

**2018 Final Edition**  
*of*  
**1<sup>st</sup> Extraordinary, Regular  
and 2<sup>nd</sup> Extraordinary**

*Legislative Sessions  
Highlights*





## Agriculture/Rural Development

by: *Curry J. Lann*  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

#### AGRICULTURAL COMMODITIES

**Senate Bill 169 by Senator Thompson (Act 362)** authorizes the commissioner of agriculture to make additional tests of seeds upon request and clarifies that such test analyses are confidential and made available only to the requestor, unless otherwise specifically authorized by the requestor. The legislation further authorizes vegetable seeds in containers of one pound or less to be labeled with the year for which the seeds were packed for sale.

**Senate Bill 170 by Senator Thompson (Act 149)** increases the membership of the Louisiana Agricultural Chemistry and Seed Commission from seven members to nine members. The legislation adds two members who are actively engaged in farming appointed by the chairmen of the Senate and House committees on agriculture, forestry, aquaculture, and rural development.

**Senate Bill 337 by Senator Riser (Act 155)** exempts the sale of shelled field corn from the Louisiana Weights and Measures Law if the net weight of the shelled field corn is verified

by a National Type Evaluation Program (NTEP) certified scale prior to distribution of the corn.

**House Bill 313 by Representative Anders (Act 8)** changes the required meetings of the Louisiana Agricultural Commodities Commission from four to three per year.

**House Bill 691 by Representative Lebas (Act 176)** repeals the sunset on assessments levied by the Louisiana Rice Research Board on the production of rice in Louisiana.

#### ANIMALS

**Senate Bill 160 by Senator Troy Carter (Act 148)** prohibits tying or tethering a dog or cat in a manner that exposes the dog or cat to extreme weather conditions in a designated emergency area during a flood or hurricane. The legislation further authorizes local governing authorities to establish a fine not to exceed \$75 for violations.

**House Bill 393 by Representative Terry Brown (Act 429)** provides for the issuance and administration of market agency and livestock dealer permits. The legislation requires livestock dealers to obtain an annual permit from the Louisiana Board of Animal Health and authorizes the board to deny, revoke, or suspend any permit for material misstatements in the permit application, unauthorized permit use, conviction of certain crimes, disciplinary actions by the USDA,

lack of qualifications, or unpaid fines or penalties imposed by the board.

### DAIRY INDUSTRY

**Senate Bill 560 by Senator Mizell (Act 611)** creates the Dairy Stabilization Study Commission for the purposes of studying and reviewing milk pricing in Louisiana, recommending best practices and strategies to best assist the dairy industry, and recommending any necessary statutory and regulatory changes to the legislature and the Department of Agriculture and Forestry. The legislation further requires the commission to submit a written report of its findings and recommendations to the president of the Senate, the speaker of the House of Representatives, and the Senate and House committees on agriculture, forestry, aquaculture and rural development no later than 60 days prior to the 2019 Regular Session.

**House Bill 325 by Representative Gisclair (Act 9)** requires the Louisiana Department of Health to charge annual permit fees for dairy farms, dairy plants, and single service milk and milk product container or closure manufacturing plants as follows:

- (1) \$90 for dairy farms.
- (2) \$300 for dairy plants.
- (3) \$300 for single service milk and milk product container or closure manufacturing plants.

### DEPARTMENT OF AGRICULTURE AND FORESTRY

**Senate Bill 167 by Senator Thompson (Act 3)** provides for the general re-creation of the Department of Agriculture and Forestry and its statutory entities in accordance with the "sunset" law and provides that July 1, 2023 will be the new termination date unless legislation is enacted to re-create the department prior to that date.



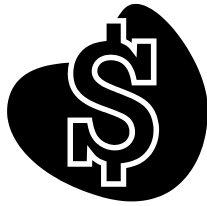
**House Bill 624 by Representative Schexnayder (Act 172)** authorizes the commissioner of agriculture to appoint alternates to the Commission of Weights and Measures. The legislation requires the removal of any member who is no longer a resident of Louisiana, is no longer active in the organization or agency for which he was appointed to represent, or has three or more unexcused absences within a twelve month period of time. The legislation further defines a "basket" as a one and one-half bushel container used for measuring oysters for sale or purchase and requires that each mini-sack of oysters contains one-half bushel, each sack contains one and one-half bushels, and each barrel contains three bushels.

**House Concurrent Resolution 42 by Representative Hill (Sent to the Secretary of State)** urges and requests the Department of Agriculture and Forestry to study the feasibility of creating a lumber grading training program and submit a report of its

findings to the legislature no later than February 1, 2019.

## **FLORISTS**

**House Bill 561 by Representative Emerson (Pending Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development)** would have repealed the examination and licensing of retail and wholesale florists and created a floral dealer permit. The legislation would have authorized a floral dealer to sell cut flowers and ornamental plants in pots, modified provisions regulating the operation of vending machines, and required the Department of Agriculture and Forestry to amend its rules regarding florists before December 1, 2018.



## Capital Outlay

by: Martha Hess  
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The Capital Outlay Bill was not considered in the *First Extraordinary Session of 2018*.

**House Bill 2 of the 2018 Regular Session by Representative Abramson (Act 29)**, provides for the comprehensive capital outlay budget for Fiscal Year 2018-2019, including funding from the following sources of monies:

Federal Funds (excluding TTF - Federal Funds)	\$	69,341,800
Transportation Trust Fund (TTF) - Federal Funds	\$	641,559,651
Transportation Trust Fund (TTF) - Regular	\$	145,346,089
Fees and Self-Generated Revenues	\$	59,922,000
Interagency Transfers	\$	13,184,843
Miscellaneous Statutory Dedications	\$	348,774,500
State General Fund Non-Recurring Revenues	\$	79,702,974
Reappropriated Cash	\$	2,116,892
Interest Earnings	\$	5,000,000
Revenue Bonds	\$	<u>281,990,000</u>
<b>TOTAL CASH PORTION</b>	<b>\$</b>	<b>1,646,938,749</b>

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

Priority 1	\$	659,491,200
Priority 2	\$	138,278,000
Priority 5	\$	1,193,161,597
<b>TOTAL GENERAL OBLIGATION BONDS</b>	<b>\$</b>	<b>1,990,930,797</b>
BONDS NRP	\$	<u>1,247,887</u>
<b>GRAND TOTAL ALL MEANS OF FINANCING</b>	<b>\$</b>	<b><u>3,639,117,433</u></b>

*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 \$965,210,000.*

## Children, Women & Family

by: Mary O'Brien  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

#### CHILDREN

##### Child Abuse and Neglect

The topics of child abuse and neglect are always a focus during legislative sessions and this year was no exception. Lawmakers are continually tinkering with the language on these topics, the issues of reporting suspicions or knowledge of these crimes, and the prevention of such appalling acts of cruelty, among the worst in our society. The following specific topics were addressed in the 2018 Regular Session.

**House Bill 371 by Representative Chaney (Act 207)** deals with an amendment to the Children's Code and specifies that mandatory and permitted reporters of child abuse and neglect, in addition to reporting to the hotline telephone number, shall disclose the information in their possession in person at any child welfare office or through the Louisiana Department of Children and Family Services Mandatory Reporter Portal online and requires that such portal shall be available online.

**House Bill 488 by Representative Amedee (Act 458)** expands the definition of

"abuse and crimes against a child" to include "female genital mutilation" as is already defined in Revised Statutes, Title 14.

**House Bill 520 by Representative Johnson (Act 556)** revises the Children's Code to remove language allowing the Department of Children and Family Services to promulgate rules regarding the release of confidential information contained in the "central registry of certain justified reports of abuse and neglect". However, the legislation includes guidance as to when information regarding the identity of an alleged perpetrator is to be released and to whom.

**House Bill 768 by Representative Horton (Act 104)** requires that the investigation of a report of abuse or neglect shall include a conclusion regarding whether the alleged perpetrator is an active duty member of the United States Armed Forces or the spouse of such active duty member and if so, the Department (DCFS) shall notify the United States Department of Defense Family Advocacy Program at the military installation nearest to the location of the investigation.

##### Foster children and foster care

The topic of children aging out of foster care, many before they have graduated from high school because of where their birthday falls in the year, has become a critical issue throughout the country. Louisiana is no exception. In a year where funds are difficult to find to support the services that government

in Louisiana is presently providing, it is all the more difficult to take on additional financial commitments. However, the plight of these children is critical and the state clearly has a duty to each child to provide access to a high school education, at the very least. Two instruments gained the approval of both houses of the legislature in this 2018 Regular Session, but only one will have any effect.

**Senate Concurrent Resolution 10 by Senators Barrow (Sent to the Secretary of State)** requires the Department of Children and Family Services to study the feasibility of enacting the policies outlined in **Senate Bill 129** (below). The department is tasked with establishing a task force of specific experts to explore this issue and make recommendations to the governor and the legislature by February 1, 2019. The most worrisome figure quoted in the resolution is that one in four youths who age out of foster care are homeless within a year of their 18<sup>th</sup> birthday, a staggering statistic by any measure.

**Senate Bill 129 by Senator Gatti (Act 649)**. The obligations in this bill were contingent upon the passage of and the effective date of, a provision added in Senate Finance Committee, Senate Bill 555, which dealt with Deep Water Horizon litigation funds being available to fund this mandate and other measures. SB 555 was not passed to the House floor, so SB 129 will not become effective. However its provisions are likely to draw widespread support as it would have required the Department of Children and Family Services to continue to provide all appropriate benefits to both the foster child and their foster parents beyond the child's 18<sup>th</sup> birthday, if the child is a full-time high school student. Such benefits are to continue until either the child graduates from high school or

the child's 21<sup>st</sup> birthday, whichever occurs first, upon the written consent of the child and the foster parents. The measure would have further provided that the acceptance of these benefits shall not affect the availability of any other rights or obligations gained as a result of reaching the age of 18 and there shall be no obligation for reimbursement. Clearly, this issue will continue to draw attention and support.

#### Placement of children in the custody of the Department of Children and Family Services

Upon motion of a court and after a contradictory hearing, **House Bill 110 by Representative Horton (Act 189)** provides that a judge may disapprove a placement chosen by the Department of Children and Family Services of a child in their custody, if it is not in the best interest of the child. The court will order the department to determine a more suitable placement, in accord with the court's decision. Presently, no judicial review of such placements is provided for and the department has the sole authority with regard to such placements.

#### **WOMEN**

##### Incarcerated women

**Senate Bill 558 by Senator Barrow (Act 392)** deals with the dignity that should be afforded women who are housed in a correctional facility, defining the health products to which they shall have access, rules regarding male correctional officers conduct when dealing with female prisoners, and affords clear guidelines regarding behavior of male officers in particular areas of the prison where female prisoners might be expected to be in a state of undress. The rules are

intended to give clarity to both incarcerated women and the custodians who oversee their imprisonment.

RE: Domestic violence prevention

**Senate Bill 275 by Senator Mizell (Act 38)** provides for an income tax checkoff for donations to the Louisiana Coalition Against Domestic Violence and for such funds to be used for the education of women who are victims of such violence. It further provides that both the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means may require reports regarding the fund into which these monies are deposited.

Department of Children and Family Services--  
--Re-creation

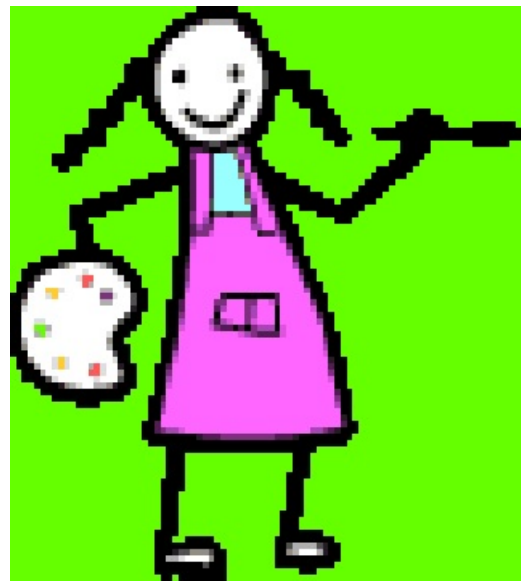
**House Bill 109 by Representative Hoffman (Act 104)** is a re-creation of the Department of Children and Family Services as is routine every 10 years for all departments in the executive branch, allowing for a review of the services provided and the cost to the state of those services.

**FAMILY**

Modification of Support Orders

In cases in which the Department of Children and Family Services is providing support enforcement services, **Senate Bill 330 by Senator Colomb (Act 379)** requires that any material change of circumstances since the previous award of child support, shall be "substantial and continuing" and it is not necessary that the current support varies from the guidelines by 25% in order to have an adjustment in the amount of support. Judicial

review is also provided for any modified order of support.





## Civil Law & Procedure

by: Jerry G. Jones  
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### 2018 First Extraordinary Session

*No legislation on this topic.*

### 2018 Regular Session

**House Bill 5 by Representative Connick (Act 443)** provides relative to the interruption of prescription.

**House Bill 6 by Representative Connick (Act 254)** provides relative to pretrial and scheduling conferences.

**House Bill 16 by Representative Danahay (Act 184)** provides relative to taking judicial notice of statutes.

**House Bill 55 by Representative Dwight (Act 187)** provides for an increase in court costs in the 14th Judicial District Court.

**House Bill 73 by Representative Bacala (Act 261)** provides relative to payment of processing fee for certain garnishment proceedings.

**House Bill 83 by Representative Coussan (Act 447)** provides relative to court costs in the 15th JDC.

**House Bill 100 by Representative M. White (Act 264)** provides with respect to attorney fees and costs in domestic abuse cases.

**House Bill 102 by Representative Zeringue (Act 55)** provides for the transfer of certain witness fee surplus funds within Lafourche Parish.

**House Bill 125 by Representative Jefferson (Act 265)** provides relative to divorce and spousal support.

**House Bill 147 by Representative Dwight (Act 21)** provides for the filiation of a child.

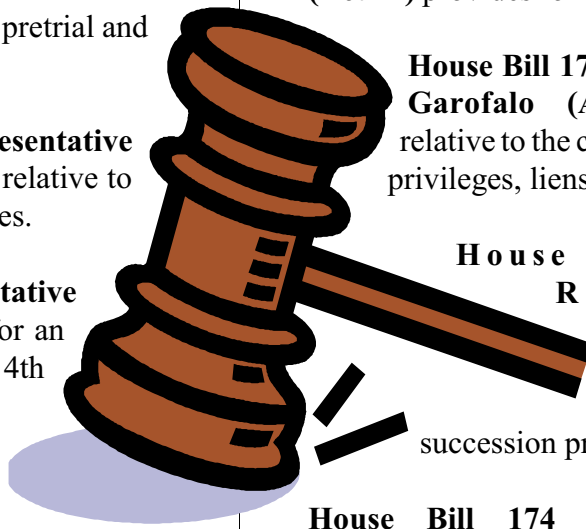
**House Bill 172 by Representative Garofalo (Act 452)** provides relative to the cancellation of inferior privileges, liens, and mortgages.

**House Bill 173 by Representative Garofalo (Act 122)** provides relative to an heir's interests in succession property.

**House Bill 174 by Representative Garofalo (Act 195)** provides for the continuous revision of the Code of Civil Procedure.

**House Bill 187 by Representative Marino (Act 453)** provides relative to the use of restraints on juveniles during court proceedings.

**House Bill 213 by Representative Jackson (Act 268)** provides relative to the transfer of



surplus monies in the Fourth JDC.

**House Bill 234 by Representative Edmonds (Act 302)** provides relative to deposited funds payable to a surviving spouse.

**House Bill 286 by Representative Mack (Act 305)** changes the fee applicable to certain accident reports.

**House Bill 288 by Representative Jackson (Act 128)** provides relative to the computation of time periods for seeking rehearing, reconsideration, or judicial review or appeal of administrative decisions.

**House Bill 292 by Representative Amedee (Act 503)** provides relative to the use of a facility dog by a witness during a court proceeding.

**House Bill 315 by Representative Carpenter (Act 457)** increases fees for city marshals and constables for certain services.

**House Bill 395 by Representative Foil (Act 164)** provides relative to tutorship.

**House Bill 466 by Representative Gisclair (Act 320)** provides relative to court-appointed special advocates.

**House Bill 469 by Representative P. Smith (Act 433)** provides relative to jurisdiction for sexual assault protection order cases.

**House Bill 490 by Representative G. Miller (Act 166)** provides for healthcare coverage relative to child support.

**House Bill 497 by Representative Pearson (Act 167)** provides for access to funds in a

securities account prior to naming of an executor.

**House Bill 521 by Representative Henry (Act 169)** provides relative to ex officio notaries for coroners.

**House Bill 550 by Representative Magee (Act 135)** provides relative to the delays for responding to discovery requests in certain proceedings.

**House Bill 576 by Representative Marino (Act 136)** provides relative to the suspension of child support when a parent is incarcerated.

**House Bill 589 by Representative Abramson (Act 326)** provides relative to fees and costs of the Civil District Court for the Parish of Orleans.

**House Bill 643 by Representative Edmonds (Act 562)** provides for the regulation of the adoption of children.

**House Bill 719 by Representative Foil (Act 178)** provides relative to personal injury claims against the state.

**House Bill 731 by Representative Hunter (Act 180)** provides relative to costs for filing a legislative continuance or extension.

**House Bill 744 by Representative Leger (Act 275)** provides for authority of courts in times of an emergency or disaster.

**House Bill 759 by Representative Foil (Act 337)** provides relative to private actions with respect to the Unfair Trade Practices and Consumer Protection Law.

**House Bill 806 by Representative Johnson (Act 510)** provides for a special taxing district in certain parishes to fund construction and operation of courtroom and related facilities.

**House Concurrent Resolution 31 by Representative Garofalo (Sent to Secretary of State)** requests the Louisiana Law Institute to study and make recommendations relative to electronic notarial acts.

**Senate Bill 30 by Senator Perry (Act 220)** adds member of the Louisiana City Court Judges Association to the membership of the Louisiana State Law Institute.

**Senate Bill 60 by Senator Martiny (Act 228)** provides relative to civil actions for domestic abuse.

**Senate Bill 81 by Senator Claitor (Act 144)** authorizes the coroner under certain circumstances to obtain blood, urine, or other biological fluids or samples relevant to an investigation.

**Senate Bill 91 by Senator Claitor (Act 481)** authorizes exemplary damages in civil actions for death from hazing.

**Senate Bill 92 by Senator Ward (Act 145)** provides relative to notarial examinations by secretary of state.

**Senate Bill 112 by Senator G. Smith (Failed House final passage)** would have authorized business entities to assert or defend certain claims on their own behalf.

**Senate Bill 147 by Senator Morrell (Act 359)** provides relative to a defamation claim brought by an alleged perpetrator of sexual misconduct against the alleged victim.

**Senate Bill 156 by Senator T. Carter (Act 360)** provides immunity from liability for persons under certain circumstances providing gratuitous emergency care to a minor or a domestic animal.

**Senate Bill 273 by Senator Milkovich (Act 658)** provides relative to civil appellate panels.

**Senate Bill 163 by Senator Perry (Act 722)** is a proposed constitutional amendment to extend eligibility for the following special property tax treatments to property in trust: the special assessment level for property tax valuation, the property tax exemption for property of a disabled veteran, and the property tax exemption for the surviving spouse of a person who died while performing their duties as a first responder, active duty member of the military, or law enforcement or fire protection officer.

**Senate Bill 288 by Senator Perry (Act 373)** provides relative to child support orders.

**Senate Bill 326 by Senator Barrow (Act 378)** provides relative to joint custody decrees and implementation orders during a declared disaster.

**Senate Bill 330 by Senator Colomb (Act 379)** provides for the modification of support orders when the Department of Children and Family Services is providing support enforcement services.

**Senate Bill 366 by Senator Ward (Act 383)** provides relative to visitation rights of grandparents and siblings.

**Senate Bill 396 by Senator G. Smith**

(Subject to call - House final passage) would have provided relative to gestational carrier contracts.

**Senate Bill 466 by Senator Price (Act 416)** provides relative to security deposits for residential leases.

**Senate Bill 502 by Senator Perry (Act 471)** provides relative to prescription for tuition fees.

**Senate Bill 537 by Senator Luneau (Act 607)** provides relative to court placement and disposition of minor's funds from a judgment or settlement.

**Senate Bill 543 by Senator Lambert (Act 422)** provides relative to court costs for small successions.

## **2018 Second Extraordinary Session**

*No legislation on this topic.*

## Coastal Restoration

by: *Jerry G. Jones*  
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### 2018 First Extraordinary Session

**Senate Bill 6 by Senator LaFleur (Senate Finance Committee)** would have provided relative to the 2019 payment of economic damages from the Deepwater Horizon litigation.



### 2018 Regular Session

**House Resolution 1 by Representative S. Bishop (Sent to Secretary of State)** approves the annual integrated coastal protection plan for Fiscal Year 2019, as adopted by the Coastal Protection and Restoration Authority Board.

**Senate Resolution 18 by Senator Chabert (Senate to Secretary of State)** approves the annual integrated coastal protection plan for Fiscal Year 2019, as adopted by the Coastal Protection and Restoration Authority Board.

**Senate Concurrent Resolution 14 by Senator Ward (Sent to Secretary of State)** approves the Atchafalaya Basin Annual Plan for Fiscal Year 2018-2019, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

**House Bill 49 by Representative Gisclair (Act 47)** authorizes coastal restoration and protection projects as compensatory wetlands mitigation.

**House Bill 116 by Representative Zeringue (Act 448)** authorizes Coastal Protection and Restoration Authority to promulgate rules and guidelines for their contracting authorities.

**House Bill 177 by Representative Zeringue (Act 295)** extends the termination date of certain provisions authorizing a public entity to rehabilitate a levee not maintained with federal funds without public bids.

**House Bill 573 by Representative Zeringue (Act 393)** allows political subdivisions to perform integrated coastal projects through outcome-based contracting.

**House Bill 614 by Representative Hodges (Act 437)** provides relative to the Floodplain Evaluation and Management Commission.

**House Bill 645 by Representative Zeringue (Act 713)** provides relative to emergency and disaster management,

**House Bill 797 by Representative Zeringue (Act 286)** provides relative to compensatory mitigation requirements.

**House Concurrent Resolution 48 by Representative Garofalo (Sent to Secretary of State)** memorializes Congress and the Louisiana Congressional Delegation to work towards a dependable and equitable revenue sharing for Louisiana mineral and gas production.

**House Concurrent Resolution 77 by Representative Hensgens (Sent to Sec of State)** urges and requests the Coastal Protection and Restoration Authority and the Department of Natural Resources work with local political subdivisions with statutory responsibility for activities that require state coastal use permits to determine the necessity of state coastal use permits.

**Senate Bill 432 by Senator Chabert (Act 244)** requires the Coastal Protection and Restoration Authority Board to develop a coastal master plan, at a minimum every six years.

**Senate Bill 439 by Senator Chabert (Act 157)** requires the Coastal Protection and Restoration Authority Board to meet at a location with internet audio and video streaming capability when votes are scheduled to occur.

**Senate Bill 557 by Senator W. Bishop (Act 490)** authorizes levee districts to provide extra compensation to certain levee district police officers.

**Senate Concurrent Resolution 5 by Senator Mizell (Sent to Sec of State)** expresses

opposition to the "One Lake" project proposing to dam the Pearl River and to build a 1,500 acre lake near Jackson, Mississippi and requests the United States Army Corps of Engineers to deny a pending permit for the project.

**Senate Concurrent Resolution 41 by Senator G. Smith (Sent to Sec of State)** memorializes Congress to allow for variances on certain projects regulated by the Clean Water Act and the Rivers and Harbors Act.

**Senate Concurrent Resolution 80 by Senator Chabert (Senate Finance Committee)** would have requested the Coastal Protection and Restoration Authority to conduct a science-based study of the adequacy of the current inland boundary of the coastal zone of Louisiana.

**Senate Concurrent Resolution 86 by Senator Hewitt (Sent to Sec of State)** requests the oil and gas industry in Louisiana to support the construction of the Louisiana Geological Survey Coastal Geohazards Atlas by providing access to interpretations from 3-D seismic data.

**Senate Concurrent Resolution 95 by Senator Allain (Sent to Sec of State)** requests the Coastal Protection and Restoration Authority and the Department of Wildlife and Fisheries to develop a proposal seeking Open Ocean TIG and RW TIG funds to monitor red snapper and other reef fish impacted by the Deepwater Horizon oil spill.

**Senate Concurrent Resolution 99 by Senator Allain (Sent to Sec of State)** establishes a task force to study and make recommendations on the issue of public access on the navigable waters of the state.

**2018 Second Extraordinary Session**

**Senate Bill 5 by Senator LaFleur (Pending Senate final passage)** would have authorized the securitization of the economic damages revenue portion of the income stream to Louisiana arising from the Deepwater Horizon Oil Spill.

## Commerce & Consumer Protection

by: Michelle Ridge  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the session.*

### 2018 Regular Session

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

**Senate Bill 63 by Senator Martiny (Act 24)** re-creates the Department of Economic Development and extends its authority until July 1, 2022.

**House Bill 375 by Representative Abramson (Act 624)** provides that for the Quality Jobs Program, an employer who qualifies for and receives a contract based on their location in a parish with relatively low per capita income shall retain that qualification regardless of any change in the per capita income of the parish.

#### ECONOMIC DEVELOPMENT DISTRICTS

**House Bill 68 by Representative Terry Brown (Act 50)** provides relative to membership of the LaSalle Economic Development District.

**House Bill 305 by Representative Jefferson (Act 308)** decreases the number of members of the Louisiana Economic Development

Corporation from twelve to ten and provides relative to conflict of interest and recusal of members.

**House Bill 591 by Representative Leger (Act 327)** creates the Louisiana Small Business and Entrepreneurship Council. The council shall have sixteen members, including the secretary of the Department of Economic Development, and shall identify issues pertinent to the operations of small businesses and advise the Department of Economic Development and the governor on issues affecting the competitiveness of small businesses in Louisiana.

#### HOTEL OCCUPANCY TAX

**Senate Bill 542 by Senator Johns (Act 608)** authorizes the levy and collection by the Southwest Louisiana Convention and Visitors Bureau of an additional hotel and motel tax of one percent in Calcasieu Parish and in each municipality in the parish.

**Senate Bill 544 by Senator Mills (Act 609)** authorizes certain parish tourism commissions to levy a hotel occupancy tax to be distributed pursuant to a cooperative endeavor agreement with an economic development authority.





## Constitutional Amendments

by: Tom Tyler  
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The Constitution of Louisiana (Const. Art. XIII, Sec. 1(A)(1)) requires that each joint resolution proposing a constitutional amendment is to specify the statewide election at which the proposal will be submitted to the voters. November 6, 2018 is the next regularly scheduled statewide election.

### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic for the first extraordinary session.

### 2018 Regular Session

**Senate Bill 31 by Senators Appel and Walsworth (Act 719)** prohibits the following persons from qualifying as a candidate for elective public office or holding an elective public office or an appointment of honor, trust, or profit:

(a) persons actually under an order of imprisonment for conviction of a felony.

(b) persons convicted in this state of a felony or convicted in another state, in the United States, or any foreign government of a crime which, if committed in Louisiana, would be a felony and the person has exhausted all legal remedies and not afterwards been pardoned by the governor or the appropriate officer with authority to pardon in the other state or nation and the

person is sentenced.

An exception to this prohibition is if more than five years have elapsed since the completion of the person's original sentence for the conviction and the prohibition does not apply to a person who seeks employment by the state or a political subdivision.



### TRANSPORTATION TRUST FUND

**Senate Bill 59 by Senator Cortez (Act 720)** relative to the Transportation Trust Fund, removes authority to appropriate or dedicate monies in the Fund to the state police for traffic control purposes.

### CRIMINAL JURY TRIALS - UNANIMOUS JURY VERDICT

**Senate Bill 243 by Senator Morrell (Act 722)** requires a unanimous agreement by all twelve jurors to render a verdict for a criminal offense that occurs on or after January 1, 2019 in which punishment is necessarily confinement at hard labor. For offenses occurring prior to January 1, 2019 in which punishment is necessarily confinement at hard labor which is tried before a jury of twelve persons, then ten must concur to render a verdict.

## DONATION, LOAN, OR PLEDGE OF PUBLIC CREDIT

While the constitution prohibits the loan, pledge or donation of funds, credit, property, or things of value of the state or a political subdivision to any person, association, or corporation, public or private, **Senate Bill 263 by Senator Erdey (Act 717)** provides an exception for a written agreement that provides for the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise.

## AD VALOREM TAXES

### Special Assessment Levels

Special assessment levels for ad valorem tax assessments are available for homesteads of people age 65 or older; for military veterans with a 100% disability rating; and for surviving spouses of persons who died while on duty as a member of United States armed forces, the Louisiana National Guard, state police, law enforcement officer, fire protection officer or volunteer firefighter, or as an emergency medical responder, technician, or paramedic. **Senate Bill 163 by Senator Perry (Act 721)** provides that a trust is eligible for these same special assessment levels as provided by law.

### Reappraisal of Property

Property subject to ad valorem tax is required to be reappraised by the assessor at intervals of not more than four years. **Senate Bill 164 by Senators Morrell and Walsworth (Act**

**718)** provides that if the assessed value on residential property subject to the homestead exemption increases by more than 50% of the amount of the property's assessed value in the previous year, the collector shall phase-in the additional tax liability resulting from the increase in the property's assessed value over a four-year period. **SB 164** contains provisions for calculating the assessment in each of the four years following reappraisal so that following the fourth year of the reappraisal the ad valorem taxes are based on the full assessed value of the property.

The assessor is prohibited from reappraising the property until after the phase-in of the increase is completed. Requires that any decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the phase-in of assessed valuation be absorbed by the taxing authority and not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment.

The increase in valuation that is attributable to construction on or improvements to the property does not trigger the phase-in provisions of the increase in valuation and the phase-in provision ceases to apply upon the transfer or conveyance of ownership of the property.

### **2018 2nd Extraordinary Session**

**Senate Bill 22 by Senator Morrell (Senate floor)** would have repealed the requirement that bills for raising revenue or appropriating money originate in the House of Representatives.

# Corrections

by: *Tim Prather*  
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## 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

## 2018 Regular Session

Continuing the fight against insurance fraud, **Senate Bill 153 by Senator Morrish (Act 147)**, recreates the insurance fraud investigation unit in the Department of Public Safety and Corrections for another year, specifically the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act, which allows the attorney general to institute civil proceedings against any person who commits certain fraudulent insurance acts.

In an attempt to further cooperation between states, **House Bill 730 by Representative T. Landry (Act 440)**, adopts the Interstate Corrections Compact in Louisiana. Current law provides for the following:

- (a) A prisoner convicted and sentenced to incarceration by a court in another state will not be housed for the commission of that offense in a state correctional facility in La.

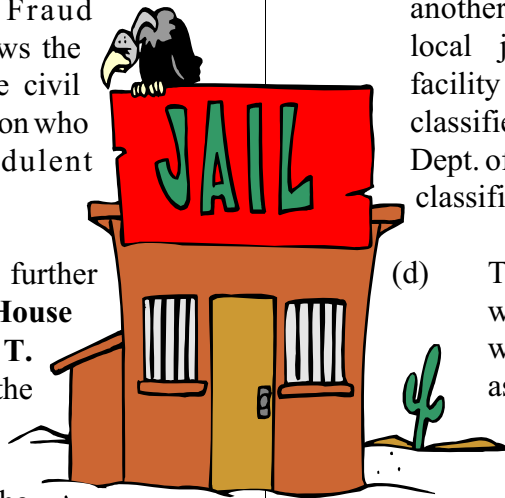
- (b) A prisoner convicted and sentenced to incarceration by a court in another state who is housed in a local jail or private correctional facility in La. will not be released in this state. Any prisoner housed in a local jail or private correctional facility will be returned to an appropriate correctional facility located within the state where he was convicted and sentenced for release in that state.

- (c) A prisoner convicted and sentenced by another state will not be housed in a local jail or private correctional facility if the prisoner would be classified as maximum custody by the Dept. of Public Safety and Corrections classification procedure.

- (d) The state where the prisoner was convicted and sentenced will be responsible for the costs associated with returning the prisoner to that state.

The Act, which adopts the Interstate Corrections Compact, provides for the following:

- (a) Provides that the purpose of the compact is to provide for the mutual development and execution of programs amongst participating states for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and



material resources.

- (b) Defines the terms inmate, institution, receiving state, sending state, and state.
- (c) Authorizes each party state to make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Further provides for specific requirements for each contract.
- (d) Authorizes duly constituted authorities in a state party to the compact to direct that the confinement of an inmate be within the territory of another party state when such transfer to the other party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment.
- (e) Provides for the rights of appropriate officials of any state party to the compact and the rights of inmates confined in an institution pursuant to the provisions of the compact.
- (f) Requires each receiving state to provide regular reports to each sending state on the inmates of the sending state who are in institutions of the receiving state pursuant to the compact.
- (g) Provides that any inmate confined pursuant to the compact will be released within the territory of the sending state unless the inmate and the sending and receiving states agree

upon release in some other place.

- (h) Provides relative to receiving state's review of decisions and actions taken by the sending state.
- (i) Provides relative to the escape of inmates from an institution in which they are confined pursuant to the compact and provides for extradition or rendition proceedings in this regard.
- (j) Authorizes any state party to the compact to accept federal aid for use in connection with any institution or program, the use of which is or may be affected by the compact or any contract entered into pursuant to the compact.
- (k) Provides that the compact will become effective when it has been enacted into law and provides that it will continue in force and remain binding upon a party state until it enacts legislation repealing the compact and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states.
- (l) Provides that nothing in the compact will be construed to abrogate or impair an agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates, nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.
- (m) Authorizes and directs the secretary of the Dept. of Public Safety and

Corrections to do all things necessary or incidental to the carrying out of the compact.

To help further corrections reform, **House Bill 138 by Representative Havard (Act 546)**, authorizes the secretary of the Department of Public Safety and Corrections to appoint special agents.

Currently, the Dept. of Public Safety and Corrections is authorized to appoint special agents from permanent status employees or full-time employees who have attained the rank of sergeant or Probation and Parole Officer 1. The appointed special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers.

The Act would remove the requirement that a person be a permanent status or full-time employee in order to be appointed as a special agent.

In an attempt to improve the collection and analysis of evidence, **House Bill 427 by Representative Mack (Act 506)**, changes the requirements for the Dept. of Public Safety to use in its determination of the qualifications and competence of individuals and laboratories who perform chemical analysis for the department. Currently, Dept. of Public Safety may choose from a list of accreditation bodies to issue permits for the purposes of chemical analysis testing.

The Act removes the list of accreditation bodies and instead allows the department to use an individual or laboratory with an accreditation based upon the international standard, ISO/IEC 17025, for the purposes of chemical analysis testing.

### **2018 2nd Extraordinary Session**

No legislation on this topic during the second extraordinary session.

### **2018 3rd Extraordinary Session**

**Senate Concurrent Resolution 28 by Senator Barrow** requests the Senate Committee on Judiciary C to study and evaluate the infrastructure, equipment, and services of the state's correctional facilities.

## Crimes/Criminal Procedure

by: Alden Clement  
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### 2018 First Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

While the fiscally-oriented First and Second Extraordinary Sessions of 2018 were not directly concerned with matters of criminal law and procedure, the Regular Session saw the creation of several new crimes and a continued emphasis on matters related to sex offenses and abortion. A number of weapons bills had varying degrees of success in the wake of several high-profile mass shootings. Also prominent during the Regular Session were efforts to end the death penalty in Louisiana and to require unanimous jury verdicts in all felony cases.

### DEATH PENALTY

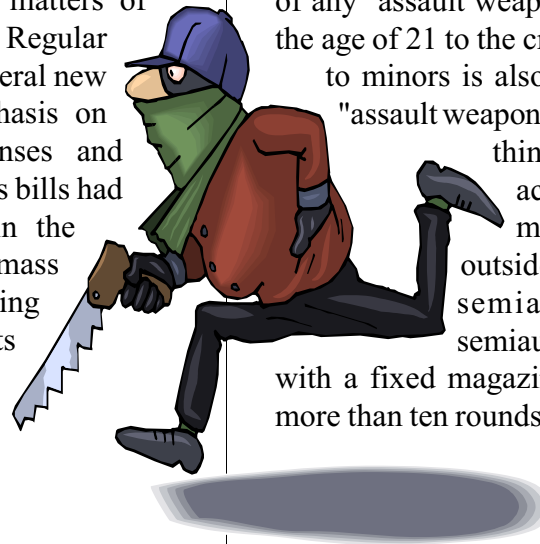
**Senate Bill 51 by Senator Morrell (subject to call - Senate final passage) and House Bill 162 by Representative Terry Landry (pending House Administration of Criminal Justice)** would have eliminated the death penalty in Louisiana as punishment for the crimes of first degree murder, first degree rape (formerly "aggravated rape"), and treason, the only three crimes under Louisiana law for which death remains a possible

punishment. This change in the law would have applied only to crimes committed after August 1, 2018.

### FIREARMS & OTHER WEAPONS

**Senate Bill 274 by Senator Carter (subject to call - Senate final passage)** would have added the sale or other delivery for value of any "assault weapon" to any person under the age of 21 to the crime of sales of weapons to minors is also. The bill also defined "assault weapon" to include, among other things, any pistol capable of accepting a detachable magazine at any location outside of the pistol grip, any semiautomatic pistol or semiautomatic center-fire rifle with a fixed magazine capable of accepting more than ten rounds of ammunition, and any shotgun capable of accepting a detachable magazine.

In a similar vein, **Senate Bill 491 by Senator Carter (subject to call - Senate final passage)** would have prohibited a person from importing, manufacturing, selling, keeping for sale, offering for sale, purchasing, possessing, or transferring a rapid-fire device (e.g., a "bump stock"), and would have provided for a fine of up to \$1,000, imprisonment for up to one year, or both.



**Senate Bill 406 by Senator Riser (pending Senate Judiciary C)** would have clarified that a federal law or Louisiana-commissioned law enforcement agent is allowed to carry a weapon on a school campus, whether the officer is active duty or retired and whether he is compensated or volunteers his services. The bill would have further allowed any retired teacher or parent, whether compensated or volunteers his services, to carry a weapon on campus if he is a veteran, military personnel, or a reservist who possesses a valid concealed handgun permit and has been given written permission by the principal for the safety and security of the students and faculty. The bill also would have allowed an active duty or retired peace officer to enter into an agreement with the principal to serve as a school security guard, so long as he met all the annual requirements for training and competency in order to maintain a valid concealed handgun permit.

**Senate Bill 411 by Senator White (Act 532)** provides that a person committed to a mental institution following a finding of not guilty by reason of insanity can only be discharged or released on probation by a unanimous vote of a three person panel consisting of person's treating physician, the clinical director of the facility to which the person is committed, and a physician or psychologist who served on the sanity commission that recommended commitment of the person. The Act further provides that the procedure by which a person prohibited from possessing a firearm under federal law may seek a judgment ordering the removal of that prohibition also applies to persons who have been found not guilty by reason of insanity of a felony; however, at least 10 years must have passed since the person was discharged from probation or custody or

discharged from a mental institution.

**Senate Bill 178 by Senator Walsworth (Act 523)** allows students to carry, wear, or possess bullet-resistant backpacks on school property or a school bus without running afoul of the present law prohibition against the wearing or possessing of body armor on school property, at a school-sponsored function, or in a firearm-free zone.

**House Bill 357 by Representative Marcelle (subject to call - Senate final passage)** would have prohibited a person convicted of a hate crime from possessing a firearm, or from carrying a concealed weapon, for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence, if the underlying offense for the hate crime was a felony.

**House Bill 702 by Representative Bouie (Act 709)** allows former members of either house of the legislature to lawfully carry a concealed weapon, provided that the former member of the legislature is qualified annually in the use of firearms by the Council on Peace Officer Standards and Training, and has on his person valid identification showing proof of status as a former member of the legislature. However, the Act does not apply to a former member of the legislature who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to, or been found guilty of, a felony offense.

**House Bill 776 by Representative Patricia Smith (Act 282)** authorizes a court to order that a defendant be prohibited from possessing a firearm for the duration of a Uniform Abuse Prevention Order issued

against the defendant relative to the crime of stalking.

**House Bill 892 by Representative Wright (Act 341)** removes the prior law prohibition on the manufacture, ownership, possession, custody, or use of any switchblade knife, spring knife, or other knife or similar instrument having a blade that may be automatically unfolded or extended from a handle by the manipulation of a button, switch, or latch. However, the Act prohibits the intentional concealment of such knives on one's person.

Finally, there was yet another unsuccessful move to add Louisiana to the list of thirteen states having true "constitutional carry," i.e., allowing persons not otherwise prohibited from possessing a firearm to carry a concealed handgun without a state permit. **House Bill 412 by Representative Ivey (involuntarily deferred in House Administration of Criminal Justice)** would have excluded concealed handguns from the crime of illegal carrying of weapons for Louisiana residents who are 21 years of age or older and who are not otherwise prohibited from possessing a firearm under federal or state law.

## SEX OFFENSES

**Senate Bill 105 by Senator Morrell (Act 407)** provides that, for purposes of the crimes of rape and sexual battery, a person is deemed incapable of consent when the person is under arrest or otherwise in the custody of a police officer, and the offender is the police officer who arrested the person, or is a police officer who knows or reasonably should know that the person is under arrest or otherwise in custody.

**Senate Bill 236 by Senator Morrell (Act 485)** creates the crime of sexual abuse of an animal. The Act provides that sexual abuse of an animal is the knowing and intentional performance of certain specific acts, including engaging in sexual contact with an animal, obtaining an animal with the intent that it be subject to sexual contact, or permitting sexual contact with an animal to be conducted on any premises under his control. The crime of sexual abuse of an animal is punishable by a fine of up to \$2,000, imprisonment with or without hard labor for up to five years, or both. However, if the animal suffers serious bodily injury or death, or if the crime is a second or subsequent offense, the offender is to be fined between \$5,000 and \$25,000, or imprisoned with or without hard labor for between one year and 10 years, or both.

In an attempt to determine the impact of criminal justice reforms passed last year, **Senate Bill 410 by Senator White (Act 670)** provides that no later than August 1<sup>st</sup> of each year, the Department of Public Safety and Corrections is to submit an annual report to the legislature relative to offenders released from custody during the preceding fiscal year pursuant to the provisions of Act No. 280 of the 2017 Regular Session, including specific identifying information and whether the offense for which the offender was incarcerated at the time of his release was a crime of violence or a sex offense.

## ABORTION

**Senate Bill 181 by Senator Milkovich (Act 468)** provides that it is unlawful for a physician to perform an abortion after 15 weeks gestational age. This law will become effective upon a final decision of the United States Court of Appeals



for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past 15 weeks of gestational age.

**Senate Bill 534 by Senator Milkovich (Act 674)** prohibits coerced abortions and defines a "coerced abortion" as when any person intentionally engages in the use or threatened use of physical force against the person or property of a pregnant woman with the intent of compelling the woman to undergo an abortion against her will. This provision applies whether or not the abortion procedure has been attempted or completed. The Act also provides that the offender is to be fined up to \$5,000, or imprisoned for up to five years, or both.

**Senate Concurrent Resolution 81 by Senator Mills (subject to call - Senate floor) and House Concurrent Resolution 71 by Representative Edmonds (sent to the secretary of state)** requests the attorney general to file an amicus brief in federal court to support Mississippi in its litigation to ban elective abortions after 15 weeks gestation.

## **THEFT**

**Senate Bill 50 by Senator Morrell (Act 401)** adds a person's telephone number when inserted into a caller identification system and used for "caller ID spoofing" to the definition of "personal identifying information" for purposes of the crime of identity theft. The bill defines "caller identification system" as any device that displays or otherwise indicates to the person who is the recipient of a telephone call another

person's name, telephone number, the name of a legitimate or fictitious business, or any other name or telephone number from which the telephone call purportedly originated.

**House Bill 131 by Representative Stefanski (Act 61)** provides that a merchant who employs at least 25 persons, or an authorized agent or employee of a merchant who employs at least 25 persons, may offer a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement.

**House Bill 212 by Representative Jackson (Act 68)** reenacts the provisions of law regarding theft of livestock and theft of timber that were repealed by Act No. 281 of the 2017 Regular Session. For the crime of theft of livestock, the offender is to be fined \$5,000, imprisoned with or without hard labor for not more than 10 years, or both. For the crime of theft of timber, the bill provides for criminal penalties dependent upon the value of the timber taken.

**House Bill 242 by Representative Stefanski (Act 303)** provides that the intent to permanently deprive a merchant of the property held for sale may be inferred when the defendant does any of the following: (1) intentionally conceals goods held for sale; (2) alters or transfers any price marking reflecting the actual retail price of the goods; (3) transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner so as to avoid detection; (4) willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods; or (5) removes any price marking with the intent to deceive the merchant as to the

actual retail price of the goods.

## NEW & EXPANDED CRIMES

**Senate Bill 54 by Senator Martiny (Act 576)** creates the crime of negligent arson. The Act defines negligent arson as the damaging of any property of another by the setting of fire or causing an explosion, without consent of the owner or custodian of the property, under either of the following circumstances: (1) the offender's criminal negligence causes the fire or explosion; or (2) the offender's conduct, whether or not amounting to criminal negligence, causes the fire or explosion and the offender fails to report it, as soon as reasonably possible, to the proper authorities. The penalty for negligent arson, where it is foreseeable that human life might be endangered, is a fine of up to \$3,000 and imprisonment, with or without hard labor, for up to three years, along with the payment of restitution.

**Senate Bill 68 by Senator Claitor (Act 403)** requires any person operating a motor vehicle on the public roads of this state during flood conditions to drive in a careful and prudent manner, so as not to create a wake that endangers the life, limb, or property of any person. Failure to drive in such a manner constitutes careless operation during flood conditions.

**Senate Bill 384 by Senator Claitor (Act 385)** prohibits the publication of certain criminal record information (e.g., "mug shots") or juvenile record information under certain circumstances, providing that no person or business entity is allowed to: (1) publish confidential juvenile record information or confidential criminal record information of a child; (2) publish any

criminal history record or information in the person's or business entity's possession with respect to which the person or business entity has received notice that an order of expungement or nondisclosure order has been entered; (3) charge a fee to remove, correct, or modify any criminal history record or information that the person or business entity has published; or (4) continue to publish an incomplete or inaccurate criminal history record or information. On a first conviction, a violator is to be fined up to \$1,000, or imprisoned for up to six months, or both (misdemeanor). On a second conviction, a violator is to be fined up to \$5,000, or imprisoned for up to one year, or both (misdemeanor). On a third or subsequent conviction, a violator is to be fined up to \$10,000, or imprisoned, with or without hard labor, for between six months and one year, or both (felony). In addition to fines and imprisonment, a person or business entity that publishes information in violation of this law is liable to pay restitution to the individual who is the subject of the information in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each day on which the violation occurs.

**Senate Bill 441 by Senator Morrell (Act 415)** creates the crime of reckless operation of an off-road vehicle, providing that reckless operation of an off-road vehicle is the operation of any off-road vehicle in a criminally negligent or reckless manner upon any public roadway or right of way. The bill provides penalties of a fine of not more than \$500, or imprisonment for not more than 90 days, or both. In addition, the court is to order, upon motion of the prosecuting district attorney, that the off-road vehicle being operated by the offender at the time of the

offense be seized, impounded, and destroyed under certain circumstances.

**House Bill 78 by Representative Landry (Act 635)** creates the crime of criminal hazing, prohibiting any person from committing an act of hazing under certain circumstances, regardless of whether the person voluntarily allowed himself to be hazed or consented to the hazing. "Criminal hazing" is further defined as any intentional, knowing, or reckless act by a person acting alone or with others that is directed against another when both of the following apply:

(1) the person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress; and

(2) the act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. A person convicted of criminal hazing is to be fined up to \$1,000, imprisoned for up to six months, or both. However, if the hazing results in the serious bodily injury or death of the victim, or if the hazing involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least .30, the person is to be fined up to \$10,000, and imprisoned, with or without hard labor, for up to five years.

**House Bill 226 by Representative Talbot (Act 681)** prohibits transporting live feral swine by any person not in possession of proof of registration as a feral swine authorized transporter with the Louisiana Board of Animal Health within the Department of Agriculture and Forestry, which is punishable by a fine of up to \$900, or

imprisonment for up to six months, or both.

**House Bill 446 by Representative Falconer (Act 637)** provides that any person at the scene of an emergency who knows that another person has suffered serious bodily injury must, to the extent that the person can do so without danger to himself or others, give reasonable assistance to the injured person. Further, any person who engages in reckless behavior that results in the serious bodily injury of any person must, to the extent that the person can do so without danger or peril to himself or others, give reasonable assistance to the injured person. Any person who intentionally or knowingly fails to immediately seek assistance or report the need for assistance under these circumstances will be fined up to \$1,000, imprisoned with or without hard labor for up to one year, or both. However, if the serious bodily injury results in the death of the person, the person will be fined up to \$2,000, imprisoned with or without hard labor for up to five years, or both.

**House Bill 727 by Representative Thibaut (Act 692)**, among other things, adds "pipelines" to the definition of "critical infrastructure" for purposes of the crime of unauthorized entry of a critical infrastructure. The bill also creates the crime of criminal damage to a critical infrastructure, which is defined as the intentional damaging of a critical infrastructure under certain circumstances.

## CRIMINAL PROCEDURE

**Senate Bill 69 by Senator Claitor (Act 404)** provides that an applicant for the expungement of an arrest record may proceed in forma pauperis in accordance with the

provisions of the Civil Code relative to the waiver of court costs for indigent parties. Prior to this Act, a person could only obtain a no-cost expungement under specific circumstances, including when the person had been acquitted of all charges and when the person was arrested but not prosecuted within the time limitations prescribed by law.

**Senate Bill 243 by Senator Morrell (Act 722)** provides for a constitutional amendment that would require a unanimous jury verdict in all noncapital felony offenses committed on or after January 1, 2019. This constitutional amendment will be sent to the voters at the statewide election to be held November 6, 2018.

**Senate Bill 458 by Senator Gatti (Act 573)** provides that a medical treatment furlough is not available to any offender serving a sentence for a conviction of first degree. The Act also provides that neither the Department of Public Safety and Corrections nor the warden of the correctional facility can recommend that the offender's sentence be commuted for any medical reasons. If an offender is granted a medical treatment furlough, the department must notify any off-site medical treatment facility that such furlough has been granted, and in turn the treatment facility must, within 14 days before the offender begins treatment at the facility, provide notice to its patients or residents that the offender will be receiving treatment at that facility. This notice must also be provided to each patient's or resident's next of kin, curator, tutor, or person having power of attorney for the patient or resident.

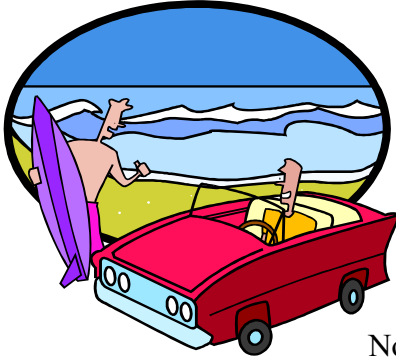
**House Bill 62 by Representative Dwight (Act 259)** provides that after a motion for a speedy trial has been filed by the

defendant, if the defendant files any subsequent motion requiring a contradictory hearing, the court may suspend or dismiss the pending speedy trial motion. This Act further provides that the period of time within which the trial is required to commence may be suspended from the time that the subsequent motion is filed by defendant until the time that the court rules upon such motion.

### **2018 Second Extraordinary Session**

*No legislation on this topic during the first extraordinary session.*

## Culture, Recreation & Tourism



### CULTURE

by: Cheryl Serrett  
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#### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

#### 2018 Regular Session

#### MUSEUMS

**Senate Concurrent Resolution 43 by Senator Walsworth (sent to the Secretary of State)** reestablishes the Louisiana Historical Archives Task Force, which was created by SCR 117 of the 2017 Regular Session to study the issues and needs relative to the preservation of the state's historical archives and records. SCR 43 also increases the membership of the task force from thirteen to fourteen members. The resolution requires the task force to make a report of its findings and suggestions for proposed legislation to the legislature no later than 60 prior to the convening of the 2019 Regular Legislative Session and terminates the task force on March 1, 2019.

**House Concurrent Resolution 51 by Representative Brass (sent to the Secretary of State)** creates the 33 member Slavery Ancestral Burial Grounds Preservation Commission to study and develop measures to preserve and protect unmarked and historic burial grounds, graves, and cemeteries of the persons formerly enslaved in Louisiana. The commission shall submit three reports to the legislature on a variety of issues, including a cost-effective mechanism for cataloging unmarked and historic grave sites, measures to protect the sites from desecration, and strategies for incorporating the sites into tourist attractions and educational materials.

**Senate Bills 174 (Act 2) and 175 (Act 1) by Senator Perry** provides relative to the Old Arsenal Museum. Act 2 clarifies that the management, operation, and maintenance of the museum are under the authority of the governor, the president of the Senate, and the speaker of the House. Act 1 allows a monument honoring the sacrifices of Louisiana Gold Star Families to be placed on the grounds of the museum.

**HB 717 by Representative Ivey (Act 439)** provides for adjustments to the memberships of the advisory board of the Old State Capitol and the Regional Museum Governing Board.

## LIBRARIES

**Senate Bill 425 by Senator LaFleur (failed House final passage)** would have provided for the creation of special service districts, including library districts, by parishes and municipalities and would have allowed such special service districts to raise and expend funds.

**Senate Bill 214 by Senator Erdey and Representative Edmonds (Act 36)** allows the Livingston Parish Library to sell unnecessary books and to use the proceeds for maintenance, operation, and support of the library.

### 2018 2<sup>nd</sup> Extraordinary Session

No legislation on this topic during the second extraordinary session.

## RECREATION

*by: Tammy Crain Waldrop  
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### 2018 First Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

**House Bill 4 by Representative Stuart J. Bishop (Act 41)** extends the additional saltwater fishing fee dedicated to the LACREEL program. It extends the applicability date for the additional fee from May 31, 2018 to May 31, 2022 and it is already effective upon signature of governor.

**House Bill 86 by Representative James (Act 616)** provides an ethics exception to allow governing authority members and employees of a political subdivision or special district that operates parks and recreation facilities and the immediate family members of such persons to rent a facility for an event subject to certain conditions. The prior law prohibited a public servant or his immediate family member from entering into a transaction under the supervision or jurisdiction of the agency of the public servant and further prohibited an appointed board or commission member or a member of his immediate family from entering into or being in anyway interested in a transaction under the supervision or jurisdiction of the board or commission. The new law provides an exception to allow a governing authority member or public employee of a political subdivision that operates parks or recreational facilities or an immediate family member of such a person to rent a park or recreation



facility under the supervision or jurisdiction of the political subdivision for an event provided that the transaction is conducted without preference and in the same manner and subject to the same fees and conditions applicable to the general public. During Conference Committee an additional exception was added to allow the continuation and renewal of a contract for the operation of a food-related retail establishment between a legal entity in which an elected official's immediate family member owns an interest and a hospital or hospital service district in a parish with a population of 150,000 persons or less if the original contract was entered into at least one year prior to the elected official's election as an agency head of the governmental entity of the hospital service district and if the original contract was not prohibited.

**House Bill 404 by Representative Robby Carter (pending Senate Local and Municipal Affairs Committee)** would have increased the per diem received by the board of commissioners of the Tangipahoa Parish Recreation District No. 3 from \$25 to \$125.

**House Bill 481 by Representative Carpenter (House Cmt.)** would have provided relative to the Recreation and Park Commission for the Parish of East Baton Rouge limiting the authority of the commission to acquire, lease, develop, operate, and manage certain properties. Proposed law would have prohibited the commission from acquiring, leasing, developing, operating, or managing any property or facility for the purpose of maintaining a collection of wild animals for study, conservation, or display to the public unless the property or facility is located in a certain location.

**House Bill 687 by Representative Zeringue (Failed on House Floor)** would have restructured the hunting and fishing licensing system for the Dept. of Wildlife and Fisheries. The proposed law would restructures the recreational fishing and hunting licenses as follows:

Present Resident Privilege Cost	Proposed Resident Privilege Cost
Res Hook and Line \$ 2.50	Res Hook and Line \$ 5.00
Res Basic Fishing \$ 9.50	Res Basic Fishing \$13.50
Res Rec Wire Net (5) \$ 20.00	
Res Rec Pipes/Drums (5) \$ 10.00	
Res Rec Cans/Buckets (5) \$ 10.00	
Resident Hoop Nets (5) \$ 20.00	

**House Resolution 59 by Representative Carpenter (Sent to Secretary of State)** has requested the legislative auditor to conduct an audit of the Recreation and Park Commission for the Parish of East Baton Rouge.

**House Resolution 148 by Representative Carpenter (Sent to Secretary of State)** creates the Task Force on the Recreation and Park Commission for the Parish of East Baton Rouge policies to study issues related to the operation, management, funding, and location of the Baton Rouge Zoo. Provides for a written report of findings and recommendations to the House Committee on Municipal, Parochial and Cultural Affairs not later than Dec. 31, 2018.

**House Resolution 155 by Representative Schexnayder (Sent to Secretary of State)** expresses support for the proposed changes to the Magnuson-Stevens Act found in the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act and the Modernizing Recreational Fisheries Management Act of 2017.

**Senate Bill 327 by Senator Lambert (Act 40)** authorizes the possession limit of three times the daily take limit for red drum and spotted sea trout taken south of U.S. Hwy. 90. Requires that the fisherman hold and be in possession of a valid recreational fishing license and show a landing receipt from a public boat launch that demonstrates that the fisherman was actively on the water or at a remote camp two days or more. Requires the fish to be kept in separate bags for each species of fish and requires that the bags be marked with the date the fish were taken, the species, the number of fish contained in the bag, and the name and license number of the person who took the fish. Provides that the fish be in the possession of the person who took the fish. Provides that the possession limits set by new law for red drum and spotted sea trout south of U.S. Hwy. 90 can be classified as a class four violation if they are exceeded by 100%. Includes the same punishment for violations of the limits set for red drum south of U.S. Hwy. 90 set by new law. Includes the same punishment for violations of limits for spotted sea trout south of U.S. Hwy. 90 set by new law. Became effective on May 10, 2018.

**Senate Bill 451 by Senator Morrish (Act 159)** prohibits harvesting oysters in Sabine Lake. This new law becomes effective August 1, 2018.

**Senate Bill 470 by Senator Barrow (Pending Senate Floor)** would have increased in the number of commissioners from 9 to 11 for the Recreation and Park Commission for the parish of East Baton Rouge. Also provided for the removal of a member of the school board of East Baton Rouge Parish as an ex officio member and replaced him with the member of the Louisiana House of Representatives, the member of the Louisiana Senate, and the member of the Metro Council or their designees, whose districts include the Baton Rouge Zoo. Also would have provided that at least one member shall be chosen and appointed from a list of two names submitted by the presidents of Louisiana State University and Agricultural and Mechanical College and Southern University and Agricultural and Mechanical College and have had the greater part of his experience as a licensed veterinarian.

**Senate Resolution by Senator Barrow (Sent to Secretary of State)** requests the Senate Committee on Local and Municipal Affairs to evaluate the Recreation and Park Commission for the Parish of East Baton Rouge to ensure the board members are meeting required responsibilities.

### **2018 Second Extraordinary Session**

*No legislation on this topic during the second extraordinary session.*



## TOURISM

by: Linda Nugent  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

#### HOTEL OCCUPANCY TAX

The governing authority of the Southwest Louisiana Convention and Visitors Bureau would be authorized to levy and collect a one percent hotel occupancy tax within Calcasieu Parish, under the provisions of **Senate Bill 542 by Senator Johns (Act 608)**. Five percent of the collections is dedicated to the Southwest Louisiana Convention and Visitors Bureau Project Enhancement Grant Program. After the Bureau and the governing authorities of the parish or municipalities within the parish have entered into a cooperative endeavor agreement, the Bureau will disburse the proceeds to the appropriate local governmental subdivision based upon the tax revenue collected from the hotels and motels located within the applicable jurisdiction. The ordinance levying and imposing the tax has to be approved by a majority of the members of the governing authority present and voting. The bill requires that the proceeds from the tax be used to enhance visitation, tourism, and economic development and for infrastructure improvements.

Another bill allows the parish tourist commission in a parish that has a population of not less than 65,000 nor more than 80,000 persons to levy and collect a tax upon the paid occupancy of hotel rooms, motel rooms, and overnight camping facilities located within the boundaries of the commission (based on population criteria, Iberia Parish is currently the only parish that would be affected by this Act). The occupancy tax can not exceed five and one-half percent of the rent or fee charged for the occupancy of hotel rooms, motel rooms, and overnight camping facilities located within the boundaries of the commission. According to **Senate Bill 544 by Senator Mills (Act 609)**, the tourist commission retains a percentage of the proceeds of the tax and transfers the remainder of the proceeds of the tax to the economic development authority (percentages would be pursuant to an intergovernmental agreement between the commission and the authority). The commission and the authority will use the proceeds of the tax for any lawful purpose for which funds may be expended. This measure provides that the tax can be imposed by resolution or ordinance adopted by a majority vote of the parish tourist commission's board of commissioners and after a proposition authorizing the levy of the tax has been approved by a majority of the voters in the parish.

The name of the Tangipahoa Economic Parish Development Fund is changed to the Tangipahoa Parish Economic Development Fund, pursuant to **House Bill 71 by Representative Pugh (Act 446)**. The Act also changes the allocation of the hotel tax to the statutorily dedicated funds by decreasing

the allocation to the Tangipahoa Parish Tourist Commission Fund from 2.97% to 2% and increasing the allocation into the Tangipahoa Parish Economic Development Fund from 1.00% to 1.97%. This is a transfer between funds; thereby maintaining the total of 3.97%.

### **2018 2<sup>nd</sup> Extraordinary Session**

*No legislation on this topic during the second extraordinary session.*

## Economic Development

by: Michelle Ridge  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the session.*

### 2018 Regular Session

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

**Senate Bill 63 by Senator Martiny (Act 24)** re-creates the Department of Economic Development and extends its authority until July 1, 2022.

**House Bill 375 by Representative Abramson (Act 624)** provides that for the Quality Jobs Program, an employer who qualifies for and receives a contract based on their location in a parish with relatively low per capita income shall retain that qualification regardless of any change in the per capita income of the parish.

#### ECONOMIC DEVELOPMENT DISTRICTS

**House Bill 68 by Representative Terry Brown (Act 50)** provides relative to membership of the LaSalle Economic Development District.

**House Bill 305 by Representative Jefferson (Act 308)** decreases the number of members of the Louisiana Economic Development

Corporation from 12 to 10 and provides relative to conflict of interest and recusal of members.



**House Bill 591 by Representative Leger (Act 327)** creates the Louisiana Small Business and Entrepreneurship Council. The council shall have 16 members, including the secretary of the Department of Economic Development, and shall identify

issues pertinent to the operations of small businesses and advise the Department of Economic Development and the governor on issues affecting the competitiveness of small businesses in Louisiana.

#### HOTEL OCCUPANCY TAX

**Senate Bill 542 by Senator Johns (Act 608)** authorizes the levy and collection by the Southwest Louisiana Convention and Visitors Bureau of an additional hotel and motel tax of one percent in Calcasieu Parish and in each municipality in the parish.

**Senate Bill 544 by Senator Mills (Act 609)** authorizes certain parish tourism commissions to levy a hotel occupancy tax to be distributed pursuant to a cooperative endeavor agreement with an economic development authority.

## K-12 Education

by: *Jeanne Johnston*  
(225) 342-0626

### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

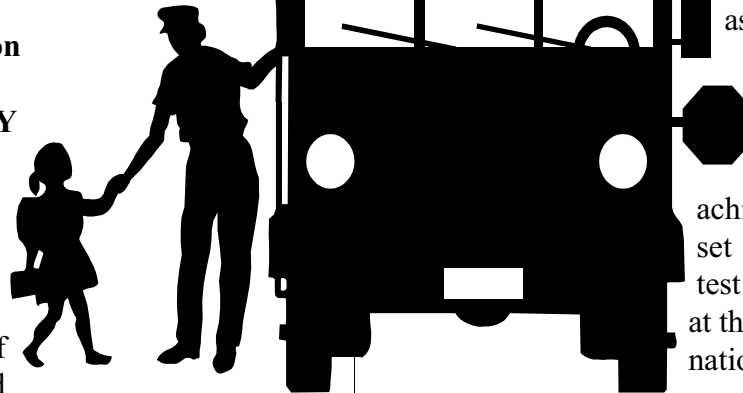
#### ACCOUNTABILITY & ASSESSMENTS

The school and district accountability system was created by the State Board of Elementary and Secondary Education (BESE) in 1997, pursuant to R.S. 17:10.1, to provide for a statewide system of accountability for schools and school districts based on student achievement and minimum standards for the approval of schools. The program is required to include clear and appropriate standards for schools and school districts and indicators for the assessment of schools and school districts. The accountability system includes the statewide testing program and the assignment of letter grades indicating the performance of schools and school districts. School letter grades are determined by the school performance score calculated for each school and district, which is based upon a 150 point scale.

State law requires standards-based assessments in English language arts,

mathematics, science, and social studies for public school students in at least grades three through 11 and provides that such assessments must be based on state content standards and rigorous student achievement standards set with reference to test scores of students at the same grade level nationally.

**Senate Bill 107 by Senator Morrish (Act 517)** requires the state Department of Education to provide the assessment results for each student who is administered the standards-based assessments in English language arts and mathematics to public school governing authorities by June 30<sup>th</sup> of each year, except for a year in which new assessments or changes to existing assessments are implemented. Requires the department to provide the results in a format that is easy to read, clear, and understandable. Requires that the results contain at a minimum, the scale score and the raw score achieved by the student, student performance on categories and subcategories within a subject, and longitudinal information on the student's progress in each subject area, if available. Requires each school governing authority to disperse the results for each



student to the student's teacher of record for the year the assessment was given and the student's teacher of record for the upcoming year. Often, school performance data is received by schools and teachers too late in the calendar year for the information to be used to inform changes in curriculum and/or teaching methodologies to address areas of weakness. The earlier reporting date provided in this legislation will provide a greater opportunity for teachers and schools to be able to use student performance data for the prior school year to prepare for the next.

Any time BESE makes significant changes in the criteria, methodology, or manner of calculating and determining performance scores and letter grades, corresponding significant changes in the number of schools or school districts experiencing a change in letter grade can result, even though the school's or district's performance score remains essentially the same. In response to recent changes in how BESE will calculate performance scores and letter grades for the 2017-2018 school year, **Senate Bill 152 by Senator Morrish (Act 522)** requires BESE to publish the school and district performance scores and letter grades for the 2017-2018 school year as they would have been calculated under the old rules in effect for the 2016-2017 school year and the new rules in effect for the 2017-2018 school year. This will allow parents and the public to see what score and grade the school and district would have received had the changes not been implemented. Further requires that these two sets of scores and letter grades be displayed side-by-side for ease of comparison. For the 2018-2019 school year and beyond, BESE has the discretion as to whether to publish comparative score and letter grade information

when it makes changes in accountability methodology.

## EARLY CHILDHOOD

In 2012, the legislature enacted the "Louisiana Early Childhood Education Act" which required the state Department of Education to coordinate all publicly funded early childhood educational programs, including the LA 4 program. As required by this legislation, BESE created the Early Childhood Care and Education Network, a comprehensive and integrated network through which the board manages and oversees all programs funded through state and federal resources that provide early childhood care or educational services. BESE also established the Advisory Council on Early Childhood Care and Education (advisory council), which provides input and guidance to BESE and the state Department of Education on the development of publicly funded early care and education programs.

In 2014, the legislature further consolidated the state's early childhood programs and initiatives by enacting the "Early Learning Center Licensing Act" which transferred the authority to license and regulate day centers, camps, and early learning centers from the Department of Children and Family Services to the state Department of Education.

**House Bill 676 by Representative Hilferty, et al and Senator Alario, et al (Act 639)** creates the Early Childhood Care and Education Commission to study and create a vision for the future of early childhood care and education. Requires the commission to collect data, consider research and current practices, determine a sustainable

infrastructure, identify opportunities for collaboration, and determine a time frame and necessary funding to achieve affordable access to quality care and education for all children from birth through age four. Requires the commission to meet and produce reports for submission to the governor, legislature, state superintendent of education, and BESE. Provides for the termination of the commission on March 31, 2020, and requires, beginning April 1, 2020, the advisory council to regularly evaluate and provide recommendations to support the implementation of the commission's plan. Authorizes BESE to use public and private funds to create pilot programs in high-performing community networks to implement new strategies to increase access to and improve the quality of early childhood care and education programs. Requires that the pilot program findings be used to inform statewide efforts to improve the effectiveness of local early childhood care and education programs.

#### MINIMUM FOUNDATION FORMULA

The minimum foundation program and formula is the constitutionally required mechanism to calculate and allocate state funds to public schools in Louisiana. The legislature is constitutionally prohibited from amending the formula and can only approve or reject the formula submitted by BESE. 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. Should the legislature fail to approve the formula most recently adopted by the board, the last formula adopted by BESE and approved by the

legislature shall be used.

**Senate Concurrent Resolution 48 by Senator Morrish (Sent to the Secretary of State)** contains the MFP formula proposed by BESE for the 2018-2019 school year to provide funding for approximately 700,000 public school students as follows:

- (1) The total estimated cost of the 2018-2019 MFP formula is \$3.72 billion, a slight increase over the end-of-year FY 17-18 MFP budget of \$3.717 billion. This increase is attributable to a 2,786 increase in student enrollment.
- (2) The base per pupil amount of \$3,961 as provided in the current MFP formula (HCR 7, 2017 R.S.) remains unchanged.
- (3) Maintains the existing weights for at-risk and English learner students, career and technical education course units, special education students with disabilities, and gifted and talented students.
- (4) Retains the supplemental allocations for:
  1. Foreign language associate teachers
  2. Career and technical courses required for statewide credentials
  3. High Cost Services Assistance for student with disabilities who require a high level of special education services. (\$8 million)

4. The Course Choice Program - Retains \$59 allocation per student enrolled in grades 7 - 12. (\$10 million)
- (5) Deletes the \$7.5 million in Level Four to provide assistance to three school districts significantly impacted by the flooding in August 2016. (\$4.3 million for Livingston Parish, \$2.9 million for East Baton Rouge Parish, and \$362,000 for Tangipahoa Parish)
- (6) Deletes the provision that student counts in Vernon Parish will be frozen at the current level in the event of a sudden and significant reduction in enrollment of students who are dependents of military personnel deployed from Fort Polk, as this event did not occur.

Otherwise, the MFP formula adopted by BESE for FY 2018-2019 and approved by the legislature remains the same and is essentially a standstill formula

State law provides that an elementary or secondary school operated by Louisiana State University or Southern University (commonly called a "laboratory school") is considered a public school and, as such, shall be included in the MFP formula and shall receive an amount per pupil equal to the MFP per pupil amount established for the East Baton Rouge Parish School System. **House Bill 193 by Representatives Coussan and Pierre (Act 297)** provides for a laboratory school operated by the University of Louisiana at Lafayette and provides that all of these laboratory schools shall be funded through the MFP in an amount equal to the amount allocated per

student to the school board in the parish where the school is located.

## SCHOOLS

State law recognizes and defines traditional public schools and the various types of charter schools. However, the ever-changing public school landscape and the evolution of different types of public schools has produced virtual schools that are referenced in state law, but not formally recognized or defined in any way. **Senate Bill 562 by Senator Boudreaux (Act 478)** defines "virtual school" as a public school, including a charter school, which has a unique site code assigned by the state Department of Education and which delivers all or a majority of the instruction provided through the internet or other electronic medium such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher. Allows a virtual school to include traditional classroom-based instruction or to host face-to-face meetings, including field trips, extracurricular activities, conferences between a student, parents, and teachers, or other related activities or events. Excludes a school that delivers all or a majority of the instruction provided through the internet or other electronic medium and requires students to be in daily attendance at a specified location to receive such instruction from the definition of "virtual school".

## SCHOOL BOARDS

The state constitution provides that two or more school systems can be consolidated, subject to approval by a majority of the electors voting in each system in an election held for that purpose, as provided by law.

State statute (R.S. 17:1379) provides that an election shall be called for the purpose of consolidating two or more school systems pursuant to an act of the legislature or a resolution adopted by each affected school board.

**Senate Bill 401 by Senator Mizell (Act 413) and House Bill 663 by Representative M. White (Act 332)** seek, for the first time, to utilize the school system consolidation process contemplated by the state constitution and companion state statute. These duplicate bills create the Bogalusa/Washington Parish School System Consolidation Commission to study the feasibility of consolidating the Bogalusa City School System and the Washington Parish School System. Requires the commission to determine the feasibility of consolidating these school systems with geographic boundaries coterminous with the geographic boundaries of Washington Parish. If the commission determines that consolidating the two school systems is in the best interest of the students in each school system and the parish as a whole, the commission shall formulate a plan and time line to effect the consolidation, including, among other things:

- (1) Passage of a resolution by each school board calling for an election to gain voter approval of the consolidation in accordance with applicable constitutional and statutory provisions.
- (2) Establishment and composition of a school board for the consolidated school system, including the election and qualification of members and apportionment of the districts of board members.

## SCHOOL EMPLOYEES

Currently, public school governing authorities and nonpublic schools are prohibited from hiring a person who has been convicted of or has pled *nolo contendere* to specified crimes against a child, as a teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee. Requires local public school boards to dismiss any employee upon conviction or plea of *nolo contendere* of any such listed crime.

**House Bill 796 by Representative L. Harris (Act 634)** prohibits all public school boards and nonpublic schools from hiring a person as a teacher if the person has been convicted of or has pled *nolo contendere* to *any* felony offense even if adjudication was withheld or a pardon or expungement was granted. Further prohibits hiring any person as a teacher who has submitted fraudulent documentation to BESE or the state Department of Education as part of an application for a teaching certificate or other teaching authorization or who has been found to have facilitated cheating on any state assessment as determined by BESE. Requires the dismissal of a teacher who has committed any of these offenses.

Current law allows reemployment of a school employee whose conviction has been reversed, set aside, or vacated. House Bill 796 removes this authority if the conviction is for a crime against a child as specified in state law. Allows a public school board and a nonpublic school to hire a person as a teacher who has been convicted of or has pled *nolo contendere* to a felony *not* listed in current law as a crime against a child, who has been found to have submitted fraudulent documentation to BESE



or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment if BESE approves a formal appeal request submitted by the person. Authorizes BESE to issue a teaching certificate or other teaching authorization to such a person if five years have passed and the board has received an appeal from the person and letters of recommendation.

This legislation further requires BESE to promulgate rules and regulations to establish a process for issuing a teaching authorization to a person seeking employment in a public or nonpublic school that does not require a La. teaching certificate.

Lastly, House Bill 796 authorizes BESE to assess a civil fine against a public school board that knowingly employs a teacher who has been convicted of or pled nolo contendere to any felony offense and whose application to teach was not approved by BESE or for whom criminal records were not requested by the school board. Provides that the fine amount is equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits. Provides the fine shall be levied only after a final judgement is rendered through an adjudication process pursuant to state law.

## SCHOOL NUTRITION

There has been considerable discussion at the national and the state level raising concern over the treatment of students who are unable to pay for school lunch and/or have outstanding school lunch debt. New Mexico recently passed legislation prohibiting a

school from denying a meal to such students or providing them with a lesser meal than that received by paying students. As a result, the debt load of school governing authorities rose considerably.

**Senate Bill 245 by Senator Morrish (Pending Senate Education) and House Bill 284 by Representative Pat Smith (Pending Senate Education)** sought to address this issue in public schools by requiring school governing authorities to provide a USDA reimbursable meal to a student who requests the meal, regardless of whether he has money to pay or owes money for meals. Also would have prohibited a school governing authority from taking certain actions because a student cannot pay for or owes money for a meal, including publicly identifying or stigmatizing him by requiring that he wear a wristband, hand stamp, or other identifying marker, requiring him to do chores to pay for meals, unless all other students do similar chores regardless of whether money is owed for meals, withholding school privileges, scolding him orally or in writing, or requiring him to throw away a meal after it has been served.

Because of the unintended consequences of the New Mexico legislation and the lack of data on the possible fiscal impacts on local school systems in Louisiana, these bills did not progress to final passage in the Senate.

To try and ensure that no student would be denied a meal at school because of inability to pay, and to provide that factual data would be available to inform future discussions and possible legislation, **Senate Resolution 154 by Senator Erdey (Sent to the Secretary of State)** requests the state Department of Education to establish a committee to study

and develop mechanisms and processes whereby every student is served a meal at school, regardless of the student's ability to pay. Requires the committee to gather data from each public school governing authority regarding the number of instances in the past three years a student was denied a meal due to inability to pay and the current level of school lunch debt carried by public school governing authorities. Requires a written report to the senate and house committees on education no later than March 1, 2019.

### **SPECIAL EDUCATION - STUDENTS WITH EXCEPTIONALITIES**

While there are many diagnostic tools and programs to address the needs of students with exceptionalities, to date there has been no established process whereby parents can be made aware of the developmental milestones for deaf and hard of hearing children and to monitor and track their child's progress toward meeting these milestones.

**House Bill 199 by Representative Smith, et al and Senator Alario, et al (Act 455)** creates the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to (1) develop a resource for parents to monitor and track deaf or hard of hearing children's expressive and receptive language acquisition, using American Sign Language (ASL), English, or both, and developmental stages toward English literacy and (2) develop a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they are able to achieve kindergarten readiness in an equitable manner. Requires impartiality with regard to the language and modalities used to teach such

children. Provides that "English" shall include spoken English, written English, and English with the use of visual supplements, including but not limited to Cued Speech and Signing Exact English.

The task force is charged to study and make recommendations relative to matters that shall include developing a framework for assessing children who are deaf or hard of hearing and selecting language developmental milestones from existing standardized norms. The task force is required to do all of the following:

- (1) Review and make recommendations relative to existing tools or assessments for educators to use to assess the language and literacy development of such children.
- (2) Determine how often such tools or assessments should be used for children from birth to age five.
- (3) Identify language development milestones for such children by consulting with professionals trained in the language development and education of such children.
- (4) Identify procedures and methods for reporting language acquisition, assessment results, milestones, assessment tools used, and progress of such children to parents and to teachers and other professionals involved in their early intervention and education.
- (5) Make recommendations relative to ensuring that state law and state and local policies are adequately

addressing the language developmental needs of such children.

## STUDENT AND SCHOOL SAFETY

Violence on school campuses was not unheard of through the years, but was relatively rare. Then, the massacre at Columbine High School in Colorado in 1999 shocked the nation and started a national debate on student and school safety. The shootings and deaths at Sandy Hook Elementary School in Newtown, Connecticut in December 2012 again brought the debate to the forefront and since then instances of school shootings and other acts of violence have been increasing in numbers and intensity across the country. The shootings at Marjory Stoneman Douglas High School in Parkland, Florida in February 2018 significantly heightened the level of the school safety debate that continues today. Louisiana, although so far spared from the level of school violence experienced in other states, is taking measures to ensure the safety of all students.

**Senate Bill 178 by Senator Walsworth (Act 523)** provides an exception from current law which prohibits the wearing or possessing of body armor on school property, at school-sponsored functions, or in firearm-free zones by allowing students to carry, wear, or possess bullet-resistant backpacks on school property or a school bus.

**Senate Concurrent Resolution 8 by Senator Morrell (Sent to the Secretary of State)** requests the state Department of Education to investigate the feasibility and cost of installing silent alarms in all elementary and secondary school classrooms to allow school personnel to alert authorities of a school emergency and aid law enforcement to respond more quickly.

**House Bill 895 by Representative Norton (Act 641)** requires public schools and public postsecondary education institutions to offer information on recognizing and reporting potential threats to school safety that are posted on the internet. School and campus security officers or other persons deemed appropriate by the schools, in consultation with local law enforcement agencies, shall provide age and grade appropriate information for students in grades nine and above.

The information distributed shall include:

- (1) The ability to detect potential online threats to school safety.
- (2) The reporting system at the school or campus.

School officials and campus security officers must report online content to local law enforcement agencies, when it is deemed potentially dangerous.

**House Bill 898 by Representative Bacala (Act 716)** requires any school employee who learns of a threat of violence or terrorism immediately report the threat to:

- (1) A local law enforcement agency if there is a reasonable belief that the threat is credible and imminent.
- (2) School administrators for further investigation if the threat does not meet the standard of reasonable belief provided for in (a) above.

Requires each school governing authority adopt a policy for investigating potential threats that have been reported to a school

administrator, which shall include conducting an interview with person reporting the threat, the person allegedly making a threat, and all witnesses and securing any evidence. Requires any law enforcement agency receiving notification of an alleged threat of violence or terrorism to:

- (1) Begin an investigation not later than the first day that school is in session after the report is received and endeavor to complete it not later than three school days after receiving the report.
- (2) Notify the principal or other school official authorized to act in an emergency.

Provides as follows relative to mandatory reporting and mental health evaluations:

- (1) If the person reported to law enforcement is a student, he shall not be permitted to return to school until undergoing a formal mental health evaluation. Requires the law enforcement agency to file a petition with the appropriate judicial district court for medical, psychological, and psychiatric evaluation.
- (2) If the person reported to law enforcement is not a student, he shall not be permitted to be within 500 feet of any school until undergoing a formal medical or mental health evaluation and being deemed by a health care professional to not be dangerous to himself or others.

### **2018 2<sup>nd</sup> Extraordinary Session**

No legislation on this topic during the second extraordinary session.

## Postsecondary Education

by: Cheryl Serrett  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

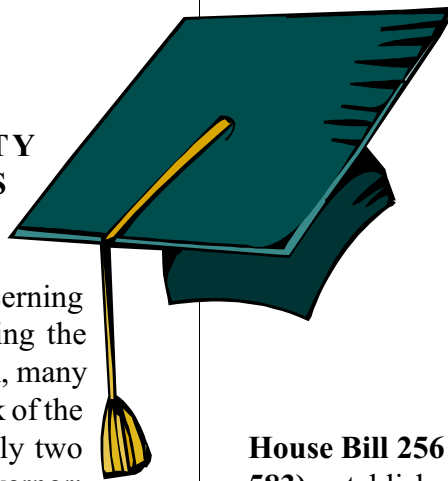
### 2018 Regular Session

#### TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

There were several bills concerning TOPS that were considered during the 2018 Regular Legislative Session, many of which originated from the work of the TOPS Task Force. However, only two bills made it to the desk of the Governor:

**Senate Bill 452 by Senator Morrish (Act 671)** makes changes that were recommended by the TOPS Task Force and are mostly technical or administrative in nature. For instance, the Act allows:

- students who are prevented from taking the ACT test prior to the April testing date of their graduation year to use a score earned on a later test date to qualify for TOPS without losing a semester of eligibility;
- Physics to be counted as a science course in the TOPS Tech core curriculum and AP Physics I and II to be counted as independent science courses in the TOPS core curriculum;



- the Louisiana Office of Student Financial Assistance (LOSFA) to set course equivalencies in consultation with the State Board of Elementary and Secondary Education; and

- the Department of Revenue to share certain taxpayer information with LOSFA to help determine the employment and residency status of past TOPS recipients.

**House Bill 256 by Representative Foil (Act 583)** establishes a special fund in the state treasury called the TOPS Income Fund. While no monies were identified or deposited into the fund, the Act provides that any deposits into the fund will be used solely to support TOPS.

Other bills that did not make it through the legislative process sought to create new TOPS awards, provide a different method to allocate awards to students when full funding of the program is not provided, require repayment of the award under certain circumstances, increase the grade point average needed to maintain an award, and remove the administration of the program from under the Board of Regents.

## CAMPUS ATMOSPHERE

Ensuring a safe and orderly campus for all students was a common theme found in many bills during the 2018 Regular Legislative Session.

Several bills were relative to hazing and were most likely prompted by the death of an LSU student, Max Gruver, from a hazing incident in late 2017. The following bills were approved by both houses:

**House Bill 78 by Representative N. Landry (Act 635)** creates the crime of hazing in the criminal code, defines hazing, and provides penalties for criminal hazing. The Act also amends existing law to provide that hazing or other initiation practices that are likely to cause bodily danger to any student are prohibited at postsecondary education institutions and any student found guilty of such behavior shall be dismissed from the institution for at least one term.

**Senate Bill 91 by Senator Claitor (Act 481)** provides that additional civil damages may be awarded against a person who is found responsible for a hazing-related death, even if the person was not prosecuted for his acts.

**House Bill 270 by Representative Foil (Act 512)** exempts personally identifiable information from the Public Records Law of individuals who report violations of the student code of conduct or other policies, as well as personally identifiable information of any reported witnesses or victims. The exemption is specific to reports of violations that involve violence or abuse.

**House Bill 446 by Representative Falconer (Act 637)** creates a misdemeanor crime for not seeking medical assistance for another person for whom reckless behavior has resulted in serious bodily injury. Hazing is specifically included in the definition of reckless behavior.

**House Bill 793 by Representative S. Carter (Act 640)** defines hazing, requires the Board of Regents to develop and adopt a uniform policy on hazing prevention, and requires each institution to adopt the Board of Regents policy. The Act also requires educational materials on the dangers of hazing to be provided during new student orientation. Campus organizations are required to annually provide at least one hour of hazing prevention education to current and prospective members and to report incidents of hazing to the institution.

**House Bill 895 by Representative Norton (Act 641)** requires public postsecondary education institutions to develop programs to help students identify and report threats to campus safety.

**House Bill 836 by Representative Emerson (pending House Administration of Criminal Justice)** sought to allow concealed hand guns to be carried on college campuses.

**House Bill 762 by Representative Hilferty (pending House Administration of Criminal Justice)** would have required persons convicted of terrorism offenses to report such convictions when they enroll in any public postsecondary education institution.

**Senate Resolution 175 by Senator Mizell (sent to the Secretary of State)** requests the Board of Regents and each postsecondary management board to install internet filters to block content which is obscene, pornographic, or sexually harassing and which creates a hostile education or work environment.

**Senate Bill 364 by Senator Ward (Act 364)** addresses expressive activities at public postsecondary education institutions. The Act defines expressive activities to include freedom of speech, peaceful assembly, and freedom of association. The Act requires that each postsecondary management board adopt policies to protect expressive activities and that each institution provide those policies to students during student orientation and in the institution's handbooks.

## FUNDING

For many years, increasing funding to postsecondary education while decreasing the burden of cost of attendance to students has been a focus of the Legislature. Measures in the 2018 Regular Session with such focus included:

**House Bill 144 by Representative Abraham (Act 619)** creates the Louisiana Jobs Now Fund which supports degree and certificate production in high-demand fields. While no revenue source was identified or money appropriated, the fund may receive donations and appropriations. The purpose of the fund is to assist colleges and universities in meeting the state's current and future workforce needs. The Act requires a private match for funds and provides that funds be appropriated based on each institution's prior year degree production in STEM fields or four- or five-star jobs.

**House Bill 256 by Representative Foil (Act 583)** establishes the TOPS Income Fund which established a special fund in the state treasury. While no monies were identified for or deposited into the fund, the bill requires any deposits into the fund be used solely to support TOPS.

**Senate Resolution 113 by Senator Morrish and House Resolution 112 by Representative Landry (sent to the Secretary of State)** are duplicate resolutions which requests the Louisiana Community and Technical College System to develop a pilot scholarship to provide public postsecondary education scholarships to Louisiana's working-age citizens who have earned an alternative high school diploma. The scholarships are to be used in programs aligned with high-demand, high-pay occupations. The program is to utilize private contributions or realignment of existing financial aid and scholarship programs for funding.

**Senate Resolution 114 by Senator Morrish (sent to the Secretary of State)** requests the Board of Regents, in consultation with the postsecondary management boards, to update the state student financial aid plan in order to better meet the needs of all prospective students. The resolution further requests the plan look to consider both traditional and non-traditional students and seek ways to better link students with careers demanded by Louisiana's economy.

**House Bill 175 by Representative James (pending Senate Finance)** sought to provide an income tax rebate for donations a taxpayer makes to LOSFA for a postsecondary education scholarship to help Louisiana

students who are eligible for the Louisiana GO Grant.

**House Bill 418 by Representative Ivey (failed House final passage)** sought to authorize public postsecondary management boards to increase tuition. The tuition increases were capped at ten percent in any one year and twenty percent over a four-year period.

#### MISCELLANEOUS

**Senate Bill 46 by Senator Appel (Act 400)** requires the Board of Regents to review its master plan for postsecondary education and the mission statements for each college and university system at least once every four years. It must revise, if necessary, and submit a revised master plan to the governor and legislature.

**Senate Bill 199 by Senator Bishop (Act 236)** creates the Advisory Council on Historically Black Colleges and Universities (HBCUs) to provide guidance and advice to the commissioner of higher education and the Board of Regents regarding best practices to strengthen the capacity of the state's public HBCUs. The council will be composed of 23 members and will meet at least twice annually.

**Senate Resolution 103 by Senator Walsworth (sent to Secretary of State)** requests the Board of Regents to report information to the Senate Committee on Education regarding students admitted to four-year public postsecondary education institutions who do not meet the board's minimum admission standards. The resolution requests information on the reason for the exception and how those students retain and complete degree programs in comparison to those who met the admission standards.

#### 2018 2<sup>nd</sup> Extraordinary Session

No legislation on this topic during the second extraordinary session.



## Vocational/Technical Education

by: *Jeanne Johnston*  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

The Louisiana Community and Technical System (LCTCS), through its statewide system of community and technical colleges, continues to evolve its program offerings to meet the ever-changing workforce demands of the state's economy and the needs of the largely non-traditional student population the system serves.

### FINANCIAL AID

The Taylor Opportunity Program for Students (TOPS) offers three award levels for students meeting the eligibility criteria for the Opportunity, Performance, and Honors awards. Although a student who earns one of these TOPS awards can use his or her award to enroll in a community or technical college, most of these students meet the admissions standards established for four-year postsecondary institutions and enroll directly in one of these institutions. The TOPS-Tech award, with less stringent eligibility criteria, is the primary form of state merit-based aid available to students enrolling in a community or technical college. However, statistics show that the TOPS-Tech award is the most under-utilized award offered by the TOPS program. Current data and occupational forecasts

showing that the majority of high-demand, high-paying occupations will require more than a high school education, coupled with the fact that half of the state's working-age adults have a high school diploma or less, caused the LCTCS to search for a means to provide financial aid to citizens who do not meet the eligibility criteria for any TOPS award but seek the education and training needed to enter the workforce and compete for high-demand, high-wage occupations. **Senate Resolution 113 by Senator Morrish (Sent to Secretary of State) and House Resolution 112 by Representative Landry (Sent to Secretary of State)** Requests LCTCS, in coordination with the Board of Regents and the La. Office of Student Financial Assistance, to develop a pilot program to provide public postsecondary scholarships to Louisiana's working-age citizens who have earned an alternative high school diploma and who have scored at least a 17 on the ACT test for use in programs aligned with high-demand, high-pay occupations. The resolution specifies that no additional legislative appropriation be requested or provided for the administration of the pilot program, and provides that the pilot be administered utilizing private contributions solicited and collected by LCTCS member institutions and foundations, or through the realignment of existing financial aid and scholarship programs.

**FUNDS/FUNDING**

**House Bill 144 by Representative Abraham (Act 619)** creates the Louisiana Jobs Now Fund for the purpose of funding degree and certificate production in high-demand fields through programs offered by the state's public postsecondary education institutions, the LSU Health Sciences Centers in New Orleans and Shreveport, and the LSU Health Sciences Center school of nursing to meet the state's current and future workforce needs.

Monies in the fund are to be appropriated to the Board of Regents to be distributed to and used by these institutions toward degree production at four-year universities and the health programs in science, technology, engineering, and math (STEM) programs and toward degree and certificate production at two-year, community, and technical colleges in fields required for four-star or five-star jobs as defined by the Louisiana Workforce Commission's Louisiana Star Jobs program. Prior to distribution of the funds, the postsecondary education management boards on behalf of the receiving institution must certify that a match of no less than 25% of the funding is guaranteed by a private entity.

Monies in the fund shall be distributed as follows:

- (1) 50% to four-year universities and the health programs based on each institution's prior year degree production in science, technology, engineering, and math (STEM) programs.
- (2) 50% to two-year, community, and technical colleges based on each institution's prior year degree and certificate production in fields required for four-star or five-star jobs.

The monies distributed through the fund shall be in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board, shall not be included in the Board of Regents' postsecondary funding formula, and shall not supplant any state general fund allocations to postsecondary institutions.

**2018 2<sup>nd</sup> Extraordinary Session**

No legislation on this topic during the second extraordinary session.

## Elections

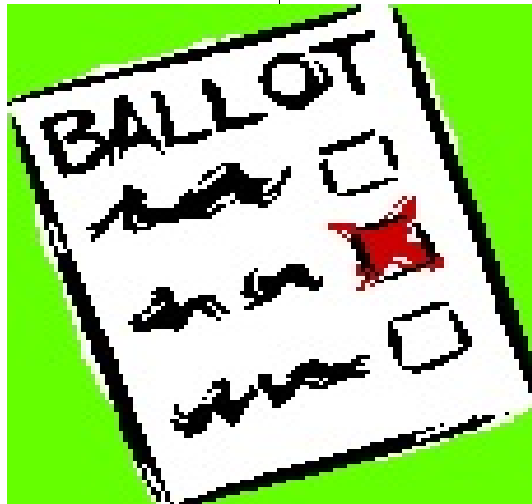
by: *Tim Prather*  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

Addressing the needs of the electorate, **House Bill 54 by Representative Hollis (Act 257)**, requires different percentages of electors, for voting areas of differing sizes, that must sign a recall petition in order to call a recall election. Currently, the constitution requires the legislature to provide by law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record. Statutorily, a petition must be filed with signatures of qualified electors from within the voting area for the office for which the recall election is sought. The petitioner has 180 days to obtain the required number of signatures. The petition must be filed with the registrar of voters for each parish within the voting area. Requires the registrar to certify the number of valid signatures on the petition. If the required number of qualified electors of the voting area sign the recall petition, the governor must order an election to vote on the question of the recall of the official.



The number of signatures required to call a recall election must at least be a certain minimum percentage of the number of electors in the voting area for which a recall election is petitioned. The minimum percentage of electors who must sign the petition is 40% if fewer than 1,000 electors reside in the district and the minimum percentage of electors who must sign the petition is 33-1/3% if 1,000 or more electors reside in the district.

The Act requires the petition to contain a clear statement of the reason or reasons for the recall and provides for the following minimum percentages to call a recall election in election districts wherein 1,000 or more electors reside:

- (a) 33-1/3% if 1,000 or more but fewer than 25,000 qualified electors reside within the voting area.
- (b) 25% if 25,000 or more but fewer than 100,000 qualified electors reside within the voting area.
- (c) 20% if 100,000 or more qualified electors reside within the voting area.

Attempting to address depressed voter-

turnout, **House Concurrent Resolution 62 by Representative Edmonds (Pending House Final passage)**, would have requested the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and function as a joint committee to study moving all school board elections to either the gubernatorial election date or the presidential election date and to report its findings to the legislature prior to the 2019 R.S.

Addressing the sale of alcoholic beverages, **House Bill 682 by Representative Shadoin (Act 334)**, dictates how elections would be held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area. Currently, statutory law provides procedures and requirements for elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area.

The Act makes the following changes to the prior law:

- (a) Provide that written notice of the election will be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election.
- (b) Provide that if the election is to be held on a primary election date, such notice will be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election.
- (c) Provide that if the election is not to be held on a primary election date, then the notice will be received by the secretary of state on or before the 54th day prior to the election.

(d) Provide that the secretary of state will not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice to the secretary of state.

(e) Provide that elections are conducted in accordance with the La. Election Code.

(f) Provide that if a petition fails to comply with the requirements of law, an action objecting to the calling of the election may be instituted by any elector who is qualified to vote in the election. Any such action will be instituted not later than 4:30 p.m. of the 14th day after calling the election.

(g) Provide that an action contesting an election will be instituted not later than 4:30 p.m. of the 30th day after the official promulgation of the results of the election.

(h) Provide that the La. Election code will be applicable to any such suit and will govern the recounting of ballots and the contesting of elections.

(i) Provide that the governing authority will examine and canvass the returns and promulgate the result of the election in accordance with statutory law.

(j) Provide that the governing authority calling the election to preserve a proces verbal of the canvass.

### **2018 2nd Extraordinary Session**

No legislation on this topic during the second extraordinary session.

# Energy

by: Alan Miller  
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## 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the 1<sup>st</sup> Extraordinary Session.*

## 2018 Regular Session

**House Bill 104 by Representative Jim Morris (Act 57).** Prior law authorized the commissioner of conservation to levy certain penalties for violations of the pipeline safety provisions of law and authorized the imposition of a penalty not to exceed \$10,000 per day for each violation with a maximum penalty not to exceed \$500,000 for any related series of violations. Act 57 increases the maximums to \$200,000 per day of violation and a maximum of \$2 million for any related series of violations.

**House Bill 119 by Stuart Bishop (Act 191).** Prior law authorized the commissioner of conservation to regulate the hours of operation of offsite treatment, storage, and disposal facilities for exploration and production waste. Act 191 prohibits such regulation of hours of operation or receiving.

**House Bill 860 by Representative Pugh (Act 106).** Prior law authorized the commissioner of conservation to develop and implement a program to expedite the processing of permits, modifications, licenses, registrations, and variances. Act 106 adds the review of plans, proposals, and exceptions of related correspondence to the list of requests that may

be expedited.

Prior law established the fee for expediting the permit as the cost of the overtime hours that employees of the office of conservation or a contractor spends processing the application and an amount not to exceed 20% for administrative costs. Act 106 retains prior law, but sets a minimum fee of \$500 for administrative costs.

Act 106 also requires the applicant to provide public notice when an expedited permit review is granted.

## 2018 2<sup>nd</sup> Extraordinary Session

*No legislation on this topic during the 2<sup>nd</sup> Extraordinary Session.*

## Environmental Quality

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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

**Senate Bill 82 by Senator Walsworth (Act 25)** provides for the re-creation of the Department of Environmental Quality and its statutory entities, effective June 30, 2018, for a four-year period.

**Senate Bill 195 by Senator Walsworth (Act 150)** was passed by the committee to amend funding for the Motor Fuels Underground Storage Tank Trust fund. Prior to this legislation, the law required a fee of \$72 for every withdrawal of nine-thousand gallons of bulk fuel. This Act allows flexibility in the fee collected by allowing the secretary, after consideration of a recommendation of the advisory board, to change the amount of the fee on an annual basis based on need, but caps the fee at a maximum of \$72 per every withdrawal of nine-thousand gallons of bulk fuel. This Act also requires the board to review any proposed underground storage tank regulations prior to the adoption of such regulations.

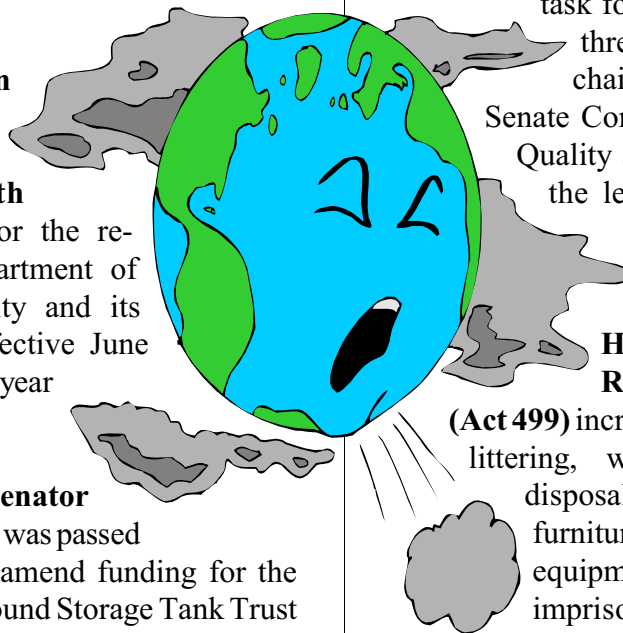
**Senate Concurrent Resolution by Senator Appel (Sent to the Secretary of State)**

creates the Louisiana Trash and Litter Task force to study the problem of litter on the state's roads, highways, and waterways. The task force will consist of twenty-three members and will be chaired by the chairman of the Senate Committee on Environmental Quality and must make a report to the legislature no later than 60 days prior to the 2019 Regular Session.

**House Bill 35 by Representative Devillier (Act 499)** increases the penalties for gross littering, which is the intentional disposal of large items such as furniture, auto parts, tires, or other equipment, to include the option of imprisonment of up to 30 days upon a first or second conviction.

**House Bill 47 by Representative Bishop (Act 500)** does two things relative to the application and termination dates for cooperative endeavor agreements for surface water withdrawals. First, it extends the date applications may be received from December 31, 2018 to December 31, 2020 and extends the final termination date of such agreements from no later than December 31, 2020 to December 31, 2028.

**House Bill 142 by Representative Lyons (Act 541)** increases the waste tire disposal fee for passenger and light truck tires from \$2 per



tire to \$2.25 per tire.

**House Bill 403 by Representative S. Carter (Act 625)** changes the professional requirements of certain members of the Capital Area Groundwater Conservation District board of commissioners.

**House Bill 688 by Representative Lyons (Act 509)** makes some technical changes to clarify that the duties and responsibilities of the state's litter education program fall under the Department of Wildlife and Fisheries.

**House Bill 840 by Representative J. Harris (Act 511)** prohibits the issuance of any licence by a parish or municipality to a person who intends to sell used tires unless that person submits the necessary permits from the Department of Environmental Quality with his application.

**House Bill 855 by Representative Miguez (Vetoed)** would have provided that any end-market use application for a customary end-market use for waste tires, which can include bulkheads, tire derived fuel, and crumb rubber applications, will be considered approved by the Department of Environmental Quality if not denied by the department within 15 days of the submission of the application. Also would have required the Waste Tire Task Force to submit reports and recommendations to the oversight committee on February 15, 2019, and February 15, 2020, before terminating the task force on February 15, 2020.

#### 2018 2<sup>nd</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.



## Ethics

by: *Tim Prather*  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

Providing more access to several courts throughout the state, **Senate Bill 484 by Senator Perry (Act 418)**, authorizes the Board of Ethics to enforce any valid regulation, final decision, or final order of the board or the Ethics Adjudicatory Board in any court of competent jurisdiction in this state by a mandamus or injunction suit brought for that purpose. Currently, the district court for the parish wherein the Board of Ethics is domiciled is authorized to convert a valid final decision or final order into a court order, upon receipt from the Board of Ethics of a rule to show cause for that purpose.

The Act authorizes any court of competent jurisdiction to convert a valid final decision or final order into a court order, upon receipt from the Board of Ethics of a rule to show cause for that purpose.

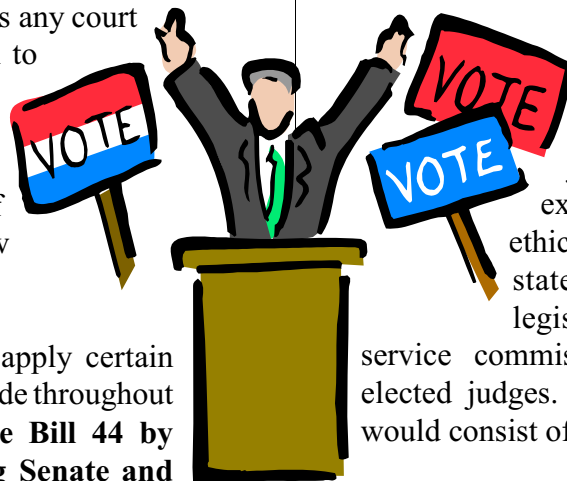
In an attempt to apply certain provisions of the ethics code throughout state government, **Senate Bill 44 by Senator Appel (Pending Senate and Governmental Affairs)**, would expand the list of those individuals that must file an

annual financial statement form that currently includes the following:

- (a) Legislators.
- (b) Elected officials representing a voting district with a population of 5,000 or more.
- (c) Board of Ethics members and the ethics administrator.
- (d) BESE members.
- (e) The superintendent of the Recovery School District.
- (f) The executive director of the Louisiana Housing Corporation.
- (g) Each member of the Board of Pardons.

The bill would extend the financial disclosure requirements to appointed and elected judges. It would further extend the current mandatory ethics educational training for statewide elected officials, legislators, and the public service commissioner to appointed and elected judges. The training requirements would consist of:

- (a) The Code of Governmental Ethics – training annually.





- (b) The Campaign Finance Disclosure Act – training during term of office.

Modifying the disclosure requirements for legislators, **House Bill 739 by Representative G. Miller (Act 182)**, changes existing statutory law that provides an exception for members of the legislature, when making a public speech, to allow the acceptance of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the U.S. or Canada and provided the legislator files an affidavit with the ethics board, within 60 days of making the speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation.

The Act removes the requirement for an affidavit when a legislator discloses the acceptance of food, refreshments, transportation, and lodging reasonably related to making a speech in the U.S. or Canada, and instead requires a statement including a certification by the legislator that the statement is true and correct.

Further modifying the Code of Governmental Ethics, **House Bill 86 by Representative James (Act 616)**, alters the prior law that prohibits a public servant or his immediate family member from entering into a transaction under the supervision or jurisdiction of the agency of the public servant and further prohibited an appointed board or commission member or a member of his immediate family from entering into or being

in anyway interested in a transaction under the supervision or jurisdiction of the board or commission.

The Act allows a governing authority member or public employee of a political subdivision that operates parks or recreational facilities or an immediate family member of such a person to rent a park facility for an event if the transaction is conducted without preference and in the same manner and subject to the same fees and conditions applicable to the general public.

### **2018 2nd Extraordinary Session**

No legislation on this topic during the second extraordinary session.

# Finance

*by: Sherry Phillips*  
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**For details the  
Finance Final Edition of 2018 Highlights Information is contained at the end of this  
document**

## Gaming

by: Ashley Menou  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

**House Bill 484 by Representative Talbot (Act 322)** creates the "Louisiana Fantasy Sports Contests Act" and calls for a proposition to appear on the ballot in every parish at the November 6, 2018 election to allow voters to decide if fantasy sports contests will be allowed in each parish. Act 322 provides that fantasy sports contests, if approved by the voters in a particular parish, cannot be conducted until the Gaming Control Board adopts rules regarding fantasy sports contests and laws relative to the licensing, regulation, and taxation of revenue relative to fantasy sports contests are enacted.

Fantasy sports contests, as defined in Act 322, means any fantasy or simulation sports game or contests played through the internet or a mobile device in which participants create a simulation sports team comprised of actual members of amateur or professional sports organizations. The outcome of a fantasy sports contests is based on the performance of the athletes on a participant's fantasy sports team. No fantasy

sports contest outcome is based on the score, point-spread, or the performance of any single real-world team or combination of teams or on the performance of a single individual in a real-world sporting event.

**House Bill 152 by Representative Leger (Act 451)** deals with the reasons people may be excluded from gaming establishments. Current law requires the Gaming Control Board to adopt rules providing for the exclusion of certain persons from a gaming establishment or a portion thereof. Such persons include those who are career offenders, those convicted of certain criminal offenses, and those whose presence would be adverse to the state's interests.

Act 451 retains present law and adds that persons suspected of cheating, persons whose gaming licenses have been suspended, revoked, or denied, persons who are a safety threat, and persons with pending charges for a gambling crime or are subject to certain court orders may also be excluded from a gaming establishment. Act 451 further provides that no person may be excluded from a gaming establishment solely because of the person's skill level.

**Senate Bill 266 by Senator Martiny (Pending Senate Finance)** would have had a proposition appear on the ballot in every parish at the November 6, 2018 election to



allow voters to decide if sports wagering would be allowed in each parish. If approved in a parish, sports wagering would have been allowed to be conducted by the holder of a riverboat gaming license, the holder of a license to conduct slot machine gaming at an eligible live racing facility, the holder of the land based casino license, and the holder of a video draw poker license. SB 266 provided that any licensee that would have conducted sports wagering would remain subject to the regulatory authority of the Gaming Control Law and all provisions of current law regulating gaming.

**Senate Bill 322 by Senator Martiny (Pending Senate Judiciary B)** would have had a proposition appear on the ballot in every parish at the November 6, 2018 election to allow voters to decide if internet gaming would be allowed in each parish. If approved in a parish, the holders of riverboat gaming licenses and the holder of the land based casino license would have been allowed to conduct internet gaming. Internet gaming, as defined in SB 322, means any variation or composite of an authorized game that is offered through the internet and approved by the Gaming Control Board. Internet gaming also would have included tournaments conducted via the internet of games approved by the Board. To participate in internet gaming, a patron aged 21 or older would have to be physically located at the time of the wager in a parish that approved internet gaming at the 11/8/18 election and the wager would have to be placed with either a riverboat gaming license holder or the land based casino license holder.

## **VIDEO POKER**

**Senate Bill 184 by Senator Martiny**

**(Act 491)** makes multiple changes to the video draw poker laws. Regarding the technical operation of video draw poker devices, Act 491 removes the exclusion of video line up games, mechanical reel games, or any combination thereof from the definition of video draw poker device. Act 491 also allows a video draw poker device to use displays other than standard poker playing cards if the additional displays are for entertainment purposes. The bill also clarifies present law and provides that each hand of a card game must utilize a deck of cards consisting of 52 cards and up to two jokers.

Regarding qualified truck stop fuel sales, Act 491 allows a qualified truck stop facility, after ten years of operation, to operate the same number of video draw poker devices as the previous year, up to 40 devices, if the facility sells at least 30,000 gallons of fuel a month. Prior law requires all qualified truck stop facilities to offer fuel for vehicle consumption. Act 491 retains the prior law requirement and authorizes the Gaming Control Board to adopt rules that will recognize alternative fuel sources to satisfy the fuel sales requirement.

## **PARI-MUTUEL LIVE RACING FACILITIES**

**Senate Bill 525 by Senator LaFleur (Act 575)** makes multiple changes to the Louisiana Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act regarding horse racing and the conducting of slot machine gaming at eligible facilities. Regarding horse racing, Act 575 allows the State Racing Commission, with the prior agreement of the Horsemen's Benevolent and Protective Association and the involved licensed facilities, to approve the transfer of

slot machine proceeds received for thoroughbred race purses from one facility to another to supplement thoroughbred purses at a thoroughbred race meet. The Act further provides that the transferred funds must be awarded within one year of the date of the transfer.

Regarding slot machine gaming at eligible live racing facilities, Act 575 changes the way the designated gaming area of eligible facilities is measured from a square footage limitation to no more than 1,632 gaming positions. A gaming position for eligible facilities is a slot machine seat and each slot machine seat is counted as one position, subject to rules of the Gaming Control Board. Act 575's definition of gaming position mirrors the definition of gaming position for riverboat licensees provided in Act 469. Current law restricts an eligible facility located in Orleans Parish to no more than 700 slot machines and Act 575 retains that restriction.

### CHARITABLE GAMING

**Senate Bill 559 by Senator Morrish (Act 610)** allows public institutions of higher education to conduct games of chance under certain circumstances. Currently, the office of charitable gaming may license Mardi Gras carnival organizations, civic or service associations, volunteer fire companies, booster clubs, certain licensed charitable organizations, and parent-teacher associations without the organizations having to qualify for a federal tax exemption. Act 610 adds institutions of higher education to those organizations if the entire net proceeds of the game are devoted to support the institution. Additionally, a municipality or parish can currently allow a charitable organization to

conduct a raffle without a license if the municipality or parish finds that the raffle is conducted to support a local school or the community. Act 610 adds public institutions to those organizations that can conduct a raffle without a license if all of the raffle proceeds are devoted to supporting the institution.

### RIVERBOAT GAMING

**Senate Bill 316 by Senator Johns (Act 469)** changes several aspects of riverboat gaming. Act 469 removes the requirement that riverboats must have an operable paddlewheel or be paddle-wheel driven and provides that an approved facility located within 1,200 of a licensed berth also constitutes a riverboat.

Act 469 changes the designated gaming area of a riverboat from a square footage limitation to no more than 2,364 gaming positions. A gaming position, as it applies to riverboats, is a device seat or a space at a table game. Each gaming device shall be counted as one position and each space at a table game shall be counted as one position. The Gaming Control Board will specifically provide by rule for the counting of gaming positions for devices and games where seats are not readily countable. Act 469 also limits riverboat licensees to no more than four tournaments a year in which the gaming positions used in the tournament are not considered part of the licensee's total number of positions. Those four tournaments cannot be more than fourteen days in length.

Act 469 also requires a riverboat licensee to report to the Gaming Control Board and legislature information regarding their professional services and employees. The report must indicate if the entity providing a professional service is a Louisiana business, a

female-owned business, or a minority-owned business. The report must also provide a breakdown of the licensee's workforce, including but not limited to race, gender, and Louisiana residency. Act 469 requires this report be submitted quarterly and authorizes the Gaming Control Board to impose sanctions for failure to submit the report.

**Senate Bill 320 by Senator Johns (Pending Senate Finance)** starting July 1, 2020, would have allowed the holder of a riverboat gaming license, the holder of a license to conduct slot machine gaming at a live racing facility, and the holder of the land based casino license to deduct a portion of the license and franchise fees paid on qualified wagering from the license holder's net gaming proceeds under certain circumstances.

SB 320 defined "qualified wagering" as wagers placed by patrons using noncashable vouchers, promotional chips, coupons, electronic credit, electric promotions, scrips or any other cash equivalent that is provided to the patron by the licensee. In order to qualify for the deduction, the license holder would have to apply to the Gaming Control Board to establish a baseline amount of license and franchise fees attributable to qualified wagering.

After a baseline amount was established, if the portion of a licensee's franchise and licensee fees attributable to qualified wagering exceeded the baseline amount, the licensee would have been able to deduct the difference of the amount of the fees paid on qualified wagering and the baseline amount from that year's net gaming revenues.

SB 320 also provided a mechanism for a licensee to reapply to the Gaming Control

Board for a new baseline amount if, in any subsequent year, the licensee was unable to utilize the deduction because the portion of the fees attributable to qualified wagering did not exceed the existing baseline amount. SB 320 also authorized the Gaming Control Board to promulgate rules and amend the casino operating contract of the land based casino to implement the qualified wager deduction process.

**Senate Bill 417 by Senator White (Subject to call- Senate final passage)** would have called for a proposition to be placed on the November 6, 2018 ballot in Tangipahoa Parish to consider whether a holder of an existing riverboat gaming license would be allowed to relocate to the portion of the Tangipahoa River southwest of the intersection of Interstate 12 and Louisiana Highway 445. SB 417 also added that portion of the Tangipahoa River to the designated rivers and waterways upon which gaming activities may be conducted.

Tangipahoa Parish approved riverboat gaming at the November 1996 election, however because riverboat gaming has never taken place in Tangipahoa Parish and there is no designated waterway in the parish, an election must be called in order for an existing license holder to relocate to Tangipahoa Parish.

In order for an existing license holder to move its gaming operations to Tangipahoa Parish, several events would have had to take place. First, SB 417 would have had to become law in order for the portion of the Tangipahoa River south of Interstate 12 to be a designated waterway. Riverboat gaming can only take place on those waterways and rivers designated in law. Second, the Gaming

Control Board would have had to approve a berth site on the Tangipahoa River south of Interstate 12 to which the license holder could relocate. Riverboat gaming licensees may only conduct gaming operations at a board approved berth site along a designated river or waterway. Lastly, a majority of the voters in Tangipahoa Parish would have had to vote in favor of the proposition allowing riverboat gaming to take place on the designated portion of the Tangipahoa River.

### **LAND-BASED CASINO**

**House Bill 553 by Representative Barras (Pending House Conference Committee)** provided for an extension to the casino operating contract of the land based casino under certain circumstances and would have made several changes to the casino operating contract regarding payments and fees.

The Gaming Control Board would have been authorized to enter into an additional twenty year term with a ten-year renewal option upon approval of the amended casino operating contract by the Joint Legislative Committee on the Budget and approval of the amended casino lease by the New Orleans City Council. Additionally, the casino operator would have been required to pay forty million dollars within ten days of the approval of the contract and the lease to be paid to the state (75%) and city of New Orleans (25%). If the casino operator sold the casino lease at any time before the end of the term of the contract, another forty million dollar payment to be split between the state and city would have been required.

HB 553 would have required a capital investment of \$350,000,000 on or around the

official gaming establishment to be made within four years of July 1, 2018 and provided for an increase in the minimum compensation payment paid to the state. HB 553 also would have changed the way the casino operator pays for support services by eliminating the support services contract and requiring an annual payment directly to the city of New Orleans.

HB 553 would have provided for the advertising, pricing, and other details of the additional hotel rooms that would have been built as part of the \$350,000,000 capital investment and were the subject of a memorandum of understanding between the casino operator and the Greater New Orleans Hotel and Lodging Association in March 2018.

HB 553 also would have created two accounts within a special fund in the treasury, the Water System Enrichment Account and Other Improvements Account. Under certain circumstances, excess daily net revenue transfers would have been deposited into the accounts.

### **2018 2<sup>nd</sup> Extraordinary Session**

*No legislation on this topic during the second extraordinary session.*

## Health & Hospitals

by: *Christine Arbo Peck*  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

#### PHARMACY BENEFIT MANAGERS

**Senate Bill 29 by Senator Mills (Act 423)** provides that the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners shall jointly promulgate a single uniform prescription drug prior authorization form that must be used by all commercial health insurers and Medicaid managed care organizations or their contracted or owned pharmacy benefit managers in Louisiana.

**Senate Bill 108 by Senator Johns (Act 482)** updates the Medicaid managed care plan transparency report to include data on pharmacy benefit managers and specific data elements to determine how much in taxpayer funded Medicaid services is covering prescription drugs via reimbursement to pharmacists and how much is being retained by the pharmacy benefit manager or managed care organization.

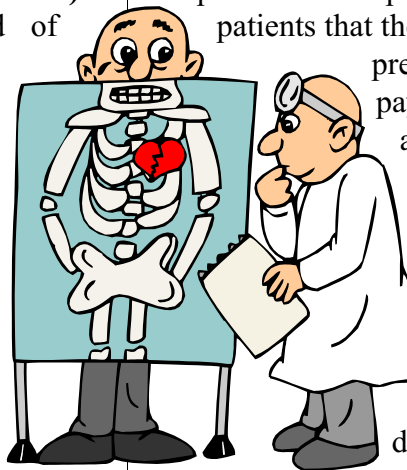
**Senate Bill 130 by Senator Mills (Act 483)** provides that all contracts entered into after August 1, 2018, for Medicaid funded pharmacy benefit manager services shall be limited a transaction fee only and the

pharmacy benefit manager shall not retain any portion of state or state supplemental rebates, state credits, or "spread pricing" charges reflective of over-inflated billing to the managed care organization.

**Senate Bills 241 by Senator Morrell (Act 317)** prohibits pharmacy benefit managers from imposing contract "gag orders" on pharmacists to prevent them from informing patients that they may be able to purchase prescription drugs at a cash payment cost lower than that available to them based on their insurance co-payment or deductible amount.

**Senate Bill 282 by Senator Mills (Act 579)** requires a health insurance issuer to disclose to enrollees through proper notice that the insurer is shifting an excess consumer cost burden onto the patient and not sharing the benefit of the rebates offered to the insurer by the pharmaceutical manufacturers at the point of sale.

**Senate Bill 283 by Senator Mills (Act 371)** implements a transparency report requiring pharmacy benefit managers to report to the commissioner of insurance the aggregate amount of certain data elements including rebates received from pharmaceutical manufacturers, administrative fees charged, and rebates received and not passed through to





the insurer.

### **MEDICAID PROGRAM AND MANAGED CARE ORGANIZATION ACCOUNTABILITY MEASURES**

**Senate Bill 108 by Senator Johns (Act 482)** updates the Medicaid managed care plan transparency report to include data on expenditures in the form of per member per month fees paid to managed care organizations, payments to healthcare providers, and utilization rates for the Medicaid expansion population compared to the traditional Medicaid population and overall data on expenditures in the form of per member per month fees paid to managed care organizations and the amount of those fees retained by the managed care organization in the form of administrative fees, health care quality initiatives, and health information technology that are not passed on to the healthcare providers for patient services but are retained by the managed care organizations and potentially inflate the medical loss ratio that is used to calculate and set future per member per month rates.

**Senate Bill 507 by Senator Mills (Act 489)** establishes a process to ensure accountability on the part of the Medicaid managed care organizations when they fail to do their due diligence and misrepresent program requirements to providers by imposing requirements for detailed communication with providers, mandating Louisiana Department of Health (LDH) intervention to resolve disputes between providers and the Medicaid managed care organizations, and requiring the Medicaid managed care organizations to report all instances of fraud, waste, and abuse to LDH and the attorney general's office to ensure that these funds are not included in future per

member per month rate setting.

**House Bill 88 by Representative Mack (Act 707)** creates the crime of government benefits fraud when a person, either a recipient or a provider, acts with intent to defraud the state through receipt of any government benefit, including any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by a state government entity as administered by a state department, agency, or political subdivision.

**House Bill 156 by Representative Bacala (Act 294)** extends the term of the task force on coordination of Medicaid fraud detection and prevention initiatives, created within the office of the legislative auditor, until August 1, 2019.

**House Bill 734 by Representative McFarland (Act 710)** creates the "Healthy Louisiana Quarterly Report" to require the Louisiana Department of health to submit data regarding provider claim denials by the Medicaid managed care organizations including the total number and dollar amount of claims that had at least one denied claim line, completely denied claims, claims adjudicated in the reporting period and denied claims divided by the total number and dollar amount of claims adjudicated, and adjusted, voided, duplicate, rejected, and pending claims, and for each of the five network billing providers with the highest number of total denied claims, the number of total denied claims expressed as a ratio to all claims adjudicated and the total dollar value of the claims.

### **BATTLING THE OPIOID EPIDEMIC**

**Senate Bill 26 by Senator Mills (Act 23)** establishes state authorization for a hospice nurse to lawfully possess and dispose of opioids upon the death of the "ultimate user" hospice patient in compliance with federal U.S. Drug Enforcement Administration requirements.

**Senate Bill 90 by Senator Mills (Act 28)** establishes a voluntary non-opioid directive form that allows a patient and his physician to reduce to writing a directive that the patient does not want opioids prescribed for his care.

**Senate Bill 134 by Senator Mills (Act 32)** establishes the state authorization of federal U.S. Drug Enforcement Administration law for patients to request and pharmacists to dispense only partial fills of all Schedule II controlled dangerous substances including not only opioids but powerful stimulants. (Note: In 2017, the Legislature enacted a law that allowed a patient to request and a pharmacist to dispense a partial fill of an opioid prescription. Act 32 broadens prior law to include all Schedule II drugs as allowed by U.S. DEA.)

**Senate Bill 285 by Senator Gary Smith (Act 372)** prohibits a health insurance issuer from denying coverage of a non-opioid prescription drug in favor of an opioid prescription drug and prohibits a health insurance issuer to deny a physician prescribed medication and recommend an alternative prescription which would increase the number of pills per prescription, provide for a higher Drug Enforcement Administration schedule medication than the one, or substitute an extended release medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.

**Senate Concurrent Resolution 98 by Senator Mills (Sent to Secretary of State)** creates awareness to encourage law enforcement agencies across the state to take advantage of the Attorney General's Drug Take Back Box Program, conducted in partnership with Blue Cross Blue Shield of Louisiana, providing for placement of free receptacles in local law enforcement agency offices for the safe disposal of opioids.

**House Bill 658 by Representative Leger (Act 174)** subject to specific appropriation by the legislature, creates a neonatal opiate withdrawal syndrome pilot project within the Louisiana Department of Health a. Dept. of Health to be an evidence-based pilot project conducted by a multi-disciplinary team to treat infants with neonatal opiate withdrawal syndrome by providing care options that are safe alternatives to the intensive care unit in existing community or hospital settings for eligible mother-infant dyads.

#### **PUBLIC HEALTH -SAFETY AND EMERGENCY SERVICES**

**Senate Bill 264 by Senator Carter (Act 578)** creates a job specification in emergency response for a "public safety telecommunicator" who is an individual answering 911 emergency calls on behalf of a public safety agency and who has authority, based on a protocol adopted by the agency and appropriate training, to provide telephone cardiopulmonary resuscitation (T-CPR) instructions to a caller before arrival of professional medical assistance by first responders.

**Senate Bill 414 by Senator White (Act 565)** provides for development of protocols to transfer a person by ground ambulance to an

alternative destination other than an emergency department when the person's condition does not meet the definition of emergency medical condition, when the person and the alternative destination consent to the transfer, and when the emergency medical services practitioner overseeing the transfer has no financial interest in the alternative destination.

**House Bill 148 by Representative Falconer (Act 450)** provides for implementation of the "zero suicide initiative", a state suicide prevention plan, and requires the office of behavioral health of the Louisiana Department of Health to ensure that the initiative incorporates, at minimum, leadership development, healthcare provider training, identification of suicide risk factors, patient engagement, treatment, health system transition, and health system quality improvement.

**House Bill 281 by Representative Talbot (Act 596)** authorizes a nursing home resident or his legal representative to have a monitoring device installed in his room if the appropriate consent is issued and the resident pays for the monitoring device and all installation, operation, maintenance, and removal costs associated with the device.

**House Bill 546 by Representative Lebas (Act 557)** requires an ambulance or emergency medical response vehicle provider to maintain a policy identifying the equipment needed on its vehicles to include basic trauma equipment, drugs, suction and oxygen equipment, CPR equipment, and any other equipment required by law.

**House Bill 821 by Representative Reynolds (Act 702)** provides that when an officer of any

law enforcement, fire service, or emergency medical service agency has been exposed to the blood or bodily fluids of a patient in the course and scope of his duties and in such a manner as to create any risk that the agent or employee may become infected with the human immunodeficiency virus then the infectious disease control officer of the agency or organization shall request that the hospital, while the patient is in such hospital and without the consent of the patient, conduct a human immunodeficiency virus test approved by the United States Food and Drug Administration that can yield test results within no more than five hours of administering the test.

#### **PUBLIC HEALTH - VACCINES**

**House Bill 74 by Representative Davis (Act 262)** requires schools to provide up-to-date information about influenza and immunization against the influenza virus and the state Department of Education to provide such information to parents of students enrolled in approved home study programs.

**House Bill 176 by Representative Leger (Act 196)** requires current immunization against meningococcal disease by students who are entering 11th grade or who are age 16 and entering any grade.

#### **MEDICAL MARIJUANA**

**House Bill 579 by Representative James (Act 708)** adds glaucoma, severe muscle spasms, intractable pain, post-traumatic stress disorder, and Parkinson's disease to the list of debilitating medical conditions for which medical marijuana may be recommended and further defines "intractable pain" as a pain state in which the cause of the pain cannot be

removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts and provides that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

**House Bill 627 by Representative Lyons (Act 496)** adds conditions associated with autism spectrum disorder to the list of debilitating medical conditions for which medical marijuana may be recommended including specifically repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized, avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized, self-injuring behavior, and physically aggressive or destructive behavior.

**House Bill 823 by Representative Pierre (Act 715)** extends the statutory authorization for recommendation of medical marijuana in Louisiana until January 1, 2025.

## HEALTH PROFESSION LICENSING BOARDS

**Senate Bill 24 by Senator Mills (Act 227)** provides that a faculty member who has obtained a master's degree or license in a field other than social work and who teaches a course in a social work program other than a clinical course, a clinical practicum, or any other course involving the scope of practice of social work at an accredited Louisiana institution of higher education shall not be construed as practicing social work and shall not be subject to the provisions present law on licensing and regulation the practice of a

social worker.

**Senate Bill 40 by Senator Mills (Act 515)** ensures consumer representation on each of the health profession licensing boards placed within the Louisiana Department of Health, establishes certain criteria to serve as a consumer member of a licensing board and requires the governor to ensure that his appointments represent race, gender, ethnic, and geographical diversity.

**Senate Bill 202 by Senator Peacock (Act 577)** adopts the model language for the Nurse Licensure Compact to allow Louisiana to participate with 30 other states in a regulatory multi-state licensure process to allow movement of registered nurses and licensed practical nurses among compact states for the provision of nursing services.

**Senate Bill 203 by Senator Peacock (Act 524)** adopts the model language for the Physical Therapy Compact to allow Louisiana to participate with 18 other states in a regulatory multi-state licensure process to allow movement of physical therapists among compact states for the provision of physical therapy services.

## ABORTION

**Senate Bill 181 by Seantor Milkovich (Act 468)** prohibits abortion in Louisiana after 15 weeks gestational age of the fetus contingent upon a ruling by the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past fifteen weeks gestational age.

**Senate Bill 325 by Senator Milkovich (Act 564)** provides that systematically, intentionally, or deliberately falsifying or destroying patient files or records or completing in advance of an appointment with a woman seeking abortion any portion of patient records or forms required by law to include patient-specific data or a physician's signature shall subject licensed outpatient abortion facilities to license suspension or revocation.

**House Bill 273 by Representative Hoffmann (Act 204)** provides an exception to present law requirement that each physician who performs or induces an abortion which does not result in a live birth insures that the remains of the child are disposed of by interment or cremation in cases of abortions induced with medications when the evacuation of any human remains occurs at a later time, neither in the presence of the inducing physician nor at the facility in which the physician administered the inducing medications.

**House Bill 287 by Representative Edmonds (Act 77)** stipulates that no person shall be found in violation of and no penalty shall be assessed against any physician who does not provide a pregnant woman with an informational document prior to performing an abortion that includes resources, programs, and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs, and services for infants and children born with disabilities if the required informational document is not available for use.

**House Bill 449 by Representative Edmonds (Act 319)** requires the Louisiana Department of Health and the Department of Children and

Family Services to provide online adoption-related information using the domain name AdoptionOption.La.Gov to include adoption-related information provided in coordination with the on the abortion alternatives and informed consent website, along with a list of entities which offer free and confidential counseling to a woman considering placing her child for adoption.

### **2018 2<sup>nd</sup> Extraordinary Session**

*No legislation on this topic during the first extraordinary session.*

## Homeland Security

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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

**Senate Bill 446 by Senator White (Act 158)** re-creates the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP). The Act provides that GOHSEP's new termination date is July 1, 2023, unless re-created prior to that date.

In response to the numerous volunteers who rescued Louisiana citizens in the floods of 2016, legislation was introduced to provide for registration, credentialing, and limitation of liability of those volunteers. **House Bill 358 by Representatives Foil and Hodges (Subject to call - House final passage)** and **House Bill 388 by Representatives Hodges and Foil (Act 548)** was filed to provide for the registration, credentialing, and limitation of liability of volunteers who want to assist during times of a declared state of emergency. The Act provides that volunteers who render any disaster relief or recovery services following a declared state of emergency shall not be liable to any person for certain damages in rendering certain types assistance during a declared state of emergency. The Act allows GOHSEP to establish a registry and credentialing requirements of volunteers who may be deployed by either GOHSEP or the parish office of homeland security and emergency preparedness.

**House Bill 645 by Representative Zeringue (Act 713)** consolidates the statewide interoperability plan and the statewide communications interoperability plan for first responders into the statewide communications interoperability plan. The Act adds a fourth subcommittee (the long term recovery subcommittee) and provides for its membership and duties. The Act creates a Statewide Cemetery Response Task Force, provides for its membership, powers, and duties, and provides that the task force may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing to the task force. In addition, the Act provides that GOHSEP, each parish homeland security and emergency preparedness agency, the state, political subdivisions of the state, and other agencies engaged in homeland security, emergency preparedness, response and recovery activities shall also be immune from claims based on the exercise or performance of, of the failure to exercise or perform, certain homeland security and emergency preparedness activities.

**House Concurrent Resolution 95 by Representative Hilferty (Sent to the Secretary of State)** creates a committee to study and evaluate the public safety implications of persons convicted of terrorism offenses being released from prison in Louisiana or moving to Louisiana from another state, and to require the committee to report its findings and recommendations

regarding the development and implementation of a system which requires persons convicted of terrorism offenses to provide notification to law enforcement of their presence within the law enforcement agency's jurisdiction.

**Senate Resolution 236 by Senator White (Sent to the Secretary of State)** request the Department of Transportation & Development to submit a report to the Senate Committee on Finance and the Senate Select Committee on Homeland Security on the ability of the public works and water resources division in the department to receive and distribute federal funds for flood control, the hazard mitigation grant program, and other disaster funds.

**Senate Bill 262 by Senator Gatti (Subject to call - Senate final passage)** would have allowed the governor during a gubernatorially declared disaster or emergency to suspend liberative prescription and preemptive periods for all legal proceedings by executive order or proclamation, and to extend the period in which residents may file a claim against an insurer pursuant to R.S. 22:868 by executive order or proclamation.

### **2018 2<sup>nd</sup> Extraordinary Session**

No legislation on this topic during the second extraordinary session.



## Information Technology

by: Gary Schaefer  
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### 2018 1<sup>st</sup> Extraordinary Session

#### FISCAL CONTROLS

**Senate Bill 8 by Senator Ward (Pending House Referral)** would have established the Louisiana Checkbook as a centralized searchable website that would have provided information, fiscal transparency, and would have allowed the public to obtain fiscal information regarding the state.

**House Bill 1 by Representative Ivey (Pending Appropriations Committee)** would have established the Louisiana Checkbook as a centralized searchable website that would have provided information, fiscal transparency, and would have allowed the public to obtain fiscal information regarding the state.

**House Bill 29 by Representative Barras (Pending Finance Committee)** would have established the Louisiana Checkbook as a centralized searchable website that would have provided information, fiscal transparency, and would have allowed the public to obtain fiscal information regarding the state.

#### MEDICAID

**House Bill 11 by Representative McFarland (Pending House Health and Welfare Committee)** would have required copayments in the Louisiana Medicaid program for nonemergency use of hospital emergency

departments and for nonpreferred prescription drugs. The bill would also have provided that the standard definition of nonemergency services and list of diagnosis codes used by hospitals be available on each hospital's and managed care organization's websites.

#### TAX

**House Bill 27 by Representative Smith (Act 2)** increases the monthly telecommunications tax levied on wireline access lines and wireless handset devices from four and one-half cents per month to five cents per month to be deposited into the Telecommunications for the Deaf Fund to be used to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, deaf/blind, hard of hearing, speech impaired, or others with similar disabilities or impairments.

**House Bill 28 by Representative Smith (Pending House Final Passage Subject to Call)** would have levied a tax on prepaid mobile devices and prepaid mobile device cards to be deposited into the Telecommunications for the Deaf Fund to be used to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, deaf/blind, hard of hearing, speech impaired, or others with similar disabilities or impairments.



## 2018 Regular Session

### ABORTION

**House Bill 449 by Representative Edmonds (Act 319)** enacts The Adoption Option Act providing for information on adoption to be conveyed pursuant to the Woman's Right To Know law and provides that the online adoption-related information required featured on a website created and maintained by the Department of Children and Family Services, linked on the La. Department of Health's website, and accessible by redirecting from the domain name AdoptionOption.La.Gov lists public and private nonprofit adoption agencies that are not affiliated with an abortion provider, along with easily comprehensible first steps to aid pregnant women seeking to explore the options confidentially of placing her child for adoption and indicating whether the adoption agency allows the woman to choose the adoptive parents.

### ALCOHOLIC BEVERAGES

**Senate Bill 246 by Senator Morrish (Substitute Became SB 489)** would have permitted the sale and delivery of alcoholic beverages beyond the licensed premises, outlined the requirements and criteria retail dealers would have followed in order to deliver alcoholic beverages, and would have authorized the use of a third-party facilitator for the delivery of alcoholic beverages. The bill also would have allowed a retail dealer to enter into a written agreement with a third party for the sale of alcoholic beverages through the internet or mobile application platform and the delivery of alcoholic beverages by submitting written notification to the commissioner of its intent to utilize the

services of a third party.

**Senate Bill 489 by Senator Morrish (Judiciary Committee Involuntary Deferred)** would have permitted the sale and delivery of alcoholic beverages beyond the licensed premises, outlined the requirements and criteria retail dealers would have followed in order to deliver alcoholic beverages, and would have authorized the use of a third-party facilitator for the delivery of alcoholic beverages. The bill also would have allowed a retail dealer to enter into a written agreement with a third party for the sale of alcoholic beverages through the internet or mobile application platform and the delivery of alcoholic beverages by submitting written notification to the commissioner of its intent to utilize the services of a third party.

**House Bill 285 by Representative Stefanski (Pending Judiciary Committee)** would have permitted the sale and delivery of alcoholic beverages beyond the licensed premises, outlined the requirements and criteria retail dealers must follow in order to deliver alcoholic beverages, and would have authorized the use of third-party facilitator for the delivery of alcoholic beverages. The bill also would have allowed a retail dealer to enter into a written agreement with a third party for the sale of alcoholic beverages through the internet or mobile application platform and the delivery of alcoholic beverages by submitting written notification to the commissioner of its intent to utilize the services of a third party.

### ATTORNEY GENERAL

**Senate Bill 361 by Senator Walsworth (Act 382)** requires any person that conducts business in the state or owns or licenses

computerized data that includes personal information or any agency that owns or licenses computerized data that includes personal information to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. The Act defines "personal information" as the first name or first initial and last name of an individual resident of this state in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted: (1) Social security number, (2) Driver's license number or state identification card number, (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account, (4) Passport number, and (5) Biometric data.

#### **BUDGET PROCEDURE**

**Senate Bill 373 by Senator Barrow (Act 667)** provides that the LaTrac website, or any subsequent database that may replace the LaTrac system, shall include reports of all revenues, exemptions, credits, exclusions, refunds, preferential tax rates, deferred tax liability, and rebates, all as contained in the tax exemption budget.

#### **BUDGETARY CONTROLS**

**House Bill 229 by Representative Bacala (Governor Vetoed)** would have provided relative to the allocation of expenditures in the operating budget and would have required the commissioner of administration to post the initial allocation by expenditure category

contained in the executive budget supporting document on the commissioner's website.

**House Bill 471 by Representative Stokes (Pending Appropriations Committee)** would have required the division of administration to establish, maintain, and make public a list of unpaid outstanding final tort judgments against the state. The list would have been updated quarterly and made available on the division of administration's website, and information contained therein would have been included within the comprehensive annual financial report in a manner determined by the commissioner of administration.

#### **CHILDREN/SUPPORT**

**House Bill 154 by Representative Magee (Act 194)** authorizes the Department of Children and Family Services to access records of electronic communications and internet service providers for purposes of child support enforcement.

#### **COASTAL PROTECTION/RESOURCE AUTHORITY**

**Senate Bill 439 by Senator Chabert (Act 157)** requires the Coastal Protection and Restoration Authority Board to meet in a location with internet audio and video streaming capability when votes are scheduled to occur.

#### **COMMERCE**

**House Bill 679 by Representative Jordan (House Commerce Involuntarily Deferred)** would have created the Internet Privacy and Protection Act and would have done for the following: prohibited a broadband internet

access service provider from disclosing, selling, or permitting access to customer personal information unless the customer provided express consent to such service provider; authorized the customer to revoke the consent at any time using an easily accessible means of communication provided by the broadband internet access service provider; required the broadband internet access service provider to employ certain reasonable measures and safeguards, including administrative and technological measures and safeguards to protect customer personal information; required a broadband internet access service provider to give a clear, conspicuous, and nondeceptive notice of the requirements and allowances to a customer before the customer subscribes to the broadband internet access service; and provided a customer a private right of action against a broadband internet access service provider who disclosed, sold, or otherwise violated the customer relative to the unlawful disclosure of the customer's personal information.

### CONSUMER PROTECTION

**Senate Bill 114 by Senator Peacock (Act 647)** provides relative to the Military Service Relief Act and allows a person called to service in the uniformed services to suspend or terminate an internet services contract.

### CRIME

**House Bill 79 by Representative Mack (Act 263)** creates the crime of abuse of persons with infirmities through electronic means and provides for criminal penalties, exceptions to the offense, and for definitions. The bill provides the following penalties: a fine of not more than \$1,000, imprisonment for up to six

months or both for the first offense and; a fine on not more than \$2,000 and imprisonment at hard labor for one to three years, without benefit of parole, probation, or suspension of sentence for second and subsequent offenses.

**House Bill 261 by Representative Marino (Act 426)** prohibits the use of a telecommunications device to send any text message or other message repeatedly or one that contains obscene language or content directly to another person.

### CRIME/PUNISHMENT

**Senate Bill 335 by Senator Mizell (Act 663)** provides penalties for persons convicted for soliciting prostitutes and provides for the seizure and sale of electronic communication devices, computers, computer-related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

**Senate Bill 441 by Senator Morrell (Act 415)** provides penalties for reckless operation of certain all-terrain vehicles of public roadways and stipulates it shall be unlawful for a person to solicit or to assist in soliciting participation in any rally, ride, or gathering that encourages reckless operation by the use of a computer online service, internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, internet chat room, electronic mail, social media, or online messaging service.

## CRIMINAL RECORDS

**Senate Bill 384 by Senator Claitor (Act 385)** prohibits the commercial use of “mug shots” and other arrest records under certain circumstances and provides that if the person or business entity finds an incomplete or inaccurate criminal history record or inaccurate criminal history record information after conducting an investigation, the person or business entity must remove the inaccurate information promptly from the website or other publication or correct the information promptly, as applicable.

## CURRICULA

**House Bill 575 by Representative Norton (Substitute Became HB 895)** would have provided relative to guidelines, teaching materials, and instruction in public schools and public postsecondary education institutions on internet and social media related to potential threats to school safety and public safety and reporting of such threats.

**House Bill 895 by Representative Norton (Act 641)** provides relative to guidelines, teaching materials, and instruction in public schools and public postsecondary education institutions on internet and social media related to potential threats to school safety and public safety and reporting of such threats. The bill also requires school officials and campus security officers to further report online content to local law enforcement agencies when it is deemed potentially dangerous. If the content poses an immediate threat at a public school, school administrators shall follow procedures regarding school crisis management.

## DISTRICT ATTORNEYS

**House Bill 560 by Representative James (Pending Judiciary Committee)** would have created the State Commission on Prosecutorial Conduct, would have authorized the commission to collect data from prosecutors and district attorneys statewide, and would have required the commission to monitor district attorney-operated diversion programs statewide collecting and monitoring a variety of demographic data on the participants. The bill also would have required the commission to publish annually information collected from the prosecutors and district attorneys statewide and any conclusions reached from analyzing the collected data on the commission’s website.

## DRUGS/ILLEGAL

**House Bill 611 by Representative James (Pending Administration of Criminal Justice Committee)** would have created a civil penalty for possession of a personal use quantity of marijuana not to exceed \$100 and would have provided for the collection of data pertaining to civil fines issues. The bill also would have required the Department of Public Safety and Corrections to compile the data collected and make it available free of cost to the public; law enforcement agencies would have updated the data annually and would have published the data on the agency’s public internet website.

## EDUCATION ACCOUNTABILITY

**House Bill 590 by Representative Gary Carter (Pending House Final Passage Subject to Call)** would have required school boards to make presentations at public meeting relative to plans for schools in need

of academic improvement and would have required the Department of Education to publish annually on its website a list of schools with such plans.

## EDUCATION DEPARTMENT

**Senate Bill 349 by Senator Appel (Act 381)** creates the Technology Strategy Task Force to review the technology plan, the current technology capabilities of Louisiana schools, and projected technology needs, and to develop a strategy whereby all schools can meet the technology needs of students.

## ELECTIONS

**House Bill 211 by Representative Jackson (Act 425)** requires the registrar of voters to make lists of early and absentee by mail voters available for public inspection instead of requiring the registrar to post the lists at the entrance to his office and requires the lists to be posted on the website of the secretary of state.

## ELECTION CODE

**House Bill 601 by Representative Shadoin (Act 712)** prohibits the registrar, clerk of court, and the Department of State from disclosing computer system or program information, including software, related menus, flow charts, network diagrams, passwords, source materials, prompts, dialogues, operating manuals, programming materials or instructions, and any other computer operating or support materials concerning the state voter registration computer system and election management system or voting equipment and any information contained within the state voter registration computer system and election

management system, that if disclosed, may impair the security of the statewide voter registration system and election management system or the integrity of the information maintained on the systems or voting equipment.

**House Bill 692 by Representative Shadoin (Act 584)** makes several revisions to the Louisiana Election Code, changes the deadline for compiling and announcing the results from the sixth day after the election to the seventh day after the election, and specifies that announcement of the results be posted on the secretary of state's website.

## FISCAL CONTROLS

**Senate Bill 363 by Senator Ward (Pending Finance Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) the establishment, completion, and contents. The website would have contained reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

**House Bill 50 by Representative Ivey (Pending Appropriations Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) the establishment, completion, and contents. The website would have contained reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of

state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

**House Bill 510 by Representative Barras (Pending Finance Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) establishment, completion and contents. The website would have contained reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

## GAMING

**Senate Bill 322 by Senator Martiny (Pending Judiciary B Committee)** would have provided that internet gaming would not take place in any parish unless gaming is approved in the parish by a referendum election.

**House Bill 484 by Representative Talbot (Act 322)** creates the Louisiana Fantasy Sports Contests Act, requires a proposition election to determine whether fantasy sports contests shall be permitted statewide, provides for the regulation of such contents, and provides for a contingent effectiveness. Participation in any fantasy

sports contest as defined by statute shall not be considered gambling by computer.

## GOVERNMENTAL REGULATIONS

**Senate Bill 383 by Senator Carter (Pending Judiciary B Committee)** would have created the Law Enforcement Ammunition Tracking Act and would have provided for the sale and monitoring of ammunition for use in a firearm. The bill also would have provided that transactions were recorded by the retail or specialty store and transmitted to the central computer monitoring system.

**Senate Bill 388 by Senator Claitor (Pending Judiciary B Committee)** would have provided relative to the commercial use of certain criminal records and would have prohibited publication of confidential juvenile record information or confidential criminal record information of a child. The bill also would have provided that if a business entity received a written notice by any person that the business entity was publishing information in violation of this bill, the business entity would immediately remove the information for the website or publication.

## HEALTH/ACC INSURANCE

**Senate Bill 283 by Senator Mills (Act 371)** requires pharmacy benefit managers to be licensed by Louisiana Department of Insurance (LDI) and requires LDI to have a dedicated location on its website to publish pharmacy benefit manager information, including the formulary and timely notification of formulary changes by each licensed



pharmacy benefit manager. The bill also requires that not more than 30 days after an increase in wholesale acquisition cost of 50% or greater for a drug with a wholesale acquisition cost of \$100 or more for a 30-day supply, a pharmaceutical drug manufacturer is to notify the commissioner of insurance by electronic mail of the change.

## HEALTH CARE

**Senate Bill 90 by Senator Mills (Act 28)** requires the Louisiana Department of Health, in consultation with the office of behavioral health, to establish a voluntary nonopioid directive form and to publish the form prominently on the department's website for public use. Any person who does not wish to be issued a prescription or medication order for an opioid may file the form with a prescribing practitioner.

## HOUSING

**House Bill 545 by Representative Coussan (Pending House Commerce Committee)** would have changed the Manufactured Home Property Act to the Factory Built Home Property Act, and, upon recordation of the act of immobilization, the owner of the factory-built home or his agent would have filed with the secretary of the Department of Public Safety and Corrections (DPSC) a certified copy of the act. The secretary of DPSC would have created an internet accessible searchable database providing a public record of each such filing, indicating the name of the owner of the factory-built home, the date of recording of the act of immobilization in accordance with statute, the parish where the act was recorded, the year of manufacture, the name of the manufacturer, the dimensions and the vehicle identification number or numbers

of the factory-built home, and the date of the secretary's filing of a copy of the act of immobilization.

## INSURANCE

**House Bill 370 by Representative Talbot (Act 132)** authorizes the delivery of insurance coverage notices and documentation through electronic means.

## INSURANCE/HEALTH

**House Bill 439 by Representation Talbot (Withdrawn from files of the House)** would have prohibited balance billing for out-of-network air ambulance services and would have established an independent dispute resolution process for reimbursement claims. The bill would have required Department of Insurance to keep and maintain records of each independent dispute resolution proceeding and to analyze the results of the independent dispute resolution proceedings. The bill also would have required the department to publish on its website an annual report concerning statistics of the program.

## INTERNET

**Senate Bill 409 by Senator Riser (Pending Senate Commerce Committee)** would have provided relative to internet speed and would have provided that all internet providers would charge the customer for the actual internet speed that was delivered, regardless of the speed plan purchased by the customer. If a customer was charged for internet speed that was not delivered in any month, the provider would have credited to the customer's account the amount equivalent to the percentage of the internet speed that was not delivered within thirty days of the billing cycle.

## MENTAL HEALTH

**House Bill 511 by Representative Bacala (Substitute Became HB 898)** would have required the mental health evaluation of persons who threaten public safety or physical harm to other persons and would have defined the term “threat of violence” to mean the communication, whether verbally, visually, or in writing, including but not limited to email, letters, notes, social media posts, text messages, blogs, or any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

**House Bill 898 by Representative Bacala (Act 716)** requires the mental health evaluation of persons who threaten public safety or physical harm to other persons and defines the term “threat of violence” to mean the communication, whether verbally, visually, or in writing, including but not limited to email, letters, notes, social media posts, text messages, blogs, or any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

## MTR VEHICLE/DRIVER LIC

**House Bill 450 by Representative James (Act 552)** clarifies requirements for digitized driver’s licenses and establishes digitized special identification cards. The Act defines “digitized special identification card” as a data file available on any mobile device that has connectivity to the internet through an application that allows the mobile device to download the data file from the Department of Public Safety and Corrections or an authorized

representative of the department, contains all of the data elements visible on the face and back of the license, and includes any special identification card that complies with the standards of Real ID.

## NOTARIES

**Senate Bill 358 by Senator Luneau (Pending Civil Law and Procedures Committee)** would have created electronic notaries public and electronic notarial acts and would have provided for the definitions, qualifications, authority, jurisdiction, duties, fees, and procedures for such notaries and notarial acts.

**House Bill 572 by Representative Magee (Pending Civil Law and Procedures Committee)** would have created electronic notaries public and electronic notarial acts and would have provided for the definitions, qualifications, authority, jurisdiction, duties, fees, and procedures for such notaries and notarial acts.

## NURSES

**Senate Bill 350 by Senator Thompson (Substitute Became SB 478)** would have provided relative to online licensure verification for licensed practical nurses.

**Senate Bill 478 by Senator Thompson (Act 162)** provides relative to online licensure verification for licensed practical nurses.

## NUTRITION

**Senate Bill 245 by Senator Morrish (Pending Senate Education Committee)** would have revised procedures relative to a student’s inability to pay for school meals and



a student's meal debt, applicable to all public elementary and secondary schools. The bill would have required each public school governing authority to develop written policies to implement this provision. Policies would have been published on Department of Education's website, on the website of each school under its jurisdiction, and in each school's policy and procedure manual or student handbook, as applicable.

**House Bill 284 by Representative Smith (Pending Senate Education Committee)** would have revised procedures relative to a student's inability to pay for school meals and a student's meal debt, applicable to all public elementary and secondary schools. The bill would have required each public school governing authority to develop written policies to implement this provision. Policies would have been published on Department of Education's website, on the website of each school under its jurisdiction, and in each school's policy and procedure manual or student handbook, as applicable.

## **PUBLIC EMPLOYEES**

**Senate Bill 447 by Senator Barrow (Pending Senate and Governmental Affairs Committee)** would have required annual sexual harassment training for all public servants and would have allowed public employees and elected officials to receive the required training either in person or via the internet.

**House Bill 524 by Representative Carter (Act 270)** requires policies prohibiting sexual harassment and annual training on preventing sexual harassment and requires each agency head shall ensure that its policy against sexual harassment and its complaint procedure are

posted prominently on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's office.

## **PUBLIC HEALTH**

**House Bill 635 by Representative Hunter (Pending Appropriations Committee)** would have required state entities and other entities serving the public to address and eliminate the disproportionate environmental and human health impacts on communities of color, indigenous communities, and low-income communities. Each state department, office, and agency would have provided the information collected and maintained and the analysis conducted publicly available by, at a minimum, posting on the website for the state department, office, or agency.

## **PUBLIC RECORDS**

**Senate Bill 173 by Senator Perry (Pending Senate Local and Municipal Affairs Committee)** would have authorized the governing authority of Vermilion Parish to choose to publish its meeting minutes on its website only.

## **PUBLIC SAFETY/CORRECTIONS**

**House Bill 236 by Representative Ivey (Pending House Final Passage Subject to Call)** would have created the Inmate Rehabilitation and Computer Technology Development Act with the goals of protecting the public, reducing recidivism, providing rehabilitation, and improving the technical workforce of the state of Louisiana.

## REAPPORTIONMENT

**House Bill 89 by Representative Smith (Failed House Final Passage)** would have provided for purposes of all redistricting by the legislature that an incarcerated person would have been counted at his last known residential address prior to incarceration if within the state, and if the last known residential address was outside of the state, unknown, or unreported, the incarcerated person would have been subtracted from the census count. The draft adjustment would have been published on the website of the legislature as soon as practicable following its completion and would have been submitted for approval by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

## SCHOOLS

**Senate Bill 95 by Senator Boudreaux (Substitute Became SB 562)** would have provided relative to virtual charter schools and would have defined a virtual charter school as a Type 2 charter school through which instruction was conducted primarily through the internet and at which physical daily attendance of students was not required.

**Senate Bill 562 by Senator Boudreaux (Act 478)** provides relative to virtual charter schools and defines a virtual charter school as a Type 2 charter school through which instruction is conducted primarily through the internet and at which physical daily attendance of students is not required.

**Senate Bill 250 by Senator Mizell (Act 369)** requires that parents be provided with information regarding the public health risk

associated with pornography and access to information on prevention. The Act also requires the Department of Education to compile information regarding the public health risks and harms associated with pornography that includes resources available to parents who are seeking information regarding child safeguards and free internet filters for home computers. A list of free internet filters that filter pornography shall also be provided.

**Senate Bill 401 by Senator Mizell (Act 413)** creates a commission to study the feasibility of consolidating the Washington Parish and Bogalusa City school systems and requires all documents and proceedings of the commission shall be posted on each school system's website.

**House Bill 663 by Representative White (Act 332)** creates a commission to study the feasibility of consolidating the Washington Parish and Bogalusa City school systems and requires all documents and proceedings of the commission shall be posted on the Bogalusa City School System and the Washington Parish School System websites.

**House Bill 575 by Representative Norton (Substitute Became HB 895)** would have provided relative to guidelines, teaching materials, and instruction in public schools and public postsecondary education institutions on internet and social media related to potential threats to school safety and public safety and reporting of such threats.

**House Bill 895 by Representative Norton (Act 641)** provides relative to guidelines, teaching materials, and instruction in public schools and public postsecondary education institutions on internet and social media

related to potential threats to school safety and public safety and reporting of such threats. The Act also requires school officials and campus security officers to report online content to local law enforcement agencies when it is deemed potentially dangerous. If content poses an immediate threat at a public school, school administrators shall follow procedures provided by existing statute regarding school crisis management.

### **SCHOOLS/CHOICE**

**House Bill 670 by Representative Nancy Landry (Act 459)** requires the governing authority of each public elementary and secondary school to work collaboratively and cooperatively to ensure public school choice and to adopt a policy to govern authorized student transfers. The bill further requires that such policy be adopted and posted to the school governing authority's website no later than December 31, 2018.

### **STATE AGENCIES**

**Senate Bill 391 by Senator Mizell (Act 669)** requires the division of administration to adopt policies regarding the acceptable use by state employees who use state-owned or state-leased computers to access the internet and online sites that contain harmful material that is reasonably believed to be sexuality explicit, pornographic, or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by federal law. This Act shall apply to state-owned or state-leased computers that are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency that is subject to existing statute regarding the office of technology services in the division of

administration. The Act provides that the policies adopted by the office of technology services include the use of computer-related technology or the use of internet service provider technology designed to block access or exposure to any harmful material as specified in the bill. The Act further specifies that it does not prohibit any authorized employee from having unfiltered or unrestricted access to the internet or an online service for law enforcement, legitimate scientific, or educational purposes as determined and approved by the employing agency. The Act clarifies that its provisions do not prohibit any state employee from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned by the state, so long as the unrestricted device is not used to access or for exposure to any harmful material during the hours in which he is working for the state.

### **TRAFFIC/VIOLATIONS**

**House Bill 619 by Representative Huval (Pending Senate Final Passage, Subject to Call)** would have modified provisions applicable to the use of a wireless communications device while operating a motor vehicle primarily to make manually entering names or phone numbers to initiate a call; writing, sending, or reading a text-based communication; and accessing, reading, or posting to a social networking site illegal. The bill would have provided exceptions for reporting a traffic collision, medical emergency, or serious road hazard in which the person believes his personal safety is in jeopardy or to avert the perpetration or potential perpetration of a criminal act against the driver or another person, or while the motor vehicle is in park.

**TRANSPORTATION/DEV DEPT**

**Senate Bill 332 by Senator Cortez (Act 662)** requires each Department of Transportation and Development district office to publish weekly on its internet website information by parish regarding the construction and maintenance work being performed, including but not limited to a description and location of the construction project or maintenance work performed.

**TAX/AD VALOREM TAX**

**House Bill 250 by Representative Bishop (Act 75)** requires a newspaper advertisement of a public notice for a hearing concerning an increase in a property tax without voter approval and that on the first day of publication, the notice shall also be posted on the internet website of the taxing authority, if such taxing authority maintains an internet website. The internet posting shall remain active until such time as the taxing authority has taken action to approve or disapprove, or has abandoned action on the proposed millage increase.

**House Bill 382 by Representative Connick (Substitute Became HB 893)** would have provided with respect to the development of appraisals and assessments of public services by the Louisiana Tax Commission and would have required studies for the various types of property to reflect the unit valuation standards established by the national Conference of Unit Value States. The studies would have been available on the commission's website. House Bill 893 deleted the provisions regarding publication on the commission's website.

**TAX COMMISSION, STATE**

**House Bill 361 by Representative Havard (Pending Ways and Means Committee)** would have required the Louisiana Tax Commission to study annually the development of capitalization rates to be used in the appraisal of public service properties and would have required the results of the study to be published on the tax commission's website.

**TOBACCO/TOBACCO PRODUCTS**

**House Bill 56 by Representative Hoffmann (Act 188)** requires the telephone number and website for the Louisiana Tobacco Quitline to be included on signs displayed at the point of purchase or on the vending machine of any tobacco product, alternative nicotine product, or vapor product.

**VOTING/REGISTRATION**

**House Bill 265 by Representative Smith (Act 630)** allows a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been confined in a correctional facility pursuant to the order within the last five years. The Act provides that when the registration application is completed at the office of motor vehicles of the Department of Public Safety and Corrections or electronically on the secretary of state's website, an electronically captured signature of the applicant suffices as a handwritten signature of the applicant.

**House Bill 417 by Representative Ivey (Involuntarily Deferred House and Governmental Affairs Committee)** would have allowed a person who is under an order of imprisonment for conviction of a felony to

register and vote if the person had not been confined in a correctional facility pursuant to the order within the last five years and the applicant had performed at least 40 hours of community service. The bill would have provided that when the registration application was completed at the office of motor vehicles of the Department of Public Safety and Corrections or electronically on the secretary of state's website, an electronically captured signature of the applicant would have sufficed as a handwritten signature of the applicant.

## 2018 2<sup>nd</sup> Extraordinary Session

### FISCAL CONTROLS

**Senate Bill 13 by Senator Ward (Pending Appropriations Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) and the establishment, completion, and contents. The website contains reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

**House Bill 5 by Representative Ivey (Pending Finance Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) and the establishment, completion, and contents. The website contains reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of state government contained in the General Appropriation Act

and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

**House Bill 10 by Representative Barras (Pending Finance Committee)** would have provided relative to the state's fiscal transparency website (Louisiana Checkbook) and the establishment, completion, and contents. The website contains reports, including but not limited to reports on state spending, the amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries and total compensation of statewide elected official and cabinet-level positions, and monthly reports of spending by each budget unit.

### TAX/SALES & USE

**Senate Bill 8 by Senator Morrell (Pending Ways and Means Committee)** would have defined "dealer" as a person who does not have a physical presence in the state and who sells for delivery into Louisiana tangible personal property, products transferred electronically, or services, if either the person's gross revenue for sales in Louisiana exceeds \$100,000 or the person is engaged in 200 or more separate transactions in Louisiana. The bill would have authorized the Louisiana Sales and Use Tax Commission for Remote Sellers to collect sales tax for all local governments contingent upon a final ruling of the U.S. Supreme Court. The bill also would have provided that a person may voluntarily register as a dealer for purposed of collecting the additional sales tax regardless of its revenue or number of sales.

**House Bill 17 by Representative Foil (Pending House Final Passage Subject to Call)** would have defined “dealer” as a person who does not have a physical presence in the state and who sells for delivery into Louisiana tangible personal property, products transferred electronically, or services, if either the person’s gross revenue for sales in Louisiana exceeds \$100,000 or the person is engaged in 200 or more separate transactions in Louisiana. The bill would have authorized the Louisiana Sales and Use Tax Commission for Remote Sellers to collect sales tax for all local governments contingent upon a final ruling of the U.S. Supreme Court. The bill would have also provided that a person may voluntarily register as a dealer for purposes of collecting the additional sales tax regardless of its revenue or number of sales.



## Insurance

by: Cheryl Cooper  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 2<sup>nd</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

**Senate Bill 85 by Senator John Smith (Act 27)** enhances existing law which requires all claims brought by insureds, workers' compensation claimants, or third parties against an insurer to be paid by check or draft of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or his attorney, or upon direction of the claimant to anyone specified. Act 27 further requires the claim payment to be made by electronic transfer of funds, if that method is offered by the carrier and requested by the claimant.

**Senate Bill 138 by Senator Jay Luneau (Act 567)** is intended to protect Louisiana residents who are involved in an automobile accident with an out-of-state resident. Currently, owners of motor vehicles registered in other states or jurisdictions that require liability security to maintain the security and proof as required by their respective state or jurisdiction while the vehicle is operated in this state. Act 567 provides that a personal injury protection card issued from an insurer in another state or jurisdiction without a bodily injury

endorsement shall not be sufficient proof of liability security. Further, the liability coverage for out-of-state drivers is increased to reflect the limits applicable in present law to Louisiana drivers as follows:

- (1) If the accident resulted in bodily injury or death, to a limit, exclusive of interests and costs, of not less than \$15,000 because of bodily injury or death of one person in any one accident.
- (2) If the accident has resulted in bodily injury or death, to a limit, exclusive of interests and costs, of not less than \$30,000 because of bodily injury or death of two or more persons in any one accident.
- (3) If the accident has resulted in injury to or destruction of property, to a limit of not less than \$25,000 because of injury to or destruction of property of others in any one accident.

Act 567 further provides that a personal injury protection card issued from an insurer in another state or jurisdiction shall not be acceptable as proof of liability policy limits.

**Senate Bill 235 (Act 151)** is a win for adults who wear hearing aids. Prior law provided for hearing aid insurance coverage for children and applies to insurers and nonprofit health service plans, including the

Office of Group Benefits that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in Louisiana. Prior law also permitted an insured or enrolled individual to choose a hearing aid that is priced higher than the benefit payable under prior law and pay the difference between the price of the hearing aid and the benefit payable under the insurance policy without financial or contractual penalty to the provider of the hearing aid.

Act 151 retains prior law and requires each entity that also provides coverage of hearing aids to individuals aged 18 and over to allow any covered individual to choose a hearing aid priced higher than the benefit payable under the applicable policy, contract, program, or plan. Further, Act 151 provides that the amount payable by the entity shall be in accordance with the policy, contract, program, or plan and any additional amounts payable to the hearing aid provider shall be paid by the covered individual.

**House Bill 246 by Representative Thibaut (Act 864)** authorizes the commissioner of insurance to apply for a state innovation waiver and then establish and implement a reinsurance program pursuant to the waiver. The bill prohibits the creation of a state reinsurance program prior to the approval of the application for a state innovation waiver by the appropriate departments or agencies of the federal government. The intent of the legislation is to permit the commissioner of insurance to implement a reinsurance program to address skyrocketing individual health insurance premiums.

**House Bill 460 by Representative Stokes (Act 494)** is overwhelmingly applauded by everyone whose life has been effected by breast cancer. Digital breast tomosynthesis is a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast. Act 494 authorizes the annual breast exam covered by insurance to include the mammography examination to be conducted using the digital breast tomosynthesis technology. Further, the technology will be a covered service in the Louisiana Medicaid program to women age 40 or older.

Act 494 applies to any new policy, contract, program, or health coverage plan issued on and after January 1, 2019.



# Judiciary

by: Tom Wade  
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## 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

## 2018 Regular Session

### APPROPRIATION FOR JUDICIARY

**House Bill 698 by Representative Cameron Henry (Act 69)** appropriates funds for Fiscal Year 2018-2019 for the ordinary operating expenses of the judicial branch of government with total funding of \$180,177,165 from the following sources: \$160,543,390 out of the State General Fund (Direct) [*note reduction detailed below*]; and, \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund, and \$9,392,850 out of Interagency Transfers from the Dept. of Children & Family Services.

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

Louisiana Supreme Court	\$	76,318,355
Courts of Appeal		48,988,181
District Courts		39,852,123
Criminal Court, <i>Parish of Orleans</i>		6,420,616
Juvenile and Family Courts		2,587,914
Other Courts ( <i>Required by Statute</i> )		3,241,499
Other Courts ( <i>Not Required by Statute</i> )		697,624
Non-Judicial State Expenses		<u>2,070,853</u>

TOTAL                      \$ 180,177,165

Requires that the appropriations out of the State General Fund (Direct) contained in the Act be reduced by a total amount of \$51,457,584, pursuant to a plan adopted by the Judicial Budgetary Control Board or as provided by the Louisiana Supreme Court.

Provides for restoration of \$46,445,138 for support of all budget units in the judiciary in the event that the Fiscal Year 2018-2019 official forecast is increased due to the enactment of legislation in the 2018 2 E.S.

### CITY COURTS

**Senate Bill 123 by Senator Jonathan Perry (Act 520)** requires that a candidate for nomination and election to the office of judge of a city court having two divisions to designate the division of the court for which he is a candidate at the time of filing his declaration as a candidate. It also provides for the selection and duties of the chief judge.

### COURT COSTS

**House Bill 493 by Representative Gary Carter (Act 553)** provides for factors to be considered in reviewing and recommending laws creating or increasing court costs or fees and provides earlier deadlines for submission of laws to the Judicial Council of the Supreme Court of Louisiana for its review and for notification to the legislature.

## EMERGENCIES

**House Bill 744 by Representative Walt Leger (Act 275)** provides that a district court or a court of limited jurisdiction may sign orders and judgments while outside of its territorial jurisdiction during an emergency or disaster declared as such by the governor if the emergency or disaster prevents the court from operating in its own jurisdiction. It also requires the court to indicate the location where the order or judgment is signed.

## LOUISIANA STATE LAW INSTITUTE

**Senate Bill 30 by Senator Jonathan Perry (Act 220)** provides for membership on the Louisiana State Law Institute. It adds one member to the council and provides that the additional member will be a judge who is a member of the Louisiana City Court Judges Association appointed by the president of the Louisiana City Court Judges Association or his designee.

## 2018 2<sup>nd</sup> Extraordinary Session

### APPROPRIATION FOR JUDICIARY

**House Bill 34 by Representative Cameron Henry (Pending Senate Finance)** would have appropriated \$60,000,000 from the state general fund for support of all the budget units in the judiciary in the event that the FY 2018-2019 official forecast is increased due to the enactment of certain revenue raising measures introduced in the 2018 2<sup>nd</sup> Extraordinary Session.

## 2018 3<sup>rd</sup> Extraordinary Session

**House Concurrent Resolution 4 by Representative Marino** requests the Louisiana State Law Institute to study laws relative to expungement fees, and to make recommendations relative to the amount of expungement fees and the procedure by which those fees must be paid and collected.



## Juvenile Justice

by: *Xavier I. Alexander*  
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### 2018 1<sup>st</sup> Extraordinary Session

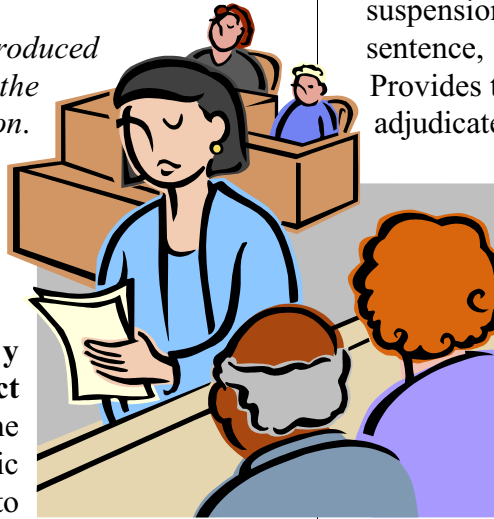
*No legislation was introduced for this topic during the first extraordinary session.*

### 2018 Regular Session

#### CHILDREN

**SB 102** by **Senator Morrell (Act 467)** provides that the Department of Public Safety and Corrections to comply with any modifications made to a child's disposition while in its custody and prohibits the Department from modifying the dispositions of juveniles adjudicated for certain felonies. Act 467 amends present law and allows modification of dispositions for first degree rape, aggravated kidnapping, and armed robbery for a juvenile adjudicated as a delinquent. Act 467 provides that the public policy of the state is that commitment of a juvenile to the Department of Public Safety and Corrections is not punitive nor a penal sentence, but a step toward rehabilitation and recommendations from the Department of Public Safety and Corrections should be given careful consideration by the courts. Provides that a child 14 years of age or older adjudicated for first degree murder or second degree murder shall be committed to the Department of Public Safety and Corrections in secure placement until reaching the age of

21 without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence. Provides that a child 14 years of age or older adjudicated for first degree rape or aggravated kidnapping shall be committed to the Department of Public Safety and Corrections in secure placement until reaching the age of 21, however, the juvenile is eligible for parole or modification of sentence, but is not eligible for probation or suspension of imposition or execution of sentence. Act 467 provides that a juvenile adjudicated for armed robbery shall be eligible for parole or modification of sentence, however, the juvenile is not eligible to receive the benefit of probation or suspension of imposition or execution of sentence. The general disposition guidelines for juveniles that are under the present law does not apply when a juvenile has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery. Act 467 amends the present law and provides the following general disposition guidelines do not apply when a child has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery: (1) the court impose the least restrictive disposition if it is consistent with the circumstances of the case, the needs of the child, and the best interest of society and (2) the court consider and accord weight to certain



grounds in determining suspension of the disposition or probation.

**SB 563 by Senator Walsworth and Thompson (Act 479)** provides that a person convicted of cruelty to juveniles pursuant to La. R.S. 14:93, on a victim that is 8 years old or younger, shall be imprisoned up to 20 years at hard labor. Retains prior law, which provides that a person convicted of cruelty to juveniles, on a victim over the age of 8 years old, shall be imprisoned up to 10 years at hard labor and fined up to \$1,000.

**SB 384 by Senator Claitor (Act 385)** prohibits the commercial use of "mug shots" and other arrest records of juveniles. Provides that no person shall publish confidential juvenile record information or confidential criminal record information of a child. Provides that a violation of any provisions of this Act shall result in a fine up to a \$1,000 fine or six months imprisoned or both for a first conviction, up to a \$5,000 fine or one year imprisonment with or without hard labor or both for a second conviction, and between six months and one year imprisonment or a \$5,000 fine or both for a third conviction. In addition to criminal penalties a violator will be liable for restitution to the juvenile offender in an amount not to exceed \$500 per violation and an amount not to exceed \$500 for each day for continuing violations. The purpose of the law is solely to protect juvenile offender's "mug shots" published commercially.

## 2018 2<sup>nd</sup> Extraordinary Session

*No legislation was introduced for this topic during the first extraordinary session.*

## Labor/Employment

by: *Carla Roberts*  
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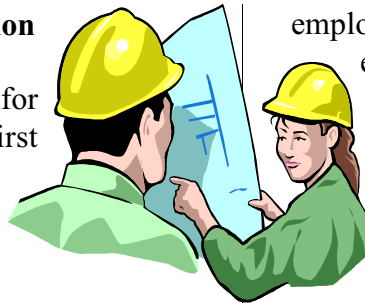
### 2018 1<sup>st</sup> Extraordinary Session

No legislation was introduced for this topic during the first extraordinary session.

### 2018 Regular Session

**Senate Bill 336 by Senator Riser (Act 380)** began as a "sunset bill" whereby the Act provided for the general re-creation of the La. Workforce Commission and its statutory entities, effective June 30, 2018. The Act makes July 1, 2023, the new termination date and termination would begin July 1, 2022, unless the department is re-created again. The Act was amended in the House of Representatives to also makes changes to the titles of the officers of the La. Workforce Commission as follows: (1) "executive director" to "secretary"; (2) "deputy executive director" to "deputy secretary"; (3) "chief financial officer" to "undersecretary"; "director" to "assistant secretary". The Act also directs the La. State Law Institute to change the titles of the officers throughout the statutes to conform to the provisions of the Act.

**Senate Bill 219 by Senator Troy Carter (passed the Senate Labor Committee but was never voted on the Senate Floor)** would have made it unlawful for any employer to refuse to hire, discharge, or otherwise discriminate with respect to compensation, terms, conditions of



employment, segregate, limit, or classify his employees or applicants for employment due to an individual's actual or perceived sexual orientation, gender identity, or gender expression.

**Senate Bill 162 by Senator Troy Carter (passed the Senate Labor Committee but failed on the Senate Floor)** would have provided for a minimum wage for Louisiana workers that is higher than the federal minimum wage. **Senate Bill 162** would establish the state minimum wage and set it at \$8.00 per hour beginning Jan. 1, 2019 and \$8.50 per hour beginning on Jan. 1, 2020. **Senate 162** would have required that, if the federal minimum wage is raised, the state minimum wage would also have been raised to that same level.

**Senate Bill 252 by Senator Troy Carter (passed the Senate Labor Committee but pending the Senate Finance Committee)** was filed as a constitutional amendment which would have allowed the voters of Louisiana to decide if employers should pay a minimum wage higher than the federal minimum wage. **Senate Bill 252** would have provided that, effective Aug. 1, 2019, every employer with 50 or more full-time employees would have to pay to each employee 18 years of age and older the state minimum wage which is not less than \$8.00 per hour and \$8.50 per hour beginning on August 1, 2020 and adjusted for inflation thereafter. **Senate 252** would have required

that if the federal minimum wage is raised, the state minimum wage would also have been raised to that same level. **Senate Bill 252** specified that submission of the proposed constitutional amendment would have gone to the voters at the statewide election to be held on Nov. 6, 2018. If the constitutional amendment which originated as **Senate Bill 252** would have been approved by Louisiana voters, the legislature would have had to provide for definitions and for certain exemptions from the minimum wage requirement to include but not be limited to bona fide student employees and allowing an employer to take a tip credit toward its minimum wage obligation for tipped employees equal to the difference between the required cash wage and the required minimum wage.

**Senate Bill 118 by Senator Morrell (deferred in the Senate Labor Committee)** Currently, statute labeled "Equal Pay for Women Act" provides that women working as employees of the state of Louisiana are to be entitled to the same compensation as men employed by the state of Louisiana. **Senate Bill 118** would extend the law to cover men as well as women and also extends the provisions to cover local government employees and private sector employees who employ 50 or more employees. **Senate Bill 118** would add employment concepts of "comparable worth" and "negligent discrimination" to causes of action which a private sector employee may maintain against the employer.

**Senate Bill 117 by Senator Morrell (passed the Senate Labor Committee but failed on the Senate Floor)** would have made the "Equal Pay for Women Act" applicable to any business or person who enters into a

procurement or services contract with any department, office, division, agency, commission, board, committee, or other organizational unit of the state. **Senate Bill 117** would have provided that any written procurement or services contract entered into with any department, office, division, agency, commission, board, committee, or other organizational unit of the state contain an acknowledgment by the contractor that contractor is subject to the provisions of "The Equal Pay for Women Act".

**Senate Bill 149 by Senator Morrell (passed the Senate Labor Committee but failed on the Senate Floor).** Currently, the law prohibits intentional discrimination on the basis of race, color, religion, sex, or national origin. **Senate Bill 149** would have added wage disclosure to the list of items which cannot be the subject of intentional discrimination. **Senate Bill 149** would have prohibited an employer from intentionally requiring, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing the amount of his wages or the wages of another employee. **Senate Bill 149** would have prohibited an employer from intentionally requiring, as a condition of employment, that an employee sign a waiver, nondisclosure, or other document that denies the employee the right to inquire about, discuss, or disclose the amount of his wages. **Senate Bill 149** would have prohibited an employer from intentionally retaliating, disciplining, or discharging, or otherwise discriminating against an employee who has inquired about, discussed, or disclosed his own wages or another employee.

**Senate Bill 180 by Senator Milkovich (failed in the Senate Labor Committee).** Currently, when a dispute arises

as to the first request for authorization for a claimant's medical care, service, or treatment, the payor (i.e., the employer or the employer's workers' compensation insurer) will communicate to the claimant information, in plain language, regarding the procedure for requesting an additional medical opinion regarding a medical examination as to the condition of the employee or the employee's capacity to work and the procedure for appealing the denial of medical treatment to the medical director. The law provides that a payor shall not deny medical care, service, or treatment to a claimant unless the payor can document a reasonable and diligent effort in communicating such information. The law also provides that a payor who denies medical care, service, or treatment without making such an effort may be fined an amount not to exceed \$500 or the cost of the medical care, service, or treatment, whichever is more. **Senate Bill 180** would have provided that, in addition to the remedies provided under current law, a payor who denies medical care, service, or treatment to a claimant without good cause shall be liable, in tort, for damages to the claimant when such unreasonable denial of medical care, service, or treatment causes the claimant an additional injury or the aggravation of an existing injury. **Senate Bill 180** would have provided that, the term "payor", as it relates to a tort claim, shall not include an employer who has a valid workers' compensation insurance policy with a workers' compensation insurer but that the workers' compensation insurance company, who actually made the decision to unreasonably deny medical treatment, shall be liable in tort but the employer, who did not make the decision, shall not be liable.

**Senate Bill 209 by Senator Barrow (passed the Senate Labor Committee but**

**never voted on the Senate Floor)** would have provided for the "La. Worker Adjustment and Retraining Act" or the "La. WARN Act". **Senate Bill 209** would have established a notification system a notification system similar to the federal "Worker Adjustment and Retraining Notification (WARN) Act of 1988." The federal WARN Act applies to employers who employ 100 or more employees. The La. WARN Act would have applied to Louisiana employers who employs between 50-99 employees. The La. WARN Act would have prohibited certain employers from ordering a mass layoff until the end of a 60-day period after the employer serves written notice of such an order to each affected employees as of the time of the notice, the executive director of the La. Workforce Commission, the members of the La. Senate who represent the parish in which the workplace is located, the members of the La. House of Representatives who represent the parish in which the workplace is located and the president of the parish governing authority.

**House Bill 830 by Representative Stokes (Act 703)** The Act would define the term sexually oriented business as well as place certain restrictions on sexually oriented businesses in order to prevent human trafficking. The Act requires that requires, in order to protect victims from human trafficking, an operator of a sexually oriented business verify the age and employment status of each potential employee through the U.S. Citizenship and Immigration Services E-Verify program or the completion of Form I-9 and retain the documentation proving such eligibility to work in his records for at least three years. The Act requires that before hiring an employee or independent contractor to work in a sexually oriented business, the

operator shall require the potential employee or independent contractor to answer a questionnaire, provided by La. Workforce Commission (LWC), and retain the answers for his record. This questionnaire includes questions to give an indication whether or not a potential employee or independent contractor could be a victim of human trafficking. The Act requires that the questionnaire be retained by the operator for a period of three years after the last day of work and that it be stored in a locked or otherwise secure location. The Act requires that if an operator suspects that a potential employee, employee, or independent contractor is a victim of human trafficking that he contact local law enforcement or the National Human Trafficking Resource Center Hotline as soon as possible within 24 hours. The Act requires that notices regarding human trafficking be posted in English and Spanish. The Act allows the executive director of LWC, the commissioner of the office of alcohol and tobacco control, or a law enforcement agency of the state or its political subdivisions to conduct an investigation of an operator for violations. If that investigation reveals that an operator has violated the provisions of the Act, the agency representative may notify the attorney general who may pursue civil charges against the operator in the 19th Judicial District Court. Provides that upon a finding that a violation has occurred, the court shall issue penalties as follows: (1) For a first violation, a fine of \$1,000; (2) For a second violation, a fine of \$5,000; and (3) For a third and any subsequent violation, a fine of \$10,000.



## Legislative Affairs

by: *Laura Gail Sullivan*  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation introduced for this topic during the first extraordinary session.*

### 2018 Regular Session

#### LEGISLATIVE SESSIONS

The constitution limits the legislature's authority. All bills for raising revenue or appropriating money must originate in the House of Representatives. Regular legislative sessions, held once each year, have subject matter restrictions.

Most matters related to increasing revenue and to tax exemptions, exclusions, deductions, and credits may be taken up only in "limited" regular sessions, which are held in odd-numbered years and not in the "general" regular sessions of even-numbered years. Additionally, a matter unrelated to these subjects cannot be considered in a limited regular session unless it is prefiled or it is a local or special law. Each legislator may prefile no more than five instruments that are outside the limited subject matter.

These limitations severely restrict the legislature's ability to enact comprehensive solutions to complex problems in any one regular session.

**House Bill 541 by Representative Stokes (Failed House final passage) and Senate Bill 242 by Senator Morrell (Subject to call –**

**Senate final passage)** proposed to amend the constitution to reduce the regular session restrictions by allowing each legislator to prefile up to five instruments in a general regular session that deal with the limited session subject matter. Additionally, the proposal in **House Bill 541** would have specified that a companion bill for a constitutional amendment would not count against the member's five-bill limitation in either a general or a limited regular session.

#### LEGISLATIVE POWERS AND DUTIES

**House Bill 702 by Representative Bouie (Act 709)** allows a former member of the legislature to carry a concealed weapon legally, provided the person is qualified annually at his own expense by the Council on Peace Officer Standards and Training and carries on his person a legislative badge as proof of his status as a former legislator. This legislation does not apply to a former legislator who is medically retired based on a mental impairment or who has been adjudicated a felon. The Act adds former legislators to provisions that already apply to retired justices and judges, retired attorneys general and assistant attorneys general, and retired district attorneys and assistant district attorneys.

**Senate Concurrent Resolution 38 by Senator Peterson (Sent to the Secretary of State)** creates a special legislative task force to study the prevention of sexual harassment in the legislative environment in Louisiana

and to report its findings and recommendations to the legislature no later than February 15, 2019. The provisions of **House Bill 524 by Representative Carpenter (Act 270)** require each state agency head to develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency. **Senate Concurrent Resolution 38** will result in recommendations for new policies or improvements to existing policies of the Senate and the House of Representatives regarding prevention of sexual harassment and for actions that may be taken to create a culture in which sexual harassment is not tolerated.

### 2018 2<sup>nd</sup> Extraordinary Session

#### LEGISLATIVE POWERS AND DUTIES

The governor has called the legislature into special session six times in the last three years for the purpose of increasing the revenue available for appropriation for the operating expenses of state government.

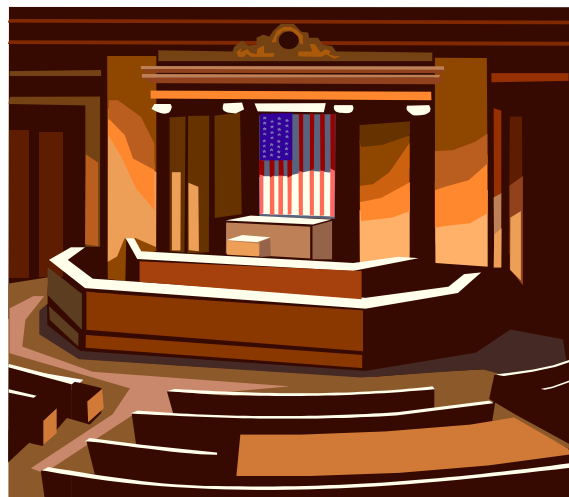
Because of the limited nature of the governor's calls and the constitutional restrictions, the Senate could not initiate many matters. Instead the Senate was left to await instruments finally passed by the House of Representatives that the Senate could then amend or concur in.

**Senate Bill 22 by Senator Morrell (Pending Senate Final Passage)** proposed to amend the constitutional restrictions on Senate involvement in funding decisions by allowing revenue-raising measures and appropriations bills to originate in the Senate as well as the House of Representatives, enabling the upper chamber to participate fully in determining the

amounts and methods for raising revenue and the funding to be provided by appropriation.

### 2018 3<sup>rd</sup> Extraordinary Session

**House Concurrent Resolution 4 by Representative Marino** requests the Louisiana State Law Institute to study laws relative to expungement fees, and to make recommendations relative to the amount of expungement fees and the procedure by which those fees must be paid and collected.



## Local Government

by: Michael Bell  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

#### HOUSING

**Senate Bill 19 by Senator Cortez (Act 22)** mandates that the Housing Authority of the city of Lafayette is not to be considered an instrumentality of the state for purposes of the Constitution of Louisiana and that employees of the housing authority are not included in the state civil service.

#### LIBRARIES

**Senate Bill 214 by Senator Erdey (Act 36)** authorizes the Livingston Parish Library, with approval of the Livingston Parish Library Board of Control, to sell any superseded, obsolete, unused, or otherwise unnecessary book to any hospital, correctional facility, public or private institution, nonprofit organization, adult education program, youth organization, school, or any other individual for private use. The proceeds collected from the sales must be remitted to the Livingston Parish Library Board of Control and requires that the proceeds are used exclusively for the maintenance, operation, and support of the

Livingston Parish Library.

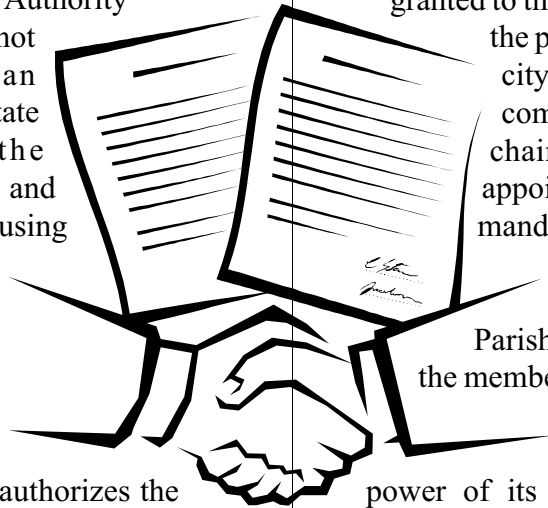
#### LOCAL AGENCIES

**Senate Bill 227 by Senator Morrell (Act 366)** changes the membership appointments to the Sewerage and Water Board by mandating that one of the mayor's five appointments from the council manic districts is a retired civil engineer and removes one of the appointments granted to the mayor and adds the chair of

the public works committee of the city council, a member of the committee appointed by the chair, or a civil engineer appointed by the chair. It also mandates that the board send a report, by electronic mail, to the members of the Orleans

Parish legislative delegation and the members of the governing authority of Orleans Parish detailing the pumping and electrical

power of its facilities and the available manpower no later than twenty-four hours prior to a hurricane entering the Gulf of Mexico as determined by the National Weather Service and no later than forty-eight hours after a flood watch or warning or thunderstorm watch or warning is issued by the National Weather Service for any area of Orleans Parish. The changes become effective on the first day of January following an election at which a majority of the voters of the city of New Orleans approve an amendment to the home rule charter of the city to change the composition of the



sewerage and water board to provide the identical composition of the board and terminates the terms of members serving on the board on that date.

**Senate Bill 305 by Senator Thompson (Act 153)** authorizes the appointment of a physician who is an active member of the hospital medical staff of the district to the board of commissioners for a parish hospital service district, and requires that the physician appointed is designated as the physician member of the board of commissioners.

## MUNICIPALITIES

**Senate Bill 172 by Senator Perry (Act 34)** authorizes the city of Scott, subject to voter approval, to levy an additional sales and use tax not to exceed one percent and that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by the constitution or law. It also requires that the tax shall be collected at the same time and in the same manner as other sales and use taxes and that two-thirds of the proceeds of the tax must be used for emergency services provided by the fire and police departments and one-third of the proceeds shall be used for parks and recreations, cultural district, economic development, drainage, roads, and bridges.

## SPECIAL DISTRICTS

**Senate Bill 496 by Senator Ward (Act 488)** creates the Capital Area Road and Bridge District as a political subdivision of the state comprised of the territory in East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge parishes to finance road and bridge projects including a new bridge over the Mississippi River and provides that

the management and control of the district shall be vested in a board of commissioners composed of seven members, including the secretary of the Dept. of Transportation and Development (DOTD) or his designee, the president of each of the parishes in the district or their designees, and one gubernatorial appointee who shall be a resident of the district and serve at the pleasure of the governor. It also mandates that the members are to serve without compensation, except the compensation to which they may be individually entitled as a member or employee of their respective agency; however members may be reimbursed for actual expenses incurred and may receive a mileage allowance fixed by the board. Provides that the levy of any tax, the imposition of a parcel fee, and the issuance of bonds is subject to approval of the voters in each parish comprising the district and prohibits submission of a tax or bond proposition to the voters that does not provide funding for a new bridge over the Mississippi River and connecting infrastructure. Further provides that the district is permitted to use alternative competitive procurement and delivery methods for the award of any contracts for a major project.

**Senate Bill 509 by Senator Morrell (Act 472)** reduces the membership of the board of commissioners of the University Neighborhood Security and Improvement District in Orleans Parish by removing the assessor of Orleans Parish as an appointing member to the board of commissioners of the University Neighborhood Security and Improvement District.

It also mandates that the district is to be governed by a eight member board of commissioners.

**Senate Bill 518 by Senator Appel (Act 420)** changes the entity that collects the fee for the University Neighborhood Security and Improvement District in Orleans Parish from the Orleans Parish Sheriff to the Department of Finance for the city of New Orleans and requires the Department of Finance to remit to the district all amounts collected not more than 60 days after collection.

**Senate Bill 546 by Senator Erdey (Act 476)** provides relative to mosquito abatement districts and the term of board members, after initial appointments, may be up to five years as established by home rule charter or parish ordinance. Provides that if so authorized and the term is longer than the term of a member serving on January 1, 2018, the additional period of the longer term may be applied to consecutive terms of the member, as determined by the governing authority.

#### **TAX/LOCAL**

**Senate Bill 542 by Senator Johns (Act 608)** will authorize the Southwest La. Convention and Visitors Bureau to levy and collect a hotel occupancy tax of one percent within the parish, in both incorporated and unincorporated areas and requires that the tax be paid by the person who is entitled to occupancy of the room and requires that the tax be paid at the time the rent is paid. It would also require that the governing authority must impose the tax by ordinance or resolution and that the ordinance or resolution shall state necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the tax. Furthermore, it will mandate that the net proceeds of the tax, after deduction of not more than five percent of collections dedicated to the Southwest La. Convention and Visitors Bureau Project

Enhancement Grant Program, be disbursed, pursuant to a cooperative endeavor agreement, to Calcasieu Parish and municipalities in which a hotel or motel is located. Will also require that the disbursement be based on the tax revenue collected in the applicable jurisdiction and that the agreement must specify that the parties agree to use the proceeds for promoting and funding programs that enhance visitation, tourism, and economic development, and for infrastructure improvements. Will further authorize that collections shall begin no earlier than Aug. 1, 2018.

**Senate Bill 552 by Senator Chabert (Act 477)** authorizes the Lafourche Parish Tourist Commission to levy a three percent occupancy tax on hotel rooms, motel rooms, and overnight camping facilities within its jurisdiction and increases the authorization from three to four percent.

#### **2018 2<sup>nd</sup> Extraordinary Session**

No Legislation on this topic during the second extraordinary session.

## Military/Veterans Affairs

by: James Benton  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation on this topic during the first extraordinary session.

### 2018 Regular Session

#### Military Service Relieve Act

**Senate Bill 17 by Senator Peacock (Act 225)** updates the Military Service Relief Act, which promotes the stated policy of assuring that Louisiana citizens who serve their country and state and who leave their employment, homes, and education shall not be penalized nor economically disadvantaged because of their uniformed service. Adds provisions related to creditable service in public retirement systems to comply with present federal law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA). Also updates provisions of current law related to the time periods used to compute average compensation.

#### Suspension of contracts for military personnel

**Senate Bill 114 by Senator Peacock (Act 647)** provides that a contract may be suspended for a period not exceeding 30 days after discharge from active military service. The suspension shall be without imposition of any charge, and shall be effective on the day notice is given by the person to the service provider. The notice shall include a copy of the person's military orders. Provides that to reactivate service, the person shall notify the service provider within 30 days of the date of his discharge from active military service. No

fee shall be charged for reactivation. Provides that a contract may be terminated by notice requesting termination of the contract. A copy of the person's military orders shall be included in the notice. No termination or cancellation fee or penalty shall be imposed, and termination shall become effective on the day notice is made to the service provider.

#### Special assessment level for disabled Veterans **Senate Bill 163 by Senator Perry (Act 721)**

is a proposed constitutional amendment which would grant a special assessment level to homesteads of people 65 or older, and is a disabled veteran, that provides that the assessment of the homestead cannot be increased above its total assessment for the first year that the owner qualifies for and receives the special assessment level. The millage rate is not subject to the limitation. Current law prohibits the special assessment level if such person's or persons' adjusted gross income, as reported in the federal tax return for the year prior to the application for the special assessment, or on both returns if the spouses are filing separately, exceeds \$71,491 for tax year 2016. The income level is adjusted annually by the Consumer Price Index. Current law provides that the special assessment level remains on the property as long as: The owner, or the owner's surviving spouse who is 55 or older, or who has minor children, remains the owner of the property; and The value of the property does not increase more than 25% because of construction or reconstruction. This law applies the special assessment level to certain

trusts if the settlors of the trust meet all of the other requirements in the current law and the settlor of the trust retains a usufruct and occupies the homestead. This law provides that if the trust would have been eligible for the special assessment level prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

#### Louisiana Special Prestige Military Licence Plates

**Senate Bill 549 by Senator Hewitt (Act 675)** creates a special motor vehicle license plate for military surplus motor vehicles. This law defines "military surplus motor vehicle" as a wheeled, multipurpose or tactical vehicle manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications and subsequently authorized for sale to civilians, and does not include mobile construction equipment, trailers, or semitrailers. This law prohibits the operation of a military surplus motor vehicle on the highways of this state for general transportation purposes, including but not limited to daily travel to and from the owner's place of employment, provided that a military surplus motor vehicle shall be operated only upon a highway where the posted speed limit is 65 miles per hour or less, except an interstate or controlled access highway or a multi-lane-divided highway which has partial or no control of access. This law allows a military surplus motor vehicle to cross any divided highway, highway, roadway, or street at an intersection. This law requires that a military surplus motor vehicle be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror

mounted on the passenger's side of the vehicle or an interior mirror, a parking brake, a windshield wiper, a speedometer, an odometer, braking for each wheel, a seat belt assembly installed at each designated seating position, tire equipment as required by R.S. 32:362, and a vehicle identification or serial number. This law requires the operator of a military surplus motor vehicle to be at least 21 years old and to possess a valid driver's license. This law requires a military surplus motor vehicle operated on a highway to have liability insurance with the same minimum limits as required by the provisions of present law. This law requires safety belts for each person traveling in a military surplus motor vehicle. This law authorizes the DOTD or a parish or municipal government to prohibit the operation of any military surplus motor vehicle upon any parish or municipal road or highway under its jurisdiction if it determines that such prohibition is necessary for the safety of the motoring public. This law provides that the owner of a military surplus motor vehicle shall submit certification that the vehicle is capable of being safely operated on the highways of this state. Provides for issuance of the military surplus motor vehicle license plate to a resident of Louisiana in the same manner as any other motor vehicle license plate. This law provides for collection of the standard motor vehicle license tax imposed by Article VI, Section 5 of the Constitution of Louisiana based upon the make and model of the military surplus motor vehicle. This law requires the Dept. of Public Safety to suspend the registration of any vehicle registered as a military surplus motor vehicle that the department determines is not properly equipped or is otherwise unsafe to operate. This law requires the Dept. of Public Safety and Corrections, public safety services, to adopt necessary rules and regulations

pursuant to the APA subject to legislative oversight not later than January 20, 2019.

#### Pretrial Diversion for Veterans

**Senate Bill 548 by Senator Boudreaux (Act 251)** provides that any district attorney, alone or working with the district attorney of an adjacent judicial district, may create a pretrial diversion program for defendants charged with a nonviolent misdemeanor offense that qualify as veterans diagnosed with PTSD. This law will apply whenever a case is before a court alleging the commission of a felony that is not a crime of violence or a misdemeanor offense, and both of the following criteria are satisfied: The individual is a veteran; and The defendant has been diagnosed with PTSD as a result of military service and provides documentation of his diagnosis.

This law provides that at the discretion of the district attorney, after costs associated with the administration of the program are paid, a portion of all remaining monies collected may be distributed to entities within the judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to veterans that have been diagnosed with PTSD.

#### **2018 2<sup>nd</sup> Extraordinary Session**

No legislation on this topic during the first extraordinary session.





## Natural Resources

by: Alan Miller  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the 1<sup>st</sup> Extraordinary Session.*

### 2018 Regular Session

#### **Senate Bill 524 by Senator Long (Act 474).**

The Sabine River Authority (SRA) was authorized to sell water inside or outside of the state. However, in order to sell water outside of the state, the SRA must first receive written concurrence of the governor, the Senate Comm. on Natural Resources and the House Comm. on Natural Resources and Environment, and approval of at least two-thirds of the parish governing authorities within the territorial jurisdiction of the SRA (DeSoto, Sabine, Vernon, Beauregard, Calcasieu, and Cameron). Act 474 retains prior law and further requires the written concurrence of the Water Resources Comm. for any water sale outside of the state.

### 2018 2<sup>nd</sup> Extraordinary Session

*No legislation on this topic during the 2<sup>nd</sup> Extraordinary Session.*



## Property

by: Angela L. De Jean  
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### 2018 1st Extraordinary Session

*No legislation on this topic during the 1<sup>st</sup> Extraordinary Session.*

### 2018 Regular Session

**Senate Bill 497 by Senator Cortez (Act 419)** retains prior law which authorized the city of Lafayette and the parish of Lafayette to expropriate by a declaration of taking property needed for the Kaliste Saloom Road Widening Project. Prior law provided for all of the following:

- (1) The governing authority shall give, at least, a 15 day notice to the property owner before filing a petition for expropriation.
- (2) The governing authority shall file a petition, which includes an itemized statement of the full extent of the owner's loss.
- (3) The court shall issue an order directing that the amount of the estimate be deposited in the registry of the court and declare that the property has been taken for the public purpose.
- (4) Title to the property shall vest in the governing authority upon final court order, and the right to just and adequate compensation shall vest in the former property owner.

(5) Upon vesting of title the governing authority may take possession of the property.

(6) The former property owner may apply for a trial to determine the measure of compensation to which he is entitled by filing an answer within one year from the date he is notified in writing by the governing authority of the expropriation.

**Act 419** authorizes the expropriation by a declaration of taking property needed for the construction, repair, or enhancement of drainage, roads, or bridges by the city of Lafayette and the parish of Lafayette.

**House Bill 617 (Act 559) by Representative Hilferty** modifies relative to transfers of interests and property disclosure statements with respect to residential real property. **Act 559** applies to all transfers of interest in residential real property occurring on and after July 1, 2004, whether or not the assistance of a real estate licensee is utilized. Certain transfers of interest are exempt from this provisions, such as a transfer of interest pursuant to a testate or intestate succession. **Act 559** provides that such transfer of interest is also with respect to the succession executor or administrator.

Present law requires certain statements of acknowledgment to be included in a property disclosure document. One such

statement should be relative to whether certain illegal drug activity was in operation on the purchasing property. **Act 559** provides for the inclusion of general statements and requires such statements to include whether illegal activity was ever located on the property.

Lastly, **Act 559** provides the seller's exemption from liability for any error, inaccuracy, or omission of any information if such fallacy was not a willful misrepresentation of the seller with respect to a known defect as currently defined in present law.

### 2018 2<sup>nd</sup> Extraordinary Session

*No legislation on this topic during the 2<sup>nd</sup> Extraordinary Session.*



## Public Safety/Law Enforcement

by: Nancy Vicknair  
(225) 342-1472

### 2018 1<sup>st</sup> EXTRAORDINARY SESSION

The First Extraordinary Session of 2018 did not include any legislation relative to public safety or law enforcement.

### 2018 REGULAR SESSION

#### EXPLOSIVES

**House Bill 424** by **Representative Leger (Act 315)**

requires applicants for licenses for blasters and handlers of explosives to be 18 years of age or older and requires licensed blasters who are under 21 years of age to be supervised by a licensed blaster who is at least 21 years of age.

#### LAW ENFORCEMENT

**House Bill 604** by **Representative Emerson (Act 558)** requires the employer of an officer who dies in the course of the performance of his official duties or arising out of any activity on or off duty in his capacity as a law enforcement officer, in the protection of life or property, to provide and pay for health insurance coverage for the law enforcement officer's surviving spouse for two years following the death of the law enforcement officer. Requires the employer to

provide and pay for health insurance coverage for the law enforcement officer's surviving child for as long as the child remains qualified for the benefit or two years, whichever comes first. Provides that a child is qualified for the benefit if he is under the age of 18, under the age of 23 and enrolled in and regularly attending a secondary school or a full-time student at an accredited college or university, or physically or mentally disabled.

Provides that if health insurance coverage is offered by the employer to active members, the health insurance provided to a surviving spouse or child shall be equal in coverage to that offered to active members.

Provides that a surviving spouse shall have the option to decline the health insurance coverage and provides that the surviving parent or legal guardian of each child, stepchild, or adopted child of the deceased law enforcement officer shall have the option to decline the health insurance coverage for the child.

**Senate Bill 473** by **Senator Johns (Act 388)** authorizes the Louisiana Property Assistance Agency to make surplus bulletproof vests available for purchase to certain part-time and reserve peace officers, constables, and deputy constables under the



same requirements as the vests are made available to certain full-time employees.

## LAW ENFORCE/OFFICERS

**House Bill 112 by Representative Mack (Act 118)** requires the testing of any person who exposes a licensed emergency medical services practitioner, firefighter, or an employee of a forensic laboratory to a serious infectious disease under certain circumstances.

**House Bill 221 by Representative Mack (Act 502)** allows law enforcement agencies that hire peace officers on or after Aug. 15, 2003, to continue to collect DNA samples and fingerprints prior to peace officers beginning their duties and requires those hiring agencies to store the collected samples instead of having them tested in crime laboratories.

**House Bill 474 by Representative P. Smith (Act 495)** requires the P.O.S.T. council to create an additional training module for domestic violence and requires the council to work with the deaf community to develop a communication training plan that incorporates officer techniques for face-to-face communications with hard of hearing or deaf individuals. Peace officers are required to complete an interactive training module on and after Jan. 1, 2019. Requires the council to utilize communication cards from a nongovernmental agency that specializes in working with deaf and hard of hearing individuals.

**House Bill 834 by Representative Marcelle (Pending House Criminal Justice)** would have provided for special prosecution procedures in officer-involved incidents which cause

serious bodily injury or death to another individual.

**House Bill 886 by Representative D. Miller (Pending House Judiciary)** would have required the inspector general to investigate all officer-involved incidents which result in the death of another individual. Would have required submission of all findings to district attorney of proper jurisdiction and requires the district attorney to prosecute all criminal matters or appoint a special prosecutor.

**Senate Bill 57 by Senator Milkovich (Pending Senate Judiciary B)** would have required a police employee or law enforcement officer to be notified in writing of a pre-disciplinary hearing at least three days prior to scheduling of such hearing in addition to the provisions of current law. Also would have provided that the investigation shall be considered complete upon conducting and completion of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.

## PUBLIC SFTY/CORRECTIONS

**House Bill 879 by Representative P. Smith (Failed House Final Passage)** provides relative to eligibility to participate in the inmate rehabilitation and workforce development program by persons convicted of certain crimes of violence and violations of the Uniform Controlled Dangerous Substances Law.

**House Concurrent Resolution 10 by Representative Norton (Subject to Call - Senate Floor)** would have requested the Dept. of Public Safety and Corrections to review its catalog of rehabilitative programs and each

program's eligibility requirements to determine whether a program is available to every offender in its custody and whether such programs are adequate to prepare offenders for reentry into the community.

**House Resolution 235 by Representative Norton (Sent to Secretary of State)** requests the secretary of the Dept. of Public Safety and Corrections to provide to the House of Representatives of the Legislature of La., on or before Jan. 1, 2019, a cost analysis of, and information relative to, the use of inmates for necessary labor in connection with capital construction projects at state-owned facilities or buildings.

#### **PUBLIC SFTY/CORRECT DEPT**

**Senate Resolution 110 by Senator Morrell (subject to Call - Senate Floor)** would have requested Louisiana State Police and the sheriff of each parish to develop a procedure for notification to law enforcement of individuals who are prohibited from possessing a firearm.

#### **PUBLIC SFTY/DEPARTMENT**

**House Bill 84 by Representative Havard (Act 537)** authorizes the governor to use inmates to perform necessary labor for certain projects on grounds and facilities within the state capitol complex and at any administrative building or facility which provides management or support services to the penal or correctional facility, including the headquarters of the Department of Public Safety and Corrections.

**House Bill 817 by Representative James (Act 701)** requires the Dept. of Public Safety and Corrections to establish a system

for the collection of information and data on inmates participating in any program that offers the inmate compensation for services or work performed, on-the-job training, or industry certification and requires the department to report the information and data to the legislature by July 1<sup>st</sup> of each year.

#### **2018 2<sup>nd</sup> EXTRAORDINARY SESSION**

The Second Extraordinary Session of 2018 did not include any legislation relative to public safety or law enforcement.

## Retirement

by: *Margaret M. Corley*  
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### 2018 1<sup>st</sup> Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

### 2018 Regular Session

#### COST-OF-LIVING ADJUSTMENTS (COLAs)

**Senate Bill 2 by Senator Peacock (Act 673)** authorizes the payment of a permanent benefit increase or cost of living adjustment (COLA) to eligible retirees of the Louisiana State Police Retirement System. Eligible retirees will receive a 1.6% increase to their benefit payments beginning on July 1, 2018.

#### RETIREES

#### RETURNING TO WORK

**House Bill 13 by Representative Gregory Miller (Act 613)** provides that a retiree of the Teachers' Retirement System of Louisiana (TRSL) may return to work as a presenter of professional development or a tutor and earn up to 25% of his retirement benefit in any fiscal year. If he or she remains employed after reaching the earnings limitation, the benefit is reduced according to the percentage earned over 25%.

**House Bill 14 by Representative Patricia Smith (Act 492)** provides that a retiree of TRSL may return to work as an interpreter, educational transliterator, or educator of the deaf or hard of hearing without a suspension

of his retirement benefit if a critical shortage has been certified by the employing school district.

#### SURVIVOR BENEFITS

**Senate Bill 3 by Senator Peacock (Act 244)** provides for the surviving spouse and or the children of a Louisiana State Employees Retirement System (LASERS) hazardous duty plan member who was killed by an intentional act of violence to receive a survivor benefit equal to one hundred percent of the member's salary.

**House Bill 37 by Representative Terry Brown (Act 595)** provides a disability benefit of one hundred percent of the final average compensation for a LASERS hazardous duty plan member who becomes permanently and totally disabled as a result of injuries sustained, while engaged in the discharge of his duties, as a result of an intentional act of violence.

#### BENEFIT STRUCTURE REFORM

**Senate Bill 14 by Senator Peacock (Pending Senate Final Passage)** would have provided for a hybrid plan for rank and file members of LASERS who were hired on or after January 1, 2020. The plan provided for both a defined benefit component and a defined contribution component. The plan also provided for an automatic two percent permanent benefit increase to be granted to the retirees or beneficiaries in every odd-numbered year.

**2018 2<sup>nd</sup> Extraordinary Session**

No legislation introduced for this topic during the second extraordinary session.





## Revenue & Taxation

by: Lenore Heavey  
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### 2018 1<sup>st</sup> EXTRAORDINARY SESSION

Although several revenue measures were introduced, only two instruments made it all the way through the process.

To make sure that flood victims do not face higher state income taxes if they lower their federal tax bill because of flood losses, **House Bill 10 by Representative James (Act 1)** establishes a hold-harmless clause for affected taxpayers. If net disaster losses are claimed for tax years beginning January 1, 2015 but before January 1, 2018, the reduced federal tax burden will not result in a lower federal income tax deduction on the state income tax that would cause the flood victim's state income tax to rise. Instead, affected taxpayers will calculate their federal income tax deduction as if they had not had the loss, which will protect taxpayers from increased state income tax.

**House Bill 27 by Representative Pat Smith (Act 2)** increases the Telecommunications Tax for the Deaf to address a technical issue that arose because of the 4.5 cent rate. Because the United States Treasury doesn't issue a half-penny, the tax was difficult to administer. The tax on wire-line and wireless phones is increased from 4.5 cents a month to five cents to support services for the deaf, deaf/blind, hard of hearing, speech impaired and others with similar disabilities or impairments. The five cent tax is expected to bring in about \$213,000 a year.

### 2018 REGULAR SESSION

#### Tax Administration

Although bills raising state taxes are prohibited during a general session, several bills to give the Department of Revenue additional tools to assist in the collection of taxes that are already owed made it to the governor's desk.

The Department of Revenue has the authority to collect rebates or refundable tax credits granted to taxpayers but later determined to be disallowed. **Senate Bill 259 by Senator Carter (Act 370)** expands that authority to include the collection of disallowed NON-refundable credits. Revenue officials are also allowed to pursue collections up to two years after normal prescription.

Under **Senate Bill 237 by Senator Morrell (Act 525)** paid tax preparers or owners of businesses whose primary function is tax preparation are required to sign and provide certain identifying information on prepared tax returns and rebate forms. Failure to comply will result in a \$50 fine per return up to a \$25,000 assessment per year.

**Senate Bill 238 by Senator Morrell (Act 526)** authorizes the Louisiana Department of Revenue is authorized to file suit to enjoin preparers from doing business in the state when the preparer is continually and repeatedly engaging in fraudulent, deceptive or negligent conduct.

When a business ceases operation and the owner opens a new similar business, the owner or dealer is responsible for any taxes owed by the defunct business operation. If state revenue department officials determine that the business reorganization is intended to avoid the remittance of sales and withholding taxes, **Senate Bill 239 by Senator Morrell (Act 527)** gives the department of revenue authority to not issue a resale certificate to the offending new business. Such tax evaders also face a \$5,000 fine in addition to being required to pay any sales tax previously collected and not remitted and any income tax withheld from employees and not remitted to the department.

### Property Tax

In addition to measures that addressed funding and administration of the Tax Commission and advance tax payment agreements, two proposed constitutional amendments that would reduce property taxes in certain unusual circumstances will go to the voters on November 6, 2018.

**Senate Bill 164 by Senator Morrell (Act 718)** changes the state constitution to allow the phased-in application of increased residential property taxes over four years. The phased-in option kicks in when the assessed value of a residence subject to the homestead exemption increase during the reassessment year by more than 50% over the previous four-year reassessment period. If a taxing body decides to allow for the phased-in application of the increased taxes, the tax burden cannot be increased on other taxpayers. The provision does not apply if the reason for the increased value was a remodeling or other improvement. Current state law and the state constitution provide for a special assessment for residential

property receiving the homestead exemption under certain circumstances.

**Senate Bill 163 by Senator Perry (Act 721)** changes the state constitution and state law to extend the allowable frozen assessed value for homesteads held in trust if the people who created the trust would otherwise qualify for the special assessment level and continue to occupy the homestead. The proposed amendment will appear on the November 6, 2018 ballot.

**Senate Bill 289 by Senator Perry (Act 659)** is the statutory companion to the proposed amended that sets forth in detail how the expansion of the special assessment levels will work.

**House Bill 598 by Representative Havard (Act 328)** authorizes a taxpayer to enter into an advance tax payment agreement with local taxing authorities when the taxpayer owns property that is under an industrial tax exemption contract. The agreement can provide for the advance payment of property taxes in exchange for issuance of ad valorem tax credits to the taxpayer. Tax credits may only be used for payment of tax liabilities on property which is the subject of an industrial tax exemption contract. The agreement may include the payment of interest on the amount of advance taxes paid. No more than 20% of the total credit can be used in one year. The Tax Commission assesses public service properties for purposes of property tax.

**House Bill 893 by Representative Connick (Act 591)** adds a requirement that the commission maintain within its record for each appraisal, the rationale for the determination of the appraisal approach utilized in the valuation. Once the Tax

Commission has assessed the public service property, the commission allocates the value between each local tax jurisdiction where the public service property is located based on several statutorily described factors. **Act 591** also requires the commission to keep in the appraisal record for each property the factors it used to determine its allocation of the value.

**House Bill by Representative Stokes (Act 120)** addressed funding of the Tax Commission by extending the sunset of the fees the commission imposes on the assessment of public service, insurance company, and financial institution properties until June 30, 2022. The Act also increased the fees levied by the Tax Commission on insurance companies, from .000015% to .0003% and on financial institutions, from .000015% to .0003%.

#### Fiscal Transparency

**Senate Bill 373 by Senator Barrow (Act 667)** requires information contained in the Department of Revenue's Tax Exemption Budget regarding revenue, exemptions, credits, rebates, exclusions, refunds, preferential tax rates, and deferred tax liability be available on the Division of Administration's state spending transparency website LaTrac or its successor beginning August 1, 2018.

In addition to allowing agencies that administer tax credits an additional month to prepare their comprehensive reports, **House Bill 342 by Representative Abramson (Act 87)** requires the secretary of the Department of Revenue to perform a comprehensive return on investment analysis on every tax credit or rebate program where the associated cost is \$1 million or more annually regardless of which agency administers the program.

#### **2018 2<sup>nd</sup> EXTRAORDINARY SESSION**

No legislation introduced for this topic during the second extraordinary session.

#### **2018 3<sup>rd</sup> Extraordinary Session**

##### Sales tax

**House Bill 10 by Representative Davis (Act 1)** reduced the rate of the temporary state sales and use tax levy from 1% to 0.45% and extended the sunset of the tax levy from 2018 to 2025. Provides for certain exemptions.

**House Concurrent Resolution 7 by Representative Stokes (Sent to Secretary of State)** establishes the Sales Tax Streamlining and Modernization Commission, as the successor to the commission established by Act No. 405 of the 2015 R.S., to continue a comprehensive study of state and local sales and use tax systems.

##### Structure

**Senate Resolution 27 by Senator Barrow (Sent to Secretary of State)** requests the Senate Committee on Revenue and Fiscal Affairs to study Louisiana's tax structure and policy and to make recommendations for changes to the state's tax laws in an effort to modernize and enhance the efficiency and fairness of the state's tax policies for individuals and businesses.

## Social Services

by: Ann S. Brown  
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### 2018 1<sup>st</sup> Extraordinary Session

#### MEDICAID

**Senate Bill 5 by Senator Hewitt (Pending Senate Health and Welfare)** would have required the secretary of the LA Department of Health to submit an 1115 demonstration project application to the Centers for Medicare and Medicaid Services (CMS), to get federal approval of a Medicaid waiver that would require certain Medicaid recipients who are able-bodied adults to meet work or community engagement requirements as a condition of Medicaid coverage or maintaining eligibility.



**House Bill 3 by Representative Hoffmann (Pending Senate Health and Welfare)** would have established a planning process for a work and community engagement initiative within the Medicaid program.

**Senate Bill 7 by Senator Walsworth and House Bill 2 by Representative Bacala et al (both Pending Senate Health and Welfare)** attempted to enhance integrity in the Medicaid program's ability to determine eligibility, to prevent and detect fraud, and to allow interagency data sharing by requiring the LA Department of Health to utilize state income tax returns data.

### 2018 Regular Session

#### CHILD ABUSE

**House Bill 371 by Representative Chaney (Act 207)** provides additional means for the reporting of suspected cases of child abuse and neglect to the Dept. of Children and Family Services (DCFS). Allows permitted reporters to report such cases in person at any DCFS child welfare office. Requires, when a mandatory reporter's initial report is in oral form, then it shall be followed by a written report with five days via the online DCFS Mandated Reporter Portal or by mail to the DCFS centralized intake unit.



**House Bill 520 by Representative Johnson (Act 556)** adds provisions requiring the Dept of Children and Family Services to provide otherwise confidential information to the court or district attorney's office when necessary for the court to protect a child from abuse or neglect. Further requires the department to provide otherwise confidential information, involving open or completed investigations of child abuse or neglect, to other states' child welfare agencies upon written request when requests are made pursuant to ongoing investigations.

**House Bill 768 by Representative Hoffman et al (Act 104)** requires the Dept. of Children and Family Services to report allegations of child abuse or neglect concerning military families to the United States Department of Defense Family Advocacy Program.

## CHILD WELFARE

**Senate Bill 459 by Senator Barrow (Act 160)** provides that when a former foster child or his legal tutor consent certain information regarding child welfare may be released. Further provides that with their consent the department may provide for the release of certain information for the purpose of education and training of foster youth and former foster youth, to the extent allowed by federal law, but prohibits the release of information that includes the identity of the birth parents or birth siblings or any information regarding the identity of the reporter in the case of abuse or neglect.

**House Bill 145 by Representative Cox (Act 193)** provides limitations on diagnosing of the disorder commonly known as "Munchausen syndrome by proxy", and on circumstances in which state child welfare proceedings (child in need of care proceedings) may be initiated.

**House Bill 182 by Representative Johnson (Act 296)** provides for the applicability of the Indian Child Welfare Act in certain Children's Code proceedings.

## CHILDREN

**Senate Bill 330 by Senator Colomb (Act 379)** provides that the court has the discretion to modify child support obligation when there is or is not a 25% variation between the current support obligation. Further provides

that the court may modify a child support award every 3 years if existing award differs from the previous award.

**Senate Bill 102 by Senator Morrell (Act 467)** provides that a child adjudicated for first degree rape and aggravated kidnaping shall be committed to Dept Public Safety & Corrections (DPS&C) in secure placement until reaching the age of 21 with eligibility for parole or modification of sentence, but without benefit of probation or suspension of imposition or execution of sentence. Further provides that a child adjudicated for armed robbery shall be committed to DPS&C in secure placement with eligibility for parole or modification of sentence, but without benefit of probation or suspension of imposition or execution of sentence. Also provides that the provisions of new law shall apply to all children in the custody of DPS&C on or after August 1, 2018.

**Senate Concurrent Resolution 10 by Senator Barrow (Sent to the Secretary of State)** requires the Dept. of Children and Family Services to study the feasibility of extending the age of foster care to 21 and submit a report of its recommendations to the governor and legislature no later than February 1, 2019.

**House Bill 109 by Representative Hoffmann (Act 6)** Re-creates the Dept. of Children and Family Services setting the new termination date as July 1, 2023.

**House Bill 110 by Representatives Horton and Stefanski (Act 189)** provides that upon motion of the court, for good cause, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by

the department if it is not in the best interest of the child and shall issue a written order that the department choose a more suitable placement with reasons supporting the court's decision.

**House Bill 199 by Representatives Smith et al. (Act 455)** establishes the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force.

## CRIME

**House Bill 88 by Representative Mack (Act 707)** creates the crime of government benefits fraud, provides elements for the offense, provides for criminal penalties, and provides relative to venue. Further provides that government benefits include any record, voucher, payment, money or thing of value, good, service, right, or privilege provided or administered by a state government entity.

## LITERACY

**House Bill 367 by Representative Pierre (Act 89)** provides for certain academic requirements relative to foreign language proficiency to receive a State Seal of Biliteracy affixed on the diploma or transcript of a high school graduate.

## MEDICAID

**Senate Bill 119 by Senator Morrell (Act 648)** authorizes the secretary of the Dept. of Revenue to furnish taxpayer information to the Dept. of Health's Medicaid fraud unit as necessary for the purposes of verification of eligibility for Medicaid.

**Senate Bill 130 by Senator Mills (Act 483)** requires Medicaid pharmacy benefit manager

contracts to be limited to a set per transaction rate for every pharmacy claim paid. Further prohibits pharmacy benefit managers from retaining federal drug rebates, credits, or "spread pricing" amounts in excess of what they paid the pharmacist.

**Senate Bill 507 by Senator Mills (Act 489)** provides relative to Medicaid managed care plan payment accountability.

**House Bill 780 by Representative Magee (Act 284)** creates the Dental Claims Review Panel within the Dept. of Health as an independent review process in the Medicaid managed care program.

**House Concurrent Resolution 69 by Representatives Miller and Bacala (Sent to Secretary of State)** requests the Dept. of Health to study means by which to improve the Medicaid estate recovery functions of the department.

## REHABILITATION

**House Bill 296 by Representative Abramson (Act 205)** provides that the John J. Hainkel, Jr. Home and Rehabilitation Center in New Orleans, through its' lease documents, shall continue to operate as a long-term care facility that provide nursing home level services and may provide adult day health care services.

## 2018 2<sup>nd</sup> Extraordinary Session

No legislation on this topic during the second extraordinary session.

## State Government

by: Dawn Watson  
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### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the first extraordinary session.*

### 2018 Regular Session

#### STATE CONTRACTS

**Senate Bill 94 by Senator Appel and Representative Amedee (Act 566)** authorizes, in particular instances, the payment of interest by public entities on delinquent payments to contractors. Specifically, the bill provides that a public entity will be liable to a contractor for interest charged at 0.5% accumulated daily (not to exceed 15%) on an obligation arising under a public contract when the obligation is due and payable under the contract and the public entity fails to make any progressive stage payment, without reasonable cause, within 45 days after receipt of a certified request for payment. Also requires that any interest paid by a public entity be disbursed on a prorated basis among the contractors and subcontractors within 10 business days of receipt of the interest payment.

Recognizing changing times and the impact of technology, **House Bill 819 by Representative Berthelot (Act 465)** expands the methods for submission of bids for public purchases less than \$30,000 to allow the submission by email or any other printable electronic form in addition to submission by telephone or facsimile. The Act also makes

an exemption from the bid requirement for the purchase of animals by local law enforcement or public safety agency for special tasks like narcotics detection, bomb detection, arson investigations and search and rescue techniques.

#### STATE BUILDINGS, GROUNDS AND PROPERTY

There were two bills in the 2017 Regular Session that named state building and facilities after well-known and respected public servants. **Senate Bill 33 by Senator Colomb (Act 514)** names the LSU Health North Clinic and Urgent Care facility in Baton Rouge the "Willie F. Hawkins Emergency Care Center" after Mr. Hawkins who aggressively worked to secure the land where the facility was built. The other bill **House Bill 48 by Representatives Carpenter, et al (Act 46)** names the baseball operational center at Southern University in Baton Rouge in honor of Southern University's recently retired baseball coach Roger Cador.

Acknowledging Louisiana's diverse background, **House Concurrent Resolution 14 by Representative Falconer (Sent to Secretary of State)** urges and requests the Division of Administration, Office of State Buildings, to produce and post signage in the French language on state capitol grounds for every English language sign on the grounds. Provides that the funding for the production and posting of the signs shall be accomplished through gifts, grants, donations or any other

funding sources not prohibited by law. Requires that translation services for the signs be provided by the Council for the Development of French in Louisiana (CODOFIL).

### STATE EMPLOYEES

The prevention of sexual harassment in the workplace is a topic that garnered much attention in recent months across the nation. Seeking to address this issue for the needs of public employees in our state was **House Bill 524 by Representatives Carpenter, et al (Act 270)**. The law applies to state and local public officials and employees. It requires each agency head to develop and institute a policy to prevent sexual harassment and requires each public servant to receive training on the policy. The law requires additional training for agency heads, supervisors and personnel who receive or investigate complaints. The law also requires annual reporting of certain elements including the number of employees who received the mandatory training, the number of sexual harassment complaints received, and the number of complaints resulting in discipline or corrective action. Finally, the law requires the Office of Risk Management to report information related to lawsuits filed on this matter against the state and the disposition of the suits and any monetary amounts paid in settlements, attorney fees, court costs, expert witness fees or any other litigation costs. The first reports are due in February of 2020, on training, claims and costs from calendar year 2019.

### STATE DEPARTMENTS AND AGENCIES

The Legislature passed several bills directed at state departments and agencies. **Senate Bill 391 by Senator Mizell (Act 669)** requires the

division of administration to adopt policies regarding the acceptable use by state employees who use state-owned or state-leased computers to access the internet and online sites that contain harmful material which is reasonably believed to be sexually explicit, pornographic or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by federal law.

In an effort to make state government more efficient and appropriately utilize resources, **Senate Bill 445 by Senator Hewitt (Act 572)** provides that any legislative mandate to produce any report required of an executive branch agency first occurring on or after July 1, 2018, shall expire on the July first following the fifth regular session after the mandate was approved by the legislature. Provides that producing the report can be extended for an additional five years by an affirmative vote of the majority of each standing committee to which the report is due at any time before the July first on which the mandate is set to expire. **House Bill 189 by Representative Wright (Act 454)** provides a process to identify agency rules that may be contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires a public hearing as part of the process. Finally, **Senate Bill 319 by Senator Gatti (Act 661)** abolishes inactive boards, commissions, authorities, districts and like entities.

### STATE/PUBLIC RECORDS

Regarding public records, **House Bill 723 by Representative Garofalo (Act 394)** provides that if a public body or a public official brings a suit against a person based on the person's request to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record and the person prevails in



the suit, the person shall be awarded reasonable attorney fees and other costs of litigation. Provides that if the person only prevails in part, the court may in its discretion award the person reasonable attorney fees or an appropriate portion thereof.

Adding to the records that are excepted from public records, **Senate Bill 408 by Senator Thompson (Act 408)** added the following Department of Agriculture and Forestry records: (1) Records held by the forestry officers and livestock brand inspectors pertaining to pending criminal litigation or any criminal litigation which can be reasonable anticipated, until such litigation has been finally adjudicated or otherwise settled; (2) Records pertaining to the Medical Marijuana Program containing the internal procedures, security procedures, security plans, transportation plans, and proprietary information of a licensee; and (3) Emergency Preparedness information specifically pertaining to the location of emergency fuel and the identity of pets and pet owners during a declared emergency.

### 2018 2<sup>nd</sup> Extraordinary Session

*No legislation on this topic during the second extraordinary session.*

## Transportation & Development

by: Sharon F. Lyles  
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### 2018 1st Extraordinary Session

Raising revenue to improve Louisiana's transportation infrastructure continues to be a challenge in the face of Louisiana's budget and the approaching "fiscal cliff".

#### GARVEE bonds

In January 2018, the governor announced an infrastructure plan to sell \$600 million dollars in GARVEE bonds for several interstate highway projects in Louisiana, notably to address traffic gridlock on Interstate 10 in Baton Rouge between the new Mississippi River Bridge and Interstate 12. GARVEE bonds use federal construction dollars to repay the debt over twelve years with federal highway dollars the state gets annually, locking up some future transportation dollars. Legislative authority for the use of GARVEE bonds in Louisiana has existed since 2002; however, this is the first time the state has proposed utilizing GARVEE bonds.

Despite the Department of Transportation and Development's report that the backlog of highway and bridge needs increased from \$12.7 to \$13 billion dollars, the call for the 2018 1st Extraordinary Session included **NO** items to increase the excise tax on gasoline and special fuels or other revenue raising measures for highways, bridges, and



infrastructure.

### 2018 Regular Session

Revenue to improve Louisiana's infrastructure and transparency are recurring issues facing the Department of Transportation and Development.

Under **Senate Bill 20 by Senator Cortez (Act 216)** the Department Transportation and Development and all of the statutory entities under its umbrella, which were set to terminate July 1, 2018, are recreated effective June 30, 2018. **Act 216** makes July 1, 2021, the new termination date with termination to begin July 1, 2020.

**Senate Bill 498 by Senator Cortez (Pending Senate Transportation, Highways and Public Works)** proposed to create a board to govern the department, similar to some other states; however, the bill did not advance.

During the last several years, millions of dollars of Transportation Trust Funds have been diverted and used for other purposes, notably to fund state police. The first step to increasing funding for infrastructure is to the restore "public trust" in the use of monies dedicated to the Transportation Trust Fund. To restore public trust, **Senate Bill 59 by Senator Cortez (Act 720)** proposes to amend the Article VII, §27 of the Louisiana Constitution to remove "state police for traffic control purposes" as an authorized use of the monies deposited into the Transportation Trust Fund. This proposed constitutional

amendment will be submitted to the taxpayers for approval on November 6, 2018.

The state's operating budget in **House Bill 1 by Representative Henry (Vetoed)** contains the department's operating budget in Schedule 7. It did **not** divert Transportation Trust Fund dollars to fund state police operations. It did continue to appropriate in excess of one cent to the Parish Transportation Fund.

**Senate Bill 372 by Senator Cortez (Act 384)** creates Rural Grant Opportunity Program within the Statewide Flood Control Program administered by the office of engineering in the Department of Transportation and Development. The existing program requires a local match of ten percent (10%) of the cost of construction from an authority. The Rural Grant Opportunity Program provides a mechanism for a municipality with fewer than 5,000 people or a parish with fewer than 50,000 people located in a rural area ("rural grant opportunity authority" or "authority") without financial ability to provide the local match requirement of the Statewide Flood Control Program to apply for funds. The Rural Grant Opportunity Program shall not exceed 25% of the annual capital outlay appropriation by the legislature for the Statewide Flood Control Program. An authority's application shall meet the requirements of R.S. 38:90.4(A)(1) and shall also to include a resolution declaring its financial inability to meet a ten percent (10%) local match and documentation to support its declaration. An authority whose grant application is approved is relieved from satisfying the 10% local match. Federal matching projects are ineligible for funds under the Rural Grant Opportunity Program. Special districts are prohibited from participating in the program. House Bill 2 by

Representative Abramson increased funding for the Statewide Flood Control Program from about \$10 million dollars in previous years to \$20 million dollars.

**Senate Bill 460 by Senator Carter (Pending Conference Committee)** proposed to repeal the July 1, 2018, sunset date for the New Orleans Ferry Fund. The New Orleans Ferry Fund receives about \$1.2 million dollars annually which would otherwise be deposited into the Transportation Trust Fund. The department is required by R.S. 48:25.1 to take over, own, provide insurance, and contribute not more than \$4 million annually from its operating budget to continue the operation of the Chalmette ferry.

#### New Local and State Funding Initiatives

**Senate Bill 496 by Senator Ward (Act 488)** creates the Capitol Area Road and Bridge District for the purpose of raising revenue to finance road and bridge projects to alleviate traffic congestion in the district which encompasses the parishes of East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge. The district may levy taxes, impose parcel fees, and incur debt; however, no proposition authorizing taxes, fees, or bonds shall be submitted to the voters of the district or of any subdistrict that does not provide funding for a new Mississippi River Bridge, connectors from Interstate Highway 10 to the bridge on the west side of the Mississippi River, and the connection to and widening of Louisiana Highway 30.

**Senate Bill 555 by Senator Lafleur (Pending House Appropriations)** would have provided for securitization of the economic portion of the Deepwater Horizon income stream and deposit of the economic damages proceeds from the DWH litigation

received by the state as a result of the sale of all or a portion of the economic damage proceeds as provided in Subpart F-2 of this Part, including any residual interests, in the Construction Subfund within the Transportation Trust Fund. Further provides that the economic damage proceeds received by the state from the DWH litigation and which are not sold as provided in proposed law, shall be deposited in the Construction Subfund within the Transportation Trust Fund. The proceeds deposited into the Construction Subfund shall be appropriated solely for the direct costs associated with actual project delivery, construction, and maintenance of transportation and capital transit infrastructure projects of the state, including \$100 million for the TIMED projects and shall not be used by the Department of Transportation and Development for the payment of employee wages and related benefits or employee retirement benefits. Proposed law further would have provided that transportation and capital transit infrastructure projects shall not include any project which is to be funded through GARVEE bonds.

**House Bill 703 by Representative Gisclair (Pending Senate Finance)** proposed to establish the LA 1 Improvement Project Fund as a special treasury fund and dedicate \$15 million per year to the fund from certain monies associated with unclaimed property within the state treasury.

#### Priority Programs

**House Bill 2 by Representative Abramson (Act 29)** the Capital Outlay Bill includes funding for the following department programs:

Highway Program **\$ 856,283,438**  
*(\*\$54,300,000 payable from TTF-Regular)*

Non-Federal Aid Eligible Highway Program  
**\$ 25,600,000**

Port Construction and Development Priority Program  
**\$ 39,400,000**

Aviation Construction and Development Priority Program  
**\$ 28,146,089**

Statewide Flood Control Program  
**\$ 20,000,000**

**House Bill 3 by Representative Abramson (Subject to Call - House Final Passage)** the Omnibus Bond Authorization Act of 2018 authorized the sale of general obligation bonds and includes several general obligation bond projects for the department.

**House Bill 874 by Representative Henry (Act 59)**, the supplemental appropriation bill, provides a \$1 million dollar supplemental capital outlay appropriation to the Port Construction and Development Priority Program for Fiscal Year 2017-2018.

#### Transparency

**Senate Bill 332 by Senator Cortez (Act 662)** requires each Department of Transportation and Development district office to publish weekly on its internet website information by parish regarding the construction and maintenance work being performed, including but not limited to a description and location of the construction project or maintenance work performed. Goal is to provide transparency of district operations.

**House Bill 618 by Representative Abramson (Pending House Transportation, Highways and Public Works)** proposed changes to the Highway Priority Program to enhance accountability and transparency in the prioritization process for projects.

Highway and Bridge Designations

LA R.S. 48:192(D) requires an Act of the Legislature to name any state highway. Several bills were filed this Session to designate state highways and bridges. The fiscal note for **Senate Bill 60 (Act 398)** of 2017 by Senator Walsworth advised that the department expends \$1,100 from the Transportation Trust Fund - Regular to fabricate and install two memorial signs per location. Material and labors costs for signage are estimated to recur every 10 years in perpetuity as roadway signs require replacement due to age or damage. Each bill enacted requires local or private monies not to exceed \$550 per sign to be provided to the Department of Transportation and Development to fund sign costs due to the state's budgetary crisis and the backlog of highway construction dollars.

**House Bill 231 by Representative Terry Brown (Pending Senate Transportation, Highways and Public Works)** sought to exempt from pre-payment of the costs of the Department of Transportation and Development with private or local the cost to fabricate and install memorial signs on state highways designated in honor of military personnel, law enforcement officers, and firefighters killed in the line of duty.

**Senate Bill 21 by Senator Gatti (Act 217)** designates a portion of Interstate 20 in Bossier Parish as the "Louisiana State Trooper Huey P. Grace Memorial Highway". Fiscal note

\$3,360.

**Senate Bill 23 by Senator Boudreaux (Act 218)** designates the interchange of I-49 Exit 11 and Louisiana highway 93 near Sunset and Grand Coteau in St. Landry Parish as the "Armand J. Brinkhaus Memorial Interchange".

**Senate Bill 58 by Senator Luneau (Act 222)** designates LA 3170 in Rapides Parish as the "Cecil R. Blair Memorial Highway".

**Senate Bill 88 by Senator Mills (Act 230)** designates LA 352 in St. Martin Parish as the "Pat Huval Memorial Highway" and the Old Abbeville Bridge crossing the Vermillion River on LA 14 East (Port Street) in Abbeville as the "Vermilion Parish Veterans Memorial Bridge".

**Senate Bill 461 by Senator Long (Act 161)** designates a portion of LA 117 as the "Caroline Dormon Memorial Highway".

**Senate Bill 515 by Senator Morrish and Representative Hill (Act 249)** designates a portion of LA 377 in Vernon Parish as the "Sgt. S. E. Howell, Jr. Memorial Highway".

**House Bill 60 by Representative Cox (Act 258)** designates a portion of LA 175 as the "SSG Richard Lee Vazquez Memorial Highway".

**House Bill 63 by Representative Schexnayder (Act 444)** designates a portion of US 61 as the "Deputy Brandon Nielsen and Deputy Jeremy Triche Memorial Highway".

**House Bill 64 by Representative Thibaut (Act 445)** designates a portion of Louisiana Highway 415 in Port Allen, Louisiana as the "Corporal Donna LeBlanc Memorial

Highway" and designates Louisiana Highway 418 in Lettsworth, Louisiana as "Buddy Guy Way.

**House Bill 678 by Representative Talbot (Act 460)** designates the proposed airport flyover roadway or ramp for the Louis Armstrong International Airport as the "Henry A. Smith, Jr. Memorial Road" and designates Louisiana Highway 3139 (Earhart Expressway) as the "Francis E. 'Hank' Lauricella Memorial Expressway".

#### Public contracts

**Senate Bill 94 by Senator Appel (Act 566)** present law requires that if the public entity fails to make final payment after formal final acceptance and within 45 days after receipt of a clear lien certificate, the entity is liable for reasonable attorney fees. Act 566 adds that the entity is also liable for interest charged at 0.5% accumulated daily, not to exceed 15% and requires that any interest paid by public entities on public contracts shall be disbursed on a prorated basis among the contractors and subcontractors within 10 business days of receipt of the interest payment.

**House Bill 208 by Representative Falconer (Act 456)** revises the Construction Management at Risk (CMAR) procurement method to repeal the pilot program and decreases the cost threshold of a CMAR project from \$25 million to \$5 million. Approval by the House and Senate committees on transportation, highways and public works is required for proposed CMAR projects costing less than \$15 million is required. Prohibits a CMAR contractor who was previously awarded a contract through the CMAR method from bidding on a project that is readvertised and publicly bid utilizing the design-bid-build delivery method after award

and execution of a prior contract between an owner and the CMAR contractor if the owner and the CMAR contractor are not able to agree upon construct ability, construction phasing and sequencing, the GMP for the project, the maximum number of contract days to complete the project, and to reach a negotiated agreement.

#### Sale of Excess Highway Right-of-way

**Senate Bill 415 by Senator White (Act 386)** authorizes the department to a real estate broker licensed in Louisiana to sell the property for a selling price determined by the department's last available appraisal to sell excess immovable property defined as an "uneconomic remnant" provided the broker's commission cannot exceed 25% of the sale price of the property. Defines "uneconomic remnant" as a parcel of immovable property acquired by the department where the department determined that any remaining partial interest in the owner's property would have little or no value or utility to the owner. Authorizes the department to promulgate rules and regulations necessary to implement broker sales pursuant to the Administrative Procedure Act, and mandates that such rules and regulations require the department solicit all real estate brokers licensed in Louisiana and establish a registry of qualified real estate brokers to list the property to be sold in the multiple listing service database in the region where the property is located.

#### Rental of Equipment

**Senate Bill 212 by Senator Gatti (Act 365)** authorizes the department to rent, in addition to leasing, fixed and mobile equipment necessary to appropriately maintain and operate its facilities when the secretary determines that it is necessary or economically feasible to use specialized maintenance

equipment which will not be needed on a permanent basis and does not require the department to accept equipment offered at the lowest price when renting or leasing equipment.

### 2018 2nd Extraordinary Session

#### Funding

**House Bill 1 by Representative Henry (Pending Senate Finance)** contains the department's operating budget in Schedule 7 and appropriation from the Transportation Trust Fund to the Parish Transportation Fund. The Department receives no state general funds. The department is funded primarily with Transportation Trust Fund. It does **not** divert Transportation Trust Fund dollars to fund state police operations. It does continue to appropriate in excess of one cent of the gasoline and special fuels tax to the Parish Transportation Fund (PTF). One cent of the gasoline and special fuels tax produces approximately \$30 million dollars. The PTF is appropriated \$46.4 million dollars or about one and one-half cents from the Transportation Trust Fund-Regular. The department's operating budget is about the same as the current fiscal year.

**House Bill 28 by Representative Abramson (Pending Senate Final Passage)** makes supplemental appropriations for the Fiscal Year 2018-19 Capital Outlay budget. House Bill 28 appropriates supplemental funding to the Department of Transportation and Development for the Landside Roadways at Louis Armstrong International North Terminal project in the Act which originated as House Bill No. 2 of the 2018.

**House Bill 29 by Representative Henry (Pending Senate Finance)** clarifies the

purposes for which the appropriation to the Department of Transportation and Development for the Port Construction and Development Priority Program project in the Act which originated as House Bill No. 874 of the 2018 Regular Session.

**House Bill 3 by Representative Abramson (Pending Senate Final Passage)** the Omnibus Bond Authorization Act of 2018 authorizes the sale of general obligation bonds for projects authorized in House Bill 2 of the 2018 Regular Session by the Representative Abramson which includes projects funded with general obligation bond for the department.

#### New Funding Initiatives

**Senate Bill 5 by Senator Lafleur (Pending Senate Final Passage)** creates the Louisiana New Roads and Infrastructure Corporation as a special purpose, public corporate entity, which is an independent instrumentality of the state, and domiciled in East Baton Rouge Parish, governed by a board consisting of the governor, the state treasurer, the attorney general, the president of the Senate, and speaker of the House of Representatives, or their designees, and seven members appointed by the governor from each of the congressional districts and the remaining member from the state at large. Redirects monies from the Deepwater Horizon Economic Damages Collection Fund, and provides that all economic damage proceeds from the Deepwater Horizon litigation in excess of the first \$200 million deposited into the FY 15-16 Deficit Elimination Fund, shall be deposited into the Construction Subfund within the Transportation Trust Fund and additionally that proceeds from the economic damage proceeds received by the state from the DWH litigation and not pledged and

transferred shall be deposited into the Construction Subfund within the Transportation Trust Fund. The proceeds deposited into the Construction Subfund shall be appropriated solely for the direct costs associated with actual project delivery, construction, and maintenance of transportation and capital transit infrastructure projects of the state, including \$100 million for the TIMED projects and shall not be used by the Department of Transportation and Development for the payment of employee wages and related benefits or employee retirement benefits. Proposed law further provides that transportation and capital transit infrastructure projects shall not include any project which is to be funded through GARVEE bonds. A similar bill, Senate Bill 555 from the 2018 Regular Session, failed to advance.

#### New Orleans Ferry Fund

**Senate Bill 19 by Senator T. Carter (Pending House Appropriations)** proposes to repeal the July 1, 2018, sunset date for the New Orleans Ferry Fund. The New Orleans Ferry Fund receives about \$1.2 million annually which would otherwise be deposited into the Transportation Trust Fund. The appropriation of the \$1.63 million from the Ferry Fund dependent upon passage of Senate Bill 19 or House Bill 31 in HB 1 would be used to operate the Algiers Point/Canal Street ferry. The department is required by R.S. 48:25.1 to take over, own, provide insurance, and contribute not more than \$4 million annually from its operating budget to continue the operation of the Chalmette ferry. The department's operating budget is funded by the Transportation Trust Fund.

**House Bill 31 by Representative G. Carter (Failed to pass May 29, 2018 - voluntarily deferred - House Appropriations)** is a companion bill to **Senate Bill 19 by Senator T. Carter**.



## Wildlife & Fisheries

by: Alan Miller  
(225) 342-2576

### 2018 1<sup>st</sup> Extraordinary Session

*No legislation on this topic during the 1<sup>st</sup> Extraordinary Session.*

### 2018 Regular Session

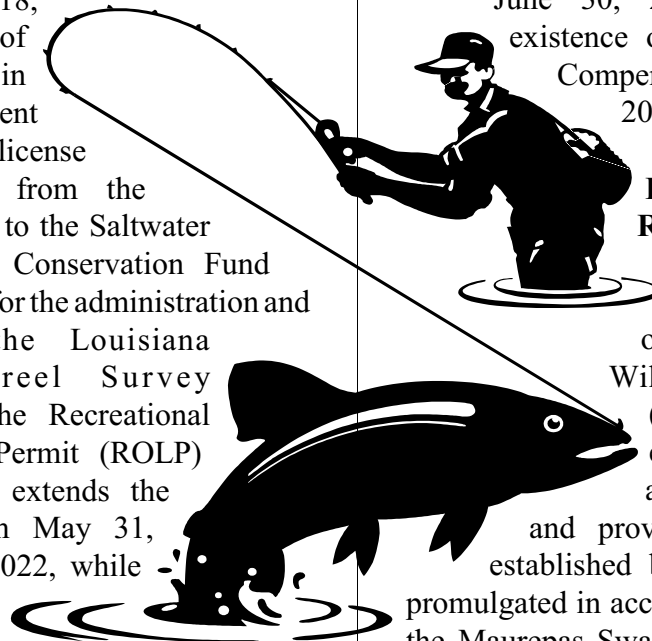
**Senate Bill 451 by Senator Morrish (Act 159)** prohibits harvesting oysters in Sabine Lake.

**House Bill 4 by Representative Stuart Bishop (Act 41).** Currently, a resident pays a \$5.50 fee for a saltwater fishing license and nonresidents pay \$30. From June 1, 2014 through May 31, 2018, an additional fee of \$7.50 was required in addition to each resident saltwater fishing license with the revenue from the additional fee going to the Saltwater Fish Research and Conservation Fund which is used solely for the administration and conducting of the Louisiana Recreational Creel Survey (LACREEL) and the Recreational Offshore Landing Permit (ROLP) program. Act 41 extends the additional fee from May 31, 2018, to May 31, 2022, while authorizing the Wildlife and Fisheries Commission to increase the additional fee from \$7.50 to an amount not to exceed \$9.50. Any increase will be used for the administration and conducting of the

saltwater fish stock estimate.

**House Bill 118 by Representative Billiot (Act 190).** Currently, the Fishermen's Gear Compensation Fund is used to pay compensation for damages suffered by a commercial fisherman as a result of hitting or snagging on an obstruction or a hazard in waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the obstruction is unknown, but payments into the Underwater Obstruction Removal Fund are scheduled to end on June 30, 2018. Act 190 extends payments into the Underwater Obstruction Removal Fund to June 30, 2022 and extends the existence of the Fishermen's Gear Compensation Fund to June 30, 2022.

**House Bill 130 by Representative Schexnayder (Act 618)** limits the use of airboats on the Maurepas Swamp Wildlife Management Area (WMA) to airboat trails established by the Wildlife and Fisheries Commission, and provides that the trails be established by rules and regulations promulgated in accordance with the APA on the Maurepas Swamp WMA where airboat operation is feasible and in a manner to best protect public safety and wildlife resources and habitats on airboat trails to trails or rights of way existing as of Feb. 1, 2018. This pilot



program terminates on Aug. 1, 2019.

**House Bill 197 by Representative Reynolds (Act 67)** prohibits the importation of any live cervid (deer, elk, moose) from outside the state, but does not apply to licenses issued by the Dept. of Agriculture.

**House Bill 425 by Representative Zeringue (Act 165)** adds charter boat guides in the certification program that is required by the Dept. of Wildlife and Fisheries to certify a commercial fisherman's license upon receipt of a notarized statement stating that the fisherman earns at least 50% of his income from commercial fishing activities.

**House Bill 706 by Representative Zeringue (Act 462)** allows a fisherman who holds and possesses a valid recreational fishing license and can demonstrate certain requirements to the department's satisfaction to possess up to the possession limit of filleted red drum, spotted sea trout, and Southern flounder. These requirements include use of a boat launch south of US 190 and actively being on the water or at a remote camp for two days or more. Act 462 requires the filleted fish to have sufficient skin remaining on the fillet to allow for identification and to be segregated by species into plastic bags or containers that are marked with certain information. Act 462 also provides the required length of the fillets for spotted sea trout must be no less than 10 inches and fillets of red drum must be no less than 14 inches.

*No legislation on this topic during the 2<sup>nd</sup> Extraordinary Session.*

# FY19 Budget Summary



Louisiana Senate Fiscal Division

June 2018

# Fiscal Year 2019 — Total State Budget Highlights

## FY19 Total State Budget

	<b>FY19 After ES3 Appropriated</b> <small>In millions</small>
State General Fund Direct	\$9,497.13
Fees and Self Generated Revenue	\$2,837.90
Statutory Dedications	\$4,260.15
Total State Funds	\$16,595.19
<u>Federal Funds</u>	<u>\$14,116.08</u>
Exclusive of Double Counts	<b>\$30,711.27</b>
Total Authorized Positions	33,492
Total Authorized Other Charges Positions	1,828
<u>Total Non-TO FTE Positions</u>	<u>1,504</u>
<b>Total Positions</b>	<b>36,824</b>

As enacted, after the Third Extraordinary Session of 2018, the FY19 Total State Budget is \$30.7 b. This number includes the supplementary sections of the legislative, judicial, and operating budgets tied to the passage of \$496.6 m. (HB10 = \$463 m. & HB18 = \$33.6 m.) in renewed revenues along with the use of BP (\$53.3 m.) settlement dollars.

This number does not include the second proposed Supplementary Section of HB1 totaling approximately \$43.3 m., effective only if the REC recognizes additional revenue and JLCB approves an allocation plan.

This number also does not include \$62.9 m. appropriated for capital outlay in FY19 from the FY17 surplus. An additional \$16.8 m. is appropriated in FY18.

### Legislative and Judicial

Of the \$30.7 b. total budget, \$9.5 b. is state general fund revenues. Of the \$9.5 b., \$62.5 m. is allocated to the Legislative branch for general fund support and approximately \$153.5 m. is allocated to the Judicial branch for the same purpose.

General fund revenues represent the largest source of funding for both branches, 65.4% for the Legislative budget and 88.7% for the Judicial. Other means of financing include Fees and Self-generated Revenues, Interagency Transfers, and Statutory Dedications.

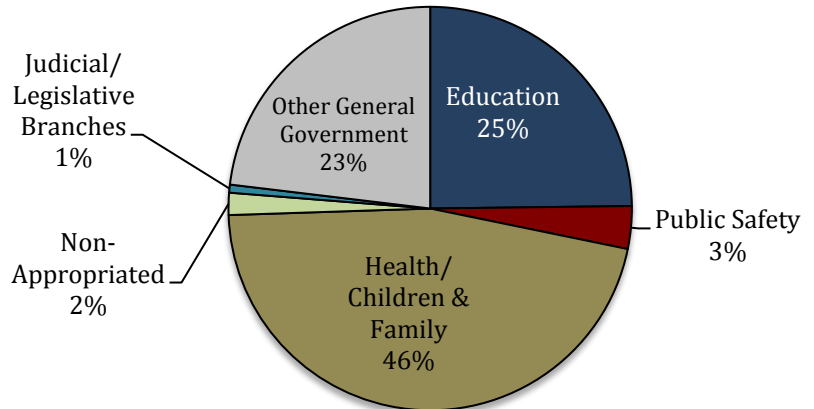
The Legislature's FY19 total budget is \$95.5 m. The FY19 total budget for the Judiciary is \$173.2 m.

Both the Legislative and Judicial appropriation bills had supplementary sections that were contingent on the passage of additional revenues being enacted during the 2nd Extraordinary Session of the Legislature.

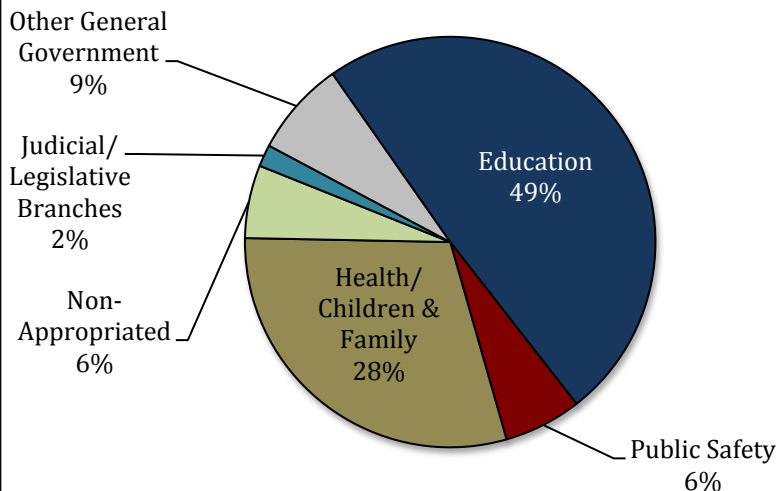
The Legislature had \$17.5 m. contingent on new revenue enacted and placed below the line.

The Judiciary had \$42.4 m. placed below the line and contingent upon additional revenues enacted.

### All MOF FY19 ENROLLED - By Function



### FY19 SGF Enrolled - By Function



# Fiscal Year 2019 — Total State Budget Highlights

## FY19

**Allocation of State General Fund in Act 1 of ES 2 & HB 1 ES 3 (19A)**  
**Excluding 2nd Supplementary Section (19B)**  
**(Inclusive of Double Counts)**

HB 1 ENROLLED	SGF
Executive Department	\$131,030,353
Veterans Affairs	\$5,592,418
Secretary of State	\$55,505,580
Office of the Attorney General	\$15,913,855
Lieutenant Governor	\$1,041,842
State Treasurer	\$0
Public Service Commission	\$0
Agriculture and Forestry	\$18,300,151
Commissioner of Insurance	\$0
Economic Development	\$19,421,263
Culture Recreation & Tourism	\$32,849,420
Transportation & Development	\$0
Corrections	\$500,091,506
Public Safety Services	\$0
Juvenile Justice	\$109,196,621
Health	\$2,478,211,795
Children & Family Services	\$193,377,419
Natural Resources	\$8,743,801
Revenue	\$0
Environmental Quality	\$0
LA Workforce Commission	\$8,252,219
Wildlife & Fisheries	\$0
Civil Service	\$5,343,846
Higher Education	\$1,014,739,827
Special Schools and Commissions	\$45,469,686
Dept. of Education	\$3,581,588,149
Health Care Services Division	\$24,427,906
Other Requirements	\$517,660,401
Ancillary	\$0
Non-Appropriated	\$514,371,375
Judiciary	\$153,530,944
Legislature	\$62,472,956
Capital Outlay	N/A
<b>TOTAL</b>	<b>\$9,497,133,333</b>

## FY19

**Allocation of Total Means of Financing in Act 1 of ES 2 & HB 1 ES 3 (19A)**  
**Excluding 2nd Supplementary Section (19B)**  
**(Inclusive of Double Counts)**

HB 1 ENROLLED	Total MOF
Executive Department	\$2,525,384,852
Veterans Affairs	\$70,912,036
Secretary of State	\$89,341,324
Office of the Attorney General	\$70,027,382
Lieutenant Governor	\$7,212,197
State Treasurer	\$11,639,368
Public Service Commission	\$9,722,536
Agriculture and Forestry	\$72,570,278
Commissioner of Insurance	\$31,878,205
Economic Development	\$44,234,573
Culture Recreation & Tourism	\$88,993,547
Transportation & Development	\$628,438,914
Corrections	\$566,452,152
Public Safety Services	\$469,349,530
Juvenile Justice	\$122,972,885
Health	\$14,039,089,605
Children & Family Services	\$779,223,704
Natural Resources	\$54,582,563
Revenue	\$102,406,220
Environmental Quality	\$136,150,465
LA Workforce Commission	\$288,273,138
Wildlife & Fisheries	\$175,347,052
Civil Service	\$21,022,685
Higher Education	\$2,740,234,813
Special Schools and Commissions	\$101,581,936
Dept. of Education	\$5,361,010,833
Health Care Services Division	\$62,243,427
Other Requirements	\$795,596,287
Ancillary	\$2,343,582,618
Non-Appropriated	\$569,129,317
Judiciary	\$173,164,719
Legislature	\$95,462,186
Capital Outlay	\$1,278,128,883
<b>TOTAL</b>	<b>\$33,925,360,230</b>

### FUNCTIONAL AREAS - FY19 SGF

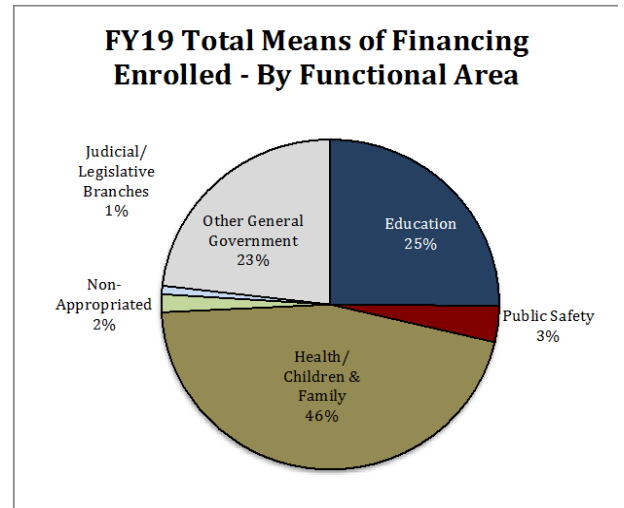
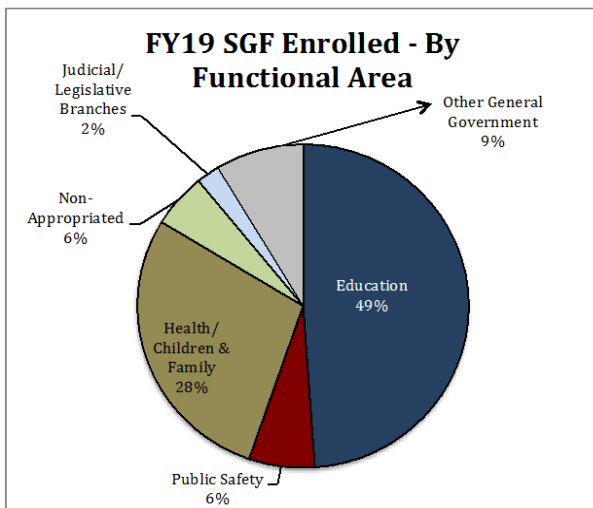
Education	\$4,641,797,662
Public Safety	\$609,288,127
Health/Children & Family	\$2,696,017,120
Non-Appropriated	\$514,371,375
Judicial/Legislative Branches	\$216,003,900
Other General Government	\$819,655,149

**TOTAL \$9,497,133,333**

### FUNCTIONAL AREAS - FY19 All MOF

Education	\$8,202,827,582
Public Safety	\$1,158,774,567
Health/Children & Family	\$14,880,556,736
Non-Appropriated	\$569,129,317
Judicial/Legislative Branches	\$268,626,905
Other General Government	\$7,567,316,240

**TOTAL (excluding Capital Outlay) \$32,647,231,347**



# Fiscal Year 2019 — Departmental Highlights

## LOUISIANA DEPARTMENT OF HEALTH

**Louisiana Department of Health:** As House Bill 1 passed the legislature during the Second Extraordinary Legislative Session, the La. Department of Health is funded at a total of \$14 b. for next fiscal year, of which \$2.5 b. is State General Fund. This is a total increase of \$445.2 m. over the current year.

**Medicaid:** The Medicaid program is funded at \$12.4 b. for FY19. This is an increase of \$430.3 m. over FY18 EOB.

**The \$2.4 b. in restorations** made to the following programs during the regular session remain in the base budget passed during the second extraordinary session:

- 1) Medicaid Long-term Care Special Income Level Eligibility Program;
- 2) Provisional Medicaid Eligibility Program;
- 3) Medically Needy Program – Regular and Spend down;
- 4) Home and Community-based Waiver Programs – Children’s Choice, Supports and New Opportunity Waivers;
- 5) Pediatric Day Health Centers (PDHC) Services;
- 7) Long-term Personal Care Services;
- 8) Nursing Home Bed Hold Payments;
- 9) Nursing Home Reimbursement Rate Rebasing;
- 10) Mental Health Rehabilitation Services for Individuals Aged 21 or Older and Inpatient Psychiatric Services;
- 11) Outpatient and Residential Substance Abuse Services for Individuals Aged 21 or Older
- 12) Ambulatory Surgical Centers Services;
- 13) Supplemental Hospital Upper Payment Limit (UPL)/Full Medicaid Pricing (FMP) Payments to LSU PPP Hospitals;
- 14) Uncompensated Care Costs Payments to the LSU PPP Hospitals and LKRMC, the LINCCA Hospitals; and
- 15) The High Medicaid DSH Pool and OBH Public Private Partnerships - Community Care and Northlake Payments.

The **Senate obtained savings** to the State General Fund **totaling \$45.8 m. in the Medicaid program** by updating the projections for next fiscal year for the fee-for-service and managed care programs as well as the state’s share of the Medicare Part D premiums for the dual Medicaid/Medicare eligibles.

**Additional savings** were realized when the Senate incorporated the projected impact of the reforms in the Medicaid eligibility determination process by reducing the reasonable **compatibility standard from 25% to 10%** and introducing the utilization of income tax data as a tool in determining eligibility for the MAGI Groups – Families, Pregnant Women, Children and ACA Expansion Adults. These reforms are **projected to save the state \$20.9 m.** in State General Fund in FY19.

## K-12 EDUCATION

### Minimum Foundation Program Highlights for FY19

Senate Concurrent Resolution 48 of the 2018 Regular Session provided the recommended funding level for the Minimum Foundation Program (MFP) for FY19 as adopted by the Board of Elementary and Secondary Education (BESE). The recommended amount was \$3,706,154,715.

In the Second Extraordinary Session of 2018, HB1 (Act 2) provided \$3,710,020,378 total funding for the MFP. The balance between the BESE recommended and the total appropriation would address any shortfalls at mid-year. That difference is \$3,865,662.

Senate amendments reduced the state general fund budgeted for FY19 for the MFP by \$10 m. due to an anticipated reduction in need. For FY18, the MFP was also reduced by \$10 m. due to an actual reduction in need. Current data demonstrate a leveling in the number of MFP-funded students statewide. The base per pupil amount remains at \$3,961.

### Student Scholarships for Educational Excellence (SSEEP)

For FY18, SSEEP was funded at \$39.9 m. originally. However, due to the larger than anticipated number of approved vouchers, an additional \$2.1 m. was appropriated for FY18 in supplemental funding. The appropriated total for FY18 is now \$42 m. The average cost per scholarship in FY18 is \$6,171. The total number of students with SSEEP awards is 6,754 in FY18. For FY19, SSEEP awards are funded at \$42 m. This should allow for a similar number of awards in FY19 as in FY18.

### LA-4 Pre-K

For FY18, LA-4 serves 16,200 children. For FY19, there was originally \$74.3 m. in funding for the program, including \$33.8 m. of state general fund and \$40.5 m. from Temporary Assistance for Needy Families (TANF). With the passage of additional revenues during the Third Extraordinary Session of 2018, the program should serve a similar number in FY19 as in FY18.

### Nonpublic Educational Assistance

With the passage of additional revenues, the Required Services Program is fully funded for FY19 at \$7.6 m. This program reimburses eligible nonpublic schools for costs incurred during the preceding school year for maintaining records, completing and filing reports, and providing required education-related data.

The School Lunch Salary Supplement Program is also fully funded for FY19 at \$7 m. This program provides a salary supplement for nonpublic school lunch employees at eligible nonpublic schools.

## SPECIAL SCHOOLS AND COMMISSIONS

With the passage of additional revenues, Special Schools and Commissions were restored a 24.2% reduction of \$8.9 m. Agencies within the department also received support for a variety of pressing needs listed below.

- \$1,040,000 - **Louisiana Schools for the Deaf and Visually Impaired** – Funding for acquisitions and major repairs.
- \$190,000 – **Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts** – Funding for one vacant position and building maintenance.
- \$860,000 – **Thrive Academy** – Funding to continue a grade level for at-risk students.
- \$270,000 – **Louisiana Educational Television Authority** – Funding for hardware repair and maintenance of broadcasting equipment.
- \$50,000 – **Board of Elementary and Secondary Education** – Funding for one vacant position.
- \$290,000 – **New Orleans Center for the Creative Arts** – Funding for operating services and building maintenance.

## HIGHER EDUCATION

Overall, Higher Education has an FY19 budget of approximately \$2.7 b., of which \$1.015 b. is SGF. This level is \$9.9 m. more than the FY18 EOB of \$1.004 b. The additional SGF is attributable to the following:

\$2 m. – Go Grants (\$28,429,108 SGF provided in FY19)

\$3.2 m. – Southern Board of Supervisors

\$1.5 m. – Grambling University

\$3.3 m. – Projected TOPS increase

Of the \$1.015 b. SGF appropriated to higher education, approximately \$485.2 m. will be allocated to the 2-year and 4-year institutions pursuant to an adopted Board of Regents Higher Education funding formula distribution. The amount available for the 2-year and 4-year institutions in FY19 is the same amount as provided in FY18. However, depending on funding formula distribution decision by the Board of Regents, some 2-year and 4-year institutions could be impacted. The funding formula decision is not known at this time.

### TOPS

The FY19 total projected TOPS funding need is approximately \$294.6 m., of which \$57.9 m. will be funded with a dedicated funding source (TOPS Fund) and the remaining expenditures will be funded with SGF (\$236.7 m.). Based on current estimates, TOPS is fully funded for FY19. The total number of TOPS participants in FY19 is projected to be 53,718.

### Go Grants

For FY19, Go Grant funding will increase from \$26.4 m. in FY18 to \$28.4 m. The Go Grant program historically provides an average award of about \$1,000 per year. Therefore, the increase of \$2 m. could serve an additional 2,000 students.

## GENERAL GOVERNMENT

### LaGOV

The LaGOV enterprise resource project has total funding in the amount of \$12 m. (\$4 m. SGF – Act 59; \$4.6 m. SGF – Act 1; \$3.3 m. – Overcollections Fund), which is approximately 40% of total projected funding (\$30 m.) needed to finally complete this project, which began back in 2007.

### Office of Elderly Affairs

The Office of Elderly Affairs is funded at \$47.3 m. for FY19. Included in its budget is \$1.5 m. from the Overcollections Fund for Senior Centers and language specifying that any funding provided for restoration to the Executive Department shall first be used to restore Elderly Affairs and the Department of Military Affairs.

### Corrections

For FY19 Total Means of Financing, Corrections is funded at \$566.5 m., which is approximately \$12.1 m. above FY18 EOB. In terms of State General Fund, Corrections has roughly \$500 m., which is \$9.1 m. above FY18 EOB. As of the 3<sup>rd</sup> Special Session, in the above-the-line Section 19A, \$17.9 m. was provided for restoration of funding; \$5.4 m. was provided for a Correctional Security Officer (CSO) pay raise; \$2.74 m. was appropriated for Winn Correctional Center for restoration of funding; and \$1.02 m. was provided for Allen Correctional Center for acquisitions and major repairs. Below-the-line funding for Corrections in Section 19B tied to recognition of new revenue by REC includes \$12.3 m. for personal services and acquisitions and major repairs and \$4 m. for a CSO pay raise.

### Children and Family Services (DCFS)

For FY19 Total Means of Financing, Children and Family Services is funded at \$779.2 m., which is approximately \$2.3 m. above FY18 EOB. In terms of State General Fund, DCFS has \$193.4 m., which is \$19 m. above FY18 EOB. Above the line funding for DCFS in Section 19A includes \$34.7 m. to restore its preamble cut and \$1 m. tied to Act 649 of the 2018 Regular Session concerning Foster Care children.

### Local Housing of State Adult Offenders

LHSAO is funded at \$168.4 m. above the line for FY19 as of the 3<sup>rd</sup> Special Session. Of that total, above-the-line funding in Section 19A includes \$10 m. for Parole Holds, \$18.7 m. for Payments to Sheriffs, and \$4.98 m. for the Transitional Work Program. Funding in Section 19B tied to recognition of new revenue totals \$10.5 m. for payments to the Local Housing of State Adult Offenders Program.

### District Attorneys and Assistant District Attorneys

This program has \$5.45 m. in statutory dedications funded above the line for FY19. FY18 EOB was \$31.8 m. for full funding. A total of \$25.8 m. was provided above the line in Section 19A in the 3<sup>rd</sup> Special Session, which would put total funding for the program at \$31.3 m. for FY19, or about 98.4 percent of FY18 EOB funding.



Schedule 19B of HB1 of the 3<sup>rd</sup> Special Session  
Subject to Recognition of Additional Revenue by REC  
and JLCB Approval

Department	Description	Amount
Executive Department	Restoration of funding	\$2,000,000
Executive Department – Executive Office	Restoration of funding	\$343,000
Secretary of State	Restoration of funding	\$130,206
Secretary of State – Elections Program	Step increases for Registrars of Voters	\$480,000
Attorney General	Restoration of 5% reduction	\$869,649
Agriculture and Forestry	Restoration of funding	\$600,000
Economic Development	Restoration of funding	\$500,000
Corrections – Administration Program	Personal services and acquisitions and major repairs	\$12,290,000
Corrections – Administration Program	CSO pay raise	\$4,000,000
Youth Services – Office of Juvenile Justice	Raise the Age Initiative, major repairs at state centers for youth, and operating expenses of the Acadiana Center for Youth	\$10,800,000
Natural Resources	Restoration of funding	\$500,000
Natural Resources – Oil and Gas Regulatory Program	Legacy Site Remediation Program and 2 T.O.	\$280,000
Other Requirements – Local Housing of State Adult Offenders	Payments to locals	\$10,506,197
	<b>Total</b>	<b>\$43,299,052</b>