

FINAL EDITION

of 2014 REGULAR SESSION

SESSION HIGHLIGHTS



JULY 28, 2014

JOHN A. ALARIO, JR.
PRESIDENT OF THE SENATE

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PRESIDENT PRO TEM

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COMMENT

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

The information contained herein includes the final disposition of legislation, including Act No.'s for the 2014 Regular Legislative Session.



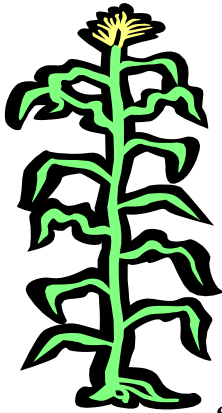
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July 28, 2014

LOUISIANA SENATE

2014 RS

FINAL EDITION
of
Legislative Highlights





**DEPARTMENT OF
AGRICULTURE AND
FORESTRY**

Senate Bill 82 by Senator Thompson (Act 108) re-creates the Department of Agriculture and Forestry and its statutory entities effective June 30, 2014. The legislation provides that July 1, 2019 is the new termination date for the department and that termination begins July 1, 2018, unless the department is again re-created.

Senate Bill 664 by Senator Cortez (Act 590) requires that complaints about prescribed burns be made to the commissioner of agriculture and forestry, who shall investigate such complaints and possess the authority to suspend or revoke his authorization issued to persons found to be in violation of prescribed burn requirements or rules and regulations. The legislation further requires that rules be promulgated by the commissioner pursuant to the Administrative Procedures Act.

RESEARCH & PROMOTION BOARDS

House Bill 878 by Representative Lebas (Act 205) retains an assessment of 1¢ per bushel on soybeans and ½¢ per bushel on wheat, corn, and grain sorghum. The legislation also repeals the voting criteria and the referendum vote for imposition and extension of the assessments on soybeans,

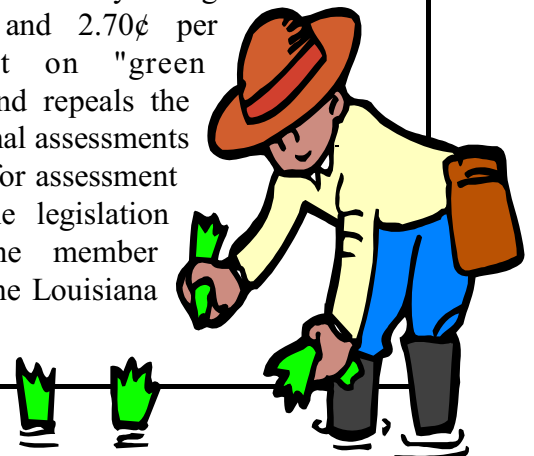
Agriculture/Rural Development

by: *Curry Johnson*
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wheat, corn, and grain sorghum and clarifies the use of funds.

House Bill 886 by Representative Montoucet (Act 345) provides for assessments to be levied and collected of 3¢ per hundredweight on dry rough "paddy" rice and an additional assessment of 2¢ per hundredweight on dry rough "paddy" rice. The legislation repeals all provisions of law related to a referendum for assessment purposes. The legislation also adds one member appointed by the Louisiana Independent Rice Producers Association and the commissioner or his designee to the membership of the Louisiana Rice Research Board. The legislation further provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund and requires a two-thirds vote of the legislature to repeal the refund.

House Bill 1045 by Representative Lebas (Act 216) provides for an assessment to be levied and collected of 3¢ per hundredweight on dry rough "paddy" rice and 2.70¢ per hundredweight on "green weight" rice and repeals the levy of additional assessments and referenda for assessment purposes. The legislation also adds one member appointed by the Louisiana



Independent Rice Producers Association and the commissioner or his designee to the membership of the Louisiana Rice Promotion Board. The legislation further provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund and requires a two-thirds vote of the legislature to repeal the refund.

House Bill 1056 by Representative Lambert (Act 219) provides for assessments to be levied, imposed, and collected of 1/4 of 1¢ per pound on artificial crawfish bait, 1¢ per pound on crawfish tail meat sold in the state, and 1¢ on bags holding less than 25 pounds of crawfish and 2¢ on bags holding twenty-five or more pounds of crawfish. The legislation also removes the appointment term for members of the Louisiana Crawfish Promotion and Research Board and repeals referenda for assessment purposes.

ANIMALS

Senate Bill 112 by Senator Thompson (Act 575) provides for changes in the current procurement code preference for meat and meat products produced or manufactured in Louisiana. The legislation expands the preference to apply to meat and meat products that are processed in Louisiana from animals that originated in Louisiana, as evidenced by traceability documentation supplied by the manufacturer.

Senate Bill 119 by Senator Thompson (Act 110) expands current law to require any owner or lessee of farms or preserves engaged in owning, raising, selling, or harvesting imported exotic deer, antelope, elk, farm-raised white tail deer and other

exotic cervidae, for any purpose, to apply to the commissioner if agriculture and forestry for a license. The legislation also removes the current fencing height requirement of seven feet and authorizes the commissioner to adopt rules regarding fencing requirements for owners or breeders of imported exotic deer, elk, and antelope. The legislation further authorizes the commissioner to raise the civil penalty from \$100 per violation to \$1,000 per violation.

MILK

House Bill 1279 by Representative Ortego (Pending in Senate Health and Welfare Committee) would have authorized the sale of unpasteurized goat milk or whole milk to the consumer by the farm where the raw milk is produced. The legislation required a farm or dairy to register with the Department of Health and Hospitals.

FEDERAL AND STATE PROGRAMS

Senate Concurrent Resolution 41 by Senator Gallot (Sent to Secretary of State) requests the United States Department of Agriculture to develop tastier food options for the National School Lunch Program.

Senate Concurrent Resolution 94 by Senator Heitmeier (Sent to Secretary of State) requests the departments of agriculture and forestry and education to cooperatively study and implement a statewide farm to school program that assists schools with local procurement options for fresh fruit, vegetables, meats, and seafood. The Resolution establishes a study group composed of five employees of the Department of Agriculture and Forestry and

five employees of the Department of Education and requires the study group to report its findings to the legislature and BESE no later than February 1, 2015.

DRONES IN AGRICULTURE

Senate Concurrent Resolution 124 by Senator Thompson (Sent to Secretary of State) establishes the Agriculture Unmanned Aerial Vehicle Study Group to study the use and application of UAVS or drones for agricultural purposes and requires that a report of findings or recommendations be made no later than 60 days prior to the 2015 Regular Session.



Capital Outlay

by: Martha Hess
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House Bill 2 by Representative Robideaux (Act 25), provides for the comprehensive capital outlay budget for Fiscal Year 2014-2015, including funding from the following sources of monies:

Federal Funds (excluding TTF - Federal Funds)	\$	106,957,022
Transportation Trust Fund (TTF) - Federal Funds	\$	693,515,000
Transportation Trust Fund (TTF) - Regular	\$	94,734,140
Coastal Protection and Restoration Fund	\$	277,821,418
Fees and Self-Generated Revenues	\$	112,642,000
Interagency Transfers	\$	417,841,541
Miscellaneous Statutory Dedications	\$	53,153,456
Reappropriated Cash	\$	13,622,939
Revenue Bonds	\$	<u>185,875,000</u>
TOTAL CASH PORTION	\$	1,956,162,516

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

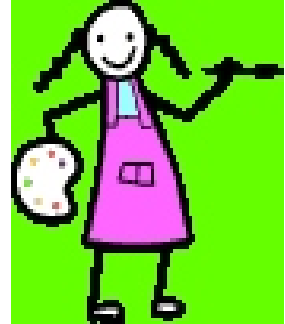
Priority 1	\$	1,548,346,100
Priority 2	\$	445,385,800
Priority 3	\$	0
Priority 4	\$	0
Priority 5	\$	1,943,550,000
TOTAL GENERAL OBLIGATION BONDS	\$	3,937,281,900
BONDS NRP	\$	<u>66,740,048</u>
GRAND TOTAL ALL MEANS OF FINANCING	\$	<u>5,960,184,464</u>

Bonds NRP is the reallocation of previously sold bonds.

Section 16 of the Act limits cash lines of credit or the authorization of the issuance of general obligation bonds to \$1,605,035,000. Priority 1 includes projects in the amount of \$1,548,346,100. The cash line of credit capacity for Priority 2 is \$56,688,900.

Children, Women & Family

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Civil Law & Procedure

by: *Angela De Jean*
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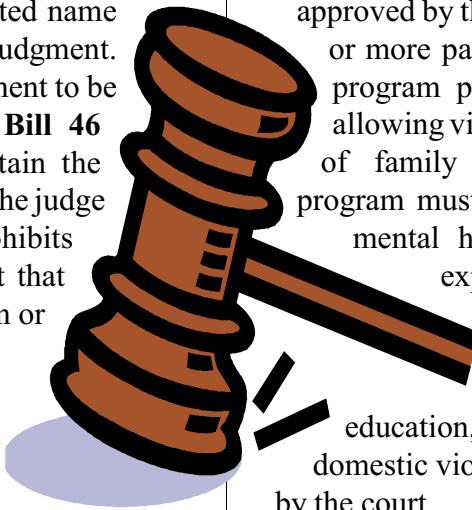
House Bill 46 by Representative Burns (Act 144) requires a judgment to contain the typewritten or printed name of the judge rendering the judgment. Prior law required a final judgment to be signed by the judge. **House Bill 46** requires the judgment to contain the typewritten or printed name of the judge rendering the judgment, but prohibits the invalidation of a judgment that does not contain the typewritten or printed name of the judge.

House Bill 300 by Representative Green (Act 616) provides for consideration of any interim allowance or final child support order in determining an award for interim or final spousal support. Civil Code Article 112 authorizes the court to award final spousal support and provides certain factors to consider in determining the amount and duration, including financial obligations of the parties. Civil Code Article 113 authorizes the court to award interim spousal support when a demand for final spousal support is pending and provides factors to consider. **Act 616** adds any interim allowance or final child support obligations as factors to consider in awarding interim spousal support.

House Bill 421 by Representative Ritchie (Act 333) amends the definition of a "treatment program" as used in the Post-Separation Violence Relief Act to include a treatment program administered by an

individual qualified by education, training, or experience in domestic violence treatment and approved by the court. **Act 333** requires one or more parents to complete a treatment program prior to awarding custody or allowing visitation when there is a history of family violence. The treatment program must be conducted by a licensed mental health professional. **Act 333** expands the definition to include any other similar treatment program administered by an individual qualified by education, training, or experience in domestic violence treatment and approved by the court.

House Bill 478 by Representative Miller (Act 625) provides that a judgment determining the validity or extent of a taking in an expropriation proceeding shall be a final judgment for purposes of an immediate appeal, provides for the delays in which to request a jury trial, and provides for the effects of an appeal. Currently any defendant desiring to contest the validity of the taking in an expropriation proceeding on the ground that the property was not expropriated for a public use may file a motion to dismiss the suit within ten days from the date the notice was served on him, and that failure to file the motion within the time provided or to serve a copy thereof on the plaintiff constitutes a waiver of all defenses to the suit except claims for compensation. **Act 625** specifies that the failure to file the motion to dismiss within 10



days of service of the notice constitutes a waiver of all defenses. If a motion to dismiss is timely filed, the court shall set the hearing within 30 days and render a decision within five days, and provides that a judgment rendered determining the validity of the taking shall be designated as a final judgment for the purpose of an immediate appeal.

In a proceeding where an entire lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the market value of the property expropriated if the defendant files an answer within 30 days from the date he is served with the notice. If the defendant desires a trial by jury, he shall file his demand for a jury trial within 30 days from the date he is served with the notice required and provides that failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial. Where a portion of a lot, block or tract of land is expropriated, any defendant may apply for a trial to determine the just and adequate compensation to which he is entitled if he files an answer within one year from the date he is notified in writing by the plaintiff that it has finally accepted the construction of the facility for which the property was expropriated.

Act 625 requires notice by certified mail, and provides that if the defendant desires a trial by jury, he shall include a demand for a jury trial in his answer or separate pleading demanding a jury trial, which shall be filed within the time allowed to file an answer. Failure to demand a jury within the time provided constitutes a waiver of the right to a jury trial. No appeal in any expropriation suit shall operate to prevent or delay the vesting of title in the plaintiff. A suspensive appeal is available in an expropriation proceeding. The

judgment determining the validity or the extent of the taking shall be subject to a devolutive appeal, the delays for taking such an appeal commences upon the signing of that judgment, and the appellate court must consider an appeal of a judgment rendered on an expedited basis.

House Bill 622 by Representative Abramson (Act 189) provides relative to the certificate of inventory in tutorship proceedings and its effectiveness against third parties. Presently, a natural tutor is not be required to furnish bond, but shall record in the mortgage records of the parish of his domicile a certificate of the clerk setting forth the date of birth of the minor, the last four digits of the social security number of the tutor, and the total value of the minor's property according to the inventory or detailed descriptive list filed in the tutorship proceeding. If the minor has no assets, then no certificate need be filed until he acquires assets.

The certificate must be recorded in the mortgage records of every other parish in the state in which the tutor owns immovable property and the recordation operates as a legal mortgage for the amount of the certificate in favor of the minor on all the immovable property of the tutor. **Act 189** provides that if the certificate recorded is in the amount of zero dollars, it shall not create a legal mortgage, and that if the certificate does not contain the required information and, it will not be effective against third parties.

House Bill 1061 by Representative Schroder (Act 354) provides relative to legal representation for children and indigent parents in child protection cases and

establishes the Louisiana Child Representation System under the oversight of the Louisiana Supreme Court. It requires that the supreme court, through such program as it may designate, provide child representation services to each court exercising jurisdiction over abuse and neglect cases in accordance with a service delivery plan developed by the program and approved by the supreme court. The attorney for the child shall have the authority to represent the child at all stages of the proceedings, and to do all of the following:

- (1) Accompany the child and be present for all court appearances, school hearings, and educational and other meetings related to the child.
- (2) View and copy the child's medical, dental, psychological, psychiatric, educational, or counseling records.

_____ **Act 354** provides that a parent of a child who is the subject of a Child In Need of Care (CINC) proceeding may waive the right to counsel if he has been instructed by the court about his rights and the possible consequences of waiver. Before accepting a waiver of counsel, the court must ensure that the parent is 18 years of age or older and is informed of all of the following:

- (1) The Dept. of Children and Family Services (DCFS) cannot provide legal advice to the parent or represent the parent's interest.
- (2) The child's attorney cannot provide legal advice to the parent and does not represent the parent's interest.

- (3) A proceeding brought under prior law and new law may ultimately result in a termination of parental rights and a complete and permanent separation of the parent from the child.

- (4) If he is unable to afford an attorney, one will be provided by the Indigent Parents' Representation Program.

An order setting a continued custody hearing provide for appointment of counsel for the child and notice to the child representation program. Upon the filing of a petition for commencement of a CINC proceeding, the court shall provide notice and a copy of the petition to the child representation program. After a child has been adjudicated to be in need of care, DCFS may submit a case plan along with the case review report to the court and all counsel of record recommending guardianship. The program providing legal representation to a child in CINC proceedings and the program representing the indigent parents in those proceedings also provide representation in guardianship proceedings. A copy of any motion to modify a guardianship order be personally served on the parents, and that the court promptly notify the programs representing the child and indigent parents, respectively, in CINC proceedings.

Within 10 days after filing of a petition relative to continuing contact with a child, an attorney for the child and an attorney for the parent as parties are authorized to file in the court in which the adoption is pending an agreement for continuing contact. A juvenile court may only establish such rules on the condition that applicable procedures are not otherwise provided through rules promulgated

by the Louisiana Supreme Court. Local rules of juvenile courts be made available to the public by filing a copy with the Judicial Council of the supreme court and with the clerk of court.

Senate Bill 85 by Senator Murray (Act 134) provides for the calculation of net child care costs as it applies to the basic child support obligation. It allows the definition of child care costs to include the reasonable child care expenses incurred by either parent while receiving job training or education necessary to obtain employment or enhance earning potential when calculating the basic child support obligation. **Act 134** also retains present law which provides worksheets for calculating total child support obligation. However, **Act 134** provides worksheets for the calculation of total child support obligation including the application of the new definition of child care costs.

Senate Bill 248 by Senator Morrish (Act 383) retains prior law provides for certain restrictions when the court considers allowing visitation of a minor child with a parent who has a history of perpetrating family violence or who has sexually abused his or her child or children. Additionally, **Act 383** adds that, when the court is considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interest of the child, including but not limited to the following factors:

- (1) Factors set forth in Civil Code Article 136(D).
- (2) The mental and physical health and safety of the child.
- (3) The love, affection and other emotional ties between the child and

the incarcerated parent.

- (4) The length of time that the child had lived with the parent prior to the parent's incarceration.
- (5) The opinion of the child who is 12 years of age or older regarding visitation at the incarceration facility.
- (6) The desirability of maintaining the continuity of the relationship between the child and the incarcerated parent.
- (7) The willingness of the child's custodial parent, caretaker or legal guardian, or other relatives of the child, to voluntarily take the child to the incarcerated parent's place of incarceration for the supervised visitation.
- (8) The effect upon the child of supervised visitation in the place of incarceration and the feasibility, if any, of alternative or additional use of technology for visitation pursuant to R.S. 9:357.
- (9) Other testimony or evidence as the court may consider applicable.

Act 383 also retains prior law provides for certain restrictions on visitation when a parent has subjected his or her child to physical abuse, sexual abuse or exploitation, or has permitted such abuse or exploitation of the child. Further **Act 383** adds that when visitation between an incarcerated parent and a child has been prohibited by the court and the court subsequently authorizes restricted visitation, then as part of such visitation, the court shall include such restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize risk of harm to the child.

Senate Bill 291 by Senator Morrell (Act 315) authorizes exemplary damages to be awarded in suits between certain household members arising from acts of domestic abuse when the injuries are caused by a wanton and reckless disregard for the rights and safety of the household member through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress. **Act 315** further provides that if the court finds an action alleging domestic abuse is frivolous or fraudulent, it shall award costs of court, reasonable attorney fees, and other related costs to the defendant and other sanctions and relief requested under CCP Article 863.

Senate Bill 292 by Senator Morrell (Act 316) adds the following as grounds for immediate divorce:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Act 316 also deletes the following as grounds for divorce after 180 days have passed:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Act 316 retains prior law which authorizes the court to award final spousal

support and provides a list of considerations for the court in determining the amount of the final award and limits a final award to an amount not greater than one-third of the obligor's net income. It also requires the court to consider the existence, effect, and duration of domestic abuse during the marriage in determining a final award amount.

It provides for rights to seek other remedies. However, if a party is awarded final spousal support, that party shall be barred from asserting any claims related to the domestic abuse considered by the court in awarding final spousal support. **Act 316** requires the court to award final spousal support when the court finds that the spouse seeking divorce was the victim of domestic abuse committed by the other spouse during the marriage. Further it authorizes the court to award a final award in an amount greater than one-third of the obligor's net income when the final award is made.

The act requires the court to consider all criminal convictions of the obligor spouse committed against the obligee spouse during the course of the marriage in determining whether the obligee was the victim of acts of domestic abuse of the obligor. In the absence of a criminal conviction, the court may order an evaluation of both parties which may be used to assist the court in determining the existence and nature of the alleged domestic abuse. Such evaluation shall be conducted by an independent mental health professional who is an expert in the field of domestic abuse.

Coastal Restoration

by: Jerry Jones
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Session Issues

Coastal activities and coastal restoration costs and efforts were involved in two significant issues during the 2014 Regular Session. The first was legislation seeking to halt or limit litigation filed by the Southeast Louisiana Flood Protection Authority-East against 97 oil and gas companies arising from certain coastal activities. The second was funding of coastal protection and restoration projects arising from monies received as a result of the BP Deepwater Horizon oil spill in 2010, and subsequent passage of the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 ("RESTORE" Act). In other matters, the Coastal Louisiana Levee Consortium was revived as an advisory body to the state Coastal Protection and Restoration Authority ("CPRA"), and legislation was passed concerning hazardous materials and demolition efforts involved in certain integrated coastal protection projects.

Plan Approvals

House Concurrent Resolution 10 by Representative Connick (Sent to the Secretary of State) approves the 2014-2015 annual plan for integrated coastal protection and restoration. **House Concurrent Resolution 13 by Representative St. Germain (Sent to the Secretary of State)** approves the 2014-2015 Atchafalaya Basin

Plan.

Proposed Constitutional Amendments

House Bill 148 by Representative Champagne (House concurrence-subject to call) would have required that monies received by the state from Deepwater Horizon oil spill violations be deposited into the Coastal Protection and Restoration Fund and used for certain purposes. **House Bill 490 by Representative Geymann (Pending Senate Finance)** would have prohibited certain transfers of monies through the Coastal Protection and Restoration Fund or the Budget Stabilization Fund.

Bills

House Bill 397 by Representative Gisclair (Act 168) prohibits dredging of sand pits or excavating near a state highway in certain areas of the coastal zone. **House Bill 408 by Representative Champagne (Pending House Appropriations)** would have provided relative to audits of certain coastal restoration projects. **House Bill 811 by Representative Hodges (Pending House Transportation, Highways, and Public Works)** would have created the Comite River Diversion Canal Project Task Force. **House Bill 850 by Representative Dove (Act 527)** provides relative to clean up of hazardous materials found in integrated coastal protection projects. **House Bill 855 by Representative Henry (Pending House Civil**

Law and Procedure) would have provided relative to the enforcement of the coastal management program. **House Bill 862 by Representative Robideaux (Pending House Civil Law and Procedure)** would have provided relative to the enforcement of the coastal management program. **House Bill 881 by Representative Champagne (Pending House Municipal, Parochial, and Cultural Affairs)** would have required parishes receiving RESTORE Act funds to provide certain information to the public. **House Bill 1026 by Representative Fannin (Act 646)** provides for the transfer and deposit of monies among state funds. **House Bill 1156 by Representative Champagne (Pending House Appropriations)** would have provided relative to deposit of funds received as a result of lawsuits filed for damages to the coastal wetlands of the state. **House Bill 1241 by Representative Henry (Pending Senate Finance)** would have provided for deposits of monies from certain settlement proceeds as a result of the Deepwater Horizon oil spill into the Budget Stabilization Fund and the Medicaid Trust Fund for the Elderly.

Senate Bill 79 by Senator Adley (Subject to call-Senate final passage) would have provided relative to the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank. **Senate Bill 104 by Senator Allain (Act 447)** exempts from advance legislative notification the planned demolition of integrated coastal protection projects owned by the state that lie within a member's district. **Senate Bill 305 by Senator Chabert (Act 387)** provides relative to the membership, powers and duties of the Coastal Louisiana Levee Consortium as an advisory body to the CPRA. **Senate Bill 342 by**

Senator Donahue (Act 303) provides relative to the governance, membership, powers, and duties of the St. Tammany Levee, Drainage, and Conservation District. **Senate Bill 375 by Senator Chabert (Pending Senate Transportation, Highways, and Public Works)** would have provided relative to the Statewide Flood-Control Program.

Senate Bill 469 by Senator Allain (Act 544) enacted R.S. 49:214.36(O) to read as follows:

"§214.36. Enforcement; injunction; penalties and fines

* * *

O.(1) Except as provided in this Subpart, no state or local governmental entity shall have, nor may pursue, any right or cause of action arising from any activity subject to permitting under R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408 in the coastal area as defined by R.S. 49:214.2, or arising from or related to any use as defined by R.S. 49:214.23(13), regardless of the date such use or activity occurred.

(2) Any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by R.S. 49:214.23(13) shall be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area.

(3) Nothing in this Section shall constitute a waiver of sovereign immunity under the Eleventh Amendment of the United States Constitution.

(4) Nothing in this Section shall prevent or preclude any person or any state or local governmental entity from enforcing contractual rights or from pursuing any administrative remedy otherwise authorized by law arising from or related to a state or federal permit issued in the coastal area pursuant to R.S. 49:214.21 et seq., 33 U.S.C. 1344 or 33 U.S.C. 408.

(5) Nothing in this Section shall alter the rights of any governmental entity, except a local or regional flood protection authority, for claims related to sixteenth section school lands or claims for damage to property owned or leased by such governmental entity."

The Act became effective on June 6, 2014, and further provides in Section 2 that "The provisions of this Act shall be applicable to all claims existing or actions pending on the Act's effective date and all claims arising or actions filed on or after that date."

Senate Bill 531 by Senator Allain (Pending Senate Judiciary A Committee) would have limited the authority of certain public entities to bring causes of action arising from certain permits issued in the coastal area. **Senate Bill 546 by Senator Adley (Pending Senate Judiciary A Committee)** would have provided relative to preemption of civil actions against certain permittees of the state. **Senate Bill 553 by Senator Adley (Pending House Civil Law and Procedure Committee)** would have provided relative to special attorneys for certain flood protection

authorities. **Senate Bill 629 by Senator Adley (Pending Senate Transportation Committee)** would have provided relative to the Southeast Louisiana Flood Protection Authorities.

Resolutions

House Concurrent Resolution 49 by Representative Champagne (Sent to Secretary of State) requests CPRA to create a body of coastal parishes in compliance with the RESTORE act. **House Concurrent Resolution 51 by Representative Hodges (Sent to the Secretary of State)** creates a task force to study and make recommendations on actions necessary to complete the construction of the Comite River Diversion Project. **House Concurrent Resolution 62 by Representative Harrison (Sent to the Secretary of State)** requests the CPRA to study Lake Verret as an alternative drinking water source for Bayou Lafourche. **House Concurrent Resolution 143 by Representative Stokes (Sent to the Secretary of State)** requests the commissioner of conservation and the secretary of the Department of Natural Resources to conduct a comprehensive assessment and evaluation of hazards posed by certain pipelines. **House Concurrent Resolution 211 by Representative Harrison (Pending House Concurrence)** would have requested the Department of Insurance to study the issues of the availability and affordability of homeowners' insurance in coastal and intercoastal areas of the state. **House Concurrent Resolution 213 by Representative Richard (Sent to the Secretary of State)** urges the U.S. Army Corps of Engineers to terminate all proceedings related to the construction of mitigation in the Raceland area and to locate

a place other than Lafourche Parish and Terrebonne Parish as a source for dirt to be used in hurricane protection efforts in Orleans Parish. **Senate Resolution 171 by Senator Claitor (Sent to the Secretary of State)** requests the Louisiana State Law Institute to create a Water Code Committee. **Senate Resolution 206 by Senator Murray (Pending Senate Referral)** requests the public and private entities currently engaged in litigation over coastal oil and gas activities to act reasonably and in furtherance of public policy by engaging in dispute resolution and settlement discussions.

Memorializations to Congress

House Concurrent Resolution 50 by Representative Champagne (Sent to Secretary of State) memorializes Congress to provide for certain aspects of the RESTORE act.



Commerce & Consumer Protection

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The topics dealt with in the area of commerce and consumer protection were wide-ranging and reveal an economy that has remained solid in the face of the nation's worst recession. Items brought to the committee's attention were generally aimed at continuing the economic growth and supporting ideas that will continue to strengthen Louisiana's position in the national economy.

PROFESSIONS

The regulation of professions can be a bell-weather for economic growth and stability. When the economy is growing and vibrant, consumers tend to have more difficulties with the services provided by various professional groups. Several professions were the topic for bills before the legislature during this session, highlighted by the following legislation.

Athletic trainers

Athletic trainers have been regulated in Louisiana since 1985 when the "Athletic Trainers Law", R.S. 48:3301, et seq. was enacted. **House Bill 691 by Representative Broadwater (Act 418)** provides exemptions to civil liability, stipulates prohibited activities, and revises the qualifications and requirements for athletic trainers. Generally, this bill modernizes the more than 30 year old original act.

Psychologists

Senate Bills 128 (Act 136) and 157 by Senator Martiny (Act 137) define a "licensed specialist in school psychology" and "the practice of a licensed specialist in school psychology". The Board of Examiners of Psychologists is tasked with charging a fee for license as a specialist in school psychology and provides for payment of an annual renewal fee.

Practical Nurses

The domicile of the Louisiana State Board of Practical Nurse Examiners was moved from New Orleans to Jefferson Parish by **Senate Bill 279 by Senator Martiny (Act 120)**.

Professional Geoscientists

This legislation, **House Bill 167 by Representative Greene (Act 228)**, deals with the power of the Louisiana Board of Professional Geoscientists to require applicants to submit to an examination. Previous requirements stated that if the board contracted with another organization to administer or grade the exam, the board would be entitled to information regarding the questions and the grading. **HB167** deletes that provision. Additionally, those applying for licensing prior to January 1, 2015 are exempted from taking the exam, but shall

meet all other licensing requirements.

CEMETERIES/FUNERALS

Cemeteries

The Louisiana Cemetery Board is granted the authority to levy fines for violation of current law by either a natural or a juridical person in **House Bill 448 by Representative Ritchie (Act 67)**. The fines are not to exceed one thousand dollars for a non-willful violation and not to exceed \$10,000 dollars for a willful violation.

House Bill 771 by Representative Ritchie (Act 88) deals with the operation of cemeteries, annual reports, and accounting with respect to cemetery trusts.

Funerals/Funeral Directors

Provisions for minimum qualifications for licensure as a funeral director or an embalmer and funeral director, interns, and acceptance of a GED or its equivalent as meeting the qualification of having a high school diploma are all contained in **House Bill 1002 by Representative Ritchie (Act 264)**.

SECURITIES AND CURRENCY

Currency Exchange Services

Senate Bill 362 by Senator Cortez (Act 125) states that those seeking a license to operate a currency exchange services in Louisiana is required to apply for a license under oath and on a form prescribed by the commissioner of financial institutions. Any person required to be licensed currently, shall, prior to application, be duly registered with

the secretary of state and be in possession of a certificate of authority to transact business in the state.

Securities

House Bill 1234 by Representative Ponti (Act 224) requires the registration of Regulation A securities, ending a previous exemption, pursuant to Louisiana Securities Law.

LENDING INSTITUTIONS/CREDIT

With the economy expanding, the need for money for investment is crucial. The committee considered a considerable amount of legislation dealing with this topic.

Lending for Housing

Senate Bill 241 by Senator Thompson (Act 293) provides relative to the Louisiana Equal Housing Opportunity Act, bringing new homeowners into the market for homes.

PERSONAL/ONLINE PRIVACY

Concerns of many citizens who testified during the 2014 session centered around privacy and protection of personal information, particularly with respect children and to online communication. The most comprehensive piece of legislation upon which both houses could agree focused on online privacy.

House Bill 340 by Representative James (Act 165) creates the "Personal Online Account Privacy Protection Act". This legislation presents definitions for terms used

in the act, limits the applicability of the legislation to "a personal online account" which does not include any account that is used for either business purposes of the employer or educational institution or to engage in business-related communications. The act also states that an employer is not prohibited or restricted from requiring an employee to provide a personal e-mail to facilitate communication with the employee, in the event that the employer's system fails.

DEPARTMENT/OFFICE SUNSETS

Most entities of state government in Louisiana face the prospect of being no longer authorized to operate without authority from the legislature and the governor. Departments and offices are re-examined every session in order to be re-created.

Department of Public Safety/Fire Marshal

This was the sunset year for both the Department of Public Services and several offices and boards within the office of the governor. **Senate Bill 287 by Senator Martiny (Act 122)** re-establishes the Department and **Senate Bill 288 by Senator Martiny (Act 123)** provides for the re-creation of the offices and boards within the office of the governor.

House Bill 1267 by Representative Stokes (Act 277) authorizes the state fire marshal to require carbon monoxide alarm systems in hotels where a potential carbon monoxide poisoning threat exists. With increasing numbers of hotels with attached garages, an obvious source of carbon monoxide, the importance of having carbon monoxide detectors in such places of public

accommodation. The legislation provides for hotels in operation on August 1 of this year to be required to retro-fit the detectors and hotels which begin operation after August 1, 2014 shall be required to declare the presence of a carbon monoxide source or an attached garage at the time the building specifications are submitted to the fire marshal.

Constitutional Amendments

by: Tom Tyler
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In addition to proposals to amend our constitution from the 2013 Regular Session which will appear on the November 4, 2014, additional amendment proposals from the 2014 Regular Session will also appear on the ballot.

JUDGES

Provisions that require a judge to not remain in office beyond his seventieth birthday are removed by **House Bill 96 by Representative Edwards (Act 875)**. This removes the mandatory retirement age for judges.

GOVERNMENTAL ORGANIZATION

Executive Branch

House Bill 341 by Representative Harrison (Act 874) is a joint resolution to amend the constitution to increase from 20 to 21 the number of constitutional departments in the executive branch of state government. Although no reference is made as to the twenty-first department that may be created if this amendment passes, the constitutional language provides that "except that no department may be created that has the powers, duties, and functions to perform or administer programs or services which are historically performed or administered by any other agency, office, or department of the state".

While not included in the change in the actual constitutional language, the joint resolution



contains that it is

further resolved that this proposed constitutional amendment shall not become effective until funding is provided by the legislature, but no sooner than June 12, 2015 and also further resolved that the department created by this amendment shall be able to use federal funding under the provisions of Title 19.

House Bill 342 by Representative Harrison (Pending Senate Final Passage) would have created the Department of Elderly Affairs in the executive branch and stipulate that the department is not subject to the constitutional limitation on the number of executive branch departments in the constitution but was in addition to the 20 departments already permitted. This amendment would have taken effect July 1, 2015.

AD VALOREM TAXES

Orleans Parish

In addition to property taxes authorized for Orleans Parish, **House Bill 111 by Representative Leger (Act 870)** increases from five to 10 mills the maximum millage which the governing authority of the parish may levy for fire protection and increases from five to 10 mills the maximum millage which may be levied for police protection in the parish. The additional revenues generated by this increase are not to displace, replace, or

supplant funding by the city of New Orleans for fire and police protection for calendar 2013 nor the level of funding for below the 2013 level in a subsequent calendar year. The authorization for this additional ad valorem tax may only be levied if approved by a majority of the electors in Orleans Parish.

DONATION, LOAN, OR PLEDGE OF PUBLIC CREDIT

The constitution prohibits the loan, pledge, or donation to any person, association, or corporation of the funds, credit, property, or things of value of the state or of any political subdivision. A number of items are authorized as exceptions to this prohibition and listed in this constitutional provision. The following two items are being proposed as additional exceptions:

Lower Ninth Ward Property in New Orleans

The first item excepted from the prohibition is contained in **House Bill 489 by Representative Wesley Bishop (Act 872)** which allows the sale, at a price that the legislature may set, of property located in the Lower Ninth Ward of the City of New Orleans by the governing authority of the city of New Orleans to qualified purchasers as provided by law.

State Infrastructure Bank

House Bill 628 by Representative St. Germain (Act 873) allows the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, guarantee, or donations of public funds by a state infrastructure bank for eligible transportation projects.

TAX SALES

Tax Collector

Currently the sheriff is charged with responsibility to be the tax collector of state and parish ad valorem taxes and other taxes and license fees as provided by law. **House Bill 488 by Representative Berthelot (Act 871)** provides for an authorized agent of the tax collector to advertise and sell property on which taxes are due and to receive a fee not to exceed an amount provided by law. However, the tax collector is not relieved of his duties and responsibilities under law to the delinquent taxpayer if an authorized agent is used to collect the delinquent taxes.

SPECIAL FUNDS

Budget Stabilization Fund and Transportation Trust Fund

House Bill 629 by Representative St. Germain (Pending Conference Committee) changes the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Fund (Fund) and provides for the allocation of excess monies into the special accounts in the following special accounts in the Fund - the Budget Stabilization Account and the Transportation Stabilization Account - as follows:

(i) In FY 2014-2015, revenues are deposited in the Budget Stabilization Account until the balance in the account equals \$470 million.

(ii) In FY 2015-2016, revenues are deposited in the Budget Stabilization Account until the balance in the account equals \$495 million.

(iii) In FY 2016-2017, revenues are deposited in the Budget Stabilization Account until the balance in the account equals \$520 million.

(iv) In FY 2017-2018 and thereafter, revenues are deposited in the Budget Stabilization Account until the balance in the account equals \$600 million which amount is adjusted annually for inflation by a factor determined by the Revenue Estimating Conference, beginning in FY 2018-2019.

(v) Beginning in FY 2017-2018 and each fiscal year thereafter, after the allocations to the Budget Stabilization Account, revenues are deposited into the Transportation Stabilization Account.

(a) In FY 2017-2018, deposits to this account shall not to exceed \$100 million; no deposits are to be made to this account in FY 2018-2019 but beginning in FY 2019-2020 and each fiscal year thereafter, deposits are to be made to this account in amounts not to exceed \$50 million although the legislature may appropriate additional monies to this account.

(b) Deposits to the Transportation Stabilization Account shall not exceed \$500 million.

(c) Monies in the Transportation Stabilization Account are to be transferred to the Transportation Trust Fund to be used for planning, design,

construction, and maintenance connected with the state highway program and the capitalization of a state infrastructure bank; prohibits use of these monies for state police for traffic control purposes.

(vi) Consistent in the proposal, as to the Transportation Trust Fund, beginning in FY 2018-2019 and each fiscal year thereafter, the state treasurer shall transfer an amount not to exceed \$50 million of the monies in the Transportation Stabilization Account in the Budget and Transportation Stabilization Fund into the Transportation Trust Fund to be expended and used for planning, design, construction, and maintenance connected with the state highway program, and shall not be used for state police for traffic control purposes. If a state infrastructure bank is established by law, then authorizes use of these monies for the capitalization of the state infrastructure bank.

Coastal Protection and Restoration Fund

House Bill 148 by Representative Champagne (Pending House concurrence)

requires that monies received by the state for violations pursuant to section 311 of the Federal Water Pollution Control Act, 33 U.S.C. 1321, R.S. 30:2001 et seq., including specifically R.S. 30:2025(E)(1) and (2) and 2071 et seq., associated with the Deepwater Horizon oil spill that began on April 20, 2010, be deposited and credited by the treasurer to the Coastal Protection and Restoration Fund and dedicated exclusively for programs, projects, and activities that are within the coastal zone of Louisiana as the zone and that are authorized under regulation of the United

States Department of Treasury adopted pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

This requirement for depositing these monies is not to be construed to affect funds associated with the Natural Resources Damage Assessment process and these monies are not subject to the limitations on the balances in the Coastal Protection Restoration Fund relative to mineral revenues deposited into the fund do not apply to these monies.

2013 LEGISLATIVE SESSION ACTIONS TO BE SUBMITTED TO THE VOTERS

Proposals to amend the constitution from the 2013 legislative session which will appear on the November 4, 2014 ballot include the following:

Legislative Session Subject Matter

Act 435 - adds "tax rebates, incentives, or abatements" to the items that may be considered in a fiscal sessions held in odd-numbered years (also prohibited in even-numbered years)

Ad Valorem Taxes

Act 432 - as to the special assessment level for homestead exemption, the annual reporting requirement that one's income does not exceed \$50,000 does not apply to persons who are permanently totally disabled.

Act 433 - clarifies that the homestead exemption for veterans with a service-connected disability applies when the veteran has a disability rating of 100% unemployability or totally disabled.

Tax Sales

Act 436 - In any parish except Orleans, this reduces from three years to 18 months the period after recordation of a tax sale for nonpayment of taxes after which a sale of vacant residential property or commercial property declared blighted or abandoned as defined on January 1, 2013 can occur.

Special Funds

Act 434 - creates the Artificial Reef Development Fund whose monies are to be used for siting, designing, constructing, permitting, monitoring, or otherwise managing an artificial reef system.

Act 438 - creates the Hospital Stabilization Fund whose monies are to fund Medicaid reimbursement enhancements established by the Hospital Stabilization Formula adopted by the legislature.

Act 439 - creates the Louisiana Medical Assistance Trust Fund with separate accounts for each health care provider group from which fees are collected. Monies in each account to be appropriated for Medicaid reimbursement of services to the provider group - appropriations are required to be eligible for federal financial participation under Title XIX of the Social Security Act.

Corrections

by: *Tim Prather*
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PROBATION/PAROLE

In an attempt to reduce prison overcrowding, **Senate Bill 205 by Senator E. Guillory (Pending Senate Judiciary B)** would amend the current law that provides that a person convicted of a crime of violence and not otherwise ineligible for parole must serve at least 85% of the sentence imposed, before being eligible for parole.

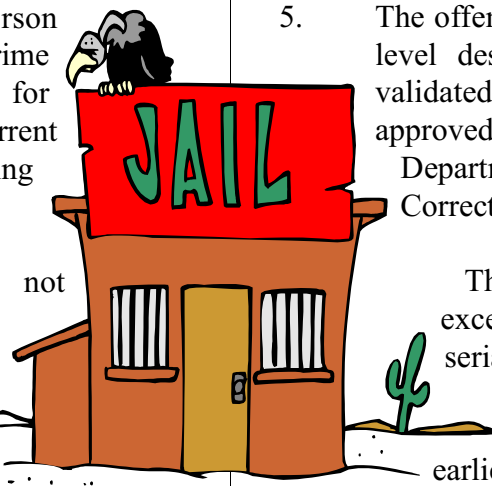
The bill would provide that a person convicted of a first time crime of violence and not otherwise ineligible for parole will serve at least 65% of the sentence imposed, before being eligible for parole and a person convicted of a second time crime of violence and not otherwise ineligible for parole will serve at least 75% percent of the sentence imposed, before being eligible for parole, provided these persons meet the criteria set forth in the bill.

Furthermore, a person convicted of a first or second crime of violence would be eligible for parole in accordance with current law provided that the following conditions are met:

1. The offender has not committed any disciplinary offenses in 12 consecutive months prior to the parole eligibility date.

2. The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of current law if such programming is available at the facility where the offender is incarcerated.
3. The offender has completed substance abuse treatment as applicable.
4. The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
5. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

The bill would provide that, except a person sentenced as a serial sexual offender as defined by current law, unless eligible for parole at an earlier date, any person serving a



sentence who has been convicted of an offense defined by current law will be eligible for transitional parole consideration pursuant to upon serving 25 years in actual custody and reaching the age of 45 if all of the following conditions are met:

1. The offender has not committed any disciplinary offenses in 12 consecutive months prior to the transitional parole eligibility date.
2. The offender has completed the mandatory minimum of 100 hours of pre-release programming in accordance with the provisions of present law if such programming is available at the facility where the offender is incarcerated.
3. The offender has completed substance abuse treatment as applicable.
4. The offender has completed sex offender treatment as applicable.
5. The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
6. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument

approved by the secretary of the Department of Public Safety and Corrections.

7. The offender agrees to electronic monitoring for the duration of his time in the transitional parole program or parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.
8. The offender has displayed significant participation in the certified treatment and rehabilitation programs available at the institution where he is housed.

Moreover, the bill would provide that when an offender becomes eligible for transitional parole, the committee on parole would conduct a hearing in the same manner as a regular parole hearing. Upon a unanimous recommendation by the committee, it would be ordered that the offender be placed in a work release facility, half-way house, or other transitional housing or facility as appropriate for that particular offender's case, for a period not to exceed three years. The committee would place any additional conditions upon the offender as deemed necessary during the transitional parole period. An offender may be revoked from the transitional parole program in the same manner as regular parole.

The bill would also provide that after the offender has completed the time in the transitional parole facility or housing, he would reappear before the committee. If it is determined by a majority of the committee that the offender has conducted himself in a satisfactory manner and has substantially complied with the conditions set forth for his transition period, the committee would order that the offender be placed on parole supervision. If it is determined that the offender has not conducted himself in a satisfactory manner and has not substantially complied with the conditions set forth for his transition period, the committee would order the offender remanded to the Department of Corrections to serve the remainder of his sentence. The board would render specific findings of fact in support of its decision.

When the offender is released to parole supervision by the committee, the committee would require the offender to comply with the following conditions of parole supervision in addition to any other conditions of parole ordered by the committee:

1. Be subject to multiple monthly visits with his supervising officers without prior notice.
2. Abide by any curfew set by his supervising officers.
3. Perform at least 500 hours of unpaid community service work during the period of parole supervision.
4. Refrain from using or possessing any controlled dangerous substance or alcoholic beverage and submit, at his own expense, to screening, evaluation,

and treatment for controlled dangerous substance or alcohol abuse as directed by his supervising officers.

5. Remain on electronic monitoring for the duration of his parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.

Under current law, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole by the committee. Medical parole consideration will be in addition to any other parole for which an inmate may be eligible, but will not be available to any inmate who is awaiting execution or who has a contagious disease. The bill would remove the requirement that a person eligible for medical parole be referred by the Department of Public Safety and Corrections and allows that person to apply to the Board of Parole directly, and the Board would verify with the Department if the applicant qualifies under the provisions of current law.

The bill would also delete a current law provision that provides that a medical parole will not be available to any inmate serving time for the violation of first degree murder; or second degree murder.

NOTARIES

With an eye towards streamlining services, **House Bill 462 by Representative Berthelot (Act 171)** provides that specially

designated commissioned officers of the office of the state fire marshal have the power to administer oaths and receive sworn statements, in connection with their official duties.

FUNDS/FUNDING

In another attempt to control the costs of incarceration, **House Bill 914 by Representative Leger (Pending House Appropriations)** would create the Community Corrections Performance Act (the Act) which would direct the legislative fiscal office (LFO) to annually calculate state prison savings by determining the change in the revocation rate and the new felony offense conviction rate of supervised individuals and any state savings due to a reduction in these rates. The bill would provide that up to 45% of the prison savings shall be annually appropriated to the Dept. of Public Safety and Corrections (the dept.). However, none of the calculated savings would be appropriated if there is an increase in the percentage of individuals supervised by the department who are convicted of a new felony offense.

The 45% of savings as a result of the reduction in the revocation rate and the 45% of savings as a result of the reduction in the new felony offense conviction rate will be allocated as follows:

1. 30% to the dept.
2. An additional 5% will be appropriated to the dept. if there is an increase in the percentage of supervised people who are employed for at least 25 hours per week, if this information is included in the LFO report.

3. An additional 5% will be appropriated to the dept. if there is an increase in the percentage of people who are supervised by the dept. who are current in their payments of victim restitution, if this information is included in the LFO report.

4. An additional 5% will be appropriated to the dept. if there is a decrease in the percentage of supervised people who test positive for controlled substances, if this information is included in the LFO report.

The bill would prohibit monies appropriated for the Act from supplanting any other state or local appropriations for probation, parole or other post-prison supervision services.

Monies received through appropriations pursuant to the bill would be used for the implementation of practices which have a demonstrated reduction in recidivism; increasing the availability of risk reduction programs and interventions for supervised individuals; and grants to nonprofit victim services organizations to assist victims and increase the amount of restitution collected from probationers.

On or before October 1 of each year, beginning in 2014, the judicial branch and the department would jointly report to the LFO, the data necessary for the LFO to perform the calculations required by the bill. The report would provide separate figures for probation and parole or other forms of post-prison supervision and shall include by agency for the prior year, the number of supervised individuals, the number and percentage of

revocations and the number and percentage of new state felony convictions.

Furthermore, the bill would require the LFO to prepare an annual report on or before December 1, beginning in 2014, including any calculations made and resulting performance incentive funding to be appropriated.

PUBLIC SAFETY

Acknowledging the growing use of mass transit, two resolutions would provide for safer loading and unloading of passengers. **House Concurrent Resolution 91 by Representative Richard (Adopted in House concurrence)** requests the Dept. of Public Safety and Corrections to study the safety implications and practicality of requiring vehicles in adjacent lanes to stop for all buses loading or unloading passengers and **House Concurrent Resolution 127 by Representative T. Landry (Sent to the Secretary of State)** would request the Dept. of Public Safety and Corrections to study the feasibility of requiring oncoming traffic on a highway with two or more lanes in each direction and with a continuous two-way left turn lane to stop for school buses.

EXECUTIONS

In an attempt to address current problems with Louisiana's method of execution, **House Resolution 142 by Representative Lopinto (Passed the House)** would direct the Dept. of Public Safety and Corrections to study and make recommendations relative to the different methods of execution to determine the best practices for administering the death penalty in the most humane manner.



Crimes/Criminal Procedure

by: *Alden Clement*
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The Regular Session of 2014 saw the creation of several new crimes, changes to the definitions and penalties for a number of existing crimes, and changes to various areas of criminal procedure, but bills relative to a proposed reduction of marijuana penalties and the use of unmanned aircraft, better known as "drones," dominated the headlines.

CONTROLLED DANGEROUS SUBSTANCES

Senate Bill 323 by Senators Morrell and Adley (pending in Senate Judiciary C committee) would have reduced the penalty for possession of marijuana for any offense, not only first offense, to a fine of up to \$100, or imprisonment for up to six months, or both. Current law provides a first offense fine of up to \$500, six months in jail, or both, and makes subsequent convictions felony offenses. The bill would also have prohibited the Habitual Offender Law from applying when all underlying criminal convictions were for marijuana possession. Despite amendments to satisfy the concerns of various interests, the bill failed to clear the Senate committee.

Similarly, **House Bill 14 by Representative Badon (pending in House Committee on Administration of Criminal Justice)** would have reduced the potential fines and jail time for second and subsequent convictions of marijuana possession, while retaining the classification of such offenses as

felonies, and would have excluded marijuana possession from certain enhanced sentencing provisions of present law. Like Senate Bill 323, this bill also failed to clear its first committee hurdle.

Senate Bill 87 by Senator Claitor (Act 368) increases the maximum term of imprisonment at hard labor for a second or subsequent conviction for the manufacture, distribution, or possession with intent to distribute heroin from fifty years to 99 years, at least 10 years of which must be served without benefit of probation or suspension of sentence.

House Bill 461 by Representative Badon (Act 512) repeals the statute relative to the crime of drug-traffic loitering. "Drug-traffic loitering" is defined as the remaining in a public place in a manner and under circumstances manifesting the purpose to engage in unlawful conduct in violation certain provisions of the Uniform Controlled Dangerous Substances Law. This provision has been declared unconstitutionally vague by the Louisiana Supreme Court.

Senate Bill 187 by Senator Kostelka (Act 289) and **House Bill 1024 by Representative Katrina Jackson (Act 265)** repeals the private residence exception for the application of enhanced penalties for drug violations that occur in drug free zones. Present law provides enhanced penalties for a

violation of the Uniform Controlled Dangerous Substances Law that occurs in a "drug free zone," e.g., on school property, property of a drug treatment facility, religious building property, public housing authority property, day care center property, or within two-thousand feet of any such property. However, prior law also provides an exception for violations that occur within 2,000 feet of such property if the violation occurs entirely within a private residence in which no person 17 years of age or younger was present. This act repeals that exception so that enhanced penalties apply for violations within a drug free zone even if those violations occur entirely within a private residence where no minor is present.

Senate Bill 422 by Senator Broome (Act 392) provides immunity from prosecution for those who provide emergency assistance to persons requiring such assistance because of alcohol consumption or drug overdoses. The act provides, among other things, that a person acting in good faith who seeks medical assistance for an individual who is experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law if the evidence for such possession was obtained as a result of the person seeking medical assistance for the person in distress.

UNMANNED AIRCRAFT A.K.A. "DRONES"

Two bills during the 2014 Regular Session attempted to regulate the relatively new area of unmanned aircraft, commonly referred to as "drones." Neither bill was able

to make it entirely through the legislative process, although one of the two did find new life in abbreviated form as an amendment to another bill.

Utilizing the clever acronym "D.R.O.N.E." (Deterrence of Reconnaissance Over Noncriminal Entities), **Senate Bill 330 by Senator Claitor (involuntarily deferred in House Committee on Administration of Criminal Justice)** would have created the crime of illegal use of unmanned aircraft to capture images and wireless data, making it illegal to use an unmanned aircraft to capture an image of an individual or privately owned immovable property with the intent to conduct surveillance on the individual or property, or to capture a wireless data transmission for any purpose not authorized by the sender or recipient of the transmission. It would have also been illegal to possess or distribute an image or data captured in violation of this proposed law. The bill cleared the Senate but could not clear the House committee.

Senate Bill 356 by Senator White (involuntarily deferred in House Committee on Administration of Criminal Justice) would have prohibited the use of unmanned aircraft to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a specifically targeted critical infrastructure without the prior written consent of the owner. "Critical infrastructure" was defined to include any systems, facilities, or assets vital to national defense or security, economic security, public health or safety, and state, regional, and national infrastructure, such as gas and oil production, storage, or delivery systems; water supply and treatment systems; telecommunications networks; electrical

power generation or delivery systems; financing and banking systems; emergency services; and transportation systems and services. Like Senate Bill 330, this bill cleared the Senate but was involuntarily deferred in the House committee.

However, portions of Senate Bill 356 were amended into **House Bill 1029 by Representative Terry Landry (Act 661)** so as to create the crime of unlawful use of an unmanned aircraft system, essentially prohibiting the types of activities that would have been prohibited by Senate Bill 356. House Bill 1029 in its original form creates the crime of unlawful aiming of a laser at an aircraft.

DWI

_____ The 2014 Regular Session saw a major revision of DWI laws. **Senate Bill 277 by Senator Perry (Act 385)** restructured and streamlined the law relative to the crime of operating a vehicle while intoxicated. The act divides the existing DWI statute into its component parts by placing penalties for first and subsequent offenses into separate statutes. The act also increases fines and jail time for certain convictions and adds mandatory minimum fines and jail sentences for others. It also revises present provisions and adds new provisions relative to probation, community service, drug treatment programs, and the required use of ignition interlock devices. The act also adds the crime of third degree feticide to the list of crimes constituting a prior conviction of DWI.

Prior law provided that a prior conviction of DWI did not include a conviction if the crime was committed more

than 10 years prior to the commission of the crime for which the defendant is being tried, and such conviction cannot be considered in the assessment of penalties. Prior law further provided that periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state for any offense, or on probation or parole for certain offenses, are to be excluded in computing this 10-year "cleansing" period. **Senate Bill 293 by Senator Martiny (Act 386)** clarifies that periods of time awaiting trial, under an order of attachment, or incarcerated for any offense, not only DWI, are to be excluded from the 10-year computation.

FIREARMS

House Bill 72 by Representative Lopinto (Act 147) creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers and retired and auxiliary law enforcement officers, judges and district attorneys, and concealed handgun permit holders, when the possession occurs on the premises of certain restaurants. However, the act also provides that this exception cannot be construed to limit the ability of a sheriff or other chief law enforcement officer to establish policies within his department or office regarding the carrying of a concealed handgun on the premises of an alcoholic beverage outlet by any law enforcement officer under his authority.

House Bill 753 by Representative Moreno (Act 195) provides that any person against whom the court has issued a protective order relative to domestic abuse is prohibited

from possessing a firearm for the duration of the protective order if the protective order includes a finding that the person who is subject to the protective order represents a credible threat to the physical safety of a family member or household member, and if the protective order informs the person subject to it that the person is prohibited from possessing a firearm.

SEX OFFENSES

In an attempt to alleviate the stigma to family members and victims of persons charged with incest and aggravated incest, **Senate Bill 333 by Senator Johns (Act 602)** and **House Bill 530 by Representative Pylant (Act 177)** repeal the named crimes of "incest" and "aggravated incest" and place all of the elements and penalties for those crimes under the existing crimes of "crime against nature" and "aggravated crime against nature," respectively. By doing this, when the name of an individual charged with incest or aggravated incest becomes public, it is not readily apparent who the possible victim or victims might be.

House Bill 978 by Representative Greene (Act 531) provides that when acts of obscenity, as defined and criminalized by present law, occur within 2,000 feet of a school, within 24 hours of receiving the report of the incident the law enforcement agency acting in response to the incident must notify the principal or headmaster of the school that the incident occurred. It further requires the principal or headmaster, within twenty-four hours of receiving notice of the incident from law enforcement, to notify the parents of all students enrolled at the school.

NEW CRIMES AND CHANGES TO EXISTING CRIMES

Senate Bill 32 by Senator Morrish (Act 105) prohibits the manufacture, importation, sale, or offer for sale of a counterfeit air bag, a nonfunctional air bag, or any other object intended to fulfill the function of an air bag that does not meet all applicable federal safety regulations for a vehicle of that make, model, and year. It also provides that no person can knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of the vehicle to indicate inaccurately that the vehicle is equipped with a functional air bag.

Senate Bill 63 by Senator Morrell (Act 682) creates the crime of solar tax credit fraud, making it unlawful for any person who has received money from a contract for the sale, installation, maintenance, or repair of a solar electric system or solar thermal system to claim a tax credit against taxes owed to the state if the person has either failed to perform or complete the installation of the system or failed to maintain or repair the system under the terms of the contract, or fails to maintain or repair the system under the terms of the contract subsequent to claiming the tax credit.

Senate Bill 523 by Senator Morrell (Act 395) changes the definition of "chicken" for purposes of the crime of cockfighting to mean any game fowl or rooster, whether domestic or feral, that is normally used in a cockfight. The act also provides that possessing, manufacturing, buying, selling, or trading cockfighting paraphernalia, such as spurs, gaffs, knives, leather training spur covers, and other items normally used in cockfighting with the intent that they will be

used in a cockfight, together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight and the possession of any such chicken, is admissible as evidence of a violation of the law. However, the act makes clear that this new provision of law cannot be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other item normally used in cockfighting that is at least five years old and has historical value.

House Bill 791 by Representative Katrina Jackson (Act 255) amends the crime of theft to provide additional grades of theft based on the value of the item stolen, and repeals certain theft statutes relative to livestock, animals, crawfish, timber, alligators, rental motor vehicles, motor vehicle fuel, used building components, and copper taken from a religious building, cemetery, or graveyard. These repealed crimes specific to the thing stolen are now all covered by the crime of "theft."

CRIMINAL PROCEDURE

In response to the well-publicized arrest of a school teacher for allegedly committing a battery on a student over an untucked shirt, **House Bill 1108 by Representative Terry Landry (Act 670)** prohibits any judge or other magistrate from issuing a warrant of arrest for a school employee who commits a misdemeanor act on school property, or at a school-sanctioned event, during the course and scope of his employment, but instead authorizes the issuance of a summons under such circumstances.

Culture, Recreation & Tourism



CULTURE

by: Alan Miller
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House Bill 390 by Representative Mack (Act 552) declares that fox pen hunting is part of the folklife heritage of the state and, as such, should be preserved in order to help maintain the folklife culture. Fox pen hunting involves fenced-in preserves where hunting dogs are trained to pursue foxes.

RECREATION

by: Tammy Crain Waldrop
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AIRCRAFT/AVIATION

The use of private airplanes are used for both recreation and business **House Bill 823 by Representative Simon (pending House Civil Law and Procedure)** would provide limitation on liability for owners of private airstrips.

ANIMALS/HORSES

House Concurrent Resolution 155 by Representative N. Landry (Pending House and Governmental Affairs) requests a study to evaluate the need for laws and regulations relative to the riding of horses on public roads.

CONVENTION FACILITIES

House Bill 788 by Representative Leger (Act 557) provides with respect to the Ernest N. Morial New Orleans Exhibition Hall Authority.

CRIME/BATTERY

House Bill 227 by Representative Henry (Act 815) amends penalties for the crime of battery of a school or recreation athletic contest official.

FISCAL CONTROLS

Senate Bill 635 by Senator LaFleur (Act 725) moves the Cecil J. Picard Educational and Recreational Center from the Department of Education to the office of juvenile justice.

FISHING

House Bill 416 by Representative Lambert (Act 553) assigns management responsibility for sustainability of freshwater and saltwater fisheries to the Wildlife and Fisheries Commission.

House Bill 523 by Representative Lambert (Act 336) provides for possession limits for certain species of bass caught in saltwater areas of the state.

House Bill 784 by Representative Willmott (Act 89) removes provisions relative to the exhibit of a specific ship by the Kenner Naval Museum.

House Bill 1044 by Representative S. Bishop (Pending House Natural Resources) creates within the Department of Wildlife and Fisheries the Louisiana Catch and Cook Program.

House Bill 1082 by Representative S. Bishop (Act 804) imposes an additional fee on the sale of saltwater fishing licenses and dedicates the revenues.

Senate Bill 344 by Senator Allain (Act 577) provides within the Department of Wildlife and Fisheries for the Louisiana Catch and Cook Program.

Senate Bill 369 by Senator Walsworth (Act 389) provides for the possession limits of crappie on Lake D'Arbonne.

HUNTING

House Bill 186 by Representative Henry (Act 229) provides for the use of sound suppressors in hunting.

House Bill 344 By Representative Armes (Act 56) provides relative to fees for hunting and fishing licenses paid by surviving spouses of members of the military killed in action.

House Bill 1071 by Representative Chaney (Act 429) reduces the time required to qualify as a resident for hunting and fishing licenses.

House Bill 1072 by Representative Montoucet (Act 222) provides for reduced hunting and fishing license fees for certain retired members of the U.S. Armed Forces.

House Bill 1284 by Representative J. Thompson (Act 678) provides for a special season for Louisiana residents who have been honorably discharged from the U.S. Armed Forces.

Senate Bill 212 by Senator Ward (Act 378) allows the use of a firearm sound suppressor while hunting certain wild quadrupeds.

Senate Bill 251 by Senator Ward (Act 295) provides for the sale or purchase of wild birds and wild quadrupeds.

INDIAN AFFAIRS

House Bill 441 by Representative Harrison (Pending Senate and Governmental Affairs) abolishes the Governor's Office of Indian Affairs and creates and provides for the Commission on Indian Affairs as its successor.

LEGIS POWERS/FUNCTIONS

Senate Concurrent Resolution 136 by Senator F. Thompson (Sent to Senate Secretary) reactivates the Ancient Mounds Heritage Area and Trails Advisory Commission.

PERMITS

Senate Bill 654 by Senator J.P. Morrell (Act 777) requires the issuance of certain alcoholic beverage permits to commercial film theaters.

TAX EXEMPTIONS

Senate Bill 612 by Senator G. Smith (Pending Senate Local and Municipal Affairs) excludes from sales tax sales of admission to sightseeing guided tours by boat of swamp or marsh areas if only information or transportation is provided to purchasers.

TOURISM

*by: Linda Nugent
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NEW ORLEANS CONVENTION CENTER EXPANSION

Pursuant to the provisions of **House Bill by Representative Leger (Act 557)**, the Ernest N. Morial New Orleans Exhibition Hall Authority is authorized to move forward with its fifth phase of expansion. The bill provides for the Authority to begin a tourism development plan to enhance the Convention Center and install basic infrastructure to facilitate private development, including lodging facilities, on property owned by the Authority.

The proposed law allows the Convention Center to begin Phase V, enter into contracts for various projects and services for hotels, and to issue tax free bonds for private development projects related to the Convention Center.

HOTEL OCCUPANCY TAXES

Several bills authorized local governments to levy or increase occupancy taxes on hotel rooms, motel rooms, and overnight camping facilities.

The governing authority of New Orleans would have been authorized to increase the hotel occupancy tax by up to one and three-quarters percent, upon approval by a majority of the city's voters, to be used for purposes determined by the city. **House Bill 1083 by Representative Badon (House Calendar)** was opposed by tourism officials and remains on the House calendar, subject to call.

The city of Scott is authorized to levy and collect a hotel occupancy tax, not to exceed five percent, under the provisions of **Senate Bill 435 by Senator Perry (Act 757)**. It requires the governing authority of the city to impose the tax by ordinance or resolution, but only after a majority of the electors of the city approve the tax. The proceeds of the tax will be used to fund the construction, maintenance, and operation of a 4-H facility, a multipurpose community center, or a park, or for economic development, recreation, and tourism.

The city of Carencro is authorized to levy and collect a hotel occupancy tax, not to exceed four percent, under **House Bill 255 by Representative Ortego (Act 788)**. It requires the governing authority of the city to impose the tax by ordinance or resolution, but only after a majority of the electors of the city approve the tax. The proceeds of the tax will be used to fund economic development, promotion of tourism, and related infrastructure in the city.

The Shreveport-Bossier Convention and Tourist Bureau may currently levy a hotel occupancy tax, not to exceed 4.5%. **House Bill 191 by Representative Burrell (Act 674)** authorizes the Bureau to increase its hotel occupancy tax by two percent, subject to approval of the voters of Caddo and Bossier parishes. The authority to levy the tax will terminate on June 30, 2039. The proceeds of the new tax will be used by the Shreveport-Bossier Sports Commission for the operation and promotion of sporting goals and activities, as it relates to sports tourism; by the Independence Bowl Foundation for promotion of Division I football events; and by the Ark-La-Tex Regional Air Service Alliance to incentivize air flights, air carriers, and air fare.

DEVELOPMENT DISTRICT

The Morgan City Development District is created by **House Bill 582 by Representative Jones (Act 247)** with several objectives, including planning land use and development to foster tourism and economic development, among others. The five commissioners governing the district shall be appointed by the mayor of Morgan City and confirmed by the city council. The district is authorized to levy taxes, subject to voter approval, and issue debt.



Economic Development

by: *Michelle Ducharme*
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Department of Economic Development

House Bill 230 by Representative Ponti (Act 509) re-creates, effective June 30, 2014, the Department of Economic Development and all statutory entities made a part of the department by law.

The secretary of the Department of Economic Development and the Board of Commerce and Industry are required under current law to approve the issuance of certain bonds. **House Bill 267 by Representative Ponti (Act 549)** removes the role of the Department of Economic Development and the Board of Commerce and Industry from this approval process.

Local Entities Promoting Economic Growth

Many areas of the state have local economic development districts or commissions to stimulate and promote economic growth in the area. Two such entities were created this session, one in Morgan City, Louisiana and the other in St. Bernard Parish.

House Bill 582 by Representative Jones (Act 247) creates the Morgan City Development District. This district is a body politic and corporate and shall be composed of all the territory located within the city of Morgan City. The district has all of the rights, powers, privileges, and immunities given by

law to political subdivisions of the state, including but not limited to the power to incur debt and issue revenue and general obligation bonds, to issue certificates of indebtedness, to issue bonds and certificate anticipation notes, to issue refunding bonds, and the power of taxation, subject to the limitation provided by law. One of the district's objectives is planning land use and development to create new jobs, economic development, industry, health care, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, housing development, conservation, residential development, and subdivision development.

House Bill 1019 by Representative Garofalo (Act 834) creates the St. Bernard Parish Economic Development Commission. The commission is a body politic and political subdivision of the state and has all of the rights, powers, privileges, and immunities granted to political subdivisions for industrial, commercial, research, and economic development purposes. The primary objective and purpose of the commission is to promote, encourage, and participate in industrial development to stimulate the economy through commerce, industry, and research and for the utilization and development of natural, physical, and human resources of the area by providing job opportunities.

Louisiana Economic Development Corporation

The Louisiana Economic Development Corporation serves as the single review board for all financial assistance, loans, incentives, or inducements, customized workforce training, investment programs, and any related appropriations, grants, or joint ventures administered by the Department of Economic Development. The corporation has a coordinator who is qualified in the field of economic development and finance. **House Bill 248 by Representative Ponti (Act 325)** eliminates the coordinator position.

Multimodal Commerce

Senate Bill 573 by Senator Chabert (Act 719) provides that beginning on July 1, 2016, the office of multimodal commerce will be created within the Department of Transportation and Development. This office will administer the planning and programming functions of the department related to strategic and intermodal issues, aviation, commercial trucking, intercity public mass transit, railroad expansion and development, port and water transportation systems, and related matters, and any other special programs as may be directed by the governor.

The office of multimodal commerce shall be vested with the powers, duties, responsibilities, budgetary authority, and department employees, equipment, facilities, and funding necessary to carry out its functions.

The office shall be under the supervision of a commissioner of multimodal commerce, who shall administer all functions

and duties for which the office of multimodal commerce is responsible. The commissioner shall be appointed by the governor, subject to senate confirmation, and shall serve at the pleasure of the governor.

The bill creates the Multimodal Commerce Advisory Commission. The commission is responsible for developing an operational plan for the 2015 Regular Session for the following: (1) An allocation of department resources the commission finds necessary to carry out the functions of the office of multimodal commerce; (2) The organizational structure of the office of multimodal commerce; and (3) Proposed legislation for the 2015 Regular Session necessary to implement the operational plan.

Tax Exemption Study

Senate Study Request 4 by Senator Martiny (Approved by Senate) recognizes the importance of communications networks and consumers' reliance on these communications in their everyday lives for work, entertainment, emergency communications, and other purposes. The study resolution requests the Senate Committee on Revenue and Fiscal Affairs to meet and study the effects of exempting communications networks from certain taxes.



K-12 Education

by: *Jeanne Johnston*
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ACCOUNTABILITY SYSTEM

Senate Bill 191 by Senator Morrish (Act 483) requires BESE to give International Baccalaureate, Advanced Placement, and dual enrollment courses, and any related examinations equal status and recognition for purposes of determining school performance scores and letter grades.

CHARTER SCHOOLS

Senate Bill 36 by Senator Brown (Act 729) requires the chartering authority, at the time a initial charter school proposal or application is submitted, to notify each legislator in whose district a proposed charter school is to be located that the application has been submitted. Provides that the notification is limited to the date the proposal or application was submitted, the chartering authority to which the proposal or application was submitted, the type of charter school the chartering group seeks to operate, and the location of the proposed charter school. Additionally requires the chartering authority to notify each legislator in whose district the proposed charter school is to be located whether such proposal or application was accepted or denied. Does not apply to applications for renewal of a charter.

House Bill 703 by Representative Edwards (Senate Education) would have prohibited BESE from entering into a

proposed charter if the proposed school would be located in a school system that, in its most recent evaluation under the accountability system, received a designation of "A", "B", or "C" and the school board that governs the local school system previously denied or placed conditions on the same or a substantially similar proposal.

EARLY CHILDHOOD EDUCATION

Act 3 of the 2012 Regular Session required the State Board of Elementary and Secondary Education (BESE) to create an early childhood care and education network, by July 1, 2013, through which to manage and oversee publicly-funded programs that provide early childhood educational services. BESE was to establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children, create a uniform assessment and accountability system that includes a letter grade indicative of student performance. Also requires BESE to coordinate with the Department of Children and Family Services (DCFS) and the Department of Health and Hospitals (DHH) to align the standards for the licensing of child care facilities, including the requirements for participation in the La. Quality Start Child Care Rating System, with the standards established for early childhood education programs.

House Bill 954 by Representative Leger, et al and Senator Appel, et al (Act 644) makes numerous changes to fold the LA 4 Program into the Early Childhood Network created pursuant to Act 3 of the 2012 R.S. Requires each participating school system, beginning with the 2014-15 school year, to use at least 10% of the total increase in such funding received each year in excess of the amount received during the previous school year to provide LA 4 classes (not specifically the early childhood education program component) through such agreements and applies this requirement to school years when the LA 4 per pupil amount is \$5,000 or more. Lowers the required percentage to at least 5% in a school year when such amount is less than \$5,000. Requires increased collaboration between participating school systems and other governmentally funded providers of early childhood education that serve children residing within the system's jurisdiction of the system, including Head Start and other federal programs, in providing the LA 4 program. Requires BESE assess all funding streams in order to facilitate diverse delivery and fulfill demand to the greatest extent possible.

Senate Bill 524 by Senator Walsworth (Act 868) transfers the authority to license day care centers from the DCFS to DOE and transfers Child Care Development Fund lead agency authority and associated functions to the DOE. This is a new and significant function for the DOE.

Senate Bill 533 by Senator LaFleur (Act 717) establishes Louisiana early learning enrollment coordination procedures. Requires BESE to approve a process to authorize entities as local early learning enrollment coordinators to begin performing required

services in school systems in the 2015-2016 school year. Provides for the responsibilities of such coordinators including conducting a process for informing families about early childhood care and education programs, collecting family preferences, using a common application process, determining demand, and making recommendations to the DOE. Provides for initial authorization of local early learning enrollment coordinators for a period up to five years and provides that BESE may grant renewal for additional periods of not less than three years nor more than five years after thorough review of the local early learning enrollment coordinator activities.

House Concurrent Resolution 61 by Representative Leger (Sent to Secretary of State) requests BESE, in consultation with specified entities and organizations, to develop a statewide model for the funding of and equitable distribution of public funds for quality early childhood care and education for children ages birth to five, whose families request such services, and to submit a report with recommendations about the model to the legislature no later than 60 days prior to the convening of the 2015 R.S.

FOREIGN LANGUAGE INSTRUCTION

In an effort to preserve the state's cultural heritage and recognition of increased globalization, there continues to be a growing demand for foreign language immersion programs in the state's public schools. **House Bill 1016 by Representative Pierre and Senator Thompson (Act 99)** provides for a State Seal of Biliteracy to be affixed on the diploma or transcript of a high school graduate who meets certain academic requirements relative to foreign language proficiency. To

earn the seal, a student must demonstrate proficiency in at least one language other than English, earn a minimum GPA in certain courses, and minimum scores on certain portions of the ACT. School governing authorities are encouraged, but not required, to participate in this program.

HIGH SCHOOL ATHLETICS

Senate Bill 561 by Senator Brown (Senate Education) would have required that effective for the 2013-2014 school year and thereafter, any student who is a member of a team that participates in a high school interscholastic athletic activity for which participation letters are awarded shall be awarded his athletic letter and shall be entitled to receive any related award, certificate, patch, badge, and other indicia made available to a student athlete in recognition for such team participation, provided the student is a member of the team for three or more years.

Senate Concurrent Resolution 128 by Senator Brown (Sent to the Secretary of State) requests the Louisiana High School Athletic Association to study current practices of member high schools relative to the awarding of athletic letters, jackets, patches, and other indicia to student athletes in recognition of team participation, and to study the feasibility of awarding such jackets, letters, and indicia to a student athlete who has been a member of the team for at least three years during high school.

Senate Bill 633 by Senator Claitor (Act 476) provides that no public school or nonpublic school that receives any public funds may be a member of, or participate in any competition sponsored by, any intrastate

interscholastic extracurricular athletic association or organization that does not provide for third-party arbitration of eligibility issues.

MINIMUM FOUNDATION FORMULA

In most legislation sessions, passage of the concurrent resolution that provides for legislative approval of the minimum foundation program formula annually adopted by BESE is a routine matter. The formula is based upon a base per-pupil amount, which in turn drives most of the components of the formula, and the debate generally centers on which schools and school systems are included in the formula and the changes in the allocations amongst these schools. The dynamics of this process changed in May, 2013, when the Louisiana Supreme Court ruled that the formula adopted by BESE for the 2012-13 fiscal year and the concurrent resolution that approved that formula were unconstitutional, and thereby null, void, and of no effect. Article 8, Section 13(B) of the Louisiana Constitution provides that if the legislature fails to approve the formula most recently adopted by the board, the last formula approved by the legislature shall be used. After the supreme court ruling, the MFP formula adopted for the 2011-12 fiscal year became the operative formula for the 2012-13 fiscal year. The MFP formula adopted by BESE for the 2013-14 fiscal year was rejected by the Senate Committee on Education, primarily because of the way the proposed formula treated the allocation of special education funds. As BESE did not resubmit a revised formula, the 2011-12 MFP formula remained operative for FY 2013-14.

Senate Concurrent Resolution 55 by Senator Appel (Sent to the Secretary of State) provides for legislative approval of the 2014-15 MFP formula. The formula submitted by BESE on March 14, 2014, and contained in the resolution as introduced, was rejected by the Senate Committee on Education after much discussion. The primary reason the committee returned the formula to BESE was because the formula submitted contained a formula for computing the base per pupil amount that would have provided an automatic 2.75% increase in the base per pupil amount for any year in which the legislature failed to approve a new formula and the current formula remained operative. BESE, in response to the committee's action, amended the MFP formula proposed for the 2014-15 fiscal year on May 12th and resubmitted the formula to the legislature for approval. The 2014-15 MFP formula provides as follows:

1. The base per pupil amount is \$3,961.

This represents a 2.75% increase over the \$3,855 base amount in the current MFP and rolls the increase provided outside the formula in HB 1 last session into the base per pupil amount. Hence, this is a standstill base per-pupil amount. The increase in the cost of the formula over last year is due to other factors.

2. The estimated cost of the MFP formula for FY 2014-15 is \$3.6 Billion. This is a \$145 million increase over the current formula, primarily resulting from:

- (a) Incorporating the 2.75% increase in the base per pupil amount provided last session outside of the MFP in HB 1

into the formula.

- (b) Increased student enrollment.
 - (c) Changes in local school district wealth.
 - (d) Additional allocations provided in Level 4 of the formula which will be discussed in more detail in a moment.
3. This formula does NOT have the automatic growth rate factor that was included in the original MFP to which the Education committee strongly objected.
 4. Retains the requirement that 70% of MFP funds be spent in the classroom and clarifies that this requirement applies to all public schools and school systems that receive MFP funding.
 5. This formula is largely consistent with formulas of the past, but adds a new Level 4, which provides supplemental funding for three new allocations. The total cost of these allocations is \$12 million.
 - (a) There is a new Career Development Allocation to help schools and districts with the higher costs of providing materials and instruction to assist students in technical courses to earn an industry-based credential while still in high school.

Funds will be allocated on a per-pupil basis (6% of the base per pupil amount) with a minimum guaranteed allocation of \$25,000 per school district and \$10,000 per charter school.

The total cost of this allocation is \$4 million.

- (b) There is a High Cost Services Assistance Allocation to help schools and districts with the higher costs associated with providing services to students with significant disabilities. Costs that the standard special education weight cannot address.

These funds will be allocated proportionally to school systems and charter schools.

The total cost of this allocation is \$4 million.

- (c) There is a new Supplemental Course Allocation which will be allocated on a per-pupil basis to schools and districts to provide for the cost of secondary course choices for students enrolled in grades 7 - 12.

The total cost of this allocation is \$4 million.

House Concurrent Resolution 112 by Representative Fannin (Sent to the Secretary of State) authorizes and requests the legislative auditor to conduct a performance audit of the methodology and processes utilized for the student counts used

in the Minimum Foundation Program formula, to determine if the methodology ensures accurate and consistent student counts and if counting and reporting processes follow the methodology and are efficient and effective, and to make recommendations for any changes he finds would provide for greater accuracy, efficiency, and consistency.

PARENTS

Senate Bill 312 by Senator Crowe (Act 699) establishes the Parents' Bill of Rights for Public Schools provides a list of rights parents have regarding their child's education including the right to examine textbooks, lesson plans, curriculum and their child's academic, medical and mental health records. It also requires parental notification when their child is removed from campus, if medical services are being offered to their child, if a criminal act has been committed against their child, and before the school allows law enforcement to question their child. The parent also must receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity or any survey that includes questions about the student's sexual experiences or attractions, family beliefs, morality, religion, politics, or mental health.

SCHOOL CHOICE

Senate Bill 61 by Senator Nevers (Act 853) provides that beginning with the 2014-2015 school year, the parent or other legal guardian of any student may enroll their child in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, if the school the student would otherwise attend,

received a school performance letter grade of "D" or "F" for the most recent school year. The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year, and has sufficient capacity at the appropriate grade level. Requires that the student's enrollment be approved by a vote of a majority of the members of the local school board for the school and prohibits enrollment of a student in the public school of choice if the enrollment violates a court order. A school system is not required to provide transportation to any student enrolled in a public school that is located outside of the geographic boundaries of the school system in which he resides, if it results in additional cost to the school system. A student transferring to a school in another school system will counted by the school system in which he is enrolled for purposes of the Minimum Foundation Program and formula, and any other available state or federal funding for which the student is eligible. If a student is enrolled in a public school outside the geographic boundaries of the system in which he resides, then the school system in which a student resides may charge the parent or legal guardian a fee not to exceed the amount established by the minimum foundation program formula for that year as the local share of the per pupil amount in the school system where the student resides. School governing authorities are required to work collaboratively and cooperatively to ensure compliance.

Senate Bill 31 by Senator Brown (Act 728) requires the DOE to report annually to each individual legislator the information that DOE must report annually to the Senate Committee on Education, the House Committee on Education, and the Joint

Legislative Committee on the Budget regarding the implementation of the Student Scholarships for Educational Excellence Program, including the number of eligible students receiving scholarships, a list of participating schools and the number of scholarship recipients each such school enrolled, and aggregate test result data for the scholarship recipients enrolled in each participating school. Additionally requires that the report include a list of all participating schools grouped by legislative district and the percentage of the total enrollment of each school represented by scholarship recipients.

Senate Bill 460 by Senator Adley (Act 467) requires that schools participating in the Student Scholarships for Educational Excellence Program account for all scholarship funds separately from other funds by maintaining funds in a separate account or by using accounting procedures that allow the legislative auditor to identify the separate funds.

SCHOOLS AND SCHOOL DISTRICTS

Senate Bill 354 by Senator White (Senate Calendar) is a constitutional amendment which, if approved by the voters, would have allowed the legislature to create new school districts without the necessity for passage of a constitutional amendment to allow newly created school districts not specifically named in the state constitution to be eligible for inclusion in the MFP and to have taxing authority.

This session saw increased legislative attention to the governance of individual school systems as opposed to school boards and school systems in general. **Senate Bill**

636 by Senator White (Failed House Final passage) provided relative to the governance and administration of large school systems, but the definition of "large school system" was such that it only applied to East Baton Rouge Parish at the time the bill was introduced. The legislation devolved almost all authority and control over local schools from the local school board to the parish superintendent and individual school principals. The bill would have required large school systems to establish at least five enrollment zones and require school principals to enter into management contracts that would have empowered the principal to make all decisions, including control over all aspects of the school budget and all instructional and operational activities, and include performance goals.

House Resolution 123 by Representative Barrow (Sent to the Secretary of State) requests the House Committee on Education to study issues raised by legislation proposed during the 2014 R.S. and prior sessions relative to school systems that serve more than 15,000 public school students and report study findings and recommendations to the House of Representatives not later than 60 days prior to the 2015 R.S.

Senate Bill 385 by Senator LaFleur (House Education Committee) would have provided for empowered community schools, which would be part of a local school system but allowed to function with much of the autonomy of a charter school. Beginning with the 2014-2015 school year, any public elementary or secondary school principal who is rated "highly effective" pursuant to the performance evaluation program established

by BESE, may declare his school an empowered community school for the following school year, beginning with the 2015-2016 school year, and receive school-level decision-making authority to meet the unique needs of the school and its students. Designation as an empowered community school shall confer upon the school principal the authority to manage instructional, personnel, and financial decisions Beginning with the 2014-2015 school year, the superintendent of a local public school system could designate an elementary or secondary school in the system an empowered community school.

SPECIAL EDUCATION

House Bill 1015 by Representative Schroder, et al and Senator Claitor, et al (Act 833) provides a mechanism for a student with exceptionalities to pursue an alternative pathway to promotion and graduation as determined by a student's IEP team. (This legislation does not apply to a student identified as gifted and talented with no other exceptionality.) A student is only eligible if he has not otherwise met the state and local requirements for promotion or has not otherwise met state-established benchmarks on the required state assessments in the year immediately prior to each grade level in which the student would otherwise be required to demonstrate certain proficiency levels in order to advance to the next grade level. provides that students with exceptionalities shall be afforded the same opportunities to pursue a high school diploma and to exit with all course credits, honors, and financial awards as other students. These students are not guaranteed a diploma and must meet either the standard graduation requirements or those

established by his IEP team to be awarded a diploma. Requires that a student with an exceptionality who successfully completes the requirements of his IEP shall be issued a high school diploma. The student's IEP team determines if the student is required to meet state or local established performance standards on any assessment for purposes of graduation and if the determination is that the student is not so required, the student is required to successfully complete IEP goals and requirements and to meet specified conditions. A diploma issued to a student based on achieving his IEP goals and objectives shall count equally and be assigned the same number of points in the school performance score calculation for high schools as are assigned for a diploma issued to any other student.

STANDARDS, CURRICULUM, INSTRUCTION, AND ASSESSMENT

Since their implementation in 1997, content standards established by BESE for the Louisiana School and District Accountability System, and the high stakes nature of the LEAP, GEE, and end-of-course tests used to assess student academic achievement, focused considerable attention on the core subjects of Math, Science, English language Arts, and Social Studies. Despite steady academic improvement, Louisiana still lags far behind the nation in student performance. In 2009, the state joined the Common Core State Standards Initiative, an effort spearheaded by the National Governor's Association and the Council of Chief State School Officers, as a means to increase student academic achievement and allow for a comparison of how our students performed in relation to other states. Thus, the state's focus shifted to

the new Common Core State Standards (CCSS) which were adopted by BESE in 2010. Subsequently, Louisiana became a governing state in the Partnership for Assessment of Readiness for College and Careers (PARCC), one of two consortia created to develop common core related assessments for their member states. The new common core standards adopted for Math and English language Arts were piloted in selected school systems during the 2012-2013 school year and were fully implemented in all school districts during the 2013-2014 school year. The common core standards for science and social studies have yet to be developed. BESE utilized a modified version of the LEAP tests for the 2013-2014 school year, while piloting the PARCC assessments in selected school districts. The common core assessments developed for Math and English/Language Arts are scheduled to be fully implemented in the 2014-2015 school year.

During the past year, opposition to both the common core state standards and the PARCC assessments has been steadily growing, both in Louisiana and across the nation. A number of states have either withdrawn from PARCC or have delayed or opted out of using the PARCC assessments. As a result, more than 20 bills were filed seeking to halt or delay implementation of the common core or the PARCC assessments. None of these bills passed, although **House Bill 953 by Representative Leger (Vetoed)** delays any negative impacts PARCC scores might have on students, teacher evaluations, and school and district performance scores, for two years.

There were also a number of bills that sought to establish a process to adopt

standards developed in state by Louisiana educators and develop a curriculum to implement these standards. **Senate Bill 597 by Senator Kostelka (Senate Education) and House Bill 381 by Representative Geymann (House Education)** would have created the Student Standards Commission to develop state standards for required subjects for public school students and provided for implementation of the standards by BESE, subject to legislative approval of the standards. This legislation would have also repealed current law relative to implementation of nationally recognized standards and related assessments. **Senate Bill 669 by Senator Crowe (Senate Education)** would have created the Educational Excellence for Louisiana Commission and established a series of task forces to develop Louisiana content and performance standards, curriculum, and assessments for English language arts and mathematics. The bill provided for implementation of the standards and assessments adopted by the commission after receiving legislative approval. This bill also prohibited BESE, DOE, and any state official from joining a consortium or other organization that would cede any state control over public elementary and secondary education to entities outside the state of Louisiana.

House Bill 988 by Representative Schroder (Act 532) permits public school governing authorities to develop and implement curriculum, content, and methodology for required subjects for the schools under their jurisdiction instead of that recommended by DOE or BESE.

Senate Bill 125 by Senator Nevers (Act 450) creates the Agricultural Education

Commission in the Department of Education to advise and make recommendations to BESE regarding agricultural activities and education programs. It also requires BESE to create an agriculture education immersion pilot program.

STUDENT DATA PRIVACY

An outgrowth of the growing concern over the common core state standards, the PARCC assessments, has been a heightened awareness of the need to protect the privacy of personally identifiable student data. **House Bill 1076 by Representative Schroder, et al and Senator Alario, et al (Act 837)** requires the state Department of Education to develop a system of unique student identification numbers not later than May 1, 2015. Requires local public school boards to assign such numbers to every student not later than June 1, 2015, and provides that such numbers shall not include or be based on social security numbers. Beginning June 1, 2015, generally prohibits local school system and charter school officials and employees from sharing personally identifiable student information with local school board members and any other person or public or private entity, but provides limited exceptions for the purpose of satisfying state and federal reporting requirements and state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements. Allows a student's personally identifiable information to be shared if written permission has been granted by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes

including student enrollment counts. Requires any recipient of such information to maintain the confidentiality of the information. Further provides that any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to specified penalties.

House Bill 1283 by Representative Ivey (Act 677) requires the Department of Education and each school governing authority, no later than January 1, 2015, to post specified information on its website regarding the type of student data collected. The post must include the intended use of the information, profiles of authorized recipients, and copies of the signed agreements with those recipients, department contact information, and a process by which parents may register a complaint related to the unauthorized transfer of student data.

TEACHERS - PERFORMANCE EVALUATIONS

Present law requires annual evaluations by local public school boards of all teachers and administrators in accordance with BESE rules and regulations. This law also requires that, by the 2012-2013 school year, 50% of each evaluation shall be based on evidence of growth in student achievement using a value-added assessment model. At the conclusion of each year's evaluation, the evaluator will determine whether the teacher or administrator is effective or ineffective. Any teacher or administrator who fails to meet the standard of performance with regard to effectiveness will be placed in an intensive assistance program designed to address the complexity of the teacher's deficiencies and will be formally re-evaluated. If the intensive

assistance program is not successfully completed or the teacher or administrator is determined to be ineffective after a formal evaluation conducted immediately upon completion of the program, the local school board is required to initiate termination proceedings.

House Bill 415 by Representative Hoffmann (Act 240) requires the convening of an advisory subcommittee of the Accountability Commission to report on and make recommendations relative to the evaluation of teachers and administrators. The subcommittee is report on and make recommendations regarding the overall effectiveness of the evaluation program, including but not limited to any recommendations for changes to BESE policy or law relative to the value-added assessment model, growth measures, elements of evaluation, and standards.

House Bill 533 by Representative Seabaugh (Act 515) prohibits the inclusion of the test scores of a student who has 10 or more unexcused absences in a semester in the value-added assessment model or other measures of student growth used in the teacher evaluation program.

House Bill 1277 by Representative Thompson (Act 722) Revises the process for firing, demoting or disciplining non-tenured and tenured teachers. A hearing officer, selected at random from a list approved by the local school board, will review the decisions of the local school superintendent, instead of the current three-person panel. A teacher may also appeal the matter to the proper court if they are dissatisfied with the hearing officer's decision. Provides that a teacher may not be

placed on leave without pay - except under certain circumstances - during their appeal of a disciplinary action.

TECHNOLOGY

Senate Bill 622 by Senator Appel (Adopted in Senate Concurrence) requires the state Department of Education to develop and implement a statewide educational technology plan for public elementary and secondary schools to ensure that every classroom has sufficient infrastructure and capacity to provide a high quality, digital instructional environment. Requires DOE to conduct a technology assessment, evaluate the current technology readiness of schools, identify the costs for upgrading existing software and equipment, develop a funding strategy and identify and develop funding mechanisms to support the plan. Additionally requires every school and school system to develop and implement an Internet safety policy that protects students from harmful materials, prevents unauthorized access to content and resources, and complies with all state and federal student laws.

TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Currently, in carrying out its constitutional and statutory mandate to prescribe, adopt, and exercise authority over the distribution and use of textbooks and other materials of instruction for use in the public schools, BESE adopts lists of approved textbooks and other instructional materials. Schools and school districts are allowed to purchase any textbooks and materials they desire with local funds, but are largely required to purchase textbooks and materials


on the adopted lists if state funds are used. Some variance is allowed. **Senate Bill 336 by Senator Appel (Failed House Final Passage)** and **House Bill 867 by Representative Hoffmann (House Education)** would have significantly revised the current procedures for the adoption, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. Instead of BESE adopted prescribed lists of approved textbooks/instructional materials, DOE would prepare lists of reviewed textbooks/instructional materials and indicate the degree to which each aligned with state content standards. Each list of state reviewed textbooks must contain at least one text in each subject that totally aligned with state standards. The bill established a digital review process that allowed for increased access by parents and the public and eliminated the need for the costly textbook "caravan" required by current law. The bill also provided for a local review and adoption process that mandated parental participation. The bill retained the book depository and state contracts for cost savings through bulk purchasing. However, school governing authorities were free to buy the textbooks and related materials that best fit local needs and could buy directly from the publisher. **Senate Bill 144 by Senator Crowe (Senate Education)** retained the requirement that BESE adopt list of approved textbooks and instructional materials, but replaced the physical textbook review and adoption process with a digital, web-based process.

Postsecondary Education

by: *Jeanne Johnston*
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ARTICULATION AND TRANSFER

Current law requires the development of a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions and created the Statewide Articulation and Transfer Council to oversee this process. The postsecondary education management boards, BESE, and local school boards are jointly responsible for developing and implementing articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary education institutions that make the most efficient use of faculty, equipment, and facilities. At the heart of this system are the two-year associate of arts and associate of science transfer degrees implemented in the Fall of 2010 that are designed to transfer fully to a four-year institution and apply toward a four-year degree. Faculty advisory groups were established to determine course compatibility and required content and will assign common course numbers, so there will no longer be confusion over which courses are equivalent and which courses will transfer. Current law also requires the creation of a pathway between career and technical education and industry-based certification programs and academic degree programs offered by community colleges and charges the Statewide Articulation and Transfer



Council and the LCTCS board of supervisors to establish a process to award and transfer college credit for the academic content embedded in career and technical education and industry-based certification courses. Students successfully completing such courses would be able to "bank" the academic credit earned through such courses that can later be applied, in whole or in part, to an equivalent academic course offered by a community college. This process will make it possible for a career and technical education student to later enroll in an associate degree program offered by a public community college.

Although notable progress has been made to implement current law, there is still much work to be done at all levels of the state's educational system to achieve these legislatively mandated goals. **Senate Bill 56 by Senator Nevers (Act 480)** seeks to improve this process by requiring representatives of the Board of Regents, BESE, and the public postsecondary education management to meet at least once quarterly to discuss and make recommendations to the SATC and the Board of Regents regarding the appropriate role and responsibilities of each board, the status of current and proposed

articulation and transfer policies, activities, and initiatives, methods to enhance and maximize student knowledge and utilization of articulation and transfer policies and programs, and methods to overcome obstacles and barriers preventing the efficient and effective development and implementation of successful articulation and transfer policies and practices.

COMMISSIONER OF HIGHER EDUCATION

The commissioner of higher education is appointed by the Board of Regents. Currently his salary is established by the board, subject to the approval of the Joint Legislative Committee on the Budget (JLCB), and the commissioner's appointment is subject to confirmation by the Senate. **Senate Bill 108 by Senator Appel (Act 854)** deletes the requirements that the Senate confirm the appointment of the commissioner and that JLCB approve his salary.

FUNDS AND FUNDING

Most postsecondary education funding formulas are largely based upon cost, with a small percentage based upon student or institutional performance. As the cost of postsecondary education across the nation continues to significantly outpace the rate of inflation, there is a growing move toward implementing outcomes-based funding for higher education to place a greater emphasis on desired student outcomes such as retention, completion, and graduation rates. **Senate Bill 337 by Senator Appel (Act 462)** requires the commissioner of higher education and the presidents of each postsecondary education system to review the postsecondary education

funding formula and develop a comprehensive outcomes-based funding formula that ensures the equitable allocation of state funds to public postsecondary educational institutions, appropriately considers costs, places significant emphasis on student and institutional outcomes, and aligns with the state's economic development and workforce needs. Requires that formula implementation shall begin as soon as practicable, but not later than the beginning of the 2016-2017 fiscal year.

Senate Bill 177 by Senator Appel (Act 454) is a companion bill to Senate Bill 337 and requires the public postsecondary education management boards to allocate the funds appropriated to them to the institutions under their management in accordance with the postsecondary education funding formula established by the Board of Regents. Permits a management board to redirect an amount not to exceed 5% of the specified formula allocation for each institution to address specific issues that might arise during the budget allocation process. Further provides that an amount greater than five percent of the allocation specified by the formula for each institution may be redirected in the event of a natural disaster or other emergency situation, as certified by the Board of Regents and approved by the JLCB.

House Bill 1033 by Rep. Kleckley (Act 803) creates the "Workforce and Innovation for a Stronger Economy Fund," for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by La.'s public postsecondary education institutions to meet the state's current and future workforce and innovation needs.

Subject to appropriation by the Legislature, the state treasurer will deposit \$40 million into the fund at the beginning of each fiscal year. The methodology for distribution of the funds to public colleges and universities in the state will correlate with the number of graduates they produce in high-demand fields, such as computer science or engineering. In order to draw down on the funds, schools must have a 20% match in private investments. Any funds distributed to an institution that are not spent at the end of a fiscal year, will be available for use by the institution in the next fiscal year. All actions of the WISE council are subject to the approval by the Board of Regents. The WISE fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board and allocations from the WISE fund shall not be included in the board's funding formula calculation or supplant any state general fund allocations provided to institutions. The availability of the WISE fund is not to substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

STUDENTS

Currently, students who apply to multiple Louisiana colleges and universities must fill out and submit a separate application form for each school. **Senate Bill 62 by Senator Appel (Act 732)** requires the Board of Regents, in collaboration with the four postsecondary education management boards, to create a single, common application whereby students can apply to more than one college or university for admission. Requires that the application be available for the 2016-2017 academic year.

TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS - TOPS

In order to be eligible to receive a TOPS award, graduates from public high schools and approved nonpublic high schools must complete the established core curriculum and earn the specified minimum grade point average and minimum ACT (or equivalent SAT score) score required for the level of TOPS award for which they are eligible. Students who graduate from home study programs need only meet the specified minimum ACT requirement to be TOPS eligible. Because home students have only this requirement to satisfy for eligibility, home study students must have a minimum ACT score two points higher than public and nonpublic school students to earn an Opportunity Award, and one point higher to earn a Performance or Honors Award.

The TOPS scholarship program is continually subject to revisions to address circumstances that were not anticipated when the statute was originally enacted in 1997. What set the majority of TOPS bills apart this session was the increased focus on raising the eligibility requirements to earn a TOPS award. **Senate Bill 520 by Senator Donahue (Senate Calendar)** would have increased the minimum GPA and ACT requirements for TOPS eligibility effective for students graduating from high school during the 2017-2018 school year and thereafter. Provided that 25% of any savings realized from these changes be directed to needs-based funding provided through the GO Grant Program.

As the number of students qualifying for TOPS increases and tuition continues to rise at the state's colleges and universities, so

does the cost to the state to fully fund the TOPS program. The dynamic that exists between tuition and the cost of the TOPS program has resulted in much discussion regarding the need to place a limit on the monetary amount for the various TOPS awards in order to make the cost more manageable and predictable, as well as to preserve the long-term viability of the program. **Senate Bill 190 by Senator Morrish (Senate Education Committee)** would have established a cap on TOPS award amounts, beginning with the 2014-2015 award year and thereafter. The maximum TOPS award amount for a student enrolling in any state college or university would not exceed the award amount paid at that public college or university for the 2013-2014 award year plus 10%. **Senate Bill 340 by Senator Donahue (Senate Calendar)** would have capped TOPS award amounts at the 2014-2015 levels. Both bills would have provided for potential increases in award amounts every other year to align with changes in the Consumer Price Index. Both bills also provided that students would still be eligible to receive the stipends provided to students receiving the Performance and Honors awards.

State law requires high school students to complete a specified core curriculum and achieve a specified grade point average in order to qualify for a TOPS award. Beginning with students graduating in 2017-18, the TOPS GPA calculation will utilize a five-point scale for grades earned in certain Advanced Placement (AP), International Baccalaureate (IB), gifted, and dual enrollment courses as approved by the Bd. of Regents and BESE. Further provides that for such courses, five quality points shall be

assigned to an "A", four to a "B", three to a "C", two to a "D", and zero to an "F". **Senate Bill 98 by Senator Nevers (Act 733)** additionally includes talented and honors courses among those for which TOPS GPA calculation shall use a five-point scale.

Currently, the TOPS-Tech Early Start Award may be used by an eligible 11th or 12th grade student at a Louisiana public postsecondary education institution for the purpose of pursuing an industry-based occupational or vocational education credential as defined by the Board of Regents. **Senate Bill 126 by Senator Nevers (Act 737)** expands the use of the award so that it may be used to fund any technical or applied course leading to an Industry Based Certification, a Certificate of Applied Sciences, and a Certificate of Technical Sciences offered at a Louisiana public or nonpublic postsecondary education institution or by any Louisiana training provider recognized by the la workforce commission as approved by BESE when such certification or certificate is approved by the Workforce Investment Council.

TUITION

Currently, any increases in tuition to be imposed by postsecondary education management boards, other than those allowed by the GRAD Act, must be approved by a 2/3 vote of the legislature. **Senate Bill 343 by Senator Donahue (Senate Finance)** is a constitutional amendment which, if ratified by the voters, would have given each postsecondary education management board the authority to establish the tuition and fee amounts charged by institutions under their supervision and management, without legislative approval.

Vocational/Technical Education

*by: Alan Miller
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Senate Resolution 153 by Senator Nevers (Sent to the Secretary of State) requests the DOE and the Board of Regents to jointly study how to appropriately align the Career Diploma requirements and qualifying for a TOPS-Tech award, and that a written report of their findings be submitted to the Senate Committee on Education no later than February 1, 2015.

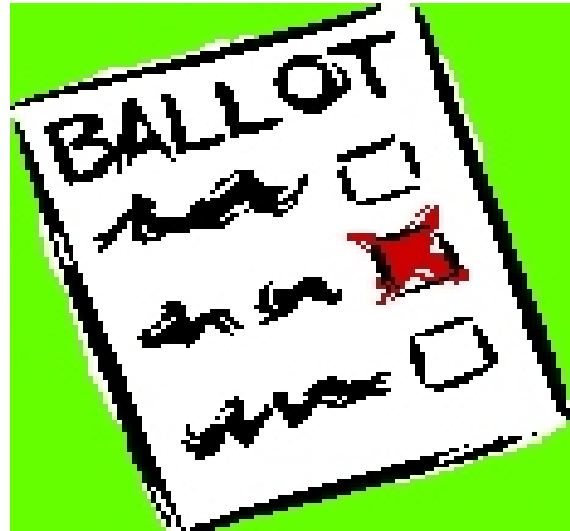
Elections

by: *Ashley Menou*
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Senate Bill 208 by Senator Ward (Act 690) prevented a public officer who was recalled and removed from office from qualifying in the special election held to fill the office he vacated.

Senate Concurrent Resolution 3 by Senator Mills (Sent to Secretary of State) calls for the Senate and Governmental Affairs Committee and House and Governmental Affairs Committee to study the feasibility and make recommendations pertaining to requiring candidates for public office to undergo mandatory background checks to ensure each candidate meets the qualifications for office.

House Bill 193 by Representative Richard (Act 152) deletes the prohibition of having a recognized political party in the state that calls itself "Independent" or "the Independent Party".



Energy

*by: McHenry Lee
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Senate Bill 402 by Senator Adley (Act 390) creates the Cross-Unit Well Study Commission.

House Concurrent Resolution 102 by Representative Johnson (Sent to Secretary of State) urges and requests the commissioner of conservation to review the rules and regulations governing plugging and abandonment of wells.

House Concurrent Resolution 143 by Representative Stokes (Sent to Secretary of State) urges and requests the commissioner of conservation and the secretary of DNR to conduct a comprehensive assessment and evaluation of hazards posed by certain pipelines.

Environment

by: Heyward Jeffers
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AIR QUALITY

Carbon Dioxide Emissions. **Senate Bill 650 by Senator Walsworth (Act 726)** is an attempt to establish regulations on carbon dioxide emissions from fossil fuel-fired electric generating units. In response to expected federal Environmental Protection Agency (EPA) rules, Louisiana moved to begin a new program for measuring carbon dioxide coming from fossil fuel-fired electric generating units. The Louisiana Carbon Dioxide Emission Fossil Fuel-Fired Electrical Generating Units Control Act will create separate standards of performance for carbon dioxide produced by electrical generators. The act aims to set reasonable limits on carbon dioxide emissions from gas-powered generators, and the impact for consumers that such regulations would have on energy price increases on lower income populations. The measure also will be an effort to run cooperatively with applicable federal rules and guidelines. The Department of Environmental Quality (DEQ) will create the standards of performance in collaboration with and input from the Public Service Commission.

Air Quality Monitoring Commission. **House Bill 1084 by Representative Brossett (House Natural Resources Committee)** was aimed at creating the Air Quality Monitoring Commission in order to study the efficacy and

adequacy of the state's air monitoring

system with an emphasis on the costs and benefits of expanding the state's current air monitoring system. The sixteen commission members would serve without compensation, except for per diem or expenses incurred attending meetings. Meetings would be called by the chairman or a majority of the commission members. The commission would have the authority to approve the monitoring systems used by a facility, the location and quantity of monitors on or near the boundaries of a facility, determine the schedule for installation of the monitoring system, notify the EPA, the department, and local governmental entities when toxic air pollutants register above a level that presents, or may present, a threat of adverse human health or the environment and when a facility fails to comply to such monitoring and order a facility to shut down production of a facility that is producing toxic air pollutants above safe levels. The measure also requires such facilities to develop a plan for assistance by local first responders in the event of an unplanned release of toxic air pollutants and submit that plan to the governing authority of the local governmental entity where the facility is located.

Prescribed Burns. **Senate Bill 664 by Senator Cortez (Act 590)** allows the commissioner of agriculture and forestry to receive and investigate complaints about prescribed burns. The act provides that if the commissioner determines that a prescribe burn violates clean air laws or regulations, the commissioner may revoke the required permit issued when a prescribed burn is requested. Complaints by members of the public that some prescribed burns were conducted too close to inhabited dwellings initially raised the issue.

HAZARD MITIGATION

Notification of Hazardous Materials Incidents. **Senate Bill 537 by Senator Martiny (Act 311)** provides for the electronic or telephonic notification of hazardous materials incidents. Currently, notification under present law requires only a telephone call to all departments of state government. The bill's notification requirements would include using computer, e-mail or any other form of electronic notice as well as telephone.

RECYCLING

Plastic Bag Recycling. **Senate Bill 408 by Senator Walsworth (Senate Environmental Quality Committee)** sought to establish a recycling program for plastic bags by requiring certain stores that use plastic carry out bags in the sale of goods to provide consumers a collection bin at the stores that use the bags. The bill would have affected only stores that use the bags and had at least 45,000 square feet of retail space. The bill failed to move out of the Senate and a study resolution that would require the Senate Committee On Environmental Quality to look

at the feasibility of establishing requirements that stores that use such plastic bags must provide recycling bins for its customers. **Senate Resolution 2 by Senator Walsworth (Passed the Senate)** requires the committee to look at the issue during the interim and report its findings to the legislature in the 2015 Regular Session.

Ethics

by: Ashley Menou
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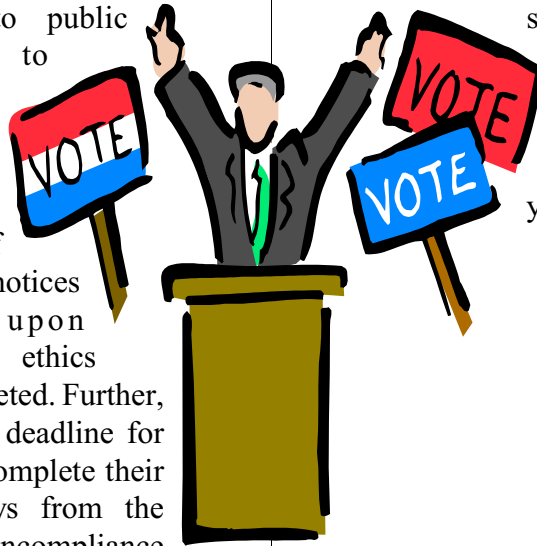
Senate Bill 272 by Senator Murray (Act 857) gives the Supervisory Committee on Campaign Finance the ability to amend campaign finance forms by joint approval of the Senate and Governmental Affairs Committee and House and Governmental Affairs Committee. The act also allows personal financial disclosure forms to be amended upon joint approval of the committees. Currently, the Board of Ethics must follow the Administrative Procedure Act in order to amend these forms. This act provides another method for amending the reports which are filled out by all candidates and elected officials in the state.

Senate Bill 274 by Senator Cortez (Act 745) pertains to mandatory ethics education requirements. Currently, all lobbyists, in addition to public servants, are required to complete mandatory ethics training each year. This act adds lobbyists to the portion of the law detailing the procedure the Board of Ethics follows to distribute notices of noncompliance upon discovering that required ethics training has not been completed. Further, it changes the compliance deadline for those who have failed to complete their training to forty-five days from the mailing of the notice of noncompliance rather than thirty days from receipt of the notice. The act also adds a requirement for all

political subdivisions to designate at least one person to assist the Board of Ethics in disseminating information and organizing training sessions in their area.

House Bill 105 by Representative James (Act 227) increases the amount of money per year to be credited against student loan debt for an attorney who is a public employee through a Loan Repayment Assistance Program from \$3,000 a year to \$5,000 a year.

House Bill 500 by Representative Berthelot (Act 172) places a cap on the value of a gift a public employee of a prekindergarten, kindergarten, elementary, or secondary school may receive from a student, former student, or on behalf of a student at \$25 per gift. Further, this act provides that the combined value of all gifts received by the public servant in a calendar year cannot exceed \$75.



Finance

by: Jay Lueckel
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General Appropriations Act

House Bill 1 by Representative Fannin (Act 15), the General Appropriation Act, provides for the ordinary operating expenses of state government for Fiscal Year 2014-2015. Upon passage of HB 1 and after gubernatorial action which included a number of line item vetoes, the act contains \$8.7 billion in State General Fund (Direct) spending and total means of financing of \$25.5 billion, exclusive of double counts. The proposed budget provides for 53,171 authorized positions which is 1,039 less than the 12/01/2013 Existing Operating Budget for the 2013-2014 Fiscal Year. Effective July 1, 2014. (Based on information from the Division of Administration's Office of Planning and Budget)

Funds

Three bills - **Senate Bill 655 by Senator Buffington (Act 778)**, **Senate Bill 656 by Senator Buffington (Act 779)**, and **Senate Bill 657 by Senator Buffington (Act 780)** - authorize public or private entities to make certain donations to various postsecondary educational institutions for recipients of TOPS Awards and GO Grants, donations to elementary and

secondary school for recipients of student scholarship programs, and donations to participating school systems for children enrolled in the Cecil J. Picard LA 4 Early Childhood Program classes.

The act also provide that when an eligible institution receives private scholarship funds on behalf of a student, the annual appropriation of state funds shall be reduced by the amount of the private scholarship funds so received. The state treasurer shall deposit the amount of the reduction as specified by the commissioner of administration into the Overcollections Fund and credit the deposit to an account in the fund known as the "Program Participation Savings Account".

House Bill 1033 by Kleckley (Act 803) - Provides for enactment of the Workforce and Innovation for a Stronger Economy (WISE) Fund for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by Louisiana's or the state's public postsecondary education institutions to meet the state's current and future workforce and innovation needs.

Subject to an annual appropriation by the legislature, each



fiscal year the sum of forty million dollars shall be deposited into the WISE Fund. In the current fiscal year Act 15 (HB 1) provides an appropriation to the Board of Regents in the amount of seventeen million dollars from the State General Fund (Direct) and twelve million dollars in Community Development Block Grant monies; the appropriation also provides direction on the allocation of monies pursuant to Act 803.

Two constitutional amendments - **House Bill 628 by Representative St. Germain (Act 873)** and **House Bill 629 by Representative St. Germain (Conference Committee)** along with its statutory companion, **House Bill 884 by Representative St. Germain (Conference Committee)** - were proposed to provide for a state infrastructure bank, however only one bill passed. **Act 873** amends the constitution to make the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, guarantee, or donation of public funds by a state infrastructure bank for eligible transportation projects, authorized uses of public funds.

House Bill 629 which was a constitutional amendment which changed the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Fund - failed to pass. It also created the Budget Stabilization Account and the Transportation Stabilization Account in the Budget and Transportation Stabilization Fund and provided for allocations of monies to the accounts and uses of monies in the accounts. **House Bill 884** which was the statutory implementation of **House Bill 629** also failed to pass.

Technology, Procurement, and Contracts

House Bill 437 by Fannin (Vetoed) - Required prior approval of the Joint Legislative Committee on the Budget of requests for any request for proposals for professional, personal, consulting, or social services contracts with a total maximum compensation of one hundred million dollars or more prior to its advertisement.

Any request for proposals for professional, personal, consulting, or social services contracts with a total maximum compensation of one hundred million dollars or more for which the resulting contract was to be approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services, was also to be reviewed by the Joint Legislative Committee on the Budget prior to the advertisement of the request for proposals.

Senate Bill 315 by Senator Donahue (Act 700) - Provides relative to group purchasing and cooperative purchasing provisions of certain public postsecondary education institutions. Institutions seeking to adopt group and cooperative purchasing provisions shall publish rules, be approved by their management board and the Board of Regents. Rules published under these provisions shall be reviewed by the Senate Committee on Finance and the House Committee on Appropriations.

After an initial term of three years, the Joint Legislative Committee on the Budget may authorize an additional term of five years. Approved institutions shall annually report to the Joint Legislative Committee on the Budget the savings realized by participation in group

or cooperative purchasing arrangements.

Senate Bill 481 by Senator Donahue (Act 712) - Provides for establishing and coordinating all information technology systems across the executive branch of state government, excluding higher education and elected officials. Creates the office of technology services from the office of information technology. Also provides for consolidation of procurement of technology services, software, and hardware under the office of technology services . Requires that any contract entered into for a period of more than three years shall be subject to the prior approval of the Joint Legislative Committee on the Budget.

Senate Bill 480 by Senator Walsworth (Act 864) - Provides for the merging of the administrative personnel and functions relative to the Professional, Personal, Consulting and Social Services Procurement Code with the Louisiana Procurement Code which provides for the procurement of supplies, operational services, or major repairs. In general, does not change substantive provisions of procurement law.

Senate Bill 522 by Senator Ward (Act 715) - Authorizes the state to enter into consulting services contracts with licensed insurance producers for the procurement of insurance for the office of risk management.

Budgetary Controls

Senate Bill 543 by Donahue (Vetoed) - Required the Revenue Estimating Conference (REC) to establish a forecast of incentive expenditures for each fiscal year, beginning for Fiscal Year 2015-2016.

Provided that the executive budget for Fiscal Year 2015-2016 and each fiscal year thereafter include a statement of incentive expenditures as contained in the incentive expenditure forecast. The incentive expenditures were to be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers an incentive expenditure. A statement of total incentive expenditures were also to be provided in the executive budget proposal. Such incentive expenditures were not to be included as, nor counted towards the operating expenses of the relevant department, agency, or authority.

Senate Bill 338 by Donahue (Act 704) - Provides that all economic and financial reports for projects in excess of a total state commitment of ten million dollars for the term of the project, submitted in conjunction with a request for approval of the Joint Legislative Committee on the Budget shall provide certain information for the review or approval of the committee.

Gaming

by: *Cathy Wells*
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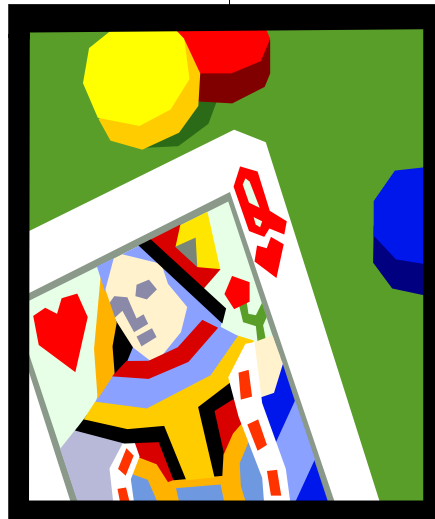
NEW ORLEANS FAIRGROUNDS

Senate Bill 616 by Senator LaFleur (Pending Judiciary B) and House Bill 1223 by Representatives Connick and Moreno (Pending Judiciary B) would have required a certain percentage of "after net slot machine proceeds" from the slot machine gaming operations at the race track in New Orleans be used for maintenance and capital improvements at that facility.

Both legislative instruments were voluntarily deferred in Senate Committee because Churchill Downs Inc. (CDI), owner of the New Orleans Fair Grounds agreed to certain actions.

(CDI) bought the 142 year-old Fair Grounds Race Track out of bankruptcy for \$47 million in 2004 following a tumultuous period in the track's history.

At the time, locals hoped the sale to CDI represented a new start. The company committed to several million of dollars in improvements on the track's backside. One year earlier, New Orleans voters approved allowing a slot machine facility to operate at the track, which Churchill Downs said was essential to boosting purses in a time of increased competition. The Fair Grounds opened its 600-machine gaming room in 2008.



Louisiana horsemen have remained highly skeptical of CDI's intentions toward the track in the decade following its purchase out of bankruptcy in 2004. The Louisiana Racing Commission at its April 22, 2014 meeting gave CDI a one year provisional license due to the conditions at the Fair Grounds. The commission warned that the license could be revoked if the company didn't follow through on promises to improve the horse racing operation at the Fair Grounds.

The 2014 legislation mediated certain changes at the Fair Grounds such as a live bugler that will be hired for weekend races, as requested by Senator Eric LaFleur. CDI officials also agreed to spend up to \$200,000 to repair or replace the broken video screen, \$690,000 for repairs to the turf course prior to the 2014-15 meet, hiring more mutuel tellers, fixing both the infield and the paddock video boards and promising a better customer experience, among other things.

The Senate Judiciary B Committee will monitor the proposed improvements during the 2014-15 interim and will hold a public hearing at the Fair Grounds prior to the 2015 Legislative Session

Health & Hospitals

by: *Chris Adams*
(225) 342-2114

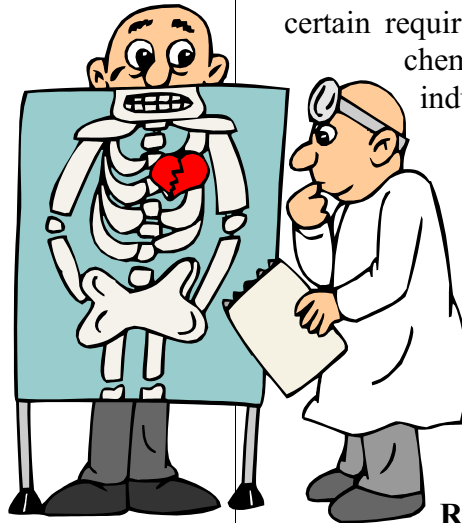
Assigned to recurring subject-matter topics, below are some of the bills and resolutions that were before the Senate Committee on Health and Welfare during the 2014 Regular Session:

ABORTION

House Bill 305 by Representative Hoffmann (Act 617) prohibits employees of and representatives acting on behalf of abortion providers, and of affiliates of such providers, from delivering instruction or materials on any health topic, including but not limited to human sexuality or family planning, in public elementary or secondary schools or in charter schools receiving state funding.

House Bill 388 by Representative K. Jackson (Act 620) provides for requirements of a physician who performs an abortion to include active admitting privilege at a hospital that is located not further than 30 miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological health care services, a telephone number by which the pregnant woman may reach the physician or other health care personnel employed by the physician or facility at which the abortion was performed or induced, and the name and

telephone number of the hospital nearest to the home of the pregnant woman at which an emergency arising from the abortion would be treated. A violation of these provisions shall be a fine of not more than \$4,000 per violation. The proposed law provides for certain requirements for when any drug or chemical is used for the purpose of inducing an abortion.



House Bill 1105 by Representative Hodges (Act 565) requires outpatient abortion facilities to post information regarding the National Human Trafficking Resource Center hotline.

House Bill 1262 by Representative Ivey (Act 569) provides for information on psychological impacts, illegal coercion, abuse, and human trafficking to be delivered to women and minor females prior to abortion.

HEALTH CARE

Senate Bill 96 by Senator Nevers (pending Senate Health and Welfare Committee) would provide for a Constitutional amendment to direct the Department of Health and Hospitals (DHH) to offer health insurance with essential health benefits to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level, and to allow the

legislature to determine whether to continue the program when federal funding falls below 90% of the total program funding.

Senate Bill 107, substitute adopted on the Senate floor became SB 682 by Senator Nevers (Act 783) provides for Louisiana First America Next Freedom and Empowerment Act and provides a blueprint to expand access to affordable high quality health care.

HEALTHCARE PROVIDERS

Senate Bill 71 by Senator Morrell (Act 481) provides a registered line technician shall be at least 18 years of age and possess a minimum of a high school diploma or its equivalent. Proposed law provides a line technician shall be registered by his supervising licensed behavior analyst with the board. Proposed law provides within 14 days from the date of application for registration, the line technician shall initiate a criminal background report from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections. Proposed law provides the board has the authority to deny or revoke a registration in the best interest of public safety and welfare and provides the registration provided shall be renewed annually by the supervising licensed behavior analyst.

Senate Bill 194 by Senator Mills (Act 484) amends law by replacing registered counselor intern with a provisional license as a provisional professional counselor or a provisional license as a provisional marriage and family counselor.

Senate Bill 516 by Senator Buffington (Act 867) provides for direct primary care practice.

Senate Bill 568 by Senator Nevers (subject to call - Senate final passage) would provide relative to the practice of optometry and the regulation of the practice of optometry. The proposed law would provide for the type of the ophthalmic surgery a licensed optometrist may do and provides for the licensing board to develop rules and regulations for the training of an optometrist who seeks to provide ophthalmic surgeries.

Senate Bill 600 by Senator Mills (Act 769) provides a pharmacist may administer to an individual age 17 or older an immunization or a vaccine without a patient specific prescription or medical order if the immunization or the vaccine is administered in conformance with the most current immunization administration protocol as set forth by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practice. At the time that a pharmacist administers an immunization or vaccine, the pharmacist shall also inform the individual that the administration of an immunization or vaccine is not to be construed as being in lieu of an annual checkup with the individual's primary care or family physician.

House Concurrent Resolution 88 by Representative Simon (Sent to the Secretary of State) creates the Task Force on Telehealth Access as an advisory body to the legislature and DHH on policies and practices that expand access to telehealth services, and directs the task force to report to the governor and the legislature on the status of telehealth

access in Louisiana.

House Bill 610 by Representative Abramson (Act 250) provides for the licensure of radiologic technologists.

House Bill 691 by Representative Broadwater (Act 418) revises the La. Athletic Trainers Law and provides that the law has the purpose of protecting the public health, safety, and welfare by providing for the licensing and regulation of the practice of athletic trainers in the state.

House Bill 1065 by Representative Pope (Act 398) provides relative to the practice of optometry and the regulation of the practice of optometry. The proposed law provides for the type of the ophthalmic surgery a licensed optometrist may do and provides for the licensing board to develop rules and regulations for the training of an optometrist who seeks to provide ophthalmic surgeries.

House Bill 1074 by Representative Whitney (Act 535) provides for an exemption for a physician who is licensed to practice medicine in another state or country when attending to the acute care needs of the official traveling party of athletes and staff of an athletic team or organization domiciled in another state or country during or in connection with an athletic contest or event conducted in Louisiana.

House Bill 1280 by Representative Simon (Act 442) provides for greater access to telehealth services by authorizing licensing boards and commissions to promulgate rules to provide for, promote, and regulate the use of telehealth in the delivery of healthcare

services within the scope of practice regulated by the licensing entity.

PRESCRIPTION DRUGS

Senate Concurrent Resolution 39 by Senator Heitmeier (Sent to the Secretary of State) requests DHH study the most effective means to ensure the proper utilization of Attention Deficit Hyperactivity Disorder medications in Louisiana and to report its findings to the legislature.

Senate Bill 496 by Senator Heitmeier (Act 865) provides a Schedule II prescription may not be filled more than 90 days after the date of the prescription. Provides a pharmacist not dispense more than a 10-day supply at a dosage not to exceed the United States Food and Drug Administration's approved labeling for the medication if the prescriber is not licensed by the state of Louisiana, and the medication is a Schedule II or Schedule III controlled dangerous substance opiod derivative. Provides within 60 days of the dispensing of a Schedule II or Schedule III controlled dangerous substance opiod derivative pursuant to proposed law, such medication shall not be dispensed again for the individual by a prescriber not licensed by the state of Louisiana. Provides a prescriber shall access the Prescription Monitoring Program prior to initially prescribing any Schedule II controlled dangerous substance to a patient for the treatment of non-cancer-related chronic or intractable pain.

Senate Bill 502 by Senator Heitmeier (Act 714) provides the exemption for licensure of pain management clinics shall not apply to a pain management clinic that is not licensed by or has not made an application

to DHH for licensure on or before August 1, 2014.

Senate Bill 556 by Senator Johns (Act 472) provides each dispenser shall submit the required information in accordance with transmission methods and frequency established by the Louisiana Board of Pharmacy. Each eligible prescription transaction shall be reported no later than the next business day after the date of dispensing.

Senate Bill 618 by Senator Heitmeier (Act 397) moves carisoprodol (Soma) from Schedule IV to Schedule II for controlled dangerous substances.

House Bill 754 by Representative Moreno (Act 253) authorizes first responders to carry naloxone and administer it to a third party who is undergoing an opioid-related drug overdose.

PUBLIC-PRIVATE PARTNERSHIPS

Senate Concurrent Resolution 48 by Senator Long (Sent to the Secretary of State) provides for legislative approval of and to express support to the LSU Board of Supervisors for the strategic collaboration with the state relating to the closure of Huey P. Long Medical Center to facilitate a new model of health care delivery in the Alexandria and Pineville area.

SMOKING

Senate Bill 514 by Senator Heitmeier (Act 581) prohibits smoking within 200 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary school.

House Bill 168 by Representative Hoffmann (Act 546) prohibits outdoor smoking within 25 feet of certain exterior locations of state office buildings.

Homeland Security

by: JW Wiley
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Capital outlay budget requests submitted after November 1st of each year may be included within the capital outlay act if the budget request meets all of the requirements of law except for the time submission and meets a certain enumerated condition. **Senate Bill 91 by Senator Brown (Act 574)** adds an additional condition. The act allows for the submission of capital outlay budget requests for projects located in a designated disaster area and that have a public need because of a national or state declared disaster.

Senate Bill 446 by Senator Buffington (Act 710) provides that security surveillance video of the capitol area and grounds or to any images on security surveillance video of the capitol area and grounds, regardless of format, is not a public record.

House Bill 458 by Representative Adams (Pending House Judiciary Committee) would have allowed a parish or municipality to recover certain actual costs and expenses resulting from the expenditure of resources or personnel in the event of a declared local disaster or emergency from the responsible party.



Information Technology

by: Gary Schaefer
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ABORTION

House Bill 1262 by Representative Ivey (Act 569) provides relative to information to be conveyed to a woman prior to an abortion and that the Department of Health and Hospitals shall create printed materials and printable Internet-based resources for women considering an abortion.

ADMINISTRATIVE PROCEDURE

House Bill 322 by Representative Jones (Act 401) requires rulemaking agencies to publish on the Internet information concerning proposed rules and fees, including but not limited to: a brief description of each rule or fee; the full text of the current rule or fee; the name and contact information of the person within the agency who has responsibility for responding to inquiries about the intended actions; the time when, the place where, and the manner in which interested persons may present their views concerning the intended action.

APPROPRIATIONS/ANCILLARY

House Bill 262 by Representative Fannin (Act 45) authorizes the transfer of functions, positions, assets, funds, contracts, and facilities of information technology resources between and within executive departments.

BOARDS/COMMISSIONS

House Bill 686 by Representative Barrow (Pending House & Governmental Affairs Committee) would have required the commissioner of administration to establish and maintain a website to post certain specified information concerning certain, boards and commissions, and additionally would have provided that the website include the length of terms, when the terms of the current members began, whether the terms run concurrently or are staggered, and the number of terms each member had served.

CAMPAIGN FINANCE DISCLOSURE

House Bill 213 by Representative Miller (Act 786) requires the expenditures on Internet advertising and automated calling be included on the election day expenditure reports; exempts candidates, candidates' committees, and other persons from being required to file the election day expenditure report if no expenditure required to be reported was made.

House Bill 321 by Representative Hensgens (Pending House & Governmental Affairs Committee) would have provided relative to disclosure of campaign contributions made by certain persons and related persons prior to entering into a contract (\$10,000 or more) with the state, and would have required the division of administration to maintain a list of persons who had been found unsuitable and

ineligible to enter into a contract with any entity of the executive branch of state government; the list would have been accessible on its website easily.

CLERKS OF COURT

House Bill 888 by Representative Arnold (Act 826) creates a statewide portal for secure remote access to certain records maintained by district clerks of court and provides for the collection of fees to fund certain costs related to the statewide portal.

COLLEGES/UNIVERSITIES

Senate Bill 1 by Senator Claitor (Involuntarily Deferred House & Governmental Affairs Committee) would have required information regarding the existence of the Tulane Legislative Scholarship Program be published on the legislature's website that include a link to the Tulane University website where potential recipients could have obtained an application form and detailed information on scholarship eligibility criteria, guidelines, and deadlines, and other program requirements.

House Bill 307 by Representative Ritchie (Failed House Final Passage) would have required information regarding the existence of the Tulane Legislative Scholarship Program be published on the legislature's website that included a link to the Tulane University website where potential recipients could have obtained an application form and detailed information on scholarship eligibility criteria, guidelines, and deadlines, and other program requirements.

COMMERCIAL REGULATIONS

Senate Bill 362 by Senator Cortez (Act 125) provides that beginning January 1, 2015, and thereafter, a licensee may submit through the electronic Nationwide Mortgage Licensing System and Registry his renewal application for currency exchange services on or before December 31 of each year.

House Bill 1105 by Representative Hodges (Act 565) requires posting of the national human Trafficking Resources Center hotline in outpatient abortion facilities and requires the Department of Health and Hospitals to post a sample of the notice on its website.

CONSUMERS

Senate Bill 84 by Senator Nevers (Pending Senate Final Passage Subject to Call) would have required the commissioner of financial institutions to approve the use of a single common database with real-time access through an Internet connection for licensed lenders who make deferred presentment transactions and small loans. The database would have been accessible to the commissioner and the licensees so the commissioner would have been able to verify the number and nature of transactions that were outstanding for a particular consumer.

Senate Bill 679 by Senator Nevers (Senate Commerce Committee) would have required the commissioner of financial institutions to approve the use of a single common database with real-time access through an Internet connection for licensed lenders who make deferred presentment transactions and small loans. The database would have been accessible to the commissioner and the

licensees so the commissioner would have been able to verify the number and nature of transactions that were outstanding for a particular consumer.

CRIME

House Bill 258 by Representative Tim Burns (Pending House Administration of Criminal Justice Committee) would have created the crime of unlawful distribution of materials harmful to minors through the Internet and would have fined violators up to \$10,000.

CRIME/PUNISHMENT

Senate Bill 330 by Senator Claitor (Involuntarily Deferred House Administration of Criminal Justice Committee) would have created the crime of illegal use of unmanned aircraft to capture an image of an individual or privately-owned immovable property with the intent to conduct surveillance on the individual or property or use an unmanned aircraft to capture a wireless data transmission for any purpose not authorized by the sender or recipient of the wireless data transmission.

Senate Bill 557 by Senator Johns (Act 313) provides that the crime of “sexting” through computers and telecommunications devices shall be deemed to have been committed at either the place from which the indecent visual depiction was transmitted or at the place where the indecent visual depiction was received. The bill also provides fines from \$100 to \$750 and imprisonment from ten days to six months.

CRIMINAL/VICTIMS

House Bill 1025 by Representative Abramson (Act 564) provides relative to human trafficking, trafficking of children for sexual purposes, and commercial sexual exploitation and expands the crime to prohibit the use of a computer to solicit a person to engage in commercial sexual activity.

DISTRICTS/CRIME PREVENTION

House Bill 684 by Representative Abramson (Act 338) provides that requirements for additional notice of certain meetings of a political subdivision and for recording or broadcast of board or commission meetings shall not apply to certain crime prevention and security districts, improvement districts, and other similar districts.

DISTRICTS/SPECIAL

House Bill 253 by Representative Tim Burns (Act 155) authorizes the governing authority of St. Tammany Parish to create a geographic information system.

EARLY CHILDHOOD ED

Senate Bill 524 by Senator Walsworth (Act 868) requires the Department of Education to maintain on its website all information required by state and federal funding sources that includes but is not limited to program statistics for the Child Care Assistance Program that includes monthly and year end fiscal year totals of the number of children and amount of benefits of the current year and previous years back to 2004, monthly statistics of the number of children and the amount of

benefits by parish, applications processed by parish, unduplicated count of paid providers by month, redeterminations, and cases by parish and fiscal year. The department shall also include information on each licensed facility for the last fifteen visits, including licensed capacity, license type, and current rating.

EDUCATION DEPARTMENT

Senate Bill 370 by Senator Morrell (Pending Senate Education Committee) would have provided for the documentation, notification, and reporting of incidents of bullying in schools and would have provided for the training of certain school employees with respect to bullying that included how to implement an Internet safety and cyberbullying issues curriculum.

ELECTION CODE

House Bill 383 by Representative Tim Burns (Act 60) requires the clerk of court shall not disclose the name and address of a law enforcement officer if the state voter registration computer system indicates that certification has been received from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential. The act also provides that after the commissioners-in-charge of instruction are selected, the parish board of election supervisors shall compile a list containing the name, social security number, party affiliation, and mailing address of each commissioner-in-charge and the clerk of court shall enter the list in the state voter registration computer system.

ENVIRONMENT/AIR

House Bill 1084 by Representative Brossett (Involuntarily Deferred House Natural Resources Committee) would have created the Air Quality Monitoring Commission and would have required the commission to provide real-time and continuous air quality data and air sampling on a real-time website available to the public.

EXCEPTIONAL PERSONS

House Bill 63 by Representative Leger (Act 811) revises terminology referring to persons with disabilities and other persons with exceptionalities and provides, prospectively, that each agency, board, commission, department, and other instrumentality of the state with rulemaking authority employ the preferred terminology to persons with disabilities and other persons with exceptionalities for the content of any Internet website or other electronic media.

FINANCIAL INSTITUTIONS

House Bill 766 by Representative Ponti (Act 636) provides relative to consumer credit transactions and provides at each licensed location or on the homepage of a licensee's website, the licensee shall post prominently a notice visible to the public and all those visiting the website stating that if a consumer is unable to repay either a deferred presentment transaction or small loan when due, the consumer may enter into one extended payment plan for either a deferred presentment transaction or small loan if he notifies the licensee the payment is due to his inability to make payment. The act also provides that the commissioner of financial

institutions may provide a notice, which includes a toll-free number to the commissioner's office that shall be posted, along with the fees as allowed in a conspicuous place and manner by the licensee at the lending location or on the homepage of the website of the licensee, or both if the licensee has a physical location in the state and a website.

House Bill 1259 by Representative Price (Act 440) modifies requirements and provisions relative to the admissibility of electronic reproductions of records retained by financial institutions, excluding collateral mortgage notes.

FUNDS/FUNDING

Senate Bill 345 by Senator Crowe (Pending Finance Committee) would have dedicated certain Deepwater Horizon oil spill fines to provide public elementary and secondary schools with full wireless digital technology capabilities for the classroom.

Senate Bill 463 by Senator Adley (Pending Finance Committee) would have dedicated to the Better Highways and Higher Education Fund state sales tax proceeds collected each fiscal year as a result of a federal law that will require vendors located out-of-state to collect sales tax on the vendors' Internet and mail order sales.

GAMING

Senate Bill 311 by Senator Morrell (Pending Judiciary B Committee) would have prohibited gambling by an electronic sweepstakes device.

House Bill 293 by Representative Adams (Act 233) prohibits gambling by an electronic sweepstakes device.

Senate Bill 542 by Senator Morrell (Act 130) requires an annual report from the Gaming Control Board on the impact of technology advances on the gaming industry and requires the report to address awareness and growth, to the extent known, of any unregulated gaming such as Internet or online games, address Internet gaming in jurisdictions in which it is authorized and any enforcement issues the jurisdiction is experiencing with age verification and geo-location, and identify issues for legislative concern and make recommendations regarding such concerns.

HEALTH/ACC INSURANCE

Senate Bill 645 by Senator Ward (Pending Senate Concurrence) would have required every health maintenance organization to update health care provider information on its website at least once per month.

HEALTH CARE

Senate Bill 259 by Senator Johns (Pending Senate Health & Welfare Committee) would have required the Department of Health and Hospitals to maintain a computerized database of a consumer's personal health information in a secure environment in compliance with federal laws ensuring the security of the system containing such data. In the event of a data breach or suspected data breach, the department would have been required, within thirty days, to notify any resident of the state whose personal information was, or is reasonably believed to

have been, acquired by an unauthorized person.

House Bill 350 by Representative Stuart Bishop (Act 790) requires the Department of Health and Hospitals to maintain a computerized database of a consumer's personal health information in a secure environment in compliance with federal laws ensuring the security of the system containing such data. In the event of a data breach or suspected data breach, the department shall, within thirty days, notify any resident of the state whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

HEALTH/DHH

House Bill 827 by Representative Woodruff (Pending House Health & Welfare Committee) would have required food service establishment inspection reports to be posted on the Department of Health and Hospitals' Internet website within seven days of completion of the inspection.

House Bill 1058 by Representative Harrison (Act 352) requires the Department of Health and Hospitals to provide information concerning Down syndrome to healthcare providers on its website.

HEALTH/HOME CARE

House Bill 668 by Representative Simon (Act 523) provides for establishment of an electronic visit verification system for in-home care services funded by the Department of Health and Hospitals.

HEALTH/HOSPITALS DEPT.

Senate Concurrent Resolution 53 by Senator Mills (Adopted) requests the Louisiana State Board of Medical Examiners to place on its official website a link to information regarding end-of-life care in the state of Louisiana.

HEALTH SERVICES

House Bill 1280 by Representative Simon (Act 442) provides for the Louisiana Telehealth Access Act and provides for greater access to telehealth services by requiring licensing boards and commissions to promulgate rules to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity.

House Concurrent Resolution 88 by Representative Simon (Adopted) creates the Task Force on Telehealth Access as an advisory body to the legislature and the Department of Health and Hospitals on policies and practices that expand access to telehealth services.

IDENTITY DATA

Senate Bill 506 by Senator Crowe (Pending Conference Committee) would have required, relative to nondisclosure of personal identifying information, each department, office, or agency of the state by January 15, 2015, to formulate a written policy as to the practices and protocols employed to protect said data, and would have required each department, office, or agency of the state by March 1, 2015, that maintains a website to post on the website the written policy to

protect said data.

INSURANCE

House Bill 909 by Representative Leopold (Act 427) requires homeowners' insurers to provide data on direct incurred losses, number of policies in force, and direct earned premiums to the commissioner of insurance to aggregate and publish on the Department of Insurance website.

INSURANCE/HEALTH

House Bill 506 by Representative Greene (Act 174) provides with respect to notice requirements for qualified health plan issuers on the health insurance exchange and requires notices be published on the health plan issuer's website.

JOINT RULES

House Concurrent Resolution 78 by Representative Barrow (Pending House & Governmental Affairs Committee) would have required certain information (e.g., citations creating a board, membership information) concerning boards and commissions to be included on the website of the legislature.

LAW ENFORCEMENT/CRIMINAL JUSTICE COM

House Bill 70 by Representative Greene (Act 319) requires the Crime Victims Reparations Board to submit an annual report detailing its activities during the preceding year and publish the report on the website of the Louisiana Commission on Law Enforcement.

LEGIS POWERS/FUNCTIONS

Senate Bill 224 by Senator Murray (Act 693) provides relative to the posting of auditor notices and requires every auditee to post and keep posted in conspicuous places upon its premises a notice, prepared by the legislative auditor and located on the auditee's website, setting forth information concerning the reporting of the misappropriation, fraud, waste, or abuse of public funds.

MEDICAID

House Bill 983 by Representative Brossett (Pending House Health & Welfare Committee) would have required the Department of Health and Hospitals to prepare a Medicaid beneficiary employer report to be submitted to the legislature on a quarterly basis, and a copy of the report containing aggregated data with no identifying information to be made available for public viewing on the department's website.

Senate Bill 400 by Senator Mills (Pending Senate Health & Welfare Committee) would have provided relative to Medicaid recovery audit contractors and would have required an audit contractor to: publish on the Internet the process utilized for the approval of new issues for review, as those areas are determined by the Medicaid program; allow providers to submit records associated with an audit electronically; develop, implement, and publish on its website performance metrics, on a semiannual basis, related to its performance.

House Bill 1200 by Representative Stokes (Act 568) provides relative to Medicaid recovery audit contractors and procedures, and requires an audit contractor to publish on its

website: department-approved issues for review, metrics related to its performance, its contract with the Department of Health & Hospitals for recovery of audit services, and contractor reviews.

MENTAL HEALTH

Senate Bill 539 by Senator Nevers (Act 582) provides relative to suicide assessment, intervention, treatment, and management training for certain professions; and provides, beginning January 1, 2015, the Department of Health and Hospitals shall offer each of the following professional certified, licensed, or registered in Louisiana access to training in suicide assessment, intervention, treatment, and management through posting links to such training on the department's official website.

MOTOR VEHICLES

House Bill 370 by Representative Thompson (Act 410) prohibits the use of hand-held wireless telecommunications devices while traveling through school zones during posted hours when signs are posted indicating the prohibition.

MUNICIPALITIES

House Bill 923 by Representative Ivey (Involuntarily Deferred House & Governmental Affairs Committee) would have required governing authorities of parishes and municipalities to make meeting agendas, minutes, and votes available on the Internet.

PARISHES

House Bill 881 by Representative Champagne (Pending Municipal Parochial & Cultural Affairs Committee) would have required parishes receiving RESTORE Act funds to provide certain information to the public and would have required a copy of the most recent report be made available on the parish's official website if such website existed.

POSTSECONDARY ED

Senate Bill 81 by Senator Buffington (Pending Finance Committee) would have required the boards of supervisors of the Louisiana State University, Southern University, University of Louisiana, and Louisiana Community and Technical College systems to broadcast the live audio and video of all board and committee meetings conducted in Baton Rouge over the Internet.

PRIVACY/COMPUTERS

House Bill 340 by Representative James (Act 165) creates the Personal Online Account Privacy Protection Act and prohibits an employer from using online account access information obtained inadvertently by the employer.

PROCUREMENT CODE

Senate Bill 409 by Senator Mills (Act 708) provides for lowest available price for certain software procurement contracts and provides that any agency seeking to procure a new contract, a contract extension of an existing contract, or any other contract modification for software, software maintenance, and

support services shall show evidence that the price received or negotiated is the lowest available price by exhibiting prices that may appear in a catalog, price list, schedule, or on the Internet.

PUBLIC PRINTING

House Bill 141 by Representative Pearson (Pending House & Governmental Affairs Committee) would have provided for purposes of constitutional requirements for notice of introduction of retirement bills and would have defined the Official Journal of the State to be the official journal as defined in current law, or the website of the official journal, or the website of the legislature.

PUBLIC PROPERTY

Senate Bill 614 by Senator LaFleur (Act 724) allows, prior to sale of surplus electronic devices, that any political subdivision of the state may transfer surplus electronic devices to a nonprofit entity that is certified R-2 Solutions or the e-Stewards Initiative.

SCHOOLS

Senate Bill 622 by Senator Appel (Act 772) requires the Department of Education to develop and implement a statewide educational technology plan for public elementary and secondary schools and requires technology plans to identify and allows schools to access all available Internet bandwidth assets.

SECRETARY OF STATE

House Bill 324 by Representative Leger (Act 162) authorizes the employees and officials of the Department of State to disclose certain electronic mail addresses and short messages service numbers to other agencies, officials, or employees of state government or of a political subdivision of the state. The act restricts the use of and provides for the maintenance of the confidentiality of such information by the receiving agency or person.

SENATE

Senate Resolution 168 by Senator Amedee (Adopted) amends the Senate rules to include that the journal shall be made available electronically to the members and no hard copies of the journal shall be distributed to a member unless the member specifically requests a hard copy. The resolution also provides that the referral of prefiled instruments shall be posted on the joint website of the legislature and any prefiled instrument withdrawn prior to introduction shall be noted on the website.

SNAP/FOOD STAMPS

House Bill 1062 by Representative Hoffmann (Act 533) provides for a task force to study and make recommendations to the Department of Children and Family Services concerning electronic issuance of supplemental Nutrition Assistance Program (SNAP) benefits.

STATE AGENCIES

House Bill 724 by Representative Ivey (Pending Appropriations Committee) would have required state agencies to accept credit cards, debit cards, or electronic payments charged to the customer.

STUDENTS

House Bill 1076 by Representative Schroder (Act 837) provides for limitations and prohibitions on the collection and sharing of various student information (e.g., personal, family, religious, IP address) unless authorized by the student, parent, or guardian, and provides penalties for violations including fines of not more than \$10,000 and imprisonment of not more than three years.

STUDENT/DISCIPLINE

House Bill 777 by Representative Smith (Pending House Education Committee) would have provided relative to student discipline, including suspensions and expulsions, codes of conduct, and bullying and would have required each city, parish, and other local public school board that maintains a website to publish on its website certain information relative to student discipline.

SUCCESSIONS

Senate Bill 461 by Senator Peacock (Act 758) provides relative to electronic assets of a decedent and requires any person that electronically stores, maintains, manages, controls, operates or administers the digital accounts of a decedent shall transfer, deliver, or provide a succession representative access or possession of any digital account of a

decedent within thirty days after receipt of letters testamentary, letters of administration, or letters of independent administration evidencing the appointment of the succession representative.

House Bill 287 by Representative Thompson (Pending Civil Law & Procedure Committee) would have provided for the access to and administration of a digital account of a deceased minor.

TECHNOLOGY

Senate Bill 481 by Senator Donahue (Act 712) recreates the office of information technology as the office of technology services within the executive branch of state government, provides that none of the provisions in this bill shall apply to the authority of any statewide elected officials relative to the elected officials' authority to implement information technology plans, systems, or services under said officials' jurisdiction, provides for quarterly reports, and provides for state chief information officer authority.

House Bill 985 by Representative Tim Burns (Pending House & Governmental Affairs Committee) would have recreated the office of information technology as the office of technology services within the executive branch of state government, would have provided that none of the provisions in this bill apply to the authority of any statewide elected officials relative to the elected officials' authority to implement information technology plans, systems, or services under said officials' jurisdiction, and would have provided for quarterly reports, and for the state chief information officer's authority.

TEXTBOOKS/MATERIALS

Senate Bill 144 by Senator Crowe (Pending Senate Education Committee) would have required the State Board of Elementary and Secondary Education (BESE) to establish a transparent, digital process by which the Department of Education would review textbooks and other instructional materials to be presented to the board for adoption for use in public elementary and secondary schools. The digital review process for textbooks and other instructional materials was to be presented to the board for adoption would have been conducted entirely through a website created by the department specifically for this purpose.

Senate Bill 336 by Senator Appel (Failed House Final Passage) would have required the State Board of Elementary and Secondary Education (BESE) to establish a transparent, digital process whereby the Department of Education (DOE): reviewed textbooks and instructional materials in the core subjects areas of English language arts, mathematics, science, and social studies and determined the degree to which each subject aligns with state contents standards; reviewed textbooks and instructional materials in other subject matter areas as deemed necessary; and required the digital review process for textbooks and other instructional materials submitted to the DOE for review to have been conducted entirely online.

House Bill 867 by Representative Hoffmann (Pending House Education Committee) would have required the State Board of Elementary and Secondary Education (BESE) to establish a transparent, digital process whereby the Department of

Education (DOE): reviewed textbooks and instructional materials in the core subjects areas of English language arts, mathematics, science, and social studies and determined the degree to which each subject aligns with state contents standards; reviewed textbooks and instructional materials in other subject matter areas as deemed necessary; and required the digital review process for textbooks and other instructional materials submitted to the DOE for review to have been conducted entirely online.

VOTING/REGISTRATION

House Bill 365 by Representative Moreno (Act 59) allows the secretary of state to enter into cooperative agreements with other states or the Electronic Registration Information Center to share voter registration information or data for purposes of determining whether a voter is registered in more than one state and for the maintenance of the state voter registration computer system.

WEAPONS/HANDGUNS

House Bill 1066 by Representative Thompson (Act 221) provides with respect to federal background checks for concealed handgun permit holders and requires state police to make an inquiry on every applicant of the FBI's National Instant Criminal Background Check System.

Insurance

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Senate Bill 57 by Senator Broome (Act 445) requires any group, blanket, or association health insurance policy in effect on August 1, 2014, or issued after that date to provide the policyholder with an option to include benefits for the treatment of lymphedema including multilayer compression bandaging systems and custom or standard fit gradient compression garments. This legislation affords comfort for cancer patients and those suffering from severe fluid retention after surgery.

Senate Bill 178 by Senator Morrish (Act 20) defines a health care sharing ministry as a faith based, nonprofit, tax-exempt organization that limits its participants to those who are of a similar faith and that acts as a facilitator between participants who have financial or medical needs and participants who have the ability to provide financial or medical assistance. Financial contributions are to the ministry made without assumption of risk or the promise to pay by the participants or the ministry. The ministry must provide written monthly statements to all participants listing the total dollar amount of qualified financial or medical needs submitted to the ministry as well as the dollar amount actually published or assigned to the participants for their contribution. The ministry must provide a disclaimer on all applications and guideline materials published by or on behalf of the ministry that reads, in substance: "Notice: The ministry facilitating

the sharing of medical expenses is not an insurance company. Neither the guidelines nor the plan of operation of the ministry constitutes an insurance policy. Financial assistance for the payment of medical expenses is strictly voluntary. Participation in the ministry or a subscription to any publication issued by the ministry shall not be considered as enrollment in a group health insurance plan or as a waiver of your responsibility to pay your medical expenses."

Senate Bill 247 by Senator Morrish (Act 116) adds the following acts to those constituting insurance fraud:

- (1) Impersonating an insurance company, or a representative of an insurance company, without the authorization or consent of the insurance company for the purpose of executing a scheme or artifice to defraud a person.
- (2) Impersonating another person or entity, whether real or fictitious, and purporting to have the authority to direct healthcare treatment for the purpose of executing a scheme or artifice to defraud a person as fraudulent acts.
- (3) Receiving money or any other thing of value from any person, firm, or entity as a means of compensation for the acts of solicitation or criminal

conspiracy done for the purpose of executing a scheme or artifice to defraud a person.

Senate Bill 554 by Senator Gary Smith (Act 718) provides for rate limitations for health benefit plans for small employers and individuals as well as providing for rating factors and allowable percentages of annual increases. Each small group and individual health and accident insurer is required to make reasonable disclosure of rates to small employers including the content of each disclosure. When a rate increase occurs, the insurer shall provide a reasonable explanation of the increase. The legislation also requires each insurer to maintain records of its rating practices and to certify to the commissioner that it is in compliance with the rating requirements. The rate review requirements applicable to health benefit plans which provide coverage in the small group and individual markets is specified in the legislation. Each health benefit plan must file a copy of its rates with all insurance policy forms. Importantly, the commissioner may review rates. The legislation limits variations on health insurance premiums to variations based on whether the insured is an individual or member of a family group, the age of the insured, geographic region, and whether the insured uses tobacco products. Insurers are prohibited from using the health status of the insured in the calculation of rates. Additionally, HMOs and any entity that offers health insurance coverage through a policy, certificate, or subscriber agreement are covered by this rating law. Rate filings must be made with the department under certain time lines, and containing required information in prescribed, standardized formats. Any such filings containing rate

increases beyond a specific threshold are required to be summarized for public comment on the department's website.

Senate Resolution 18 by Senator Johns (Sent to the Secretary of State) memorializes the Congress of the United States to reauthorize the Terrorism Risk Insurance Program. The resolution notes that insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property. Also, the terrorist attack of September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling some \$32.5 billion, making this the second most costly insurance event in United States history. The sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies. The lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel, and real estate finance. The United States Congress originally passed the Terrorism Risk Insurance Act of 2002, in which the federal government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005, and the Terrorism Risk Insurance

Program Reauthorization Act of 2007 (TRIPRA). Under TRIPRA, the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events that exceed one hundred million dollars. Coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year earned premium for property and casualty lines. After an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the federal government pays the remaining 85%. The Terrorism Risk Insurance Program has an annual cap of one hundred billion dollars of aggregate insured losses, beyond which the federal program does not provide coverage. TRIPRA requires the federal government to recoup 100% of the benefits provided under the program via policy holder surcharges to the extent the aggregate insured losses are less than twenty-seven billion five hundred million dollars and enables the government to recoup expenditures beyond that mandatory recoupment amount. Without question, TRIPRA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy. Without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available.



Judiciary

by: Tom Wade
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There were several bills impacting the judiciary in the 2014 Regular Session. Among them was the bill appropriating funds to defray the expenses of the judiciary. Another was a bill requiring the name of the judge rendering a judgment to be typewritten or printed on the judgment. The remaining ones included a bill providing for the procedures before the Judicial Commission, a proposed constitutional amendment affecting the mandatory retirement age for judges, and another proposed constitutional amendment and companion bill providing with respect to elections to fill vacancies in the office of a judge.

APPROPRIATION

House Bill 1095 by Representative Fannin (Act 65) appropriates funds for Fiscal Year 2014-2015 for the ordinary operating expenses of the judicial branch of government with total funding of \$175,998,230 from the following sources: \$155,338,908 out of the State General Fund (Direct); \$10,436,500 through interagency transfers from the Dept. of Children and Family Services; and \$10,222,822 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

Louisiana Supreme Court	\$ 82,787,292
Courts of Appeal	45,965,109
District Courts	35,910,700
Criminal Court, Parish of Orleans	6,204,781
Juvenile and Family Courts	2,498,613
Other Courts (<i>Required by Statute</i>)	2,993,516
Other Courts (<i>Not Required by Statute</i>)	736,034
Non-Judicial State Expenses	<u>2,018,375</u>
TOTAL	<u>\$ 179,114,420</u>

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 \$3,116,190 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court. The bill becomes effective July 1, 2014.

JUDGMENTS

House Bill 46 by Representative Henry Burns (Act 144) requires a judgment to contain the typewritten or printed name of the judge rendering the judgment. Current law requires a final judgment in district court to be signed by the judge and any judgment in parish or city court to be signed by the judge. Effective August 1, 2014, the name of the judge rendering the judgment will have to be typewritten or printed on the judgment.

JUDICIARY COMMISSION

Current law provides that with respect to proceedings before the Judiciary Commission, in the course of any investigation or hearing held by the commission, it may administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation, and require the production of books, records, documents, or other evidence deemed relevant or material to the investigation or hearing. **Senate Bill 628 by Senator Murray (Senate subject to call)** would have provided that the discovery rules of the Code of Civil Procedure and Code of Criminal Procedure shall apply to any investigation or hearing held before the commission.

MANDATORY RETIREMENT

Article V, Section 23 of the Louisiana Constitution provides for mandatory retirement for judges. It provides that a judge shall not remain in office beyond his seventieth birthday. The provision does allow a judge who reaches that mandatory retirement age while serving a term of office to complete the term before retiring. The proposed constitutional amendment, **House Bill 96 by Representative Edwards (Act 875)** removes the mandatory retirement provisions. The proposal will be presented to the voters at the statewide election to be held on November 4, 2014.

VACANCIES

Senate Bill 216 by Senator Murray (failed House final passage) proposed to amend the Louisiana Constitution relative to

courts and vacancies in the office of a judge. **Senate Bill 271 by Senator Murray (pending House final passage)** is the companion legislation. Under the provisions of the Louisiana Constitution, all judges must be elected, except as otherwise provided in the constitution. Election shall be at regular congressional elections.

Current law provides that a newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within twelve months after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last 12 months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary. The proposed changes substantially retained these provisions regarding newly-created judgeships.

Proposed changes required that the legislature provide by law procedures for filling a vacancy in the office of judge, which procedures may include a determination of whether the vacant judicial office should be maintained, abolished, or transferred to another court of equivalent jurisdiction. They also provided that until a vacancy in the office of a judge is filled, abolished, or transferred, the supreme court may appoint a person meeting the qualifications for the office, other

than domicile, to serve at its pleasure, and that the appointee shall be ineligible as a candidate at an election to fill the judicial office.

Proposed changes prohibited any person serving as an appointed judge, other than a retired judge, from being eligible for retirement benefits provided for the elected judiciary.

The constitutional amendment would have been submitted to the voters at the statewide election to be held on Nov. 4, 2014, and, if approved by the voters, would have become effective on January 1, 2016.

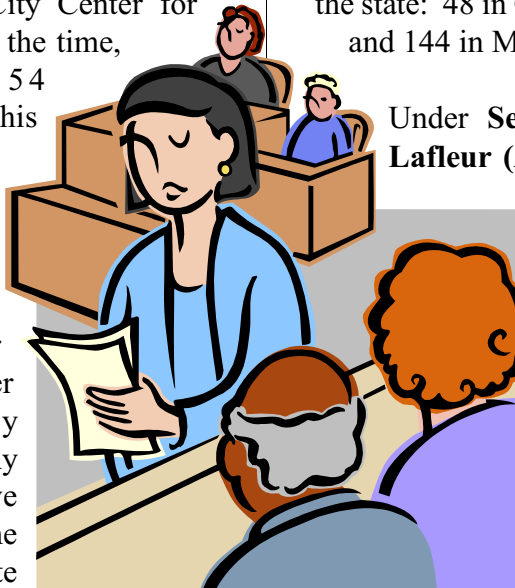
Juvenile Justice

by: Julie Baxter
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The Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice began the 2014 Regular Session of the legislature just 43 days after closing the Jetson Center for Youth, a 65-year-old state juvenile prison in Baker, Louisiana. Between midnight and 2:00 a.m. on January 26, 2014, the Office of Juvenile Justice (OJJ) moved 76 juveniles in custody at Jetson to the Swanson Center for Youth in Monroe and the Bridge City Center for Youth in New Orleans. At the time, Jetson employed 154 employees. As a result of this closure, **House Bill 858 by Representative Barrow (Pending Senate and Governmental Affairs Committee)** attempted to require, at first, prior legislative approval, and later by amendment simply legislative notice, before any action by the executive branch that would lead to the loss of 100 or more state employees' jobs. However, this bill died in its Senate committee hearing in the last week of the session.

In May, the OJJ announced that it was planning to build three new secure-care juvenile facilities – two to replace the old Jetson facility in Baker and the Swanson facility in Monroe, as well as plans to build a new secure-care facility in Bunkie.

Construction on the new Bunkie Center for Youth are expected to begin in June 2014 and take 18-24 months to complete. Including the existing Bridge City Center for Youth and the Swanson Center for Youth in Columbia, the new building plans would give Louisiana a total of five regional centers to house delinquent youth. At the time of the May building plan announcement, OJJ housed 324 youths in its three secure-care facilities around the state: 48 in Columbia, 132 in Bridge City and 144 in Monroe.



Under **Senate Bill 635 by Senator Lafleur (Act 725)**, OJJ will now take responsibility for and control over the Cecil J. Picard Educational and Recreational Center in Bunkie, including not only the juvenile institutions, facilities and programs the Center runs, but also managing and operating the Center.

House Bill 1 (Act 15) provides for a total of \$98,001,342 in state general fund money to fund the operation of OJJ in the 2014-2015 fiscal year. HB 1 also provides for \$17,933,660 in interagency transfers to OJJ; \$552,015 in OJJ fees and self-generated revenues; \$172,000 in statutory dedications from the Youthful Offender Management Fund and \$891,796 in federal funds. These numbers add up to a total of

\$117,550,813 in means of financing to operate OJJ in 2014-2015. The Office of Juvenile Justice also received an allocation of \$20 million dollars in Priority 1 capital outlay dollars in **House Bill 2 (Act 25)**.

Senate Bill 445 by Senator Crowe (Act 466) – This act abolishes two judgeships on the Orleans Parish Juvenile Court – one at midnight on December 31, 2014 and the other on the day following the day on which the next judgeship becomes vacant by death, resignation, retirement, disqualification from exercising any judicial function pursuant to the order of the Louisiana Supreme Court, or removal during the term of office. The act also provides that upon the abolishment of a judgeship as provided for in the bill, the funding from the city of New Orleans for such judgeship shall be allocated for juvenile services within the city of New Orleans.

In **Senate Bill 54 by Senator Broome (Act 479)**, the legislature voted to create an early intervention program in East Baton Rouge Parish that is similar to such programs already in operation in Iberia, St. Mary and St. Martin parishes. Under this program, the district attorney works with local school boards to address behavioral problems or school performance issues related to behavior by providing physical locations in the parish where personnel can work together in a coordinated effort. The program focuses on truancy; is phased in, beginning with grades pre-K through 6th grade; and is funded by a \$25 fine for certain defendants upon criminal convictions. Each year, the district attorney reports statistical data on the effectiveness of each affected parish's program to the appropriate standing committees of the legislature.

Senate Bill 72 by Senator White (Act 133) removes the requirement that petitions filed in child in need of care (CINC) cases, families in need of services (FINS) cases, juvenile delinquency cases, and involuntary termination of parental rights proceedings must be verified. Under previous law, every attorney was required to physically verify every pleading as being truthful to the best of their knowledge, information, and belief. This required attorneys essentially to have an associate or colleague notarize every pleading. This requirement was eliminated some time ago in most other civil and criminal procedures by placing the same burden on the attorney by his or her signature alone. However, the juvenile code had not been so updated, sometimes causing a delay for pleadings until someone in the office provided a countersignature. This act now eliminates that requirement for juvenile petitions.

House Bill 1073 by Representative Hazel (Act 647) allows additional ways in which courts with original criminal or juvenile jurisdiction may provide for allowing a statement of a protected person be recorded by videotape. Louisiana law defines a "protected person" as a person who is the victim of a crime or a witness in a criminal prosecution, and who is either under the age of seventeen years old, or who has a developmental disability. Current law allows for the court on its own motion or on the motion of a district attorney, a parish welfare unit or agency, or the Department of Children and Family Services to require such a statement be recorded on videotape. The law explains that the purpose of this kind of protection for these crime victims is to minimize the level of additional intrusion into their private lives. This act now adds two additional ways in

which such a videotaped recorded statement may be required: (1) by adoption of a local court rule that authorizes such a statement without the necessity of the issuance of an order by the court in any individual case, or (2) by execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Department of Children and Family Services or a child advocacy center operating in the judicial district, that authorizes such a videotaped statement without the necessity of the issuance of an order by the court in any individual case. This act places these expanded videotaped statement options in both the evidence section of Louisiana's criminal procedure title in the Revised Statutes (R.S. 15) as well as in the Children's Code governing juvenile cases.

House Bill 575 by Representative Arnold (Act 653) changes the term for the tax levied by the Orleans Parish Juvenile Services Financing District. This district collects a tax up to 10 mills on the dollar on property within the district, subject to voter approval, in order to fund juvenile facilities, programs and services in Orleans Parish. Current law provided that, if approved, the tax would expire on December 31st after the 2014 mayoral election for the city of New Orleans. This act now changes the expiration date of the initial tax from that specific date to a term not to exceed eight years.

In Senate Concurrent Resolution 134 by Senator Broome (Sent to the Secretary of State), the legislature voted to request the State Board of Elementary and Secondary Education (BESE) to examine and consider the status of school suspensions and exclusion, as well as plans to revise the current school discipline policies in response

to the "Supportive School Discipline Initiative" launched in 2011 by the U.S. Department of Education and the U.S. Department of Justice. This initiative launched a collaborative project on school discipline practices designed to foster safe, supportive, and productive learning environments while keeping students in school. The role of the initiative has been to coordinate federal actions to provide schools with effective alternatives to exclusionary discipline, such as suspensions and exclusion, while encouraging new emphasis on reducing disproportionate use of such disciplinary actions for students of color and student with disabilities. The resolution calls upon BESE to submit a written report to the House and Senate committees on education, and to the Senate Select committee on Women and Children, no later than March 1, 2015.



Labor/Employment

by: *Carla Roberts*
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Senate Bill 159 by Senator Murray (defeated in the Senate) and House Bill 1069 by Rep. Broadwater (Indefinitely postponed in the Senate) were both legislative instruments which dealt with the calculation of workers' compensation benefits for professional athletes, in particular, the New Orleans Saints. The issue relates to whether the workers' compensation benefit is based upon the weekly earnings at the time of injury or based upon average weekly earnings over the entire year. The NFL's collective bargaining agreement has a formula for calculation which divides the total annual compensation by fifty-two weeks. Off season and training camp pay are, on average \$900 per week but wages during the season, for a minimum wage player, are \$8,700 per week. The two bills were an attempt to resolve a dispute between two conflicting Louisiana courts of appeals. **Senate Bill 159** proposed calculating the wages by dividing the total annual compensation by fifty-two weeks. **Senate Bill 159** would, therefore, benefit the players. **House Bill 1069** conversely, proposed calculating the wages on basis of the actual week that the injury took place. **House Bill 1069** would, therefore, benefit the owners of the team. Although the testimony and the press, related to the competing bills, revolved around the court cases applicable to the New Orleans Saints, both bills would have affected all professional athletes including minor league teams.

Several bills were filed related to establishing a state minimum wage. **Senate Bill 46 by Senator Dorsey-Colomb (Deferred in Committee)** would have established a state minimum wage of \$10 an hour but would have created an exception for student employees, as defined by state civil service rules, and student workers in state colleges and universities. **Senate Bill 46** would have also given a "tip credit" for restaurants and other businesses who employ workers whose compensation is based partly on gratuity from customers. **Senate Bill 123 by Senator Nevers (Deferred in Committee)** was a proposed constitutional amendment which would have provided that every employer with 50 or more full-time employees pay each employee over the age of 17 a minimum hourly wage of not less than \$9.50 per hour. **Senate Bill 123** would have provided for annual adjustments based upon inflation. **Senate Bill 646 by Senator Petterson (Defeated in Committee)** would have provided that no person awarded a public contract would pay any employee a minimum wage which is less than the following: (1) beginning January 1, 2015, the amount would have been \$8.25 per hour; (2) beginning January 1, 2016, the amount would have been \$9.25; and (3) beginning January 1, 2017, the amount would have been \$10.25.

Senate Bill 551 by Senator Peacock (Deferred in Committee) would have

prohibited anyone from engaging in mass picketing in any of the following circumstances: (1) hindering or preventing a person from pursuing lawful employment by means of coercion or the threat of bodily injury; (2) obstructing or interfering with the ingress or egress of any place of business; (3) obstructing or interfering with free and uninterrupted use of public roads, streets, highways, railways, airports, waterways, or other ways of travel or conveyance by mass picketing when such activities would interrupt the normal business activities of a business; or (4) engaging in the picketing on the land of a private residence of the employer without permission of the owner of the residence. The bill was deferred in committee after the proponents of the bill failed to adequately define "mass picketing."

Senate Bill 412 by Senator Morrell (Act 756) related discrimination in employment which could be investigated by the local human rights commissions. Current law defines "discriminatory practice in connection with employment" which can be investigated by the commissions to include employment practices prohibited by Title 23 of the La. R.S., including age, disability, race, color, religion, sex, or national origin. **Senate Bill 412 (Act 756)** extends the definition of "discriminatory practice in connection with employment" to include all of the discrimination statutes in the labor law, which would add veterans, pregnancy, childbirth, and related medical conditions, sickle cell traits, and genetic information.

Senate Bill 207 by Senator John Smith (Act 689) relates to the incumbent worker training program. The incumbent worker training program is a special fund

within the Employment Security Administration Fund (i.e., the fund in which employers deposit their unemployment insurance taxes). Current law provides that monies from the special fund are to be used only for the purpose of upgrading employee job skills through training. Current law also provides that training is to be done by a third-party training provider selected by the applicant and approved pursuant to rules and regulations promulgated by the Louisiana Workforce Commission. **Senate Bill 207(Act 689)** provides that third-party training may be provided by a La. college or university. **Senate Bill 207(Act 689)** further provides that a La. college or university may subcontract with an out-of-state college or university to provide third-party training so long as the training takes place on the campus of a La. college or university or job site. **Senate Bill 207(Act 689)** does stipulate that, prior to entering into an agreement with an out-of-state college or university, that the La. college or university shall make an inquiry, in writing, to the commissioner of higher education to determine if such third-party training already exists at another La. college or university.

Legislative Affairs

by: *Laura Gail Sullivan*
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LEGISLATIVE AGENCIES

Senate Bill 304 by Senator Claitor (Pending Senate and Governmental Affairs Committee) would have required the Louisiana State Law Institute to make biennial recommendations to the legislature for the revision, removal, or repeal of provisions of law declared unconstitutional by a final and definitive court judgment.

Senate Bill 535 by Senators Adley, Buffington, and White (Pending House Judiciary Committee) would have created a joint legislative security council composed of five members of each chamber appointed by their respective presiding officers. The bill also would have provided for a director of legislative security as the chief security officer for the legislature and for his appointment, qualifications, and duties.

Senate Concurrent Resolution 21 by Senator Heitmeier (Sent to the Secretary of State) creates a joint legislative committee to oversee and make recommendations with respect to obesity in Louisiana. The committee members are the chairs of the committees on education, health and welfare, and transportation of both chambers and one additional member from each chamber appointed by his presiding officer. The committee shall report any findings and proposals for legislation at least sixty days before the convening of the 2015 and the 2016 regular legislative sessions. The joint

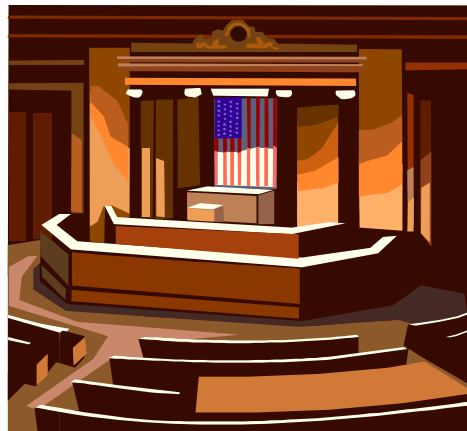
committee terminates on February 1, 2016.

LOBBYING

House Bill 459 by Representative Arnold (Act 334) extends the exception allowing an immediate family member of a legislator to be a registered lobbyist without violating the Code of Governmental Ethics to include any person who was a registered lobbyist for at least one year prior to January 9, 2012.

WEAPONS

Senate Bill 651 by Senator Allain (Sent to the Governor) adds members and officers of the legislature to the list of elected and appointed officials who may possess and carry concealed handguns without committing the crime of illegally carrying a weapon, provided they are certified in the use of firearms by the Peace Officers Standards and Training Council (POST-certified).



Local Government

by: *Michael Bell*
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LOCAL AGENCIES

Senate Bill 152 by Senator J.R.Smith (Act 373) provides for the governing authority of the parish of Beauregard to appoint 10 citizens to serve on the board of control of the War Memorial Civic Center in the town of DeRidder.

Senate Bill 297 by Senator Brown (Act 746) creates the Cooperative Local Government Infrastructure Act to stimulate a partnership between government and the private sector for business growth in depressed areas of the state through state incentives for private sector funding of local public infrastructure.

Senate Bill 566 by Senator Claitor (Act 584) provides for the removal of a board member immediately if removed for cause, at which time the governing authority of the appointing parish is to appoint a temporary replacement to the board immediately or within 14 days.

Senate Bill 617 by Senator Amedee (Act 499) authorizes the governing authority of Ascension Parish to create special taxing districts for funding new residential road infrastructure development only. Further requires the governing authority of a special taxing district to require all developers to notify potential buyers of any property located within a new residential road infrastructure development of all potential taxes and fees.

LOCAL OFFICIALS

Senate Bill 601 by Senator Amedee (Act 605) provides that the Sorrento council, may, upon the recommendation of the mayor, adopt an ordinance calling for an election to abolish the office of chief of police, the police department, or both. Further provides that the election shall be held in accordance with the Louisiana Election Code. Additionally, if the office of chief of police or the police department, is abolished, the mayor and council may contract with any law enforcement entity or officer within Ascension Parish for police services.

MUNICIPALITIES

Senate Bill 560 by Senator Gallot (Died In Conference Committee) creates a mayor's court of the village of Creola.

Senate Bill 564 by Senator Mills (Act 583) provides for the qualifications for the position of deputy chief of police in the city of St. Martinville. Further provides that the candidate must have five years of full-time law enforcement experience.

SPECIAL DISTRICTS

Senate Bill 587 by Senator Peterson (Act 767) provides for a five-member board with two members to be appointed by the Mid-City Neighborhood Organization.

Requires a renewal election for a parcel fee to be held at the same time as a regularly scheduled municipal, state, or federal election. Provides that residential parcels subject to the special assessment level provided in the Louisiana Constitution for certain elderly, veteran and disabled populations shall not exceed \$150.

Senate Bill 590 by Senator Morrell (Act 474) increases the membership of the board to seven and adds the president of the association to the board. Provides for the president of the Oak Island Neighborhood Association or his designee to serve as a member of the board of commissioners of the Oak Island Neighborhood Improvement District.

Senate Bill 593 by Senator Crowe (Act 768) authorizes a governing authority within a parish having a certain population to enact an ordinance limiting the number of terms of office any elected official of the municipality may serve to two consecutive terms in the same office.

Senate Bill 648 by Senator Dorsey-Colomb (Act 775) creates the Old LNB Building Redevelopment District in East Baton Rouge Parish as a special taxing district and political subdivision of the state. Provides that the purpose of the district is to provide for cooperative economic development in order to provide for the redevelopment of, and dramatic improvement to, the property within the district located in the city-parish.

WATER/SEWER OPERATORS

Senate Bill 425 by Senator Cortez

(Act 861) requires that a private water supply or sewer system provider serving the residents of a political subdivision comply with all applicable standards set forth in law and regulation, including standards relative to chlorination and iron and manganese control and disinfection of waste water discharged in compliance with the sewer system provider's permit, rules, regulations, and laws governing the operation of the sewer system provider.

Military/Veterans Affairs

by: *Heyward Jeffers*
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HEALTH SERVICES

Service Dogs. **Senate Bill 432 by Senator Buffington (Act 492)** gives veterans full and equal use of public and commercial facilities by persons with disabilities and their service dogs. Incidents concerning veterans with service dogs being denied entry to or service in restaurants, retail stores and public facilities has grown significantly in recent years. The issue of veterans with disabilities that are not easily visible being provided service dogs to assist them through some conditions caused by post traumatic stress disorder and traumatic brain injury has grown in the wake of two long wars in Southwest Asia. In an effort to treat those veterans with such disabilities, veterans who are found to be eligible for a service dog because of a mental condition cannot be denied access to public places, transportation, resorts, hotels, housing accommodations and all other places to which the general public is invited. Such entities may not ask the nature of the veteran's disability but may ask if the service dog is required because of a disability. The public entity may ask what work or task the service dog has been trained to perform. The veteran may be asked to leave an establishment if the service dog is not housebroken, out of control or the person with the disability accompanying the animal does not take effective action to control it.

Burn Pit Registry. **Senate Bill 538 by Senator John Smith (Act 312)** creates a

registry for Louisiana veterans and service members who have been exposed to open burn pit smoke or other airborne hazards during service in Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, the Gulf War 1990-1991, or other conflicts or theaters which may subsequently be identified. The secretary of the Department of Veterans Affairs shall monitor the most current published epidemiological studies and recommendations arising as a requirement of 38 U.S.C. 527, as well as any developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits. The secretary shall also create a database of self-identifying service members and veterans who have been exposed to burn pits, that shall include the name, address, electronic address, phone number, location and period of service, and any other information as deemed necessary by the secretary. Also created is a public information program that will educate and inform service members, veterans, and their families regarding the most recent scientific developments on the health effects of exposure to open burn pit smoke or other airborne hazards. The secretary will also inform veterans and service members about the availability of possible treatments for their condition and give them information for applying for service-connected disability compensation for any possible illnesses or conditions related to exposure to open burn pit smoke or other airborne hazards, including the current status on related presumptive

conditions or diseases as designated by the U.S. Department of Veterans Affairs. The new law also requires the secretary to assist veterans in appealing an existing disability rating decision or requesting an upgrade in disability rating from the U.S. Department of Veterans Affairs.

Veterans Court Program. **Senate Bill 532 by Senator Guillory (Act 716)** creates the Veterans Court Program under which the legislature creates specialized court programs in the various districts of the state to assist veterans in overcoming criminal justice issues caused totally or in part because of alcohol abuse or drug abuse. The programs will also assist veterans with mental health issues, including mental health diagnoses and undiagnosed mental illnesses. These programs will attempt to assist veterans with job training, disability compensation counseling and other rehabilitative services in the processing of cases in the criminal justice system. The court must make a determination on the record in the docketed criminal case that the defendant is an eligible veteran for him to be enrolled as a program participant in a Veterans Court program. Each of the various district courts may establish a probation program to be administered by the presiding judge or by an employee designated by the court. The district attorney may propose to the court that an individual defendant be screened for eligibility as a participant. A veteran who is charged with a crime may apply in his own behalf to participate in the program. The court will have the authority to impose any reasonable conditions related to the rehabilitation of the defendant. The veteran may, after fulfilling all requirements of the court, have the conviction set aside and the prosecution

dismissed in accordance with the Code of Criminal Procedure Articles on first offenders. All treatment programs and facilities ordered by the court shall be certified and approved by the state of Louisiana or the U.S. Department of Veterans Affairs. Veterans with prior felony convictions for any offenses defined as crimes of violence shall not be eligible for the program. Veterans may not be eligible for the program if the crime before the court is a crime of violence or driving under the influence of alcohol or any other drug or drugs that resulted in the death of another person.



Natural Resources

by: McHenry Lee
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COASTAL AND WATER

Senate Bill 141 by Senator Long (Act 285) extends the time when the state may enter into a cooperative endeavor agreement for the sale of surface water from December 31, 2014, to December 31, 2016.

Senate Bill 305 by Senator Chabert (Act 387) creates the Coastal Louisiana Levee Consortium to be an advisory commission of the Coastal Protection and Restoration Authority Board.

Senate Bill 469 by Senator Allain (Act 544) specifies which governmental agencies or subdivisions may bring suit for the use of permits within the Coastal Management Zone and requires that any money recovered from such suits must be used for integrated coastal protection.

House Bill 397 by Representative Gisclair (Act 168) prohibits dredging of sand pits or excavating near a state highway in certain areas of the coastal zone..

House Bill 782 by Representative J. Thompson (Act 556) deposits the proceeds from the sale of surface water into the Aquatic Plant Control Fund for aquatic weed control and eradication.

House Bill 850 by Representative Dove (Act 527) authorizes the Coastal Protection and Restoration Authority Board to authorize CPRA to contract for the study, investigation, and cleanup of hazardous materials in the coastal zone.

House Bill 905 by Representative Anders (Act 207) changes the boundaries of Black River Lake Recreation and Water District and changes the number of appointees on the board.

House Concurrent Resolution 49 by Representative Champagne (Sent to Secretary of State) urges and requests CPRA to create a body of coastal parishes to aid in compliance with the RESTORE act.

MINERALS

The committee dealt with legislation again this year to further the reforms with legacy lawsuits that began in 2006 and continued in 2012. **Senate Bill 667 by Senator Adley (Act 400)** provides for procedures relative to the remediation of oilfield sites and exploration and production sites.

House Bill 311 by Representative St. Germain (Act 510) removes lands located in the Atchafalaya Basin from certain state lease requirements.

House Bill 349 by Representative Barras (Act 236) provides relative to elase payments for leasing of property by public benefit corporations.

SALT DOMES

Senate Bill 209 by Senator Ward (Act 691) requires permits for solution-mined caverns to require certain provisions for reimbursement to government and private property owners whose property falls within a mandatory evacuation area.

Senate Bill 585 by Senator Mills (Act 766) requires public notice for certain solution-mined caverns in Vermillion and Iberia parishes.

STATE LANDS

House Bill 311 by Representative St. Germain (Act 510) removes lands located in the Atchafalaya Basin from certain state lease requirements.

House Bill 349 by Representative Barras (Act 236) provides relative to elase payments for leasing of property by public benefit corporations.

Numerous land transfer bills were filed during the session. The land transfer bills authorized certain state agencies to transfer state-owned property to local political subdivisions or private persons. The following are some of the land transfer bills: **Senate Bill 184 by Senator Mills (Act 576)**(St. Martin); **Senate Bill 430 by Senator Walsworth (Act 393)**(Union); **Senate Bill 433 by Senator White (Act 128)**(East Baton Rouge); **House Bill 361 by Representative Jones (Act 54)**(St. Mary Parish); **House Bill 518 by Representative Huval (Act 73)**(St. Martin); **House Bill 1081 by Representative S. Bishop (Act 665)**(Lafayette); **Senate Bill 1085 by Representative Schexnayder (Act 666)**(Iberville).

Property

by: *James Benton*
(225) 342-0597

COMMUNITY DEVELOPMENT

Senate Bill 441 by Senator Morrell (Act 709) requires that the office of community development disaster recovery unit (office) terminate procedures in effect on the effective date of proposed law under which disaster recovery monies paid as a result of hurricanes Katrina and Rita, including monies paid under the Road Home program, are to be recovered by the office if such monies are alleged to have been improperly paid to or misspent by the recipients.



make recommendations regarding laws applicable to the rights of landlords and residential tenants.

Senate Bill 574 by Senator Chabert (Pending senate finance) would have established the "My Safe Louisiana Program" with the Louisiana Housing Corporation. The program will provide for free home-retrofit inspections of sit-built, single-family, residential properties to provide recommendations to reduce the property's vulnerability to hurricane damage; grants for retrofitting single-family, site-built, owner-occupied, residences insured by La. Citizens Property Insurance Corp.

CONSERVATION

Senate Concurrent Resolution 172 by Senator Long (Enrolled) urges and request the office of conservation, in conjunction with the Public Service Commission, to study landowner's rights concerning expropriation or condemnation for the purpose of construction and operation of pipelines transmitting any form of hydrocarbon in a liquid or gaseous state.

Senate Bill 588 by Senator Peterson (Pending in conference committee) would have designated the Louisiana Housing Corporations to be a political subdivision of the state.

HOUSING

Senate Concurrent Resolution 131 by Senator Dorsey (Enrolled) urges and request the Louisiana State Law Institute to study and

Senate Bill 591 by Senator Morrell (Pending in conference committee) would have provided that when the Road Home Corporation, Louisiana Land Trust or other housing assistance program develops plans to bundle single lots or contiguous properties to be sold at auction, to bundle single lots or contiguous properties for sale for targeted

development, or to bundle single lots or contiguous properties for reintroduction to the marketplace through other strategies, then these entities are to ensure that participation in the sale is open to all persons, public or private, including for-profit as well as nonprofit entities.

NOTICE

Senate Bill 183 by Senator Mills (Act 742) provides that an additional notice requirement may be sent via United States mail, 10 days prior to a public hearing, to property owners whose property will be affected by an parish's or municipality's public work project. Also provides that a state or any political subdivision of the state may adopt policies to provide additional notice to the owner of record of property about their property that will be directly affected by any public works projects. Further provides that the notice shall be made sent by U.S. mail at least 10 days prior to the time and place of the public hearing regarding the public works project.

Public Safety/Law Enforcement

by: Nancy Vicknair
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ANIMALS

House Bill 861 by Representative Wilmott (Pending in House Transportation) would prohibit drivers from transporting common domestic animals in the back of pickup trucks or utility trailers on certain roadways having a posted speed limit of 40 mph or greater.

Would provide an exception for animals enclosed in a crate, container, or case which is safely secured to the motor vehicle or utility trailer, and for common domestic animals used for livestock, farming, or ranching.

Would provide that the penalty for the first violation is punishable by a fine of not more than \$75, and specifies that the second offense is punishable by a fine of not more than \$150.

Would provide that each animal transported in violation of the legislation shall be considered a separate offense.

House Bill 1091 by Representative Wilmott (Vetoed by the Governor) would prohibit drivers from transporting dogs in the back of pickup trucks on interstate highways within Louisiana.

Would have defined "humane manner" and "restraint system" and provides for exceptions relative to dogs that are secured in a humane manner.

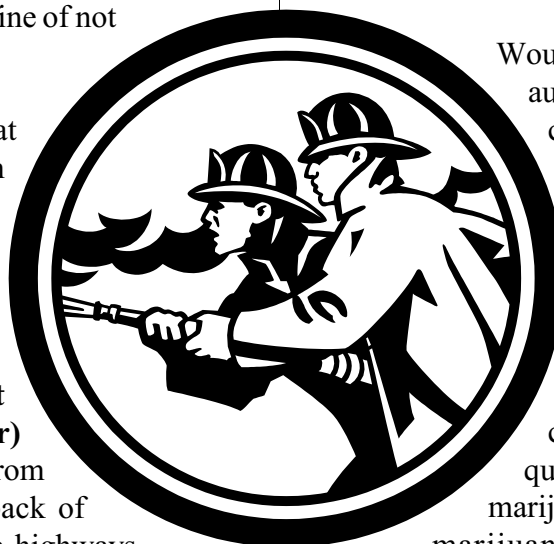
Would have provided that the penalty for transporting one dog is a fine of not more than \$150 and provides that an additional fine of \$50 per dog shall be imposed for each additional dog transported at the same time.

CONTROLLED SUBSTANCES

House Bill 720 by Representative Honore (Pending in House Health and Welfare) would authorize a physician to prescribe therapeutic marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use based on specific criteria.

Would provide that prescriptive authority only extend to certified neurologists, oncologists, and ophthalmologists, and only be prescribed for the treatment of a qualifying medical condition.

Would establish criteria and licensing qualifications for therapeutic marijuana dispensers, therapeutic marijuana treatment facilities, therapeutic marijuana producers, therapeutic



marijuana production facilities, and physicians licensed to prescribe therapeutic marijuana and authorizes the Therapeutic Marijuana Utilization Review Board to develop the policies through the adoption of rules. Would provide that the House and Senate committees on health and welfare have oversight over rules adopted by the board.

Would require that specific criteria be used to determine the suitability of an applicant for any license, and provides that a person be disqualified from obtaining a license based upon specific suitability criteria.

Would provide for reimbursement to the Dept. of Agriculture and Forestry, the Louisiana Board of Medical Examiners, and the Louisiana Board of Pharmacy for any expenses those departments incur for the investigation and licensing functions.

Would provide for an exemption from prosecution if a person is in possession or producing, manufacturing, dispensing, or distributing therapeutic marijuana, and provides that therapeutic marijuana shall not be covered by health insurance and provides that no licenses be issued until all rules have been adopted.

CORRECTIONS

House Bill 196 by Representative Patricia Smith (Act 37) allows habitual offenders to be eligible to participate in a work release program during the last 12 months of their terms if the offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the DPS&C.

CRIME

House Bill 670 by Representative Patricia Smith (Act 191) authorizes the secretary of the Dept. of Public Safety and Corrections to release to intensive parole supervision any person sentenced as a habitual offender and denied eligibility for diminution of sentence if certain conditions are met.

CRIMINAL RECORDS

House Bill 259 by Representative Champagne (Act 326) adds arrests for any aggravated offense or any sexual offense against a victim who is a minor to the types of criminal history records that are to be provided to institutions of postsecondary education.

DRUGS/CONTROLLED

House Bill 754 by Representative Moreno (Act 253) authorizes a first responder to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in the first responder's possession, and administer the naloxone or another opioid antagonist to any individual who is undergoing or who is believed to be undergoing an opioid-related drug overdose.

Requires a first responder, before receiving a prescription for naloxone or another opioid antagonist, to complete the training necessary to safely and properly administer naloxone or another opioid antagonist to such individuals and specifies the training requirements, and requires the first responder to keep a record of each instance in which the first responder

administers naloxone or another opioid antagonist.

Would provide immunity from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute to a first responder who, reasonably believing another person to be undergoing an opioid-related drug overdose, administers naloxone or another opioid antagonist to that person for any outcomes resulting from the administration of the naloxone or another opioid antagonist to that person, unless personal injury results from the gross negligence or willful or wanton misconduct of the first responder administering the drug.

House Bill 755 by Representative Moreno (Pending in House Health and Welfare) would provide immunity from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute for a licensed medical practitioner who, acting in good faith, directly or by standing order, prescribes or dispenses the drug naloxone or another opioid antagonist to a patient at risk of experiencing an opiate-related overdose or a family member or friend of a patient at risk of experiencing an opiate-related overdose who, in the judgment of the medical practitioner, is capable of administering the drug for an emergency opiate-related overdose.

EXPLOSIVES

House Bill 337 by Representative Thompson (Pending in Senate Judiciary B) would require applicants for a state explosives license to possess a valid federal license and provides for the inspection of facilities

controlled by persons issued explosives licenses, and authorizes the Dept. of Public Safety and Corrections to inspect all facilities under the control of an explosives licensee. Also requires each manufacturer, dealer-distributor, and user to possess a valid license or permit issued by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives to be eligible to obtain a Louisiana-issued explosives license.

LAW ENFORCEMENT

Senate Bill 361 by Senator Riser (Act 54) authorizes the carrying of concealed firearms by qualified law enforcement officers and retired law enforcement officers in any place open to the public, subject to the rules and regulations or policies of the agency or office employing the officer or from which the officer retired. Provides that the officer must be carrying the identification required by his office, and requires that a qualified retired law enforcement officer must have been commissioned by the agency or office from which he retired.

MOTOR VEHICLES

House Bill 370 by Representative Thompson (Act 410) prohibits the operation of wireless telecommunications devices while traveling through a school zone during posted hours. Defines "operation of a wireless telecommunication device" and specifies that the wireless telecommunications prohibition does not apply to hands-free wireless telephones or any electronic communication device that is used hands-free.

Specifies that the wireless telecommunications prohibition only applies

within school zones on public roads or highways during posted hours when signs are located in a visible manner in each direction indicating the use of hand-held wireless communication devices are prohibited while operating a motor vehicle.

Provides that persons convicted of unlawfully using a wireless telecommunications device while traveling through a school zone during posted hours are subject to a moving violation and penalties for first and second violations, and for anyone involved in a collision at the time of the violation.

Further provides that evidence proving that the wireless telecommunications device was used for emergency purposes is an affirmative defense against the alleged violation.

House Bill 797 by Representative Hovel (Pending in House Transportation) would prohibit use of cell phones by all Class "E" drivers.

Senate Bill 406 by Senator Walsworth (Pending in Senate Transportation) would provide that any person can operate or ride upon any motorcycle, motor-driven cycle, or motorized bicycle without a safety helmet if that person is 21 years of age or older, has satisfactorily completed the Motorcycle Safety, Awareness, and Operator Training Program operated by the Department of Public Safety and Corrections, and maintains a motor vehicle liability policy in the amount of \$20,000 because of bodily injury to or death of one person in any one accident, and, subject to such limit for one person, \$40,000 because of

bodily injury to or death of two or more persons in any one accident, and \$25,000 because of damage to or destruction of property of others in any one accident.

MOTOR VEHICLES/BUSES

House Concurrent Resolution 91 by Representative Richard (Adopted) urges and requests the Dept. of Public Safety and Corrections to study the safety implications and practicality of requiring vehicles in adjacent lanes to stop for all buses loading or unloading passengers.

MOTOR VEHICLES/BUSES-SCHOOL

House Concurrent Resolution 142 by Representative Pylant (Adopted) requests the Department of Public Safety and Corrections to study the feasibility of requiring oncoming traffic on a highway with two or more lanes in each direction and with a continuous two-way left turn lane to stop for school buses.

PUBLIC SAFETY/DEPARTMENT

House Bill 1267 by Representative Stokes (Act 277) provides that the fire marshal, or his designee, shall have the authority to require the owner or lessee of a structure that was in existence as of August 1, 2014, and is utilized as a hotel to install a carbon monoxide alarm system when he determines, as a result of a plan review, investigation, or inspection, that a carbon monoxide source within or attached to the building or structure poses a threat of carbon monoxide poisoning. The source of carbon monoxide may include, but not be limited to, an attached enclosed garage or fossil-fuel

burning appliance or appliances.

Requires that an owner or lessee of a hotel or his agent shall declare the presence of a carbon monoxide source or the attachment of a parking garage to the hotel at the time building plans and specifications for the hotel are submitted to the fire marshal for review.

SEX OFFENSE REGISTRY

House Bill 638 by Representative Connick (Act 190) expands the crime of failure to register and notify as a sex offender or child predator to include that it shall also be considered failure to register and notify as a sex offender or child predator if the offender fails to timely register, provide any information required by law, renew and update registration information as required by law, or provide proof of residence or notification of change of address or other registration information.

House Bill 639 by Representative Connick (Act 522) adds persons with a felony conviction for the crime of stalking, punishable by imprisonment at hard labor, against a person under the age of 18 to the definition of "criminal offense against a victim who is a minor". Provides an exception from the definition for a defendant who is a parent of the victim and for a defendant who is not more than four years older than the victim and is convicted of stalking as defined under current law without certain specific aggravating circumstances. Provides an exclusion to the addition of the crime of stalking to the definition of "criminal offense against a victim who is a minor" for certain defendants.

House Bill 697 by Representative Connick (Act 339) provides that if any person who is required to register as a sex offender or child predator is homeless, or is without a fixed residence, he is required to appear in person to renew and update his registration with the sheriff of the parish in which he is homeless, or is living without a fixed residence, every 14 days from the date on which he initially appeared to register with the sheriff of that parish.

Further provides that if the offender regularly resides homeless, or without a fixed place of residence, in more than one parish, he is required to register with the sheriff of each parish in which he regularly resides and to renew and update his registration every 14 days with each sheriff of those parishes. However, if an offender no longer plans to reside without a fixed residence in a particular parish, he is required to give notice, in person, to the sheriff of the parish in which he intends to no longer reside.

Failure of the offender to comply shall be subject to the penalties provided in current law regarding the failure to register and notify as a sex offender or child predator.

House Bill 885 by Representative Connick (Act 798) requires certain persons convicted of certain sex offenses or criminal offenses against a victim who is a minor to register as a sex offender in the Sex Offender and Child Predator Registry and to provide notification to certain persons. The duration of such registration and notification requirements depends upon the offense for which the offender was convicted.

Provides specific procedures utilized by state police, the sheriff of each parish in which the offender resides, and the Dept. of Justice to determine an offender's registration and notification period end date.

Requires the Department of Justice or its authorized agent to provide written notice to the offender of a change in the registration and notification period end date.

Provides that the provisions of the legislation shall become effective when House Bill No. 637 of the 2014 R.S., which provides relative to the use of monies appropriated to the Sex Offender Registry Technology Fund, becomes effective (August 1, 2014).

SPECIAL DISTRICTS

Senate Study Request 1 by Senator Dorsey-Colomb (Adopted) requests the Senate Committee on Local and Municipal Affairs to study all aspects of the feasibility of establishing a statewide neighborhood watch program.

WEAPONS

House Bill 10 by Representative Henry Burns (Pending in House Criminal Justice) would create an exception to the prohibition against carrying firearms in an alcoholic beverage outlet for law enforcement officers even though they are not acting in the performance of their official duties.

House Bill 20 by Representative Thompson (Pending in House Criminal Justice) would create an exception to the crime of possession of a firearm in alcoholic beverage outlets for concealed handgun permit

holders when the possession occurs on the premises of an alcohol beverage outlet which has been issued a Class A-Restaurant permit.

House Bill 72 by Representative Lopinto (Act 147) creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers, judges, district attorneys, and assistant district attorneys, and for concealed handgun permit holders when the possession occurs on the premises of an alcohol beverage outlet which has been issued a Class A-Restaurant permit.

House Bill 494 by Representative Ivey (Involuntarily Deferred in House Criminal Justice) would provide that the right to keep and bear arms includes the right to possess a concealed handgun without any form of permit or license, unless the person is prohibited from possessing a firearm under the laws of La. or the laws of the U.S.

House Bill 519 by Representative Ivey (Involuntarily Deferred in House Criminal Justice) would define "firearm" as including a shotgun having a barrel of less than eighteen inches in length, a rifle having a barrel of less than 16 inches in length, or any weapon made from either a rifle or a shotgun if the weapon has been modified to have an overall length of less than 26 inches, and would authorize the holder of a lifetime concealed handgun permit to possess certain firearms without complying with certain provisions of the United States Code.

House Bill 520 by Representative Ivey (Involuntarily Deferred in House Criminal Justice) would exclude La. citizens over the age of 21 from prosecution for

carrying a concealed firearm if the firearm is a handgun and the person is not otherwise prohibited from possessing a firearm.

House Bill 707 by Representative Garofalo (Pending in House Criminal Justice) would create an exception to the crime of carrying a firearm on an elementary, secondary, or high school campus for teachers or administrators of those schools who possess a concealed handgun permit and requires an annual eight-hour tactical training for those teachers or administrators prior to being able to carry a concealed handgun on school property.

House Bill 1066 by Representative Thompson (Act 221) provides for a federal criminal history check prior to the issuance of a concealed handgun permit.

Requires state police to execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant prior to issuing a concealed handgun permit. Defines a background check as a computer check of available on-line state records, and, if warranted, the fingerprints may be forwarded to the FBI.

Also requires state police to make an inquiry on every applicant to the FBI's National Instant Criminal Background Check System, and provides that if the applicant is not a U.S. citizen, the applicant is required to provide any alien or admission number issued by the U.S. Bureau of Immigration and Customs Enforcement and any basis, if applicable, for an exception to the prohibitions from possession of a firearm under federal law.

Provides that a person whose permit has been suspended or revoked by the department and who uses that permit to purchase a firearm from a licensed dealer knowing that the permit has been suspended or revoked shall be fined not more than \$500, imprisoned for not more than six months, or both.

Senate Bill 68 by Senator Kostelka (Pending in Senate Judiciary B) would remove the condition in current law that law enforcement officers must be acting in the performance of their official duties in order to intentionally possess a firearm while on the premises of an alcoholic beverage outlet, and adds additional exceptions to the prohibition.

Senate Bill 651 by Senator Allain (Act 776) authorizes a member or officer of either house of the legislature to possess and conceal a handgun on his person provided that the legislator or officer is POST certified in the use of firearms. Prohibits the carrying of a weapon in the state capitol building.

Retirement

by: Margaret Corley
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COST-OF-LIVING ADJUSTMENTS (COLAs)

Senate Bill 16 by Senator Guillory (Act 101), Senate Bill 18 by Senator Guillory (Act 102), Senate Bill 19 by Senator Guillory (Act 103), and Senate Bill 21 by Senator Guillory (Act 104) provide a 1.5% COLA to all eligible retirees and beneficiaries of the Louisiana State Employees' Retirement System (LASERS), Teachers' Retirement System of Louisiana (Teachers), Louisiana School Employees' Retirement System (LSERS), and the Louisiana State Police Retirement System (Troopers). The COLA is funded with money from each system's experience account and will begin July 1, 2014.

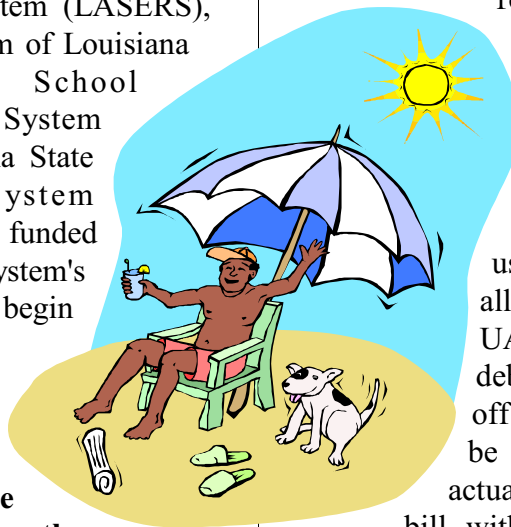
Senate Bill by Senator Long (Pending Senate Retirement), Senate Bill by Senator Walsworth (Pending Senate Retirement), House Bill 34 by Representative Jones (Pending House Retirement), House Bill 35 by Representative Jones (Pending House Retirement), House Bill 36 by Representative Jones (Pending House Retirement), House Bill 84 by Representative Jackson (Pending House Retirement), and House Bill 85 by Representative Jackson (Pending House Retirement) would have provided for a

supplemental COLA for the members of LASERS, Teachers, LSERS, and Troopers, of up to one half of one percent.

SYSTEM LIABILITIES (UNFUNDED ACCRUED LIABILITY- UAL)

House Bill 1225 by Representative Robideaux (Act 399) provides for the restructuring of the current COLA mechanism for LASERS, Teachers, LSERS, and Troopers. This bill links the amount of a potential COLA to the funded level of the system. All additional funds which would have otherwise been used to fund COLAs will be allocated to payment of the UAL. This bill allows for the debt of the systems to be paid off earlier and employer rates to be reduced more quickly. The actuarial note indicates that this bill will save the state and local school boards nearly five billion dollars over the next 30 years.

House Bill 40 by Representative Pearson (Pending House Retirement), House Bill 41 by Representative Pearson (Pending House Retirement), and House Bill 43 by Representative Pearson (Pending House Retirement), applicable to LASERS, Teachers, and Troopers, would have provided for any additional funds remaining in the



experience account after the payment of the COLAs authorized by Acts 101-104 (above) to swept from the account and applied towards reduction of the oldest outstanding debt of the system. A similar bill, **House Bill 42 by Representative Pearson (Act 23)** was passed, in conjunction with **Senate Bill 14 by Senator Guillory (Act 478)** these two acts provide for the reamortization of increasing payment schedules funding LSERS's debt. The reamortization of the schedules and the application of the remaining funds from the experience account allow the employers' contributions to be leveled and eliminate the increasing rates under which the system previously operated, and which were scheduled to continue through 2043.

RETIREMENT ELIGIBILITY

House Bill 38 by Representative Pearson (Act 226) provides for non-hazardous duty members of the LASERS and all members of Teachers and LSERS whose membership begins on or after July 1, 2015, a retirement age of 62. Prior to this act, the retirement age was 60 for these system members.

OPTIONAL RETIREMENT PLAN (ORP)

House Bill 6 by Representative Pearson (Act 607) allows the board of each higher education system participating in the ORP at Teachers to set the rate of employer contribution to each employee-participant's account between 6.2% and the normal cost of the system (5.1839% for 2013-2014, 3.6658% for 2014-2015).

Senate Bill 23 by Senator Guillory (Pending Senate Retirement) would have

allowed a participant who chose to enter the ORP at Teachers to transfer to the "regular" defined benefit plan within the system by paying the actuarial cost.

RETIREEES RETURNING TO WORK

Multiple bills were filed this session to relax the rules governing reemployment of retired teachers. **Senate Bill 29 by Senator Walsworth (Pending Senate Retirement)** would have allowed certain classes of retirees, including those holding advanced degrees in educational diagnosticians and reading specialists, to avoid benefit suspension during reemployment. after at least one year had elapsed since the retirement date.

Senate Bill 555 by Senator Morrish (Pending Senate Retirement) would have allowed retirees who had attained the age of 65 to be exempt from the earning restrictions during reemployment if at least one year had elapsed since the retirement date.

SOCIAL SECURITY OFFSETS

Senate Concurrent Resolution 5 by Senator Guillory (Filed with the Secretary of State) and **House Concurrent Resolution 33 by Henry Burns (Filed with the Secretary of State)** memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving public pension benefits for federal, state, or local government service during which they did not contribute to Social Security. These resolutions specifically applies to two different calculation rules which reduce Louisiana public employees' Social Security benefits, called the

Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s in efforts to stabilize Social Security.



Revenue & Taxation

by: *Riley Boudreaux*
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The Legislature considered the 2013 amnesty so successful that it decided to try to get increased revenues for Fiscal Year 2014-2015 with **House Bill 663 by Representative Robideaux (Act 822)**. In order to induce more taxpayers to choose amnesty, Act 822 did the following for the one month amnesty period that the Department of Revenue is required to hold in the last half of 2014:

1. Authorized the waiver of all of the penalties and 50% of the interest owed if amnesty on a tax claim is approved during the 2014 amnesty (and 33% of penalties and 17% of interest owed if amnesty is approved during the 2015 amnesty period).
2. Required the doubling of penalties for certain taxpayers who have a final judgment rendered against them or who have exhausted all rights to protest taxes owed to the state and who fail to submit an amnesty application before the end of the applicable amnesty period.
3. Prohibits the department from accepting tax credits as payment of a claim.
4. Allows amnesty payments by installments.

5. Prohibits, after conclusion of the amnesty period in 2015, the implementation of a new amnesty program before Jan. 1, 2025.

If more than \$100 million is collected in 2014, \$4 million is to be appropriated to the Department of Economic Development to be allocated to the Louisiana Regional Leadership Council to be used for the purpose of regional economic development and workforce development.

House Bill 798 by Representative Stokes (Act 198) and House Bill 863 by Representative Danahay (Act 640) both substantially changed the composition of the Board of Tax Appeals [BTA], its administration, and expanded its jurisdiction to include more state tax matters and, for the first time, gave it jurisdiction over local sales tax matters.

Some of the most notable changes are that those bills:

1. Moved the BTA to the Department of State Civil Service as an independent quasi-judicial agency.
2. Changed the composition of the BTA to require all three to be attorneys, at least two of whom must either possess a Masters of Law in Taxation or Tax

- Law, be a board certified Tax Law Specialist, be licensed as a certified public accountant, or be a person who has served as a judge. One of those two must be certified as a Tax Law Specialist.
3. Made the BTA the venue to hear appeals from assessments or denials of refund claims by local sales tax collectors unless the taxpayer pays under protest and files suit in district court.
 4. One member is designated as the hearing judge of the "Local Tax Division" of the BTA, who may exercise all the jurisdiction, authority, and powers of the board and may hear and adjudicate those local sales tax cases submitted to the member upon joint motion of all parties to a hearing. That member is appointed by the governor from a list of three nominees submitted by a nominating committee composed of representatives of various local government and business interests.
 5. Authorized the BTA (as well as the courts) to hear state tax payment under protest filings and local sales tax payment under protest filings.
 6. Changed the review of BTA decisions from district courts to the courts of appeal.
 7. Enhanced the BTA's judicial powers and authority.

8. Specifically authorized appellate courts to order that a case be immediately transferred to a district court to consider issues of constitutionality.

Act 198 further streamlined laws with respect to enforcement and adjudication of taxes, fees, and penalties collectable by the Department of Revenue [LDR] and the administration, jurisdiction, and procedures of the Board of Tax Appeals [BTA].

Some of the most notable changes are that **Act 198**:

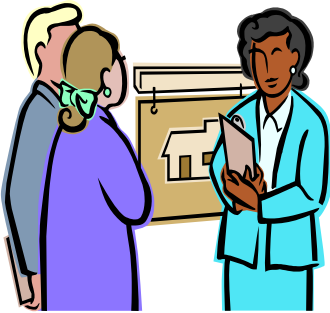
1. Expanded the authority of LDR to waive penalties if done pursuant to rules and regulations the LDR is required to promulgate.
2. Removed the need for the BTA to approve the cancellation of liens, privileges, or mortgages and the waiver of penalties by LDR if the amounts waived are \$25,000 or less.
3. Limited LDR's ability to use expedited summary court proceedings to collect taxes to claims which have become final, claims which require speedy collection, claims filed in conjunction with a rule to cease business, and claims for a business entity's failure to remit income taxes withheld from the wages of its employees.

Beginning Jan. 1, 2015, **House Bill 1087 by Representative Miller (Act 536)** allows a local sales tax collector to require the electronic filing and remittance of local sales and use tax by all taxpayers (a) who are

required to collect and remit sales or use tax on taxable events occurring within the jurisdiction of the taxing authority and (b) who are required by the Dept. of Revenue to electronically file and remit such taxes. The local collector in cases may waive the requirements for taxpayers who can show that electronic filing would create an undue hardship.

An act that should eventually help to ease the crowds renewing drivers' licenses is **House Bill 1252 by Representative Foil (Act 807)**, which will begin the issuance of six-year drivers licenses on July 1, 2015 (instead of the current four-year licenses). Of course, the fees for the licenses will be increased to cover the extra two years, with the extra money collected in the 2015 through 2019 period put into a special fund to be spent during the two "gap" years.

Finally, **House Bill 236 by Representative Broadwater(Act 816)** will authorize gambling winnings to be seized by the new office of debt recovery for non-payment of debts owed the state once a "single-point inquiry system" which allows real-time searches of data bases is established.



Social Services

by: *Ann S. Brown*
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CASH ASSISTANCE PROGRAMS

Supplemental Nutrition Assistance Program (SNAP)

House Bill 464 by Representative Broadwater and Pugh (Act 622) creates and provides for a workforce training and education pilot initiative with the SNAP program, administered by the Department of Children and Family Services (DCFS), in a parish with a population between 100,000 and 150,000 where the main campus of a public four-year college or university is located. Provides that the participants in the pilot initiative shall include nonworking, able-bodied adults without dependants (ABAWDs) as defined in federal regulation who resides in the parish. Further provides that DCFS shall submit a report on the outcomes of the pilot initiative to the legislative committees on health and welfare within twelve months of commencement and annually thereafter. Also, provides that implementation of the program is contingent upon federal approval.

Senate Concurrent Resolution 57 by Senator Erdey (Sent to Secretary of State) requests that DHH and DCFS work to streamline the process of clearing the names of deceased recipients from the list of those eligible for SNAP benefits.

House Bill 1062 by Representative Hoffmann (Act 533) provides for a 12 member task force to study and make recommendations to DCFS concerning electronic issuance of SNAP benefits.

Temporary Assistance for Needy Families Program (TANF)

Present law provides for DCFS to administer the following cash assistance programs of the TANF block grant:

- (1) Family Independence Temporary Assistance Program (FITAP), which provides cash assistance to needy families for the purpose of assisting those families in meeting basic needs.
- (2) Kinship Care Subsidy Program (KCSP), which provides cash assistance for financially needy kinship caregivers, including grandparents, step-grandparents, and other adult relatives within the fifth degree of consanguinity who have legal custody or guardianship of minor relatives.

House Bill 1176 by Representative Broadwater (Act 842) provides for restrictions on use of TANF benefits provided through electronic benefits transfer (EBT) cards to recipients of the FITAP and KCSP programs. Also, prohibits certain retailers and

business establishments from conducting any electronic benefits transfer transactions. Prohibits such EBT transfer transactions at any of these type of places:

Liquor stores; gaming establishments; retail establishments that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes; adult bookstores; adult paraphernalia stores; sexually oriented businesses; commercial body art facilities; nail salons; jewelry stores; amusement rides; amusement attractions; bail bonds companies; bars; cruise ships; psychic businesses or any establishments where persons under 18 are not permitted to enter.

CHILDREN

Senate Bill 511 by Senator Heitmeier (Act 469) and House Bill 195 by Representative Simon (Act 230) provides for the general re-creation of the DCFS and its statutory entities for a four-year period in accordance with the "sunset" law.

Senate Concurrence Resolution 69 by Senator Morrish (Sent to the Secretary of State) creates the Task force on the Prevention of Sexual Abuse of Children within DCFS to make recommendations for reducing child abuse in Louisiana.

House Bill 228 by Representative Jefferson (Act 406) prohibits a child from being placed in a foster home for temporary care, except for emergency placement, or for adoption until it is determined that the prospective foster or adoptive parent has not

been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance unless five or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole. Further provides that when the prospective foster or adoptive parent has been convicted of or pled nolo contendere to a felony offense involving the possession of a Schedule I, II, III, IV, or V controlled dangerous substance, the child is prohibited from being placed in the home, until the individual has submitted to and passed an initial drug test and has provided written consent to any plan of random drug testing required by DCFS for the duration of the placement. Requires that the drug test be at the expense of the individual.

Senate Bill 586 by Senator Dorsey-Colomb (Act 721) provides that courts, as a part of their final decree involving adoption of a child, shall provide notice to all parties concerning the crime of re-homing of a child. Also, creates the crime of re-homing which occurs when a parent or any individual or entity with custody of a child intends to avoid or divest himself of permanent parental responsibility by placing the child in the physical custody of a nonrelative without court approval.

Senate Bill 54 by Senator Broome (Act 479) adds the Nineteenth Judicial District (parish of East Baton Rouge) as one of the parishes creating, structuring and funding an early intervention program. The program will address the underlying causes of juvenile behavioral problems and school performance problems related to behavior in order to

attempt to prevent juvenile delinquency in later years.

House Bill 249 by Representative Price (Act 787) improves access to child care for homeless families in Louisiana through DCFS.

Senate Bill 524 by Senator Walsworth (Act 868) provides for the transfer of the lead agency for the Child Care and Development Fund Block Grant and the transfer of oversight and administration of licensing and regulation of early learning centers from DCFS to the Department of Education.

Senate Bill 290 by Senator Johns (Act 486) includes the implementation of a safety plan as an option available to a peace officer, district attorney, or employee of the local child protection unit of the department to include in a verified complaint alleging facts showing that there are reasonable grounds to believe that the child is in need of care to secure the child's protection. The safety plan shall set forth conditions as determined by or agreed upon by the state as necessary for the protection of the child's health and safety while remaining in the home. Also, authorizes the court, with the consent of the state, to continued implementation of the safety plan.

House Bill 1061 by Representative Schroder (Act 354) establishes the "Child Protection Representation Commission", consisting of eight members, for the purpose of reviewing the system of representation of children and indigent parents in child protection cases. Further, establishes the La. Child Representation System under the oversight of the La. Supreme Court. Requires

that the supreme court, through such program as it may designate, provide child representation services to each court exercising jurisdiction over abuse and neglect cases in accordance with a service delivery plan developed by the program and approved by the supreme court.

Senate Bill 312 by Senator Crowe (Act 699) establishes the "Parents' Bill of Rights for Public Schools" which provides access to certain student information.

House Concurrent Resolution 61 by Representatives Leger and Price (Sent to the Secretary of State) requests BESE, in consultation with specified entities and organizations, to develop a statewide model for the funding of and equitable distribution of public funds for quality early childhood care and education for children ages birth to five, whose families request such services. Also, requires that a report be submit to the legislature no later than 60 days prior to the convening of the 2015 R.S.

House Bill 1256 by Representative Harrison (Pending Senate Health and Welfare) would create the *Department of Health and Hospitals and Children and Family Services*, abolishes DHH and DCFS and creates separate, independent entities in the new department as the old departments' successors.

DISABILITY

Senate Bill 432 by Senator Buffington (Act 492) prohibits any person with a disability (physical or mental) from being denied use or admittance to any public facility because of the disability. Prohibits

persons with disability from being denied the use of a white cane, service dogs, wheelchair, crutches or other device of assistance.

House Bill 833 by Representative Foil (Act 93) creates the "Achieving a Better Life Experience" (ABLE) account savings program for persons with disabilities. Creates the seven member ABLE Account Authority to encourage and assist individuals and families in saving private funds for the purpose of supporting persons with disabilities in endeavors to maintain health, independence, and quality of life.

DOMESTIC ABUSE

House Bill 747 by Representative Moreno (Act 194) adds "domestic abuse aggravated assault" to the list of "crimes of violence". Further provides that an offender shall be required to participate in a "court-monitored domestic abuse intervention program" and provides that such program is comprised of a minimum of twenty-six in-persons sessions, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court.

House Bill 753 by Representative Moreno and Brossett (Act 195) creates the crime of possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery. Also, limits possession of firearms or carrying of concealed weapons by persons convicted of domestic abuse battery or subject to a protective order.

House Bill 1052 by Representative Moreno (Act 663) creates the Domestic

Violence Prevention Commission, within DCFS, and provides for its' duties, powers, membership, and meetings.

State Government

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PUBLIC CONTRACTS

One of the most talked about bills of the session was **House Bill 142 by Richard (Vetoed)**. Originally, the bill would have provided for a 10% reduction of all state professional, personal, and consulting service contracts and the savings derived therefrom going into a newly created Higher Education Financing Fund. However, as finally passed, the bill removed the mandatory reductions and instead established that for fiscal years 2014-2015 through 2016-2017, all contracts for professional, personal, and consulting services with a total dollar value of \$40,000 or more per year which are funded solely with state general fund direct dollars or the Overcollections Fund dollars and are for discretionary purposes shall be reported to the Joint Legislative Committee on the Budget for review and approval. Provided that if within thirty days of receipt of the contract, the JLCB does not place the contract on its agenda, the contract shall be deemed to be approved. If the contract was placed on the agenda for review, JLCB would have the option to approve the contract, reject the contract and



notify the commissioner that the funding for the proposed contract are to be deposited into the newly created fund, or recommend revisions to the contract. If JLCB recommended

revisions and the agency did not resubmit to JLCB within 30 days of JLCB's recommendation, the contract was deemed to be rejected. In addition, the commissioner of administration was to report to JLCB on a quarterly basis the amount of funding appropriated for professional, personal and consulting service contracts that remained unexpended and unencumbered. While there were certain contracts excepted (e.g. contracts with state or local providers of indigent defender services, contracts of a district attorney who is providing services under the child support enforcement program, etc.), it was anticipated that approximately 500 contracts would be subjected to JLCB review and approval and such contracts were valued in excess of \$250 million. In vetoing the legislation, Governor Jindal indicated that the "arbitrary and burdensome process could cause significant delays and introduce uncertainty to executing a contract, which would make contracting with the state difficult and discourage businesses from seeking opportunities to provide services to the people of Louisiana."

OFFICIAL STATE SYMBOLS AND HOLIDAYS

As always, this session yields a few more official state symbols and holidays. **Senate Bill 206 by Senator John Smith (Act 377)** designated the mayhaw fruit tree as the official state fruit tree. **House Bill 480 by Representative Ritchie (Act 71)** designated the second weekend in July as Louisiana

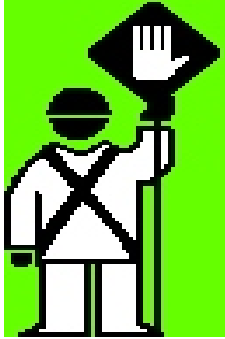
Collector Car Appreciation weekend, honoring the integral role collector cars have played in fostering our nation's appreciation for the automobile's unique place in United States history. **House Bill 11 by Representative Edwards (Act 22)** designated the seventh day of August as Purple Heart Recognition Day, dedicated to the remembrance and recognition of those members of the armed forces of the United States who have earned the Purple Heart Medal for wounds received in combat. In addition, **House Bill 390 by Representative Mack (Act 552)** declared fox pen hunting as part of the folklife heritage of Louisiana. Probably the most publicized bill on this matter was the one that did not pass; **House Bill 503 by Representative Carmody (pending House Final Passage)** would have declared the Holy Bible as the official state book.

PUBLIC EMPLOYEES

Reflective of events happening at the federal level, **House Bill 1269 by Representative Henry (Act 362)** seeks to protect a government contractor for reporting alleged impropriety by the governmental entity when such reporting leads to reprisal or threats from the governmental entity. Specifically, the bill provides that a person who is a public employee by virtue of a contractual arrangement with a government entity and whose contract is wrongfully suspended, reduced, or terminated shall be entitled to reinstatement of his contract and entitled to receive any lost compensation under the terms of the contract.

ADMINISTRATIVE LAW

There was also an effort made this session to review the role of the Division of Administrative Law in state administrative hearings. Specifically **House Resolution 84 by Representative Barrow (Sent to Sec. of State)** would request the House Committee on House and Governmental Affairs to examine the structure, functions, duties, and authority of the division of administrative law and report its findings prior to the 2015 Regular Session.



Transportation & Development

by: Sharon Lyles
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CONTRACTS

Construction Management at Risk

Senate Bill 680 by Senator Adley (Act 782) authorizes use of construction management at risk in lieu of the design-bid-build public bid process as an alternative method to contract for public work on projects costing twenty-five million or more.

Public Bids

Senate Bill 468 by Senator Adley (Act 759) rewrites prior law to simplify the public bid law to contract for public work. The bill maintains the present "contract limit" of \$150,000, but requires the office of facility planning and control to adjust the "contract limit" beginning February 1, 2015, and annually thereafter by an amount not to exceed the annual percentage increase in the Consumer Price Index in the preceding year and to publish the new "contract limit" for public work contracts in the Louisiana Register in January of each year.

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Complete Streets

Senate Bill 527 (Act 470) provides for a Complete Streets Policy and creates the

Complete Streets Advisory Council. The Complete Streets Policy requires the department to develop a comprehensive, integrated, connected transportation network for Louisiana which balances the access, mobility, health, and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, including the users of wheelchairs and mobility aids, to enhance the public health, welfare, and quality of life of Louisiana's citizens and visitors in order to achieve and sustain mobility and safely accommodate pedestrians, bicyclists, and transit users.

Reauthorization

House Bill 284 by Representative St. Germain (Act 9) recreates the department and its statutory entities until July 1, 2017.

Reorganization

The following bills proposed to reorganize the department: **Senate Bills 375, 389, 390, 391, 392, 393, 453, and 457 (all Pending Senate Transportation, Highways, and Public Works) and Senate Bill 573 (Act 719)** all by **Senator Chabert. Senate Bill 573 (Act 719)** is the only bill that Senator Chabert advanced.

Senate Bill 573 (Act 719), as amended, on the House floor reorganizes the Department of Transportation and Development (DOTD) to

add the office of multimodal commerce and the commissioner of multimodal commerce effective July 1, 2016. The newly created office of multimodal commerce includes commercial trucking, ports and harbors, aviation, rail, maritime, and intercity public mass transit. **Senate Bill 573 (Act 719)** creates the Multimodal Commerce Advisory Commission within the office of multimodal commerce and tasks the commission to develop an operational plan for the 2015 Regular Session of the Legislature to be presented to the Senate and House committees on transportation, highways, and public works for review, amendment, and approval no later than February 1, 2015.

DRIVER'S LICENSES

Six year driver's license

Two bills advanced to increase the duration of a driver's license from four to six years in an attempt to impact long lines experienced by Louisiana's citizens due to closure of motor vehicle offices as result of budget cuts. The office continues to privatize its services with public tag agents who charge additional fees in addition to state fees to deliver driver license and motor vehicle services. Both bills increase the basic fee charged for all classes of driver's licenses. The Class E driver's license fee increases from \$13.50 to \$21.25. Both bills also create special funds to reserve a portion of the monies collected from the fee increases to fund the office in future years. The bills are **House Bill 1252 by Representative Foil (Act 807, effective July 1, 2015)** and **Senate Bill 582 by Senator Claitor (Act 765)**

REAL ID

House Bill 907 by Representative St. Germain (Vetoed by the Governor)

proposed to authorize the office of motor vehicles to provide an option to Louisiana drivers for a REAL ID compliant driver's license. Under the REAL ID Act, the state must comply by January 2016 to ensure access for its residents to board a domestic commercial airline. Noting this year and a half time line and to prevent unnecessary federal oversight of Louisiana driver's licenses, the governor vetoed **HB 907** at the request of the Eagle Forum, the Louisiana Family Forum, and the Tea Party of Louisiana due to concerns over its compromise of Louisiana's sovereignty and to allow the Louisiana State Police additional time to vet this change.

FINANCE AND FUNDING FOR TRANSPORTATION

The DOTD continues to report a \$12.5 billion dollar backlog of funding needs for highway projects. To date, additional revenue sources to address the backlog of highway and other infrastructure needs have been futile and efforts to increase revenue available for transportation in the face of Louisiana's budgetary struggles have failed. Created by constitutional amendment in 1990 the Transportation Trust Fund continues to be raided to fund other government functions, notably, Louisiana State Police in the amount of sixty-nine million dollars (\$69,000,000) in Fiscal Year 2014-15. By comparison, TTF-Regular which derives from gasoline and special fuel taxes provides only about twenty-one million dollars (\$21,000,000) to DOTD to match federal funds for projects in the approved Highway Priority Program. At the same time, the Federal Highway Trust Fund is predicted to be depleted entirely by August

2014. Several bills proposed in the 2014 Regular Session to provide additional funding failed to advance; other bills at best provide a promise of additional revenue by 2018.

Senate Bill 109 by Senator Adley (Pending Senate Finance) and House Bill 778 by Representative St. Germain (Pending House Appropriations) both proposed repeal of the trigger in R.S. 48:77(C) that prevents the flow of revenues from the sales tax on motor vehicles to transportation due to budgetary restraints and provide for a percentage phase-in of revenues beginning FY 2014-2015, 10%; FY 2015-2016, 30%; 2017-2018, 50%; and FY 2018-2019 and thereafter, 100%. Passage would ultimately direct in excess of \$300 million annually for transportation.

Senate Bill 463 by Senator Adley (Pending Senate Finance) proposed dedication to the Better Highways and Higher Education Fund of state sales tax proceeds collected on internet purchases.

House Bill 587 by Representative Carmody (Constitutional Amendment)(Pending House Appropriations) proposed amendment to the Transportation Trust Fund to delete provisions that require no less than the avails of one cent of the tax on gasoline and special fuels to the Parish Transportation Fund and that requires the annual appropriation for airports to be equal to the annual estimated revenue to be derived from the state taxes collected and received on aviation fuel.

House Bill 628 by Representative St. Germain (Sent to the Secretary of State)

Constitutional Amendment proposes to authorize the investment of public funds in a state infrastructure bank and the loan, pledge, guarantee, or donation of public funds by a state infrastructure bank for eligible transportation projects if approved by vote of the people in November 2014.

House Bill 629 by Representative St. Germain (Pending in Conference Committee) Constitutional Amendment proposes beginning July 1, 2018, to provide for the deposit the \$50 million dollars in excess mineral revenues into the Transportation Trust Fund from the Transportation Stabilization Account within the Budget and Transportation Stabilization Account and provides for such monies to be used for Transportation Trust Fund purposes and to capitalize a state infrastructure bank if a bank is created by vote of the people in November 2014. The Transportation Stabilization Account may not exceed 500 million dollars.

House Bill 884 by Representative St. Germain (Pending in Conference Committee) proposes statutory revisions to reflect changes proposed by **House Bill 629** to rename the Budget Stabilization Fund as the Budget and Transportation Stabilization Fund, to create a Transportation Stabilization Account within the fund, and to dedicate \$50 million dollars of mineral revenues to eligible transportation projects beginning in 2018.

House Bill 979 by Representative St. Germain (Act 830) provides for creation of the Louisiana Transportation Infrastructure Bank as a state agency within the Department of Treasury, effective if and when the proposed amendment of Article VII of the

Constitution of Louisiana contained in the Acts which originated as House Bill Nos. 628 and 629 of this 2014 R.S. is adopted at a statewide election to be held in November 2014. **House Bill 629** failed to pass so **Act 830** has no effect.

House Bill 1123 by Representative St. Germain (involuntarily deferred in House Transportation, Highways, and Public Works) proposed to increase truck registration fees and dedicate the increase to the Louisiana Transportation Infrastructure Bank.

HCR 166 by Representative St. Germain (Enrolled) creates the Transportation Funding Task Force to study transportation funding mechanisms.

Priority Programs

At a joint meeting of the House and Senate committees on transportation, highways, and public works held on March 10, 2014, the following priority programs were approved:

2014-2015 Highway Priority Construction Program

2014-2015 Port Construction and Development Priority Program

2014-2015 Airport Construction and Development Priority Program

2014-2015 Statewide Flood Control Program

Appropriations for projects in the approved programs are in **House Bill 2 by Representative Robideaux (Act 25)**

Parish Transportation Fund

Schedule 20-903 in **House Bill 1 by Representative Fannin (Act 15)** appropriates \$43.4 million from the Transportation Trust Fund to the Parish Transportation Fund. \$38.445 million is distributed pursuant to formula directly by the treasurer to parish and municipal governments; \$4.955 million is distributed by formula to the mass transit program; \$3 million is appropriated as match to DOTD for the off-system roads and bridges program.

MOTOR VEHICLES

Prestige License Plates

In 2002, the Louisiana Legislature attempted to deter the creation of prestige license plates by requiring a minimum of 1,000 applicants for such plates. Currently, Louisiana has some 215 prestige license plates. In 2014, some seventeen bills authorize creation of new special prestige license plates for a variety of causes.

SIGNS AND SIGNALS

Photo enforcement of traffic signals and speed

Municipalities collect significant revenues annually from violations imposed utilizing photo enforcement. Constituents complain about high fines imposed, the flow of such dollars to out-of-state vendors, the lack of due process to contest such fines, and whether or not the use of enforcement by cameras reduces accidents and enhances public safety or just raises revenue for municipalities. Though several bills were filed in the 2014 Regular

Session to address the continuing controversial issue of the use of cameras to enforce traffic signals and speed, only **House Bill 896 by Representative Danahay (Act 95 effective 5/16/2014)** that prohibits the use of photo speed enforcement devices on interstates passed.

Speed traps

Efforts to label or prohibit speed traps by certain municipalities in Louisiana failed to advance.

TRAFFIC

Cell Phones

House Bill 370 by Representative Thompson (Act 410) prohibits the use of hand-held cell phones in a school zone during posted hours where signs are posted.

Dogs

House Bill 1091 by Representative Willmott (Vetoed by the Governor) prohibits the transportation of dogs in pickup truck beds on the interstate unless humanely secured.

Traffic Congestion

Senate Bill 661 by Senator Erdey (Act 781) authorizes a police officer or another acting at his direction or request, to remove, without consent of the owner, vehicles, cargo, or other movable property that has been damaged or spilled upon the roadway or shoulder which constitute as hazard or obstructs traffic resulting from a vehicle crash or traffic incident. The bill hopes to lessen the impact of multi-hour backups of traffic on the state's

highways, particularly during peak traffic hours between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m on weekdays.



Wildlife & Fisheries

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Senate Bill 154 by Senator Long (Act 286) clarifies the importation and permit rules for certain species of fish.

Senate Bill 170 by Senator Long (Act 287) clarifies the law relative to the in-state release and transportation of pen-raised animal, fowl, or fish.

Senate Bill 212 by Senator Ward (Act 378) allows for the use of sound suppressor devices when hunting certain wild quadrupeds.

Senate Bill 246 by Senator Morrish (Act 294) changes the demarcation of the inside and outside waters for shrimping to adjust for coastal land loss.

Senate Bill 250 by Senator Ward (Act 697) exempts certain persons from the requirements of the big exotic cats rules.

Senate Bill 251 by Senator Ward (Act 295) provides for the sale or purchase of wild birds and wild quadrupeds.

Senate Bill 344 by Senator Allain (Act 577) creates the Louisiana Catch and Cook Program withing DWF that will allow restaurants who choose to participate to cook fish caught by private persons.

Senate Bill 369 by Senator Walsworth (Act 389) changes the possession limit for crappie on Lake D'Arbonne from 100 to 50 and allows the Wildlife and Fisheries Commission to change the limit only when supported by certain biological date.

Senate Bill 395 by Senator Allain (Act 755) removes certain fees charged to political subdivisions under the Fisherman's Gear Compensation Fund and provides a termination date of June 30, 2018 for the fund.

Senate Bill 662 by Senator Erdey (Act 477) prohibits the taking of game birds and wild quadrupeds while riding or standing upon a moving land vehicle or aircraft.

Senate Concurrent Resolution 123 by Senator Nevers (Sent to Secretary of State) requests DWF to study and make recommendations to alleviate problems accessing the Pearl and Bogue Chitto Rivers.

Senate Bill 681 by Senator Morrish (Act 592) allows the hunting of nuisance wild quadrupeds from helicopters.

House Bill 344 by Representative Armes (Act 56) provides that any surviving spouse of a U.S. service member who was killed in action in a combat zone, may receive a La. hunting and fishing license for \$2.50 each.

House Bill 1071 by Representative Chaney (Act 429) reduces the amount of time required to qualify as a resident for hunting and fishing licenses from 12 months to six months.

House Bill 1072 by Representative Montoucet (Act 222) provides for a \$5 hunting and fishing license fee for certain retired members of the U.S. Armed Forces.

House Bill 1082 by Representative S. Bishop (Act 804) imposes an additional \$7.50 fee on the sale of saltwater fishing licenses and dedicates the revenues to saltwater fisheries management and conservation.

House Bill 1160 by Representative Garofolo (Act 540) requires the Wildlife and Fisheries Commission to establish a program to enhance and elevate professionalism in the commercial crab industry.

House Bill 1284 by Representative J. Thompson (Act 678) creates a special deer season on private property for Louisiana residents who have been honorably discharged from the U.S. Armed Forces.

