilot program to establish an alternative school serving a rural region of the state and an alternative school serving an urban area of the state.
 - \$4.5 million to enhance career and technical education at local schools.
 - \$10 million for student scholarship program in Orleans Parish.
- Early Childhood Education -
 - Phased-In Universal Access to LA 4 **ACT 876** (SB 286 - Duplessis) - SIGNED
 - Phases in universal access to the state's early childhood education classes for all four-year old students beginning with the 2009-2010 and providing access to all students at the state's expense, regardless of income, in the 2013-2014 school year.
 - Currently students whose parents with incomes up to 1.85% of the federal poverty level attend free. Free pre-k classes are currently provided to about 13,500 at-risk 4-year-olds at a cost of about \$80 million a year.
 - The plan is to gradually increase the allowable family income level each year to allow more children access to the state-supported early childhood education programs.
 - Private pre-k programs would be eligible to participate.
 - Providing pre-k classes for all four-year old students will cost the state an additional \$68 million a year.
 - Supporters of the pre-k effort note that every dollar invested in quality early childhood education programs returns \$2 to \$5 directly to the state.

- The plan to provide pre-k education programs for all students is dependent on the amount of money set aside for the program each budget year.
- Student Scholarships for Educational Excellence Program **ACT 509** (HB 1347 - Badon)-SIGNED
 - Authorizes the use of state funds to provide "scholarships" to eligible students in Orleans Parish to attend private or parochial schools.
 - Initially the program will apply to K-3 students in families with incomes below 2.5 times the federal poverty level (\$53,000 for a family of four) who attend an academically unacceptable school or are just entering kindergarten.
 - The proposed \$10 million investment is expected to provide scholarships of up to \$6300 per student for about 1500 students in the 08-09 school year. Catholic school officials in New Orleans say they can accommodate about 500 of the students.
 - As the initial group of students advances to the next grade, one grade will be added to the program each year.
 - BESE will approve the schools eligible to participate in the program with the scholarship money provided to participating schools for each qualified student accepted. Schools must be deemed academically acceptable by BESE and receive a special authorization to participate if the school has been in existence for two years or less.
 - Students participating in the scholarship program will have to pass the LEAP and iLeap tests required of public school students, however the students will not be barred from moving to the next grade if they do not pass the tests as public school students are. The accountability testing will not apply to students at the private school who are not participating in the state scholarship program.
 - Participating schools must submit to an annual financial audit.
- Charter Schools -
 - Charter School Expansion **ACT 350** (HB 321 - Trahan) - Increases the number of charter schools allowed in Louisiana from 42 to 70. SIGNED
 - Charter School Renewal Periods **ACT 202** (HB 349 - Trahan) - Changes the way a school's charter is renewed from a ten-year renewal to a renewal of not less than three years or more than 10 years. The change is designed to allow education officials to address any problems at the charter school earlier in the process. SIGNED
 - Charter School Financing **ACT 744** (HB 1105 - Trahan) - Sets a standard, statewide flat rate for the amount local school systems can charge charter schools for administrative costs for the application period and the first year of operation, allowing local school systems to negotiate increased rates of up to 3% thereafter. The rate is set at a percentage of the total per pupil amount received by the charter school. SIGNED
- Articulation Agreements **ACT 464** (SB 537 - Nevers) - Requires BESE and the Board of Regents, working with the college and university management boards, to adopt a system of course articulation between secondary schools and colleges and between colleges by 2010.

The idea is to make sure that course credits earned during high school or at a particular higher education institution are accepted from one institution to another. SIGNED

- Drop-Out Prevention **ACT 1091** (HB 1091 - K. Peterson) - SIGNED
 - The Louisiana School Dropout Prevention Act requires BESE to work with local school systems to reduce dropout rates and to gather specific information about dropout problems across the state.
 - Requires BESE to help schools in which less than 70% of the students graduate in four years set up intervention programs for students failing ninth grade math classes, to increase the availability of advanced placement classes and to communicate with parents on dropout alternatives.
 - Requires all students 17 or 18 years of age who choose to leave school to participate in an exit interview along with their parents prior to dropping out. Both students and parents must sign a form acknowledging that leaving school will likely reduce their earnings potential and increase the possibility of unemployment and receive information regarding alternative education programs and job training opportunities.

- Habitual School Absences/Tardiness **ACT 745** (HB 1133 - Downs) - SIGNED
 - Establishes penalties for parents or legal guardians of students in grades K-8th who are habitually tardy or absent. A first offense carries a \$50 fine or 25 hours of community service. Subsequent offenses are punishable by a \$250 fine and/or up to 30 days in jail.
 - A student is considered habitually absent or tardy if there are 5 or more unexcused absences or tardy events in one month.
 - After the 3rd event, the school must notify the parent or guardian of the problem in writing and hold a conference with them on the issue.

- School Discipline & Safety:
 - Teacher Bill of Rights **ACT 155** (HB 672 - Trahan) - Expands the existing Educators Right to Teach under a newly named Teacher Bill of Rights. The current rights listed in state law are expanded to include the right to a legal defense and the right to qualified immunity. New teachers are also granted the right to be assigned a mentor teacher to work through the challenges of the classroom. SIGNED
 - Body Armor Prohibition **ACT 747** (HB 1153 - Hazel) - Prohibits the possession and/or wearing of bulletproof vests and other body armor on *any* school campus in the state unless the student notifies their principal or chancellor in writing of their intention to wear body armor on campus 24 hours in advance. SIGNED
 - Suicide Prevention **ACT 219** (HB 719 - Carmody) - The Jason Flatt Act requires all public school teachers, principals, counselors and others whom BESE determines may benefit from the training to receive two hours of suicide prevention training beginning no later than the 2008-09 school year. Suicide is the third leading cause of death among adolescents in Louisiana. The measure is designed to save lives and to protect the safety of other students. SIGNED
 - Crimes Against Educators **ACT 295** (HB 757 - Trahan) - Increases penalties for the assault or battery of a school teacher, teacher aide, paraprofessional, school bus

driver, food service worker, clerical, custodial or maintenance employee of a school system. The fine is raised from \$1000 to \$5000. Jail time is increased from the current 15 days to six months to 30 days to a year. At least 72 hours must be spent behind bars and cannot be suspended. SIGNED

- Educator Background Checks **ACT 649** (HB 1007 - Cromer) - Changes the current law requiring criminal background checks for those working in our schools and in other positions of authority over children to include the reporting of any criminal arrest, criminal conviction or no contest plea to any criminal offense. The new law eliminates the restriction on any background check to offenses within 10 years of the request for the information and requires teachers and other school employees to report an arrest, conviction, guilty plea or no contest plea to any criminal conviction within 48 hours. SIGNED
- Louisiana Science Education Act **ACT 473** (SB 733-Nevers) - SIGNED
 - Requires BESE, upon request, to assist local school boards to create and foster an environment that promotes critical thinking skills, logical analysis and open and objective discussion of scientific theories being studied including evolution, the origins of life, global warming and human cloning.
 - Allows teachers to use textbooks and other instructional materials not supplied by the local school system to help students analyze and critique the scientific theories. The teachers must first use the standard text before introducing the supplemental materials. BESE has the authority to prohibit materials it deems inappropriate.
 - Specifically states that the new law shall not be construed to promote any religious doctrine or belief.
 - Requires BESE and local school boards to develop rules and regulations for implementation of the new law before the 08-09 school year.
- Other Education-Related Proposals -
 - LEAP Exam Waivers **ACT 907** (SB 440 - Duplessis) - This measure originally only addressed the need for schools to provide parents information regarding how to file complaints or request information from the school. The House amended the measure to allow BESE to set up rules for the Superintendent of Education to issue waivers to special needs students to move to the next grade without passing LEAP. BECAME LAW WITHOUT SIGNATURE
 - School Facilities Needs **ACT 739** (HB 1054 - Peterson) - Authorizes public school systems to create public benefit corporations to address facilities needs at the local level. The public benefit corporations may enter into agreements and engage in financing arrangements to plan, renovate, construct, lease, sublease, manage and improve schools and school property in the school system. SIGNED
 - School Immunizations
 - **ACT 152** (HB 581 - Trahan) - Require students to present evidence they have received their required immunizations against preventable diseases when entering the sixth grade as well as when enrolling in school the first time. The new requirement begins in the 09-10 school year. SIGNED

- **ACT 342** (HB 178 - Gisclair) - Requires 11-year-olds to be vaccinated for meningococcal diseases to enter public, private or parochial schools and also calls for those who are home-schooled to be vaccinated. Parents can opt out but must sign a form stating that they know the risks but don't want their children vaccinated for personal, medical or religious reasons. **SIGNED**
- Paperwork Reduction **ACT 361** (HB 657 - Trahan) - Prevents the requirement that school employees complete certain paperwork if the information provided in the paperwork is readily available from another source. **SIGNED**
- Education Consultants **ACT 917** (HB 891 - Fannin) - Allows the Department of Education to sign a one-year contract with an educational consultant worth less than \$250,000 without going through a public bid process. Current law requires any contract over \$50,000 to go through the public bid process. Education officials note that local school boards already have such professional services contracting authority. State education officials want the flexibility to expedite the hiring of an outside consultant to assist with improving the implementation of accountability programs in the schools. **SIGNED**

Higher Education Issues -

State lawmakers provided \$37.4 million to fully finance the state's colleges and universities per the higher education funding formula. Additional monies are also provided for high school students to dual enroll in post-secondary education and workforce training programs; to fully fund TOPS and GO Grants; and to support endowed chairs and professorships.

- Tuition/Fees
 - Tuition Increase Authority **ACT 915** (HB 734 - Trahan) - **BECAME LAW WITHOUT SIGNATURE**
 - Authorizes governing boards to raise tuition at higher education institutions without the currently required two-thirds vote of the legislature within certain parameters from the 2008-09 school year through 2011-12.
 - Allows tuition increases from 3 to 5 percent over the next four years.
 - The amount of the increase is dependent on a formula developed by the Board of Regents that takes into account how a school stacks up against its peers in the Southern region.
 - In the first year, the increases will range from a low of \$44 at technical colleges to a high of \$234 at LSU-Baton Rouge.
 - The schools are required to set up a process for granting hardship waivers to students who do not qualify for available financial aid programs and are adversely affected by the tuition increases.
 - After the first year of increases, the Joint Legislative Committee on the Budget must review and approve the proposed tuition hikes.
 - Louisiana is the only state in the nation that requires colleges and universities to get a two-thirds vote of the legislature to increase tuition.
 - Tuition rates in Louisiana are some of the lowest in the nation, as much as 30% below that of comparable institutions.

- Law School Tuition Increases **ACT 840/ACT 899** (HB 1145 - Foil) (HB 1314 - M. Jackson) - ***BOTH MEASURES BECAME LAW WITHOUT SIGNATURE**
These two measures increase tuition at the LSU and SU Law Centers, respectively.
 - At LSU, law school tuition will increase by \$1000 a year for in-state students over the next three years and \$2000 for out-of-state students.
 - At SU, law school tuition will increase by \$500 a year over the next three years for both in-state and out-of-state students.
 - Neither tuition increase proposal will impact current students.
- **TOPS**
 - **TOPS Eligibility for Students Displaced by Hurricanes Katrina & Rita ACT 652** (HB 1075 - LaBruzzo) - Allows eligible students who were forced to relocate out-of-state to qualify for the scholarships if they graduated from high school in the 2006-07 school year through the graduating high school class of 2008-09. The measure also renames the program the Taylor Opportunity Program for Students in honor of New Orleans businessman Pat Taylor who originally pushed the idea of a scholarship program for deserving students. **SIGNED**
 - **Cosmetology Tuition ACT 754** (HB 1278 - Waddell) - Allows tuition costs at accredited cosmetology schools in the state to be paid by TOPS, beginning with the 2009-2010 school year. **SIGNED**
- **Grants for Grads Program ACT 748** (HB 1156 - Abramson) - **SIGNED**
 - Sets up a pilot program to assist Louisiana college graduates purchase a home if they agree to work in Louisiana for at least five years and remain in the home for at least one year. This idea is to encourage Louisiana college graduates to stay in Louisiana.
 - The program will provide grants to qualified graduates to assist with the down payment on the purchase of a home.
 - The grant is limited to a maximum of \$10,000 for an individual or \$15,000 for a married couple or the actual amount of state income tax paid during the applicants college enrollment, whichever is less.
 - Initially, the program will be limited to 100 applicants, determined by lottery through the Louisiana Housing Finance Agency. Students must apply for the grants within 60 days of graduation or completion of a postgraduate degree.

Workforce/Economic Development Issues -

The focus during this regular session was on a comprehensive, integrated approach to job training and economic development across state agencies including the current Department of Labor, the Department of Economic Development, the Department of Education, the Board of Regents and the Department of Social Services. There are an estimated 100,000 job openings across the state.

Legislators also provided DED with funding for programs to meet the needs of expanding and new businesses including \$3 million for the Louisiana Fast Start Program to provide customized, job specific training for developing businesses; \$400,000 to encourage existing Louisiana businesses to stay in Louisiana and expand; \$40 million for a Rapid Response Fund to provide incentives for businesses to expand and locate in the state; and an additional \$307 million for a total of \$404

million in the Economic Development Mega-Fund to attract large manufacturing industries to the state.

- Workforce Training Overhaul **ACT 743** (HB 1104 - Tucker) - Replaces the existing Department of Labor with the Louisiana Workforce Commission. The new commission will coordinate with other state agencies to integrate the delivery of all education, training, employment and apprenticeship programs across Louisiana. The existing Louisiana Workforce Commission will become the Louisiana Workforce Investment Council which will work with Workforce Investment Boards composed of a cross section of business leaders, community officials and stakeholders to meet the specific workforce needs of different areas of the state with the development of "one-stop" centers for job training at the local level. SIGNED
- Workforce Training Rapid Response Fund **ACT 890** (HB 1018 - Tucker) - Creates a \$10 million workforce training fund to assist the Louisiana Community and Technical College System with the training of workers in high-demand areas. SIGNED

Healthcare Issues -

- Mental Health - The state estimates that about 34,000 adults and children need some sort of mental health crisis services annually. The state budget includes an additional \$13.8 million for a total of \$89 million to address this problem.
 - "Nicola's Law" **ACT 401** (SB 182 - Gray) - Known as "Nicola's Law" in memory of the New Orleans Police Officer slain by a person with mental illness who had not maintained his treatment. The bill is based on a similar law in NY that supporters say has led to a decrease in hospitalizations and arrests of the mentally ill. The bill gives judges the authority to require that certain patients comply with prescribed treatment, take their medication, go to therapy and obtain substance abuse counseling. SIGNED
 - Crisis Centers **ACT 447** (SB 228 - Heitmeier) - Directs DHH to develop statewide licensing standards for mental health crisis centers, with the goal of having them in each region of the state, thereby creating a robust, community-based mental health system. The centers will take the lead in treating people with acute mental illness. \$3.5 million is allocated for a pilot program in New Orleans. SIGNED
 - Video Conference Evaluations **ACT 153** (HB 653- Labruzzo) - Allows psychiatrists to use video conferencing technology to evaluate patients as long as a health-care professional is physically present. SIGNED
- Human Service Districts **ACT 373** (HB 930 - Mills) - Adds four new human service districts with control over the delivery of public and mental health, as well as developmental disabilities and substance abuse services in specific geographic areas. The plan follows a model used by the Baton Rouge-based Capital Area Human Service District which has been very successful in creating a system of responsive regional service providers tailored to meet the unique needs of the region. SIGNED
- Provider Service Networks **ACT 19** (HB 1 - Fannin) - \$4.7 million is provided in the appropriations bill for the development of provider service networks where primary-care physicians and clinics provide medical homes for Medicaid patients in Louisiana. The doctors coordinate care, referring patients as needed to specialists, hospitals and other

providers in a type of managed-care network. This approach has proven successful in other states. In 2003, North Carolina invested \$8.5 million in the network and cut its Medicaid spending by \$63 million. SIGNED

- Treating the Uninsured (SR 121 - Heitmeier) - Requires DHH to study the possibility of using the money that parishes contribute to provide health care services to leverage additional federal dollars to pay for the costs of caring for the uninsured. DHH is required to report back to the legislature on its findings by Jan. 1, 2009. FINAL
- Patients' Rights **ACT 537** (SB 287 - Mount): Creates the Louisiana Health Care Consumers Right to Know Act which requires DHH to create a state-run Web site to post quality data on health-care providers. People will be able to search data on complications, mortality rates, bed-sore rates and post-operation infections to know which hospital or clinic they want to visit. The Web site is estimated to cost \$500,000 a year. SIGNED
- Cloning **ACT 486** (HB 370 - Henry) - Bans the use of public funds, including federal dollars, for any practice of therapeutic human cloning. Therapeutic human cloning involves removing the nucleus from an unfertilized egg and replacing it with genetic material from an adult tissue cell, such as skin or bone tissue. Does not prohibit federal funding to study the embryonic stem cell lines approved by the federal government in 2001. SIGNED
- Water Systems **ACT 761** (SB 312 -Mount) - Requires water systems with at least 5,000 hook-ups to estimate fluoride levels of the local water supply and determine how much it would cost for the necessary equipment to bring fluoride levels to at least the approved level. Once money for the improvements is provided, the systems would then be required to add fluoride to their water supply. Allows local communities to vote on opting out of the mandate if 15% of the community signs a petition.
 - Fluoride is a chemical compound found naturally in ground water that helps fight tooth decay. Currently, about 67% of the state's population drinks water that has no fluoride added. Supporters say the legislation will lead to 75% of the state's population having access to fluoridated water.
 - The average cost for a community to fluoridate its water is estimated to range from 50 cents a year per person in large communities to \$3 per person in small communities.
 - DHH determined that preschool children not using fluoridated water cost taxpayers \$36.28 more for medical and dental care than children who drink the treated water. Those children were three times more likely to receive dental treatment in a hospital than children using fluoride.
 - The Centers for Disease Control lists fluoride as a TOP 10 health achievement. SIGNED
- Medical Professionals/Disaster Response -
 - HB 1379 **ACT 758** (Tucker): Establishes a 3-member disaster medical panel that the state attorney general or a local district attorney could use to determine whether medical personnel responded improperly during a disaster. The panel will be composed of the parish coroner where the medical services were rendered, a member of the state professional society that oversees the conduct of the medical professional and an "expert in disaster medicine" named by the governor. The opinion the panel

issues are only advisory, and the prosecutor's office can continue with charges no matter what the panel determines. SIGNED

- **ACT 538 SB 301 (Chaisson):** Provides immunity for medical personnel during a declared state of emergency who render emergency treatment conducted in accordance with disaster medicine protocol and at the direction of military of government authorities. SIGNED
- **ACT 539 SB 330 (Chaisson):** Limits the liability of medical personnel during a declared state of emergency when the emergency affects the rendering of medical care unless the damages or injury was caused by gross negligence or willful and wanton misconduct. SIGNED
- **Telemedicine ACT 850 (HB 1384 - Marchand)** - Requires a special license for physicians to practice telemedicine. The bill authorizes the Louisiana State Board of Medical Examiners to establish criteria to issue the license. SIGNED
- **Rural Medicine ACT 605 (HB 1071 - Ellington)** - Establishes a fund, coordinated by DHH, to forgive student loans for physicians who agree to practice in rural areas. The physician must agree to practice not less than 36 hours per week in a rural health professional shortage area for not less than 5 years. Authorizes DHH to repay up to \$250,000 in loans based on the total amount of debt of the physician and the amount of funds available at DHH. SIGNED
- **Alzheimer's Training ACT 571 (SB 810 - Mount)** - Requires certain health care workers who care for the elderly in Alzheimer's units at nursing homes as well as in adult residential facilities or in home settings to receive training in dementia issues and practices. SIGNED
- **Umbilical Cord Blood Banking ACT 163 (HB 861- Hines)** - Establishes the Umbilical Cord Blood Banking Program with the purpose of promoting public awareness of the benefits of cord blood banking. This bill requires DHH to develop a public education and outreach program and establish a toll-free hotline to receive requests for information and potential cord blood donors. SIGNED
- **Autism Treatment ACT 154 (HB 670 - Williams)** - Establishes the Center for Excellence for Autistic Spectrum Disorder in Caddo Parish. The center will do autism research as well as provide services for autistic children and their parents. The center will partner with educators, DHH, LSU Health Sciences Center and other health organizations and will be organized under DHH and operate through interagency agreements with health and medical facilities around the state. Several years ago, a similar center was established in New Orleans, but the grant was only for two years, so many of the services ceased. The state identified 621 students with autism in 1995. Ten years later, the number had risen to 2,138. SIGNED

Children & Family Issues

- **Child Support/Visitation -**
 - **Dead Beat Dads ACT 336 (HB 84 - R. Jones)** - Makes "deadbeat" dads who are more than \$15,000 in arrears subject to felony prosecution. Offenders could face up to two years in prison and a maximum \$2,500 fine plus payment of the amount of support owed. Under current law, 1st offense for failure to pay child support is a misdemeanor when the parent is more than 1 year or \$5,000 in arrears. SIGNED

- Child Support Wage Garnishment **ACT 444** (SB 161 - Jackson) - Requires the court to levy fines against employers when they fail to withhold child support payments owed to the children of their employees. SIGNED
- Changes in Child Support **ACT 886** (HB 759 - Harrison) - Outlines new rules for increasing or decreasing child-support payments for unemployed, injured, disabled or active duty military parents. The bill requires DSS to help the court in preparing information on how modifications should be made. SIGNED
- Child Support Calculations **ACT 579** (HB 339 - Lopinto) - Allows judges to require the noncustodial parent to pay the costs of Little League, music lessons and other extracurricular activities. SIGNED
- Health Insurance **ACT 578** (HB 335 - Wilmott) - Requires DHH to provide DSS with information regarding health insurance coverage provided to children who receive child support. DSS must use the information to identify those children receiving child support who do not have health insurance coverage and assist those children in getting health insurance. The state budget includes \$10.2 million to make sure as many children as possible are covered under Medicaid or LaCHIP. Ten years ago, 25% of Louisiana children were uninsured. That number is down to about 5%. SIGNED
- Visitation & Custody Responsibilities **ACT 671** (SB 492 - Quinn) - Requires parents to abide by court-ordered visitation schedules and sets up a process for a parent to recover costs and attorney fees from the other parent who does not abide by the court-ordered schedule without good cause. SIGNED
- Adoption **ACT 778** (SB 758 - Broome) - This bill protects parental rights in intrafamily adoptions. Current law says under certain circumstances, such as six months of delinquent child support payments, the state can waive a parent's consent for adoption, which can result in a termination of that parent's rights with the child. This bill requires notice be sent to the parent that a family member is seeking adoption of their child and that could result in the termination of parental rights. If there is opposition to the adoption, the bill orders the court to appoint an attorney for the child and for the parent if the parent is unable to employ counsel. SIGNED
- Foster Children **ACT 352** (HB 366 - Katz) - Extends Medicaid coverage to young people leaving the foster child system until they turn 21 years of age. SIGNED
- Other Child Welfare Issues -
 - Child Poverty Prevention Council of Louisiana **ACT 559** (SB 660 - Nevers) - Creates the Child Poverty Prevention Council of Louisiana, with the purpose of pursuing programs to reduce child poverty in the state by 50% over the next 10 years. Also creates the Child Poverty Prevention Fund for grants and projects aimed at reducing child poverty. The Council would find grant funding for local governments, nonprofit agencies, faith-based organizations and other community-based groups to directly serve the parishes with the highest rates of child poverty. Louisiana has a 28% child poverty rate, the second highest in the nation. 13% of the state's children live in extreme poverty, defined as a family of 3 earning less than \$17,600 annually. SIGNED

- Service Delivery **ACT 775** (SB 701 - Mount) - Creates an integrated human and social services model. The guiding principle behind the model is that when families face challenges—like truancy, unemployment or underemployment, and undependable child care—the community should have an accessible location where a multitude of services are made easily available. SIGNED

Public Safety Issues -

• Sex Offenders -

- **ACT 462** SB 517 (Amedee) - Makes the mandatory registration and notification requirements of sex offenders a lifetime obligation unless a conviction is overturned. The registration requirement would still apply even if an offender is eventually pardoned by the state. SIGNED
- **ACT 426** SB 514 (Amedee) - Increases the minimum penalty for anyone convicted of molesting a juvenile 13 or older but younger than 18 from a minimum of one year in jail to five years. The bill also permits a fine of up to \$5,000. A defendant with "control or supervision" over the victim, such as a teacher or baby-sitter, would face a maximum fine of \$10,000 and a minimum of five years in jail with a maximum of 20 years. SIGNED
- **ACT 441** SB 144 (N. Gautreaux) - Allows judges the option of imposing chemical castration on a first offense and mandatory on a second offense for certain crimes, including the rape of a juvenile under 13, aggravated rape, forcible rape, second-degree sexual battery, aggravated incest and aggravated crimes against nature. SIGNED
- **ACT 400** SB 143 (N. Gautreaux) - Prohibits convicted sex offenders from wearing masks or a disguise on holidays and from distributing candy or giving gifts to anyone under the age of 18 on holidays, with punishment of six months to three years in jail. SIGNED
- **ACT 646** HB 867 (Baldone) - Clarifies the law against computer-aided solicitation of a minor so that the perpetrator must believe the minor is 17 or under or at least two years younger than the perpetrator. SIGNED
- **ACT 25** HB 770 (Greene) - Prevents anyone convicted of computer-aided solicitation of a minor from receiving reduced sentences for good time. SIGNED
- **ACT 461** SB 510 (Amedee) - Provides for a mandatory minimum penalty for the crime of computer-aided solicitation of minors. SIGNED
- **ACT 672** SB 500 (Crowe) - Allows the court to restrict access to the Internet for those convicted of computer-aided solicitation of a minor and requires such an offender released on parole to agree to state supervision of his Internet activity. Also allows an interactive computer service to block a convicted child sex offender's access to pornography sites and requires such services to report apparent violations of child pornography laws to the National Center for Missing and Exploited Children within a reasonable time. SIGNED
- **ACT 649** HB 1007 (Cromer) - Changes the current law requiring criminal background checks for working in positions of authority over children to include the

reporting of any criminal arrest, criminal conviction or no contest plea to any criminal offense. The new law eliminates the restriction on any background check to offenses within 10 years of the request for the information and requires those impacted by the required background check to report an arrest, conviction, guilty plea or no contest plea to any criminal conviction within 48 hours. SIGNED

- Crimes Against the Elderly/Disabled -
 - Abuse **ACT 181** (SB 57 - Martiny) - Current law imposes criminal penalties for abuse of any person at least 60 years old or any disabled person 18 years or older. This bill expands the definition to include anyone at least 18 years old or an emancipated minor who due to physical, mental or developmental disability is unable to manage his own resources, carry out the activities of daily living or protect himself from abuse, neglect or exploitation. SIGNED
 - Abandonment **ACT 177** (SB 237 - Thompson) - Extends the definition of criminal abandonment, which now addresses leaving a minor unattended by an adult, to the intentional physical abandonment of an aged or disabled person by a paid caregiver, with punishment of a fine of \$1,000, a year in jail or both. SIGNED
 - Silver Alert **ACT 453/ACT 662** (SB 423 - Cravins/HB 1378 - Simon) - Establishes a public emergency alert system known as the Silver Alert, similar to the Amber Alert system used in connection with missing children, to assist with the location of missing senior citizens and those with developmental disabilities. SIGNED
- Juveniles
 - Tried as Adults **ACT 670** (SB 469 - Dupre) - Allows adults who committed crimes as juveniles to be subject to juvenile jail time. Under the bill, adults would be tried in adult court. If convicted, the offender could get no more jail time than a juvenile would receive. SIGNED
 - Tracking Juvenile Delinquent Crimes **ACT 641** (HB 682 - Hutter) - In order to better track problems with juveniles from parish-to-parish, this measure allows law enforcement officials to fingerprint and photograph a juvenile delinquent taken into custody for a misdemeanor juvenile act. Previously, that was only allowed when a dangerous weapon was used during the commission of the act. SIGNED
 - Juvenile Detention Escapees **ACT 715** (HB 115 - Lambert) - Allows law enforcement agencies to release to the public the name, age, physical description and photograph of a child who has escaped from a juvenile detention facility. SIGNED
- Firearms -
 - Firearms at the Workplace **ACT 684** (SB 51 - McPherson) - Allows employees to bring guns to work in their cars and park them in company lots, but allows the businesses to establish the conditions for bringing the guns. Grants immunity to businesses for any accident or incident involving a gun brought onto their property. SIGNED
 - Right to Possess Firearms **ACT 668** (SB 410 - Hebert) - Protects the right of a person to lawfully possess a firearm by limiting the ability of a chief law enforcement officer to regulate the possession of firearms during a declared emergency. SIGNED

- Felons & Firearms **ACT 622** (HB 73 - Badon) - Makes a crime of providing ammunition to convicted felons punishable by a fine of \$1,000 to \$5,000 and up to five years in prison. SIGNED
 - Vandalism/Property Rights -
 - **ACT 8** HB 163 (Ligi) - Makes it a crime to deface public or private property with graffiti. Penalties are staggered based on the amount of damage. If the graffiti damage is less than \$500, the penalties can be up to six months in jail, a maximum fine of \$500 or both; if the damage ranges between \$500 and \$50,000, the penalties can be up to \$1,000 fine, a jail term of up to two years or both. SIGNED
 - **ACT 650** HB 1040 (Abramson) - Allows seven people who live near a business involved in prostitution, obscenity, violence, theft-related activities, weapons violations or drug activities to file a petition to have the establishment closed for as long as five years. The petition allows "competent evidence" of five or more arrests involving a prohibited activity on the premises or within 35 feet of it in a 12-month period. The bill also allows police reports of complaints to be used as evidence of nuisance allegations. SIGNED
 - Crimes of Intimidation -
 - **ACT 643** HB 726 (Hardy) - Makes it unlawful for anyone to try and intimidate another person or group with the representation of a hangman's noose. Calls for a fine of up to \$5,000 and imprisonment of up to one year. SIGNED
 - **ACT 4** HB 45 (Leger) - Rewrites the law prohibiting criminals from threatening witnesses, judges or prosecutors in criminal cases to also prohibit the threatening of their family members with penalties of up to 40 years in prison, a maximum of \$100,000 fine or both when the case involves a crime punishable by a life sentence or the death penalty and a fine of up to \$50,000 and a maximum jail term of 20 years when the crime can be punished by less than life. SIGNED
 - Animals -
 - **ACT 14** HB 286 (Morrell) - Makes the penalties for attending a dogfight the same as for fighting the animals or promoting the events—a fine of at least \$1,000 and up to \$25,000, a jail sentence of at least one year to a maximum of 10 years or both. SIGNED
 - **ACT 158** HB 752 (Monica) - Increases the penalties for killing or injuring a police animal from a fine of between \$2,500 and \$3,500 to a fine of between \$5,000 and \$10,000, with at least a year in prison as a first offense and a minimum of five years on a second offense. SIGNED
 - Other Crime Issues -
 - **ACT 660** HB 1374 (Norton) - Creates the crime of unlawful posting of criminal activity for notoriety and publicity on the Internet with penalties of up to \$500 in fines and up to 6 months in jail. SIGNED
- Corrections Issues -
- Parole -

- **ACT 624** HB 110 (Champagne) - Excludes persons convicted of armed robbery from being eligible for parole. SIGNED
- **ACT 572** HB 120 (Wooton) - Allows the Secretary of the Department of Public Safety and Corrections the authority to release an inmate for palliative or medical care when the prisoner is diagnosed with a terminal condition and is expected to die within 60 days, or when the inmate is confined to an acute-care hospital or nursing home. SIGNED
- **ACT 30** HB 121 (Baldone) - Changes the amount of time a prisoner can knock off their sentence for good time. Previous law allowed inmates to knock 30-35 days off their sentences for a months worth of good time. The new law applies a standard 30-day credit across the board for inmates who behave over the course of a month with exceptions for prisoners serving time for sex offenses and certain other crimes. BECAME LAW WITHOUT SIGNATURE
- **ACT 31** HB 268 (Guillory) - Allows inmates who have been convicted of manufacturing drugs and possessing large amounts to participate in work release programs for more than the last six months of their sentences, a restriction set in current law. BECAME LAW WITHOUT SIGNATURE
- Work Release Programs **ACT 100** (HB 334 - Guillory) - Known as the Inmate Rehabilitation and Workforce Development Act. The act allows alternative sentences such as job skills and workforce training as rehabilitation for people who commit certain non-violent crimes. SIGNED
- Indigent Offenders **ACT 252** (HB 125 - Guillory) - Allows interest earned from Inmate Welfare Funds to be used to provide assistance to indigent offenders participating in the reentry process who have been released from the state's physical custody but remain under probation or parole. SIGNED
- Bail/Bonds **ACT 66** (HB 28 - Richmond) - Requires anyone charged with a crime of violence—ranging from murder to fleeing from a police officer—to post a cash or property bond to gain release pending trial. SIGNED
- Juvenile Justice Reforms -
 - **ACT 565** SB 749 (Cravins) - Orders the Jetson Youth Center closed by June 30, 2009. Allows the governor to extend the closure date by executive order by not more than five months. Orders the juvenile detainees moved to smaller facilities around the state. The bill also gives former Jeston staffers preferential job placement. SIGNED
 - **ACT 715** HB 115 (Lambert) - Allows law enforcement to release the name, age, physical description and a photograph of juvenile detention center escapees. SIGNED
- Office Malfeasance **ACT 481** (HB 124 - Wooton) - Makes it a crime of malfeasance in office for probation officers or officials at a state work-release facility to have sex with anyone under their supervision. State law already prohibited sexual contact between employees of jails and prisons but does not encompass work-release facilities. SIGNED
- Other Correction Issues -

- **ACT 638** HB 613 (Tucker) - Increases the allowance the state pays sheriffs to hold state inmates in local jails from \$22.39 to \$24.39 a day. The increase is expected to cost the state about \$7 million in the 2008-09 fiscal year. SIGNED

Highway Safety Issues -

- Cell Phone Usage While Driving - Several studies show that cell phones are the leading cause of car crashes. It is estimated that cell phone-distracted drivers are four times more likely to be in a car wreck. Cell phones cause more than 200 deaths and 500,000 injuries nationally every year. These studies found that hands-free units don't help—chatting drivers crash just as often when they have both hands on the wheel. Louisiana has lost 17 people in cell phone-related accidents over the last two years.
 - **ACT 665** (SB 137 - Quinn) - Prohibits text messaging by all drivers and prohibits cell phone usage by drivers 17 and under as a second offense moving violation. First offense is up to \$175 fine and a maximum fine of \$500 for subsequent offenses, double those limits if an individual is in an accident while texting. Makes an exemption for two-way radios, emergency calls and calls from doctors, medical clinics or hospitals. SIGNED
 - **ACT 666** (SB 159 - Cravins) - Prohibits persons under the age of 17 from using cell phones as a second offense moving violation. Exempts emergency calls, push-button devices and two-way radios. First offense is \$100 and subsequent offenses are \$200, double the fine if cell phone usage is involved in a traffic accident. Also requires Louisiana Highway Safety Commission to compile statistics on the use of cell phones and traffic accidents. SIGNED
 - **ACT 667** (SB 342 - Erdey) - Bans the use of a cell phone or mobile device as a second offense non-moving violation for a year for all first-time drivers, but exempts first-year drivers who moved here with a valid driver's license from another state. Also exempts emergency calls and two-way radios. First offense is a fine of up to \$100 and/or 16 hours community service; subsequent violations are punishable by a fine of up to \$250 and/or 24 hours of community service. Also requires the Louisiana Highway Safety Commission to compile statistics on the use of cell phones and traffic accidents. SIGNED
 - **ACT 355** (HB 402 - Foil) - Bans school bus drivers from using cell phones while they are operating the vehicle with a penalty of 90 days in jail and \$500 fine. Exempts emergency calls and calls from school administrators. SIGNED
- Traffic Cameras **ACT 435** (SB 74 - Shepherd) - Prohibits any traffic conviction based on evidence provided by a traffic camera from being forwarded to the Office of Motor Vehicles for inclusion on the driver's record. SIGNED
- DWI -
 - **ACT 679** (SB 721 - Chaisson) - Allows judges to decide whether blood alcohol tests administered by hospital staff should be entered into official records. The law will not apply to tests given by State Police. SIGNED
 - **ACT 640** (HB 643 - Schroder) - Clarifies the law regarding 2nd offense DWI. Current law states that offenses committed more than 10 years before can't be considered in

determining whether a defendant has a prior DWI conviction. This bill clarifies that the 10-year period does not include time in which the offender was incarcerated. Also changes the penalty for 2nd DWI offense to include home incarceration when the offender is placed on probation. SIGNED

- Mini-Vehicles **ACT 698** (SB 771 - Hebert) - Restricts the use of mini-trucks and other mini-vehicles on Interstate highways but allows operation on other streets and highways. Requires that these vehicles be subject to state inspection laws and must meet emission standards. Includes a provision that if there is a possible loss of federal highway funds, the state law will be null and void. SIGNED
- Speeding **ACT 168** (HB 1151 - Gisclair) - Doubles the fine for speeding in a work zone when workers are present. SIGNED
- Seat Belts/Unsecured Passengers -
 - **ACT 300** (HB 814 - Templet) - Increases penalties for drivers who don't properly buckle up their children in a vehicle. Increases first conviction from \$50 to \$100; second conviction from \$100 to \$250 nor more than \$500; and \$500 plus all court costs for subsequent convictions. SIGNED
 - **ACT 612** (HB 1296 - Wilmott) - Prohibits anyone riding in the bed of a pickup truck while it's traveling on an interstate highway. SIGNED
- Window Tinting **ACT 91** (HB 839 - Hutter) - Limits tinting on windshields to only the top six inches, even in the cases of individuals who have medical and security exemptions. SIGNED
- Driver's Licenses **ACT 688** (SB 275 - Mount) - Gives school boards the option of establishing policies to suspend teenagers' driver's licenses if they are younger than 18 and drop out of school, frequently cut class or habitually are tardy. SIGNED
- Driver's Education **ACT 768** (SB 465 - Walsworth) - Closes a loophole that allows some 14-year olds to take drivers education classes and sets the minimum age at 15. It also requires at least 8 hours of behind-the-wheel experience in drivers education classes instead of the 6 hours currently required. The bill also requires parents or guardians with driver's licenses to sign a statement attesting that they have ridden with the driver for at least 35 hours before the youth can apply for an intermediate license. Becomes law January 1, 2009. SIGNED
- Law Enforcement **ACT 479** (SB 799 - McPherson) - Prohibits ticketing quotas for law enforcement officers. Excludes State Police from the prohibition. SIGNED
- School Zones **ACT 757** (HB 1367 - Hardy) - Prohibits passing a school bus in a school zone that's located on a two-lane street or highway, subject to a warning on first violation, a \$100 fine for 2nd offense, and \$250 for subsequent offenses. SIGNED

Transportation/Highways Issues

- Deep Water Port **ACT 699** (SB 780 - Crowe) - Establishes the Louisiana International Deep Water Gulf Transfer Terminal Authority. The bill sets up a 12-member board named by the governor to study the feasibility of constructing and operating the facility. The panel will work to set up a deep-water cargo transfer facility on the lower east bank of Southwest pass in Plaquemines Parish. It also requires the authority to engage parish officials to develop the site as an international hub for cargo ships. SIGNED

- Coastal Restoration/Flood Control -
 - Levee Districts **ACT 230** (SB 14 - Dupre) - Permits local levee districts to continue bypassing public-bid laws when handling in-house restoration and rehabilitation projects costing less than \$1 million. Existing law already authorizes levee districts and other agencies to use their own equipment and manpower to work on levees not bolstered by federal money. This bill extends the expiration date of that provision until Dec. 31, 2010. SIGNED
 - Integration of Coastal Restoration & Hurricane Protection Efforts **ACT 545** (SB 367 - Dupre) - When the legislature passed a law in 2005 directing the state to integrate and develop a master plan for coastal restoration and hurricane protection, the law kept some duties between certain state departments. This bill provides for the full integration of those duties by combining the divisions of the Departments of Transportation and Development and Natural Resources that are responsible for hurricane protection and coastal restoration. Also establishes a process by which infrastructure projects, such as hurricane evacuation routes, will be funded from federal offshore oil and gas royalties. SIGNED
 - Peer Review of Corps Projects **ACT 607** (HB 1141 - Leger) - Requires all hurricane protections contracts and other agreements between the state and the U.S. Army Corps of Engineers to include a requirement that projects will be peer-reviewed prior to requiring the state to operate, maintain and assume liability for these projects. This requirement will help ensure that new hurricane protection infrastructure in Louisiana will prevail if tested under real hurricane conditions. SIGNED
 - Coastal Land Stewardship Authority **ACT 548** (SB 411 - McPherson) - Creates an authority within the Department of Wildlife and Fisheries to manage and administer properties acquired in connection with the state's coastal restoration and protection efforts. SIGNED
- Airports -
 - **ACT 927** (HB 1272 - Tucker) - Establishes the nine-member Southeast Regional Airport Authority, an agency that could negotiate a state takeover of Louis Armstrong International Airport. The airport is currently operated by the city of New Orleans. Requires voters in Orleans to approve the proposal in a local referendum vote. SIGNED
 - **ACT 686** (SB 212 - Marionneaux) - Extends the Louisiana Airport Authority for another year. The authority is looking to build a \$4.4 billion cargo airport and multi-modal transportation center on 25,000 acres in Ascension, Assumption and Iberville parishes. This bill reduces the 27-member authority board to 11 members and requires the Department of Economic Development to study the feasibility and business plans for the proposal. If it is deemed not feasible, the bill orders the Authority will be discontinued. The Authority has received \$3.8 million in state funds since 1992. SIGNED
- Design-Build Program **ACT 111** (HB 544 - Hutter) - Makes permanent a DOTD pilot program for design-build contracts. The projects cannot exceed a cost of \$5,000,000 and

must get the approval of the House and Senate committees on transportation, highways, and public works for approval. SIGNED

- Bridges **ACT 691** (SB 407 - Donahue) - Requires the Legislature to approve any plans to sell, lease or transfer management of any bridge over five miles in length except for plans relating to public works contracts for bridge repair, maintenance or collection of tolls. SIGNED *This measure also repeals a similar bill, HB 1081 by Rep. Schroder, which previously became Act 313 without the signature of the governor.
- Railroads
 - Department of Agriculture Review of Closure of Farm Crossings **ACT 773** (SB 592 - Riser) - Allows the Department of Agriculture to order the railroad industry to maintain open access to rural residential and farm crossings. SIGNED
 - PSC Review of Proposed Closure of Private Crossings **ACT 530** (SB 243 - McPherson)- This measure sets up a process through the Public Service Commission (PSC) for public hearings, public notices and review of plans by any railroad company to close a private railroad crossing. SIGNED

Insurance Issues -

- Motor Vehicle Insurance
 - Minimum Coverage **ACT 921** (HB 1312 - Ponti) - Increases the minimum amount of liability insurance coverage motorists must carry on their vehicles. BECAME LAW WITHOUT SIGNATURE
 - Raises the current 10-20-10 coverage to 15-30-25 so that motorists would have to purchase insurance providing a minimum of \$15,000 coverage for property damage, \$30,000 for the injury or death of a person, and \$25,000 per person for multiple injuries or deaths.
 - The increased insurance coverage will be required beginning with policies renewed or issued Jan. 1, 2010.
 - The minimum liability insurance coverage has not increased in 20 years.
 - About 40% of the state's drivers carry the minimum insurance coverage required by the state.
 - Motor Vehicle Safety Responsibility Law **ACT 851** (SB 16 - Cravins) - Requires the Secretary of the Department of Public Safety & Corrections to develop and implement a pilot program that will allow for real-time verification of the existence of a motorist's required motor vehicle insurance coverage. SIGNED
 - Anti-Theft Rate Reductions **ACT 132** (HB 606 - Lopinto) - Authorizes the Commissioner of Insurance to reduce premium rates on vehicles with a approved global positioning system or other vehicle-tracking device. SIGNED
- Property Insurance
 - Insure Louisiana Incentive Program -
 - Continuation of Program **ACT 390** (SB 44 - Cravins) - Continues the program established last year to encourage new and existing insurance companies to offer property insurance to Louisianians. SIGNED

- The legislature set up a \$100 million fund last year to match a companies' investment in the state up to \$10 million with a minimum \$2 million investment with the agreement for the company to take over some of the policies of the Louisiana Citizens Insurance Corp., the state's insurer of last resort.
- So far, about \$34 million has been allocated to insurers participating in the program through two rounds of recruiting.
- This bill authorizes a third round of recruiting and establishes a system for recovery of unearned grant funds.
- Also establishes a rebate program for homeowners as detailed in SB 588 below.
- Reallocation of Incentive Program Funds **ACT 469** (SB 588 - Cravins) - If there is at least \$35 million left in the Incentive fund after the newly authorized third round of recruiting, the money will be used to reduce homeowners' property insurance premiums on a pro-rata basis. If there is less than \$35 million left in the fund, the money will be used to reduce the unfunded accrued liability in the state's retirement systems. **SIGNED**
- Citizens Policyholders Disclosure **ACT 388** (SB 17 - Cravins) - Requires homeowners who apply to Citizens for coverage to disclose which companies refused them coverage before turning to citizens. **SIGNED**
- Statewide Deductibles **ACT 854** (SB 160 - Cravins) - **SIGNED**
 - Allows insurance companies to set different "named-storm" deductibles for different areas with the approval of the Department of Insurance. Louisiana is currently the only state in the nation that requires deductibles be the same statewide.
 - The Department will develop a map of the state outlining zones of different deductibles. Any increase in the deductibles is limited to 4% of the property's value.
 - A company that increases deductibles in a particular area must file a business plan to write new business in the area where the deductible is increased.
 - Any increase in the deductible must be accompanied with an explanation from the company regarding how the increase has resulted in a lower premium cost.
- Active Duty Military Discounts **ACT 849** (HB 1375 - G. Jackson) - Authorizes insurance companies to offer a 10 percent discount on homeowners' property insurance premiums to active duty military personnel beginning Aug. 1. 2008. **SIGNED**
- Building Codes -
 - Inspectors/Applicable Structures **ACT 830** (HB 920 - Fannin) - **SIGNED**
 - Adds a "residential accessory structure" to those structures that are not subject to the state uniform construction code unless the structure is located in a municipality with a population of over 45,000. A "residential accessory

structure" is a structure with a 500 square feet footprint or less, is not attached to a primary residence or used as a residence.

- Expands the ability of Louisiana licensed architects and engineers to be registered as inspectors to remove the current limitation to speciality work only.
- Commercial Structures **ACT 813** (HB 1308 - Ellington) - Allows the State Fire Marshal's office to inspect commercial structures in parishes with a population of less than 40,000 and north of the 110 mph wind line. SIGNED
- Health Insurance -
 - Prosthetic Devices **ACT 349** (HB 318 - Kleckley) - Requires insurance companies to provide coverage of prosthetic devices, with a limit of \$50,000 per limb per year. Similar legislation in other states has resulted in minimal increased premium costs. SIGNED
 - Autism Diagnosis and Treatment **ACT 648** (HB 958 - Foil) - Requires health insurance policies cover the diagnosis and treatment of autism spectrum disorders in children under age 17, with benefits limited to \$36,000 a year and \$144,000 per lifetime. Businesses with 50 or fewer employees will not have to offer insurance policies with the coverage. SIGNED
 - Discount Medical Plans **ACT 442** (SB 154 - Cravins) - Requires discount medical plans to register with the Department of Insurance and restricts how the plans can be advertised and marketed. Discount medical plans offer discounted medical bills to clients who pay a fee to join the organization. SIGNED

Ethics Issues -

- Contracting Restrictions/Disclosure
 - Gubernatorial Appointees **ACT 696** (SB 667 - Adley) - Extends the restrictions and disclosure requirements on certain public officials from contracting with state government to include deputy secretaries, undersecretaries, assistant secretaries of state agencies as well as the members of the Board of Ethics and its administrator; the governor's chief of staff and other members of the executive staff; the assistant commissioner, deputy commissioner and confidential assistant in the Department of Agriculture and Forestry; the deputy superintendents and assistant superintendents in the Department of Education; the chief deputy commissioner, deputy commissioners, the assistant commissioner and the executive counsel in the Department of Insurance; the first assistant attorney general; certain deputy secretaries of state; the deputy state treasurer and each assistant state treasurer. Spouses and immediate family members of the officials are not impacted by the legislation. SIGNED
 - Contract Prohibitions/Reporting Requirements **ACT 514** (SB 769 - Chaisson) - This measure attempts to address a number of "unintended consequences" created during the Ethics Special Session by clarifying what is a contract and which contracts are not prohibited; delaying when the first disclosure reports must be filed regarding existing contracts from July 1, 2008 to May 15, 2009 with annual reports due May

15th each year after and specifying what period of time is covered in the initial and subsequent reports. Also allows certain existing professional services contracts for services performed by an architect, engineer or landscape architect for a state entity to be renewed after Jan. 1, 2012. SIGNED

- Financial Disclosure Requirements -
 - Boards & Commissions **ACT 472** (SB 718 - Martiny) - Reduces the amount of personal financial information that members of certain boards and commissions and their spouses must disclose to the state. SIGNED
 - The new reporting requirements apply to boards and commissions that spend more than \$10,000 of public money a year as well as members of the State Civil Service Commission and the Board of Commissioners of the Louisiana Stadium and Exposition District and the spouses of the affected boards and commissions.
 - Members of boards and commissions created by parish governments with a population of 200,000 or less and those created by local governments with a population of 25,000 or less with jurisdiction in one parish or municipality are not impacted by the financial disclosure requirements.
 - Filers will be required to disclose sources of income, but not specific amounts unless the income is related to gaming interests or from a government source. They will not have to disclose details about investments and liabilities. They will have to certify that they have no ties that may pose a conflict of interest with their service or disclose any conflicts and describe how they resolved such conflicts.
 - Prior to the change in the law, many of the board and commission members now subject to the reduced reporting requirements had to supply the same detailed personal financial information as legislators.
 - Some members of boards and commissions such as the Board of Ethics and its director and the Board of Elementary and Secondary Education will still have to meet the higher disclosure and reporting standards.
 - Disclosure Requirements/Effective Dates **ACT 162** (HB 842 - Gallot) - Allows public officials subject to the new financial disclosure requirements to resign their posts by July 1, 2008 and not be subject to the new law. The measure also clarifies when a candidate must file the financial disclosure information and includes designees on boards in the financial disclosure requirements. *Some elements of this measure have been declared null and void in SB 718 above. SIGNED
- Conflicts of Interest -
 - Recusal of Judges **ACT 663** (HB 1386 - Ponti) - Adds to the list of circumstances under which judges must recuse themselves in civil cases to include not only instances in which they are a witness in a case, but also when they have been employed or consulted as an attorney in the case or have had a previous association with an attorney during the attorney's involvement in the case; is the spouse of a party or attorney involved in the case or their parent, child or immediate family

members is a party to the case or an attorney employed in the case; or is biased, prejudiced or interested in the case or its outcome. SIGNED

- Boards & Commissions **ACT 685** (SB 56 - Michot) - Allows members of boards and commissions to recuse themselves from voting on a matter in which they have a conflict of interest. A member who opts for the recusal cannot participate in any discussion or deliberation of the matter in which he/she has a conflict or potential conflict. Members of the Board of Commissioners of the Port of New Orleans, which already has its own recusal rules, are not subject to the new law. SIGNED
- Lobbyists Reforms -
 - Definition of a Lobbyist **ACT 769** (SB 499 - Crowe) - Clarifies when a person must register as a lobbyist and file financial disclosure information with the Board of Ethics to focus on those persons who are paid primarily to actively influence legislators or the executive branch regarding legislation and state policy. SIGNED
 - Lobbyists Financial Disclosure Requirements **ACT 697** (SB 770 - Chaisson) - Removes the requirement that a lobbyist must disclose the identity of any legislator or spouse of a legislator who has had a business relationship with the lobbyist's principal. SIGNED
 - Legislators' Immediate Family Members as Lobbyists **ACT 514** (SB 769 - Chaisson) - Allows immediate family members of a state legislator to lobby the legislature with certain restrictions, if the immediate family member has been a registered lobbyist for at least one year prior to this addition to the law. SIGNED
 - Receipt of Food and Drink by Public Servants **ACT 514** (SB 769 - Chaisson) - Clarifies that a single event at which a public servant may receive food and drink valued at no more than \$50 to mean an activity, occasion, reception, meal or meeting at a given time or place. SIGNED
 - Free Tickets Ban **ACT 514** (SB 769 - Chaisson) - Clarifies exception to the ban on free tickets or admission to events to allow public servants to attend campaign fundraising events and educational, informational and professional development seminars free of charge. Public servants who receive such free admission, lodging or transportation must file a report regarding the event with the Board of Ethics. SIGNED
 - Expenditures Reporting **ACT 164** (HB 1020 - Gallot) - Clarifies that a registered lobbyist does not have to report money spent on a reception or social gathering held in conjunction with a national or regional organization meeting of legislators or legislative staff. SIGNED
- Campaigns/ Campaign Finance -
 - Gubernatorial Transition and Inauguration Disclosure **ACT 514** (SB 769 - Chaisson) - Requires Gubernatorial Transition and Inauguration Committees to file reports with the Board of Ethics detailing their source and amount of funds raised and how the money is spent by Feb. 15th after the January inauguration. The requirement is not retroactive to this administration. SIGNED
 - Payment of Immediate Family Members **ACT 821** (HB 371 - Connick) - Prohibits the payment of campaign funds to immediate family members unless the payment

is to a business that has been in existence for at least a year prior that provides campaign services. *An amendment was added in the Senate to repeal current law that defines certain political organizations as political committees and requires such organizations to file finance disclosure information. SIGNED

- Campaign Phone Calls **ACT 810** (HB 1044 - Abramson) - Prohibits campaign phone calls to voters advocating support or opposition of a candidate, elected public official or ballot proposition unless the call clearly identifies who is responsible for the call. SIGNED
- Push Polling/False Statements **ACT 812** (HB 1198 - Burns) - Prohibits candidates from making certain false statements or authorizing push polling that includes false statements, misinformation or insinuations with the intent of influencing the election. SIGNED
- Open Meetings/Public Records -
 - Public Meeting Agendas **ACT 131** (HB 392 - Gallot) - Requires an unanimous vote rather than a two-thirds vote to add an item for discussion at a meeting of a public body. Existing state law already requires 24 hour notice of a meeting and the planned agenda, but a two-thirds vote can add items to the announced agenda without notice. The prior law and the new law do not apply to the legislature. SIGNED
 - Legislative Meetings/Video Conferencing **ACT 185** (SB 167 - Murray) - Allows legislators to participate in interim legislative committee hearings via video conference as long as no votes or legally binding decisions are made at the meeting. SIGNED
 - Economic Development Negotiations Records **ACT 450** (SB 343 - Duplessis) - Extends until July 1, 2012 the authority of the Department of Economic Development to keep confidential certain records relating to negotiations with businesses seeking to locate or expand in Louisiana. SIGNED
 - Governor's Office Records **ACT 765** (SB 363 - Nevers) - This measure originally only addressed the membership of the Legislative Youth Advisory Council and protecting the personal information of those members under the age of 18. In conference committee, language was added to the bill regarding records in the Governor's Office. SIGNED
 - The bill exempts documents having been used, being in use, or prepared, possessed or retained for use by or on behalf of the governor in the usual course of the duties and business of his office from public access. Current law already exempts other specific items such as books, records, writings, letters and photographs in the control of the governor's office from public view.
 - The bill also makes clear that the governor's office exemption to the public records law does NOT apply to agencies transferred or placed within the governor's office or oversight of the governor's office.
 - The measure as to the governor's office public records is effective Jan. 1. 2009.
- Ethics Board Operations/Investigations -

- Appeal of Orders & Decisions **ACT 595** (HB 853 - Tucker) - Clarifies certain issues relating to the appointment and operation of the Ethics Adjudicatory Board, the board composed of administrative law judges that will determine whether or not an ethics violation has occurred and the penalty for any violation. Also addresses questions about the new requirement that a determination of an ethics violation be based on "clear and convincing" evidence rather than the previous "reliable and substantial" standard. This measure requires that anyone accused of an ethics violation who wishes to appeal a board or panel order regarding such things as subpoenas to do so within 30 days. SIGNED
- Complaint Notification **ACT 128** (HB 290 - Dixon) - This measure requires the ethics board to notify the accused person regarding an ethics complaint and the details of the complaint, but NOT the name of the person making the complaint. SIGNED
- Inspector General Powers **ACT 831** (HB 935 - Fannin) - Designates the Inspector General's Office as a law enforcement agency, expands the office's access to sensitive records and prohibits the public release of confidential records connected with the work of the office. The expansion of the powers of the Inspector General were added to this measure that originally transferred certain agencies out of the Office of the Governor to specific state agencies. SIGNED

Governmental Operations Reforms -

- Capital Outlay Process **ACT 911** (SB 808 - Marionneaux) - Establishes a new process for the development, enactment and execution of the capital outlay budget. SIGNED
 - Requires entities requesting capital outlay funding submit a request for funding that includes supporting information and documents necessary for a study of the feasibility of the project by November 1st.
 - Late submissions will be allowed up until Feb. 1st of the following year for non-state projects under \$1 million in cost. Exceptions may be also be made for emergencies and regional economic development projects after that time.
 - An actual feasibility study of a project will be required.
 - Requires the Division of Administration to develop a system of categorizing, evaluating and ranking requested projects.
 - Sets in state law the limit on the amount of bonds sold each year - about \$350 million a year in practice in recent years to comply with the constitutional limit on net state tax supported debt.
 - Limits bond funding for non-state projects to 25% of the projects and requires non-state entities to put up 25% match. The required match can be waived if the entity can demonstrate it is unable to provide the match.
 - The Joint Legislative Committee on Capital Outlay will recommend to the Division of Administration which non-state projects should be submitted to the State Bond Commission for approval of lines of credit.

- All rules and regulations developed by the Office of Facility Planning in connection with the capital outlay process must be approved by the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee.
- State Budget Reforms -
 - State Funding of Non-State Entities
 - **ACT 842** (HB 1182 - Schroder) - Establishes in state law a process for non-state entities requesting state funding to apply for the funds. Entities must file detailed information regarding the request including the proposed use of the funds; the names and addresses of directors and key personnel; applicable audit information about the entity; any relationship with an elected or appointed public official or that official's immediate family member, etc. The forms will be available to the public on the Internet. SIGNED
 - **ACT 771** (SB 559 - Marionneaux) - Requires certain local entities and quasi-public agencies receiving state funds in the general appropriations budget, the capital outlay budget or other appropriation act to submit sworn financial statements and signed engagement agreements to the legislative auditor before the receipt of any funds. SIGNED
- Boards & Commissions Term Limits - **ACT 935/ACT 875** (SB 232 (CA) SB 233 - Mount) - The proposed change in the State Constitution and the legislation to implement the change if approved by voters in the November 2008 statewide election establishes term limits for members elected or appointed to state boards and commissions in the executive branch of government, similar to the limits placed on the service of members of the State Legislature. Members who have served more than two and half terms cannot be reappointed or reelected. The term limitation will also apply to appointees who have served on one or more boards in the executive branch of government for more than two and half terms total in three consecutive terms. The term limitation will not apply to those who serve on a board or commission by virtue of their position. The new law will apply to members elected or appointed after August 15, 2008. Boards and commissions affected by the term limits include the PSC, BESE, higher education governing boards, the Forestry Commission, the Civil Service Commission and the State Police Commission. SIGNED
- Special Session Notice **ACT 937** (SB 296 - Adley CA) - Proposes a change in the State Constitution to clarify how far in advance a governor must issue the official call for the special session which lists the items to be discussed at the session. Changes the current five day notice to seven calendar days. FINAL
- Successor for Legislator Called to Active Military Duty **ACT 931/ACT 702** (HB 183 CA/ HB 164 - Lorusso) - Authorizes the legislature to provide for the appointment of a temporary successor for a member of the legislature called to active military duty for 180 days or more and is unable to perform his legislative duties. SIGNED
- Agriculture Department Operations **ACT 117** (SB 133 - Donahue) - Requires the Louisiana Agriculture Finance Authority to comply with state public bid laws for its construction projects. SIGNED

Election Issues -

- Early Voting -
 - Extended Hours **ACT 167** (HB 1122 - B. Badon) - Requires registrars to stay open an additional 90 minutes for early voting with closing time moved from 4:30 PM to 6 PM. Early voting runs from two week to seven days before an election. SIGNED
 - Satellite Voting Centers Expansion **ACT 135** (HB 960 - Gallot) - Makes the pilot program of allowing early voting at remote locations a permanent program and authorizes the Secretary of State to establish additional satellite voting centers. The pilot program in East Baton Rouge and Calcasieu Parishes proved to be very popular with voters. SIGNED
- Election Dates -
 - Elimination of July Date **ACT 134** (HB 790 - Foil) - Eliminates the election date in July used by cities and parishes for tax and bond issues. The election, in which voter turnout is usually only about 10%, costs the state \$1.6 million a year. SIGNED
- Withdrawn Candidates **ACT 764** (SB 333 - Quinn) - Requires that a notice be published next to the precinct register listing the names of any candidates whose names are still on the ballot, but have withdrawn from the election or have been disqualified. SIGNED

Recovery Issues -

- Louisiana Recovery Authority Operations **ACT 639** (HB 622 - Tucker) - Broadens the powers of the LRA in an effort to streamline recovery operations. The authority, whose membership will be reduced from 33 to 17, will become the chief coordinator for recovery programs rather than just deciding recovery policy. SIGNED
- Road Home Performance **ACT 829** (HB 910 - Tucker) - Requires ICF International, Inc., the private contractor running the Road Home program, to submit monthly reports to the legislature detailing payments made to contractors and subcontractors and outlining their ability to meet performance standards. SIGNED
- Protection of Farm and Family Lands & Road Home Appeals **ACT 872** (SB 755 - Hebert) - Provides that persons cannot be forced to sell their land, under certain circumstances, in order to get assistance from the Road Home program. The prohibition applies to persons with land in excess of 5 acres that has been used for farming or who have an undivided ownership interest with family members in the land. Also sets up a process for appealing Road Home awards to the Louisiana Recovery Authority and the Office of Community Development and requires that the highest available pre-storm property appraisal be used in connection with determining grants for cases still open as of June 10. The measure makes clear that any additional awards granted through the appeals process must come from federal block grant funds. SIGNED
- Contractor Accountability **ACT 292** (HB 662 - Willmott) - Requires contractors to begin work on a home within 45 days of receiving payment or face criminal charges. Contractors, who do not begin the work without cause or make false statements about the work to be performed, face jail time and/or fines. SIGNED
- Blighted Property

- **ACT 936** (SB 295 CA - Murray) - Proposes a change in the State Constitution to remove certain prohibitions on the disposition of expropriated blighted property in Orleans and East Baton Rouge Parish. FINAL
- **ACT 791** (SB 611 - Murray) - Authorizes the New Orleans Redevelopment Authority (NORA) to take ownership of blighted and abandoned property without going through a long and expensive expropriation process. The measure gives NORA preferential bidding rights on the property. SIGNED
- Property Tax Payment Deferral - **ACT 506** HB 1232 (Dee Richard) - Allows assessors to postpone the deadline for the payment of property taxes when the governor or parish president declares a state of emergency or in cases where a resident is suffering substantial hardship after the lose of their home due to an emergency or calamity. SIGNED
- Unemployment Compensation Debt **ACT 512** (HB 186 - Honey) - Forgives \$111.4 million of unemployment compensation debt incurred by non-profits, school boards and local governments. Much of the debt is related to claims paid on behalf of workers who had to evacuate because of Hurricanes Katrina and Rita, even though their jobs were still available. SIGNED
- Orleans Parish Government and Court Consolidation **ACT 873** (SB 166 - Murray) - Delays the planned consolidation of the Orleans Parish court system to 2014 and pushes back the mergers of the two sheriffs offices and clerks offices until their terms expire after the 2014 elections. The court merger was planned to take place in 2009. Lawmakers approved the consolidations at the urging of former Governor Blanco after Hurricane Katrina to streamline government operations in Orleans. SIGNED
- Day of Remembrance **ACT 800** (HB 5 - LaFonta) - Establishes the first Sunday after the commencement of hurricane season as Hurricane Katrina and Hurricane Rita Day as a day of remembrance and reflection. SIGNED

Other Issues of Interest -

- Consumer Choice Television Act **ACT 433** (SB 807 - Duplessis) - Allows for statewide licensing of cable and video services in an effort to promote competition and investment in advanced communication and video services. SIGNED
- Imported Crawfish & Shrimp **ACT 264** (HB 266 - Mills) - Restaurants that try to pass off imported crawfish or shrimp as U.S. catch will face a fine of \$50 for a first offense, \$250 for a second offense and \$500 thereafter. SIGNED
- Financial Literacy and Education Commission **ACT 766** (SB 405 - Broome) - Creates a commission in the State Treasurer's Office to develop, foster and coordinate actions to improve financial literacy and education programs for basic personal income and household money management skills. SIGNED
- Louisiana State Museum Management **ACT 908** (SB 724 - Thompson) - Allows the lieutenant governor to choose the museum's director and its board of directors. Previously, the lieutenant governor only appointed three of the board's twenty members. BECAME LAW WITHOUT SIGNATURE

- Electronic Bingo Machines **ACT 630** (HB 280 - Wooton) - Bans new electronic video bingo machines which resemble slot machines at charitable gaming operations beginning Aug. 15, 2008. Machines operating or licensed before that time will not be affected. SIGNED
- Louisiana Veterans' Medal **ACT 695** (SB 644 - Adley) - Authorizes the secretary of the Department of Veteran's Affairs to form an advisory committee to design a Louisiana Veterans' Medal to recognize and honor all Louisiana veterans. Eligibility for the award will be based on military records. SIGNED
- Gold Star License Plate **ACT 516** (SB 15 - Dupre) - Authorizes a Gold Star motor vehicle prestige license plate for immediate family members of certain military personnel who lost their lives serving our country in various conflicts. Applications for the plates will begin when the implementation of the Next Generation Motor Vehicle Project is finalized. SIGNED
- Fleur-de-lis State Symbol **ACT 803** (HB 455 - Monica) - Makes the fleur-de-lis a state symbol, but not the ONLY state symbol. SIGNED
- Official Drink of New Orleans **ACT 928** (SB 6 - Murray) - Declares the Sazerac the official drink of the City of New Orleans. BECAME LAW WITHOUT SIGNATURE