

LOUISIANA SENATE

2019 RS

FINAL EDITION
of
Legislative Session
Highlights



September, 2019

Agriculture/Rural Development

by: Curry Johnson
(225) 342-0645

2019 Regular Session

AGRICULTURAL COMMODITIES

Senate Bill 55 by Senator Riser (Act 337) exempts the sale of an aggregate of 20,000 bushels or less per year of shelled field corn made directly from a producer to a purchaser from the Louisiana Weights and Measures Law. The legislation further exempts the sale of an aggregate of more than 20,000 bushels per year of shelled field corn 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 shelled field corn.

House Bill 92 by Representative Anders (Act 352) authorizes a designee of the commissioner of agriculture to serve on the Louisiana Agricultural Commodities Commission and changes the voting requirements for the commission.

House Bill 94 by Representative Pugh (Act 140) reduces the membership of the Louisiana Strawberry Marketing Board by removing the agricultural chemical dealer, representative, or consultant with knowledge of the strawberry industry member. The legislation further authorizes the resident coordinator of the LSU Agriculture Experiment Station at Hammond to appoint a designee.

ANIMALS

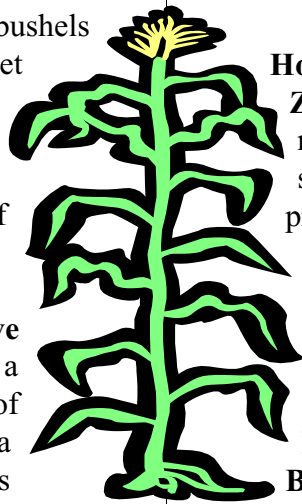
House Bill 161 by Representative R. Carter (Pending House Committee on Agriculture, Forestry, Aquaculture and Rural Development) would have created an animal abuse registry within the Department of Agriculture and Forestry for certain animal abuse offenders and prohibited the offenders from owning an animal while registered.

House Bill 454 by Representative Zeringue (Act 383) establishes notification requirements for animal shelters selling animals for research and provide relative to the transfer of living animals to facilities for research in limited circumstances. The legislation provides for a fine of not more than \$1,000 for each violation.

House Bill 582 by Representative Bacala (Act 250) establishes a \$10 daily boarding fee to be paid to law enforcement officials impounding livestock found roaming at large and removes the daily rate for feeding and caring for each animal.

DEPARTMENT OF AGRICULTURE AND FORESTRY

Senate Bill 40 by Senator Thompson (Act 185) repeals the assessment on cotton producers for boll weevil eradication programs and the Boll Weevil Eradication Fund. The legislation further requires that any monies remaining in the Boll Weevil Eradication Fund be transferred to the Horticulture and Quarantine Fund.



Senate Bill 61 by Senator Boudreaux (Pending House Committee on Agriculture, Forestry, Aquaculture and Rural Development) would have created the Louisiana Commission on Medicinal Plants within the Department of Agriculture and Forestry for the purpose of advising the commissioner on the regulation of medicinal plants to protect the interests, health, safety, and welfare of the citizens of Louisiana.

FORESTRY

House Bill 106 by Representative McFarland (Act 353) clarifies that growing and harvesting trees are protected under the Right to Farm Law by specifying that agricultural land includes forest and timber land and agricultural operations include forest and timber operations.

House Bill 364 by Representative McFarland (Act 218) reinstates provisions of law requiring prompt payment for forest products. The legislation requires a person who acquires forest products to pay the landowner in full within thirty days of receipt of payment for selling the products and provides for criminal penalties for violations.

INDUSTRIAL HEMP

House Bill 491 by Representative Schexnayder (Act 164) authorizes individuals licensed by the Department of Agriculture and Forestry to cultivate, process, handle, and transport industrial hemp and requires the commissioner of agriculture to adopt rules to regulate the program. The legislation also provides for the regulation of industrial hemp-derived cannabidiol (CBD) products by the Louisiana Department of Health and the office

of alcohol and tobacco control (ATC). The legislation also exempts industrial hemp and industrial hemp-derived CBD products from the Uniform Controlled Dangerous Substances Law and provides for civil and criminal penalties for violations.

RURAL WATER

Senate Bill 170 by Senator Thompson (Act 126) creates the Rural Water Infrastructure Committee within the office of the governor for the purpose of providing advice and guidance to the governor on all matters relative to rural water systems in Louisiana. The legislation requires the committee to submit a written report to the governor by March first of each year relative to the progress, challenges, and recommendations concerning policy and possible legislation relative to rural water systems.

TRUTH IN LABELING

Senate Bill 39 by Senator Thompson (Act 184) requires the Louisiana Department of Health to enforce the United States Food and Drug Administration (FDA) standard of identity for milk, contingent upon FDA enforcement, to prohibit the sale of plant-based products mislabeled as milk.

Senate Bill 152 by Senator Thompson (Act 273) provides for the "Truth in Labeling Act" for the purpose of protecting consumers from misleading and false labeling of food products. The legislation prohibits intentionally misbranding or misrepresenting food products as beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, meat, sugar, or rice and provides for civil penalties.





Capital Outlay



by: Martha Hess
(225) 342-8893

House Bill 2 of the 2019 Regular Session by Representative Abramson (Act 20) provides for the comprehensive capital outlay budget for Fiscal Year 2019-2020, including funding from the following sources of monies:

Federal Funds (excluding TTF - Federal Funds)	\$	118,603,040
Transportation Trust Fund (TTF) - Federal Funds	\$	685,623,446
Transportation Trust Fund (TTF) - Regular	\$	152,546,344
Coastal Protection and Restoration Fund	\$	246,615,000
Natural Resources Restoration Trust Fund	\$	137,000,000
Fees and Self-Generated Revenues	\$	143,335,700
Interagency Transfers	\$	58,128,530
Miscellaneous Statutory Dedications	\$	39,298,000
General Fund (Direct') Non-Recurring Revenues	\$	144,074,579
Reappropriated Cash	\$	4,655,195
Interest Earnings	\$	5,000,000
Revenue Bonds	\$	<u>60,000,000</u>
TOTAL CASH PORTION	\$	1,794,879,834

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

Priority 1	\$	767,258,413
Priority 2	\$	302,448,422
Priority 5	\$	<u>1,343,077,180</u>
TOTAL GENERAL OBLIGATION BONDS	\$	2,412,784,015
BONDS NRP	\$	<u>985,884</u>
GRAND TOTAL ALL MEANS OF FINANCING	\$	<u>4,208,649,733</u>

Bonds NRP is the reallocation of previously sold bonds.

*These numbers reflect the six projects vetoed by the Governor as well as the two projects which were declared null. Section 16 of the Act limits cash lines of credit or the authorization of the issuance of general obligation bonds to **\$837,205,000**.*

Children, Women & Family

by: Mary O'Brien
(225) 342-2115

CHILDREN

Human trafficking/children

The very serious issue of human trafficking, especially with relation to children, has been an important topic for several sessions. The Legislature has kept this deplorable crime against those with the least resources in the forefront of its topics for action. The issue of human trafficking, particularly of children, is a priority as the protection of society's most vulnerable is almost as a sacred trust, a responsibility that lawmakers take very seriously. The refinement of these policies and the updating of procedures continues with the following instruments.

Senate Bill 145 by Senator Johns (Act 409) requires the Department of Children and Family Services to promulgate rules and regulations in an effort to develop a human trafficking victim services delivery model. The agencies collaborating and advising on this process include: the Department of Health, the Louisiana Alliance of Children's Advocacy Centers, and the Louisiana Human Trafficking Prevention Commission and Advisory Board, seeking to provide a multi-disciplinary and agency approach that coordinates resources and improves statewide response and delivery of services to victims. A report on the development of the coalition's services delivery model shall be delivered to the Senate and House Committees on Health and Welfare by June 30, 2020, and, annually, thereafter.

Senate Bill 156 by Senator Neil Riser (Act 259) provides access to the criminal history system for victims of domestic abuse, dating violence, human trafficking, and sexual assault. It provides that a licensed attorney, or his licensed investigator, who is counsel of record in a case involving a victim of any of these four areas of criminality shall be allowed to access state criminal history records on a certain individual who is a defendant or a witness in the civil cases in which the attorney is counsel of record. A pro se litigant shall be authorized to obtain the same information. Penalties for filing false public records shall be authorized as determined proper.

Foster care/Foster children

The issue of children aging out of the foster care system has also been a recurrent theme, but has largely been held hostage by budget constraints and a lack of reliable data regarding assumptions as to how many of these children there are in Louisiana, which is the driver of a fiscal note. With "additional revenues" recognized by the Joint Legislative Committee on the Budget, the issue of cost became clearer and more manageable.

Senate Bill 109 by Senator Barrow (Act 400) incorporated present law, but established an extended foster care program and provides that a child can stay in foster care if he is housed at a residential home, a transitional placing program, or in foster care until his twenty-first birthday and it is found to be in the youth's best interest to continue in extended foster care program. Rulemaking is

provided for. A judge may determine what is in the best interest of the child. The bill carries twenty-four co-authors.

Protection of children from pornography

Senate Concurrent Resolution 56 by Senator Long (Sent to Secretary of State) established the "Task Force on protecting Children from Exposure to Pornography" to be organized by the Department of Children and Family Services and is charged with studying all issues related the exposure to pornography and the impact such exposure has on children's lives.

Child Custody and Inmate child support orders

House Bill 248 by Representative Chad Brown (Read by Title and returned to the calendar-Subject to Call) would have provided for the appointment of a parenting coordinator in certain circumstances in child custody cases, but prevents them in cases where there has been domestic violence or a history of perpetrating family violence and places limits on the testimony of such coordinators.

House Bill 363 by Representative Marino (to the calendar-Subject to Call) would have provided for the circumstances by which the testimony of inmates for child support proceedings may be taken and how it may be taken by video, and for the automatic suspension of child support payments during the obligor's incarceration.

Criminal Background Checks for certain employees and in certain circumstances

House Bill 112 by Representative Stefanski (Act 33) listing of criminal convictions that disqualify a person from becoming a foster or adoptive parent or guardian.

House Bill 548 by Representative Cox (Act 243) provides for certain criminal history background checks of certain individuals connected with therapeutic group homes and child care institutions. The Louisiana Bureau of Criminal Identification and Information shall make such checks available. Owners and operators and managers of therapeutic group homes and specific persons are contained in the legislation.

Children and Newborns

House Concurrent Resolution 34 by Representative Davis (Sent to Secretary of State) provides for the potential addition of mucopolysaccharidosis type I and Pompe disease to the state's newborn screening panel.

WOMEN

Equal Pay for Women and Equal Rights

Equal pay for women has been a recurring issue for the state and two bills were filed this session, both house bills: **House Bill 63 by Representative Bouie and House Bill 239 by Representative Norton** were both voluntarily deferred in committee, ending the debate for this session.

Senate Concurrent Resolution 2 by Senator Morrell (Reconsidered, returned to the calendar) This resolution would have memorialized Congress to extend, in perpetuity, the time period allowed for the ratification of the Equal Rights Amendment to the United State Constitution.

A Woman's Right to Know and Medical Records of Women (re: Abortion services providers)

Senate Bill 221 by Senator Mizell (Act 198) changes current requirements that women seeking an abortion shall receive specific information about the person who will be

performing an abortion in writing and adds specifics regarding the certifications of the abortion provider and any disciplinary actions against the healthcare provider.

House Bill 484 by Representative Crews (Act 435) additional penalties are included for failure to maintain records of women seen at abortion clinics and both the present and the proposed may be imposed. The Legislature established an independent duty to ensure that a designated custodian of records for the facility obtains, retains, and makes a part of the medical record of each pregnant woman upon whom abortion is performed or induced at least one copy of each of the abortion-related records enumerated in present and proposed law. Provides for jurisdiction for enforcing remedies.

Women's Medical Records

Senate Concurrent Resolution 130 by Senator Walsworth (Sent to the Secretary of State) Memorializes Congress to review the definition of abortion and the use of the term abortion for purposes of medical records when a woman has a spontaneous miscarriage.

FAMILIES

(The topics in this category did not lend themselves to categorization, so are listed by individual bill and resolution numbers.)

House Bill 537 by Representative M. Johnson (Act 241) provides relative to the assignment of rights to the Department of Children and Family Services of individuals whose children are in foster care.



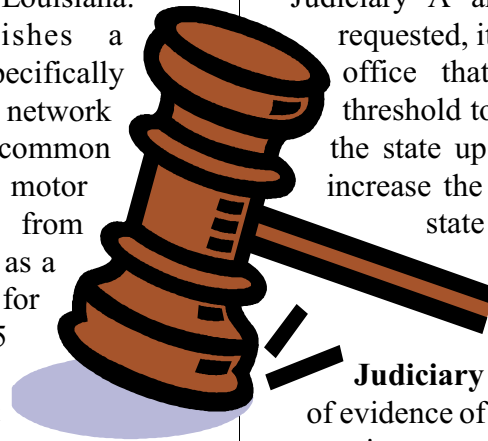
Civil Law & Procedure

by: *Xavier I. Alexander*
(225) 342-8370

House Bill 575 by Representative Magee (Act 286) provides relative to transportation network companies. Provides for state wide regulation of transportation network companies, namely Uber and Lyft, which would allow the drivers to operate and provide services to riders through a ride sharing app, in every city in the state of Louisiana. House Bill 575 establishes a classification of carriers, specifically provides that a transportation network company or driver is not a common carrier, contract carrier or motor carrier and exempts driver from having to register the vehicle as a commercial motor vehicle or a for hire vehicle. House Bill 575 authorized a local governmental subdivision that previously enacted a transportation network company ordinance that includes a per-trip fee prior to March 1, 2019, to maintain that fee on each intrastate ride within the corporate limits of the local governmental subdivision. House Bill 575 was heavily debated and received almost unanimous votes in both chambers.

House Bill 372 by Representative Talbot (failed in Senate Judiciary A) would create the Omnibus Premium Reduction Act of 2019, relative to increasing general one-year prescriptive period for delictual actions to a two-year prescriptive period, reduce the threshold for a jury trial to \$5,000, provides for reduced damages for amounts paid or payable from collateral sources, and repeal the

right of direct action against insurers. Debated heavily in Senate Judiciary Committee A, the proponents of the bill failed to recognize or establish how the proposed legislation would lower insurance premiums for the state of Louisiana and reduce actual litigation. House Bill 372 received two days of debate in Judiciary A and after a fiscal note was requested, it was determined by the fiscal office that a reduction in the jury threshold to \$5,000 may increase cost to the state up to \$1,400,000 per year and increase the number of jury trials in the state of Louisiana.



Senate Bill 148 by Senator Hewitt (Failed in Senate Judiciary A) would allow consideration of evidence of failure to wear a safety belt in an action to recover damages arising from a motor vehicle accident as comparative negligence and removes provisions prohibiting its admission to mitigate damages.

Senate Bill 154 by Senator Ward (Failed in the Senate) was relative to increasing general one-year prescriptive period for certain delictual actions to a two-year prescriptive period, and add to the Code of Evidence Articles that in any action to recover damages arising out of ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation of law may be considered evidence of comparative negligence. Senate Bill 154 is distinguishable from Senate Bill 148, because it places the proposed law in the Code of Evidence and

requires a contradictory hearing, outside the presence of a jury, to determine admissibility of seat belt evidence.

Senate Bill 49 by Senator Fannin (Act 334) provides relative to activities of out-of-state trust companies. Senate Bill 49, allows for out-of-state trust companies may act as a fiduciary from a trust office only if t maintains a trust office or branch in the state of Louisiana and the state where the trust company has its principal location, allows a Louisiana institution to perform the same business activities in that state.

House Bill 417 by Representative Hill (Act 17) provides relative to payments to a minor from judgments or settlements. Sets a minimum value for a judgment or settlement to be placed in trust for a minor in the custody of the Department of Children and Family Services. Act 17, limits the amount that can be placed in trust for a minor in custody of the Department of Children and Family Services to not less than \$50,000 and removes the requirements that the court places the funds in trust.

Coastal Restoration

by: Jerry Jones
(225) 342-1769

House Resolution 155 by Representative S. Bishop (Sent to Secretary of State) approves the annual state integrated coastal protection plan for Fiscal Year 2020, as adopted by the Coastal Protection and Restoration Authority Board.

Senate Concurrent Resolution 27 by Senator Allain (Sent to Secretary of State) approves the annual state integrated coastal protection plan for Fiscal Year 2020, as adopted by the Coastal Protection and Restoration Authority Board.

House Bill 205 by Representative Hilferty (Act 151) renames the Non-Flood Protection Asset Management Authority.

House Bill 315 by Representative Gisclair (Pending House Natural Resources) would have required that agreements between an acquiring agency and a landowner for integrated coastal protection projects ensure public recreational access to waterways in the reclaimed lands.

House Bill 558 by Representative Hodges (Act 246) provides relative to the Statewide Flood Control Program.

House Bill 578 by Representative Magee (Act 443) dedicates certain economic proceeds from the Deepwater Horizon litigation to transportation projects and redirects funding to the Construction Subfund of the Transportation Trust Fund.



House Bill 581 by Representative Garofalo (Failed House final passage) would have authorized flood protection authority spending across various levee districts.

House Concurrent Resolution 30 by Representative Zeringue (Sent to the Secretary of State) requests continued support for the efforts by the state of Louisiana and others in the Mississippi River Basin to work together toward achieving the goals of the Gulf Hypoxia Action Plan and a reduction of the hypoxic zone off the state's coast.

House Concurrent Resolution 42 by Representative Zeringue (Sent to Secretary of State) requests the Department of Environmental Quality to study the overall impacts of wetland assimilation projects prior to approval of additional such projects.

House Concurrent Resolution 90 by Representative Hodges (Sent to Secretary of State) expands the Comite River Diversion Canal Project Task Force.

House Resolution 255 by Representative Jordan (Sent to Secretary of State) requests the Louisiana Department of Insurance to study and make recommendations regarding the regulation of private market flood insurance.

Senate Bill 105 by Senator Lambert (Act 269) provides for the powers of all gravity drainage districts.

Senate Bill 190 by Senator Chabert (Act 441) provides with respect to the membership of the Coastal Protection and Restoration Authority Board.

Senate Concurrent Resolution 71 by Senator B. White (sent to Secretary of State) requests the Coastal Protection and Restoration Authority and the Department of Transportation and Development to determine what monies, state or federal, are available for flood control projects in the coastal zone or coastal area, and in the area outside the coastal area.

Senate Concurrent Resolution 93 by Senator Morrish (Sent to Secretary of State) requests the Coastal Protection and Restoration Authority to form a subcommittee to coordinate the state's involvement in the National Flood Insurance Program.

Senate Concurrent Resolution 111 by Senator Morrell (Sent to Secretary of State) memorializes Congress to reassess the entire levee and floodwall system in the southeastern United States.

Senate Concurrent Resolution 114 by Senator Hewitt (Sent to Secretary of State) re-establishes the Lower Pearl River Basin task force.

Senate Concurrent Resolution 116 by Senator Chabert (Sent to Secretary of State) requests the U. S. Department of Interior to adopt a policy encouraging avoidance of stranding assets in the Gulf of Mexico Shallow Water Province to ensure maximum benefit for the nation.

Senate Concurrent Resolution 124 by Senator Lambert (Sent to Secretary of State) requests the U.S. Army Corps of Engineers to consider additional water diversion projects in addition to the Bonnet Carre' and Morganza Spillways to address high water issues on the Mississippi River.

Commerce & Consumer Protection

by: Jerry Jones
(225) 342-1769

House Bill 145 by Representative Coussan (Act 34) provides for the disclosure of certain financial records to law enforcement pursuant to a search warrant.

House Bill 155 by Representative Berthelot (Act 11) provides with respect to fire department identification numbers and the submission of fire reports.

House Bill 172 by Representative Pierre (Act 114) provides for a training, registration, and certification process for fire-resistant material applicators.

House Bill 196 by Representative Falconer (Act 281) provides relative to time limitations for disciplinary proceedings by professional and occupational boards and commissions, and also certain exemptions.

House Bill 273 by Representative Carmody (Act 371) provides updates and technical corrections to statutes relative to contractors.

House Bill 297 by Representative Howard (Act 19) provides relative to Secretary of State's office and certain procedures and requirements.

House Bill 299 by Representative Carmody (Act 110) provides relative to approval of certain continuing legal education courses by the Louisiana Real Estate Commission.

House Bill 303 by Representative Coussan (Act 13) provide for fingerprinting for

criminal history background checks for employment in a financial institution.

House Bill 305 by Representative Falconer (Act 14) provides relative to telemarketing to elder persons and persons with disabilities.

House Bill 322 by Representative Turner (Act 214) provides relative to the state fire marshal's office and inspection and investigation of premises by a fire prevention bureau.

House Bill 340 by Representative Hollis (Act 37) provides relative to real estate appraisers.

House Bill 391 by Representative Foil (Act 160) provides for the certification of veteran-owned businesses.

House Bill 396 by Representative Anders (Act 16) provides relative to bank operating subsidiaries.

House Bill 404 by Representative Schexnayder (Act 434) abolishes certain boards, commissions, authorities, like entities, and related funds.

House Bill 423 by Representative Emerson (Act 227) repeals the ability of a professional board or commission to revoke an occupational or professional license for failure to pay student loans, and provides that issuance of license shall not be grounds for delay or repayment of a student loan.

House Bill 463 by Representative Bagneris (Act 233) provides relative to the definition of "qualified event" or "qualified major event" as used in the Major Events Incentive Program.

House Bill 464 by Representative Berthelot (Act 234) provides relative to inflatable amusement devices, amusement attractions, and amusement rides.

House Bill 503 by Representative Rick Edmonds (Subject to call - Senate final passage) would have provided to certain licensing qualifications and certain exceptions.

House Bill 593 by Representative Cox (Act 252) provides relative to the Louisiana Real Estate Appraisers Board's authorization to collect assessments.

House Bill 613 by Representative Wright (Act 255) provides relative to the types of payments accepted by secondhand dealers.

Senate Bill 26 by Senator Martiny (Pending Senate Commerce, Consumer Protection and International Affairs) would have provided relative to the New Home Warranty Act.

Senate Bill 29 by Senator Cortez (Act 179) provides relative to professional and occupational licensing boards and commissions.

Senate Bill 39 by Senator Thompson (Act 184) provides relative to the labeling of certain milk products, and defines "milk".

Senate Bill 42 by Senator Martiny (Act 186) provides relative to the Louisiana Real Estate Appraisers Law.

Senate Bill 46 by Senator Peacock (Act 187) enacts the Louisiana Cybersecurity Information Sharing Act.

Senate Bill 101 by Senator B. White (Act 348) provides relative to state banks and immovable property.

Senate Bill 116 by Senator Hensgens (Act 439) provides for the transfer of certain deposits and safe deposit box contents to the unclaimed property division of the Department of the Treasury.

Senate Bill 126 by Senator Price (Act 188) provides relative to credit union powers and procedures.

Senate Bill 150 by Senator Thompson (Act 190) provides relative to the unauthorized use of certain financial terms.

Senate Bill 214 by Senator B. White (Subject to call - Senate final passage) would have provided relative to the Department of Economic Development and the Board of Commerce and Industry.

Senate Bill 241 by Senator Riser (Act 204) provides for the Small Business Protection Act, and certain requirements for adoption of administrative rules.

Senate Concurrent Resolution 33 by Senator Walsworth (Sent to Secretary of State) encourages closer economic ties between the United States and the Republic of China (Taiwan) and supports its meaningful participation in various international organizations.

Senate Concurrent Resolution 102 by Senator Barrow (Pending House Commerce) would have requested the Louisiana State Licensing Board for Contractors to study the criteria used to assess penalties against contractors who violate licensing laws.

Senate Concurrent Resolution 123 by Senator Martiny (Sent to Secretary of State) creates a task force to develop and plan a tabletop exercise that tests and strengthens the infrastructure required to combat cyberthreats.

Senate Resolution 177 by Senator Mizell (Sent to Secretary of State) creates the Task Force on Access to Broadband High-Speed Internet Service.



Constitutional Amendments

by: Tom Tyler
(225) 342-6156



Article XIII, Section 1(A)(1) of the Constitution of Louisiana requires that each joint resolution proposing a constitutional amendment specify the statewide election at which the proposal is to be submitted to the voters. This year the gubernatorial primary is October 12 and the gubernatorial general election is November 16, however, except as indicated, joint resolutions passed during the 2019 Regular Session are to be voted at the October 12 election.

ABORTION

House Bill 425 by Representative Katrina Jackson (Act 447) provides that nothing in the Constitution of Louisiana is to be construed to secure or protect a right to an abortion or require the funding of abortions.

This amendment to be submitted to the voters on November 3, 2020.

TAX EXEMPTIONS

Ad Valorem Tax

House Bill 234 by Representative Miguez (Act 444) provides that as to the ad valorem tax exemption regarding raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States, **Act 444** defines "being held" to include raw materials, goods, commodities and other articles stored in Louisiana for maintenance with a destination to the Outer Continental Shelf.

As to the ad valorem tax exemption regarding foods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether the destination was specified when transportation began or afterward, **Act 444** defines "storage while in transit" shall to goods, commodities and personal property stored in Louisiana for maintenance with a destination to the Outer Continental Shelf. If approved, **Act 444** becomes effective December 1, 2019.

Senate Bill 79 by Senator Carter (Act 448) authorizes the city of New Orleans to exempt from ad valorem taxes certain properties located within Orleans Parish that comprise no more than five residential units in order to promote and encourage affordable housing in the parish. Authorizes the exemption to apply to the total assessed value of the property, or a portion of the property, or the city may grant the right to pay ad valorem taxes based upon the assessed valuation of the property for the year prior to the commencement of the exemption. Excludes properties used as rentals for periods of less than thirty days.

Requires that any decrease in the total amount of ad valorem tax collected by the taxing authority as a result of this specific exemption 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. Implementation of this exemption shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages pursuant to Article VII, Section 23(B) of the Constitution of Louisiana.

House Bill 76 by Representative Abraham (pending Senate committee) would have provided an exemption for property of new manufacturing establishments or additions to existing manufacturing establishments that are subject to a cooperative endeavor agreement (CEA) as provided by law between the owner and one or more taxing authorities that requires the property owner to make payments in lieu of ad valorem taxes.

The exemption under **House Bill 76** would have been limited to the extent agreed to and provided in the CEA and the property exempted would have been required to be listed on the assessment rolls and submitted to the Louisiana Tax Commission. Enactment of any law to implement provisions in **House Bill 76** as well as amendments to that law would have required a two-thirds of the elected members of each house of the legislature.

Sales & Use Tax

Senate Bill 4 by Senator Morrell (Reconsideration - Senate subject to call) would have exempted diapers and feminine hygiene products sold directly to the consumer for personal use from state sales & use taxes.

TRUST FUNDS

Millennium Trust

House bill 62 by Representative Steve Carter (Act 445) provides for appropriations

from the Education Excellence Fund to certain entities. **Act 445** provides that the Louisiana Education Television Authority is to receive \$75,000 each year from the fund; includes the renamed Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts; Thrive Academy; and laboratory schools operated by a public postsecondary education institution. In addition the proposed amendment removes the Louisiana Special Education Center in Alexandria from the Education Excellence Fund.

Unclaimed Property

House Bill 291 by Representative Barras (Pending Senate finance committee) would have created the Louisiana Unclaimed Property Permanent Trust Fund (UPC Permanent Trust Fund) as a special permanent trust fund and the Louisiana Unclaimed Property Support Fund (UPC Support Fund) as a special fund in the state treasury.

Under **House Bill 291**, the UPC Permanent Trust Fund would have received the net amount of all monies received as a result of the Uniform Unclaimed Property Act and no appropriation can be made from the UPC Permanent Trust Fund.

The UPC Support Fund is to provide monies for the unclaimed property revolving loan commission **House Bill 291** would have required the state treasurer to deposit and credit into the UCP Support Fund the following monies:

(a) Interest income earned on investment of monies in the UCP Permanent Trust Fund.

(b) Realized capital gains on investment of the UCP Permanent Trust Fund.

(c) Dividend income earned on investment of the UCP Permanent Trust Fund.

(d) All monies received as repayment of loans made through the unclaimed property revolving loan commission.

(e) All proceeds from the sale of securities held by the Unclaimed Property Division.

House Bill 291 would have required that once the balance in the UPC Permanent Trust Fund equals the amount of the state's potential liability to unclaimed property claimants as reported in the previous fiscal year by the state treasurer, then the remaining monies are to be deposited into the UCP Support Fund.

Monies credited to the UPC Permanent Trust Fund shall be permanently credited to that fund and invested by the treasurer and allows a portion of monies in the fund, not to exceed fifty percent, to be invested in equities. The legislature is to provide procedures for investment of these monies. **House Bill 291** would have authorized the treasurer to contract, subject to State Bond Commission approval, for the management of these investments and provides that amounts in the UCP Support Fund be available for appropriation to pay expenses incurred in the investment and management of the UCP Permanent Trust Fund.

House Bill 291 would have further required annual reports by the treasurer to the legislature that include the following items:

(a) The balance of the UCP Permanent Trust Fund and UCP Support Fund as of the close of the prior fiscal year.

(b) The state's potential liability to unclaimed property claimants as of the close of the prior fiscal year.

Would have required the state treasurer to certify if unclaimed property claims exceed receipts and then allocate sufficient funds from the UCP Permanent Trust Fund to pay the amount that claims have exceeded receipts. Requires that he immediately notify the legislature and governor of the amount transferred from the UCP Permanent Trust Fund and amounts remaining in the UCP Permanent Trust Fund.

House Bill 291 would have authorized the legislature to establish an unclaimed property revolving loan commission to administer a revolving loan program for the benefit of local governmental subdivisions, political subdivisions, or municipalities.

Would have authorized the state treasurer to transfer money in the UPC Support Fund for use by the unclaimed property revolving loan commission to make loans and that monies disbursed from this fund for use as revolving loans shall not displace, replace, or supplant appropriations from the state general fund (direct) or any other specific constitutional or statutory dedication to local governmental subdivisions, political subdivisions, or municipalities in existence on July 1, 2020. If approved, **House Bill 291** would have become effective July 1, 2020.

BOARD OF TAX APPEALS

The Board of Tax Appeals is placed in the Constitution of Louisiana by **House Bill 428 by Representative Dwight (Act 446)** with jurisdiction over all matters related to state and local taxes or fees or other claims against the state. Authorizes extension of the Board's

jurisdiction by law to matters concerning the constitutionality of taxes, fees, or other matters, which may be concurrent with the state district courts. Changes in Board membership and jurisdiction require law enacted by two-thirds of the elected members of each house of the legislature.

CONSTITUTIONAL CONVENTION

Although not a constitutional amendment, **House Concurrent Resolution 56 by Representative Foil (pending Senate & Governmental Affairs Committee)** would have created the Constitutional Convention Study Commission to undertake all study and analysis necessary for a complete examination of calling a constitutional convention to revise the Constitution of Louisiana. The commission was to be composed of the following members:

(1) Three members of the House of Representatives and one former member of the House of Representatives appointed by the speaker of the House of Representatives.

(2) Three members of the Senate and one former member of the Senate appointed by the president of the Senate.

(3) Four members appointed by the governor.

(4) Four members appointed by the chief justice of the Louisiana Supreme Court.

(5) A representative of the Public Affairs Research Council of Louisiana appointed by the council.

(6) A representative of the Council for a Better Louisiana appointed by the council.



Corrections

by: *Tim Prather*
(225) 342-8299

In an effort to further protect the citizens of Louisiana, **Senate Bill 199** by **Senator J Smith (Act 195)** changes the termination date of the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act, authorizing the attorney general to pursue a civil action against anyone who commits fraud or any other illegal practice to obtain insurance payments, from July 1, 2019 to July 1, 2021.

The bill further extends the insurance fraud investigation unit in the Dept. of Public Safety and Corrections, scheduled to terminate on July 1, 2019, until July 1, 2021.

Attempting to study and revise certain practices, **Senate Resolution 133** by **Senator Gatti (Sent to the Secretary of State)** requests the Senate Committee on Judiciary C and the Department of Public Safety and Corrections to study all aspects of solitary confinement in juvenile facilities, and the implementation of mental health evaluations of a juvenile delinquent prior to solitary confinement.

Continuing to help reduce Louisiana's prison population, **House Bill 37** by **Representative Marcelle (Failed House Final Passage)** would have provided parole eligibility for certain offenders who served as mentors in the inmate rehabilitation and workforce development program operated by the Dept. of Public Safety and Corrections.

Currently, parole eligibility is considered for adult and juvenile offenders who meet certain criteria set forth in the law. The inmate rehabilitation and workforce development program is operated by the Dept. of Public Safety and Corrections and, in addition to other eligibility requirements, prohibits persons convicted of a sex offense or crime of violence, or persons sentenced as a habitual offender, from participating in the program.

The bill would have provided parole eligibility for offenders who serve as mentors in the inmate rehabilitation and workforce development program and who meet other criteria set forth in the law.

Attempting to aid certain education personnel, **House Concurrent Resolution 24** by **Representative Hoffmann (Sent to Secretary of State)** requests that the Dept. of Public Safety and Corrections study laws and policies relative to benefits, including sick leave, for teachers at facilities under the jurisdiction of the office of juvenile justice who are injured or disabled as a result of assault or battery while acting in their official capacity.

The Resolution required a written report of findings and conclusions, including any recommendations for related legislation, to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary C not later than 60 days prior to the beginning of the 2020 R.S.

Crimes/Criminal Procedure

by: Alden Clement
(225) 342-0640

The 2019 Regular Session saw the creation of several new crimes and the expansion of existing crimes, as well as a continued emphasis on issues such as domestic violence and firearms. Also prominent during the Regular Session were efforts to end abortion and the death penalty in Louisiana.

ABORTION

Senate Bill 184 by Senator Milkovich (Act 31) provides that it is unlawful for a person to knowingly perform an abortion once a fetal heartbeat has been detected. The bill further provides that prior to any abortion being performed, there must first be performed an ultrasound to determine whether or not a fetal heartbeat is present, and the results of the ultrasound are to be included in the pregnant woman's medical records. This law is not violated if either: (1) the person performs a medical procedure designed to or intended, in that person's reasonable medical judgment, to prevent the death of a pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman; or (2) the person has performed an examination for the presence of a fetal heartbeat in the unborn human individual using standard medical practice and that examination does not reveal a fetal heartbeat, or the person has been informed by a physician who has performed

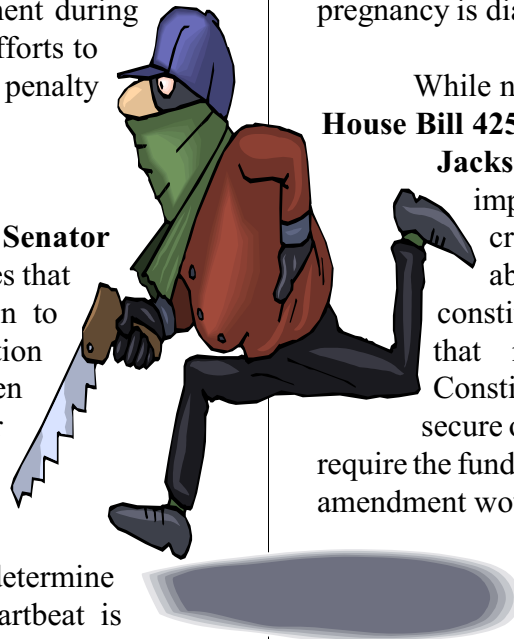
the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat. For purposes of the bill, "abortion" does not include an abortion performed when the pregnancy is diagnosed as "medically futile."

While not specifically a criminal bill, **House Bill 425 by Representative Katrina Jackson (Act 447)** could have an impact on future attempts to criminalize certain aspects of abortion, in that it is a proposed constitutional amendment providing that nothing in the Louisiana Constitution is to be construed to secure or protect a right to abortion or require the funding of abortion. This proposed amendment would be submitted to the voters at the statewide election to be held on October 12, 2019.

DEATH PENALTY

Senate Bill 112 by Senator Claitor (subject to call - Senate final passage) is a proposed constitutional amendment that would abolish the death penalty as a punishment for any crime committed on or after January 1, 2021.

House Bill 215 by Representative Terry Landry (subject to call - House final passage) would eliminate the death penalty as a possible punishment for the crimes of first degree murder, first degree rape, and treason, that were committed on or after August 1, 2019.



House Bill 258 by Representative Muscarello (pending Senate Judiciary B) would have provided that the identity, and information that could lead to the identity of any person or entity that manufactures, supplies, transports, uses, sells, imports, distributes, or administers any substance or medical equipment utilized in the execution of a death sentence is to be held strictly confidential and not subject to public disclosure in any manner. Further, such information would not have been admissible as evidence nor discoverable in any proceeding before any court, tribunal, board, agency, commission, legislative or quasi-legislative body, or person.

FIREARMS AND USE OF FORCE

Present law provides that the use of force or violence on a person that does not result in the person's death is justifiable to prevent a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, or when committed by a person lawfully inside a dwelling, place of business, or motor vehicle when the conflict began, against a person who is attempting to make or has made an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the person using the force or violence reasonably believes that it is necessary to prevent the entry or to compel the intruder to leave. Present law further provides that a homicide is justified, among other times, when committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm, and that the killing is necessary to save himself, or when committed for the purpose of preventing a violent or forcible felony involving danger to life or

danger of great bodily harm.

House Bill 235 by Representative Amedee (pending Senate Judiciary B) would expand the application of present law specifically apply to a person lawfully inside a religious building when both of the following circumstances exist: (1) the use of force was for the purpose of preventing an intruder from committing a crime or forcible offense against the religious building or against the person, or against another person present in the religious building; and (2) the person reasonably believes that the use of force is necessary to prevent the entry or compel the intruder to leave, or to prevent the intruder from committing a crime against the person or another person inside the religious building. It should be noted that present law providing for the use of force in defense of a person or property does not exclude from its application persons who are inside a religious building.

Present law prohibits the governing authority of a political subdivision from enacting any ordinance or regulation that is more restrictive than state law concerning the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition. However, current law also provides that this provision does not apply to the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings. **House Bill 281 by Representative Miguez (pending Senate Judiciary B)** would remove this exception from present law, thereby prohibiting the governing authority of a political subdivision from enacting any ordinance or regulation that is more restrictive than state law concerning

the possession of a weapon or firearm in those commercial establishments and public buildings.

House Bill 376 by Representative Huval (Act 326) provides that the determination of whether a person discharged, used, or actually possessed a firearm during the commission of certain crimes is a specific finding of fact to be submitted to the jury and which must be proved by the prosecution beyond a reasonable doubt. Under present law, this determination is made by the court, which is authorized to conduct a contradictory hearing, with the burden of proof being clear and convincing evidence.

House Bill 478 by Representative Bagley (Act 162) expands the list of deceased law enforcement officers whose immediate family members are authorized to purchase their firearm to include state university and college police officers, and eliminates the requirement that the officer have been killed in the line of duty in order for the immediate family member to be able to purchase the firearm.

House Bill 483 by Representative Gary Carter (pending House Administration of Criminal Justice) would allow a judge to issue a warrant for the search and seizure of any firearm from a person who poses a risk of imminent personal injury to himself or to others (commonly referred to as a "red flag law").

SERIOUS BODILY INJURY

Present law provides that the operator of any motor vehicle that is involved in a crash in which a fatality occurs is deemed to have given consent to have a chemical test of his blood, urine, or other bodily substance

administered, for the purpose of determining the presence of any abused substance or controlled dangerous substance or any other impairing substance.

Senate Bill 138 by Senator Gatti (Act 408) adds to present law that such chemical testing may be administered to the motor vehicle operator if the crash involves a suspected serious injury, and not only when a fatality occurs. This proposed law has been dubbed "Katie Bug's Law" to honor six-year-old Katie Grantham, who was seriously injured in a traffic accident but passed away several days later, and whose death prompted this bill. **House Bill 132 by Representative Crews (subject to call - Senate final passage)** would have provided for the same type of postaccident drug testing under the same circumstances.

House Bill 25 by Representative Crews (Act 2) provides a universal definition of "serious bodily injury" for purposes of the Louisiana Criminal Code, and defines this term as "bodily injury which involves unconsciousness; extreme physical pain; protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or a substantial risk of death."

NEW & EXPANDED CRIMES

House Bill 7 by Representative Dwight (Act 88) creates the crime of communication interference, and defines that crime as the willful or malicious interference with any communication operated or controlled by the state, used or intended to be used by the military or civil defense functions, or controlled by any entity created for the purpose of or engaged in generating or providing public utilities. Penalties for a first

offense include a fine of up to \$10,000, imprisonment with or without hard labor for up to ten years, or both. For a second or subsequent offense, the offender faces imprisonment of up to fifteen years.

House Bill 74 by Representative Landry (Act 292) creates the crime of trespass against state computers and defines the crime as knowingly accessing a computer owned, operated, or utilized by the state, its contractors, or its political subdivisions, without authorization, or exceeding authorized access, when it is done for any of the following purposes: (1) to obtain information that has been determined to require protection against unauthorized disclosure; (2) to transmit or threaten to transmit information that has been determined to require protection against unauthorized disclosure; or (3) to initiate a denial of service attack or to introduce malicious or destructive software that negatively affects the computers. The offender is subject to a fine of up to \$5,000, imprisonment, with or without hard labor, for up to three years, or both.

House Bill 111 by Representative Stefanski (Act 5) amends the crime of disarming a peace officer to apply to the taking of equipment used by the peace officer in the course and scope of his duties and approved for such use by the peace officer's law enforcement agency. Prior to this bill, the crime of disarming a police officer applied only to equipment that had been issued to the officer by his agency. Accordingly, the bill covers a gap in the law that prevented a person from being charged with disarming an officer when, for example, the firearm in question was owned by the officer, and not issued to him by his agency.

House Bill 180 by Representative Bagley (Act 12) creates the crime of interfering with emergency communication, and provides that the crime is committed when a person disconnects, damages, disables, removes, or uses physical force or intimidation to block access to any telephone or telecommunications device with the specific intent to interfere or prevent an individual from doing any of the following: (1) using a 911 emergency telephone number; (2) obtaining medical assistance; or (3) making a report to any law enforcement officer. A person who commits this crime is subject to a fine of up to \$500, imprisonment for up to six months, or both.

House Bill 184 by Representative Henry (Act 355) creates the crime of harassment of a school or recreation athletic contest official, and defines the crime as verbal or non-verbal behavior directed towards a school athletic or recreation athletic contest official that would cause a reasonable person to be placed in fear of receiving bodily harm. Penalties include a fine of up to \$500, imprisonment for up to ninety days, or both, as well as performance of forty hours of community service work and participation in an anger management program.

CRIMINAL PROCEDURE

Senate Bill 68 by Senator Gary Smith (Act 341) provides that if a search warrant is issued to search for and seize data or information contained on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device, the warrant is considered to have been executed within the ten-day period allowed to execute a search warrant if the device was seized before the expiration of that ten-day period, or if the device was in law

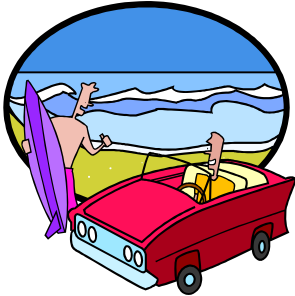
enforcement custody at the time of the issuance of the warrant. The bill further provides that if the electronic device was seized before the expiration of the ten-day period, or if the device was in law enforcement custody at the time the warrant was issued, then any data or information contained in the device may be recovered or extracted pursuant to the warrant at any time.

Senate Bill 146 by Senator Morrell (Act 410) touches on criminal procedure, as well as issues relative to domestic violence and sexual abuse. The bill provides that in certain felony domestic violence and sex offense cases, a judge cannot order a material witness warrant to secure the victim's testimony unless the applicant presents an affidavit to the judge attesting to: (1) the efforts made by the applicant to secure the witness's appearance in court; and (2) the witness testimony is essential to the prosecution or defense of the criminal proceeding. The bill also provides that the judge must explore all available alternatives to incarceration to ensure the victim's appearance in court, and that the victim must be notified of certain rights, including the right to counsel.

House Bill 102 by Representative Stefanski (Act 4) provides that a person arrested for first degree murder, second degree murder, or manslaughter does not have the authority to control the disposition of the deceased victim's remains. The bill also provides that no person has the right to cremate a deceased person when a warrant or judicial determination of probable cause for first degree murder, second degree murder, or manslaughter has been issued for the person's arrest for the death of the deceased person.

House Bill 518 by Representative Gaines (Act 386) provides that a conviction for a felony offense that is not a crime of violence, and that has been set aside and dismissed after deferred imposition of sentence, cannot be considered a prior conviction for enhancing a non-violent felony under the habitual offender law.

Culture, Recreation & Tourism



CULTURE

by: Cheryl Serrett
(225) 342-1022

There was no legislation on this topic during the 2019 Regular Session.

RECREATION

by: Tammy Crain Waldrop
(225) 342-9818



House Bill 86 by Representative Chad (Act 293) authorizes the governing authority of Assumption Parish to levy a parking and use tax within recreational vehicle parks.

House Bill 42 by Representative Chad Brown (Act 61) provides relative to the Iberville Parks and Recreation District. Makes changes to the name and governance of the Iberville Parks and Recreation District to the Iberville Parish Parks and Recreation District. Changes the Board of Commissioners for the Iberville Parish Parks and Recreation District to the Parish Governing Board upon effective date but provides that Board members must serve until the Parish Governing Board members take office.

House Bill 64 by Representative Crews (failed House final) would have increased the number of hours a minor is permitted to work before receiving a recreation or meal period. Present law provides that no minor shall be employed, permitted, or suffered to work for any five-hour period without one interval of at least thirty minutes within such period for meals. Increases the number of hours that no minor shall be employed, permitted, or suffered to work from five hours to eight hours.

House Bill 184 by Representative Henry (Act 355) creates the crime of harassment of a school or recreation athletic contest official and provides criminal penalties for commission of the offense. Creates the crime of harassment of a school or recreation athletic contest official and defines the crime as the harassment of a school athletic or recreation athletic contest official that occurs under either of the following circumstances and that includes verbal or non-verbal behavior by the offender

that would cause a reasonable person to fear for his safety, to feel alarmed, or to suffer emotional distress:

(1) While the school athletic or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

(2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

Defines "school athletic contest official" and "recreation athletic contest official"

Provides the following penalties for persons who commit the offense:

(1) A fine of not more than \$500, imprisonment for not more than 90 days, or both.

(2) Performance of 40 hours of court-approved community service work.

(3) Mandatory participation in a court-approved counseling program which may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Cost of the program shall be borne by the offender.

Senate Bill 201 by Senator Mizell (Act 196) repeals the Washington Parish Reservoir District and directs the transfer of any remaining property and excess funds to the Department of Culture, Recreation and Tourism in support of the Bogue Chitto State Park.

TOURISM

by: Linda Nugent
(225) 342-8892



HOTEL OCCUPANCY TAX

House Bill 43 by Representative J, Harris (Act 169) authorizes the city of New Orleans to levy an occupancy tax on short terms rentals, not to exceed 6.75%. Short term rentals is defined as rentals of all or any portion of a residential dwelling unit less than 30 consecutive days; the tax would not apply to hotels, motels, and bed and breakfasts. No more than 25% of the proceeds would be allocated to New Orleans & Company through a cooperative endeavor agreement to be used to promote tourism.

The provisions of **House Bill 590 by Representative Gaines (Act 168)** authorizes the River Parishes Convention, Tourist, and Visitors District to increase the hotel/motel occupancy tax from two percent to four percent.

Parish governing authorities are authorized to create tourism commissions and may levy hotel occupancy taxes not to exceed 2% and sales taxes not to exceed 1%, subject to voter approval, to provide funding for the commissions. **House Bill 339 by Representative Dwight (Pending Senate Local and Municipal Affairs Committee)** would have provided that the definition of "hotel" for the purpose of the hotel occupancy tax will be the same as that for the sales tax authorized herein. It excludes as a "hotel" those establishments operated solely as a facility zoned by local ordinance as workforce housing, or any other similar type of establishment not open to the general public.

Economic Development

by: Morgan Robertson
(225) 342-6270

ECONOMIC DEVELOPMENT DISTRICTS

Senate Bill 67 by Senator JP Morrell (Act 266) creates the Mid City Economic Development District in Orleans Parish to allow the assessor to purchase and develop property in the district for the use of any governmental subdivision. The district shall be governed by a five-member board of commissioners. The bill also authorizes the city council of New Orleans to levy and collect a special ad valorem tax for a term not to exceed fifty years.

Senate Bill 161 by Senator Eric LaFleur (Pending House Final Passage) would provide relative to membership and oversight of the Lafayette Economic Development Authority.

House Bill 553 by Representative Jimmy Harris (Act 322) increases the number of members of the Lower Ninth Ward Economic Development District governing board from nine to eleven and provides relative to board member qualifications.

Senate Bill 237 by Senator Yvonne Colomb (Act 203) authorizes the creation of one or more tax increment financing districts in parishes with a population of more than 440,000 persons (East Baton Rouge Parish) in order to address the needs of areas where there

is substantial and persistent unemployment, underemployment, and other forms of economic distress. The bill does not specify any specific boundary or tax increment financing mechanism.

ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS

Senate Concurrent Resolution 129 by Senator Bodi White (Pending Senate conference) requests the Department of Economic Development to develop uniform local review and approval standards for industrial ad valorem tax exemption applications.

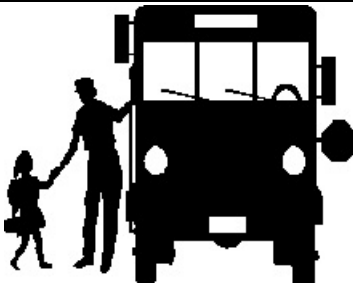
House Bill 585 by Representative Jimmy Harris (Act 251) adds structures located in opportunity zones to the property eligible to participate in the Restoration Tax Abatement program.

The Major Events Incentive Program is an incentives program designed to keep the state competitive and bring in large-scale events. To qualify for this program, an event must be a "qualified event." **House Bill 463 by Representative John Bagneris (Act 233)** adds the following to the definition of a "qualified event": National Collegiate Athletic Association conference, convention or conference media event.



SMALL BUSINESSES

Senate Bill 241 by Senator Neil Riser (Act 204) enacts the Small Business Protection Act as a successor to the Regulatory Flexibility Act. The bill revises the procedures for the adoption of rules by agencies pursuant to Administrative Procedures Act (APA) regarding small businesses and provides relative to economic impact statements and "potpourri notices," which are notices sent by an agency announcing that it may implement a future regulation change and that it is seeking public comment.



K-12 Education

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

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, through the Competency-Based Education Program, establishes the La. Educational Assessment Program (LEAP), which is a program of academic testing of students in English language arts, mathematics, science, and social studies in at least grades 3 through 11. Each school board is required to establish a policy relative to promoting a student from 4th to 5th grade or from 8th to 9th grade if the student fails to achieve the required proficiency on certain LEAP tests. Currently, students who fail to meet required achievement standards must be offered education programs designed to accelerate progress, which, at a minimum,

must include summer school remediation programs for students who cannot be fully promoted to the 5th or 8th grade. **House Bill 266 by Representative Emerson (Act 394)** retains the remediation requirement, but removes the requirement that remediation be offered in summer school.

CHARTER SCHOOLS

Currently, local school boards are required to make any vacant or slated-to-be-vacant school facility for lease or purchase up to fair market value available to chartering groups. In the case of a Type 2 charter school created as a result of a conversion, the facility and all property within the existing school must be made available to that chartering group. In return for the use of the facility and its contents, the chartering group must pay a proportionate share of the local school board's bonded indebtedness. There are charter schools who are currently utilizing facilities constructed through tax exempt bonds, including some schools that are occupying buildings built with public funds, yet are owned by a nonpublic entity.

House Bill 225 by Representative Edmonds (Act 431) provides the following process for a nongovernmental owner of a charter school facility who wishes to dispose of a charter school facility that was financed in whole or in part through tax exempt bonds that have been paid in full:

- (1) The owner must first offer to transfer title to the facility, at no cost, to the charter operator that is operating a school within the facility.
- (2) If the charter operator declines, the owner shall next offer to transfer the title to the facility, at no cost, to the local school board.
- (3) If the local school board declines, the property may then be advertised for public sale.
- (4) If the charter operator accepts, the transfer agreement must stipulate that if the operator acquires ownership of the facility and at any time ceases to operate a public school in it, the operator must offer to transfer title to the facility, inclusive of all buildings, contents, and land, at no cost to the local school board.

EARLY CHILDHOOD

Senate Resolution 182 by Senator Donahue (Sent to Secretary of State) and House Resolution 222 by Representative Steve Carter (Sent to Secretary of State) create the Early Literacy Commission to study and make recommendations to develop and implement an aligned system to provide effective evidence-based reading instruction for children from birth through third grade.

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 3 by Senator Morrish (Sent to Secretary of State) contains the MFP formula proposed by BESE for the 2019-2020 school year to provide funding for approximately 700,000 public school students with a total estimated cost of \$3.853 billion.

Changes in the proposed FY 2019-2020 MFP formula from the current formula are as follows:

1. Increases the base per pupil amount from \$3,961 to \$4015, an increase of 1.375%.
2. Provides for an across-the-board pay increase of \$1,000 for classroom teachers and other certificated personnel including therapists, specialists, counselors, school nurses, principals, assistant principals, other certificated administrators, and sabbaticals.
3. Provides for an across-the-board pay increase of \$500 for non-certificated school personnel including aides, support supervisors, secretaries and clerical workers, service workers, skilled craftsmen, and degreed professionals and other personnel.

4. Removes expired "Hold Harmless" provisions and maintains the Hold Harmless redistribution of funds through "Historical Formula Allocations".
5. Provides for funding for the University of Louisiana at Lafayette Lab School.

For the past several years, the MFP formula has provided additional funds for students with exceptionalities through a student weight provided in Level One of the formula. Schools and districts could also apply for additional funds for high-cost students as provided in Level Four of the formula. The Recovery School District adopted a differentiated formula for allocating special education funds to the schools in the district based on the level of assistance needed by the student. Orleans Parish retained this formula when the schools in the RSD were returned to the Orleans Parish School Board.

House Concurrent Resolution 62 by Representative Duplessis (Sent to Secretary of State) requests the State Board of Elementary and Secondary Education to study the feasibility of restructuring the minimum foundation program formula for the 2020-2021 school year to provide for differentiated levels of funding for students with exceptionalities.

SPECIAL EDUCATION - STUDENTS WITH EXCEPTIONALITIES

For the past several years, the MFP formula has provided additional funds for students with exceptionalities through a student weight provided in Level One of the formula. Schools and districts could also apply for additional funds for high-cost students as provided in Level Four of the formula. The Recovery

School District adopted a differentiated formula for allocating special education funds to the schools in the district based on the level of assistance needed by the student. Orleans Parish retained this formula when the schools in the RSD were returned to the Orleans Parish School Board.

House Concurrent Resolution 62 by Representative Duplessis (Sent to Secretary of State) requests the State Board of Elementary and Secondary Education to study the feasibility of restructuring the minimum foundation program formula for the 2020-2021 school year to provide for differentiated levels of funding for students with exceptionalities.

The Louisiana Special Education Center (LSEC) is currently designated as a special school under the administration of the Special School District. LSEC is a residential facility that provides academic, vocational, and other related services as required to its residents. The residents at LSEC have severe orthopaedic challenges and most have need for additional medical services. The facility also has an educational program. Changes in BESE and SSD educational accountability policies prompted a discussion of the primary focus of the LSEC, which is the physical needs of the residents, and which state entity is best equipped to oversee the facility in order to best meet the needs of the residents.

Senate Bill 151 by Senator Luneau (Act 411) provides for the transfer of the Louisiana Special Education Center from the Special School District to the Louisiana Department of Health (LDH) and renames the center as the "Central Louisiana Supports and Services Center."

Educational services will still be provided to LSEC residents through SSD Special Programs.

Senate Bill 158 by Senator Donahue (Act 274) requires each local public school superintendent and the administrative head of each charter school or other public school to establish a special education advisory council to provide advice and feedback regarding special education policies, procedures, and resources and engage in community outreach. Provides that council membership be composed as follows:

- (1) 50% shall be parents of students with an exceptionality, other than gifted and talented.
- (2) 25% shall be teachers, principals, or paraprofessionals.
- (3) 25% shall be other special education stakeholders.

House Bill 283 by Representative Wright (Pending Senate Finance) would have required each public school governing, including charter schools, to provide for the installation and operation of cameras that record both video and audio in special education classrooms and educational settings, upon the written request of a parent. The legislation provides safeguards for student privacy, training of school personnel, and policies governing to whom and under what circumstances the videos could be viewed. Also provided that the recordings were confidential and do not constitute a public record.

Implementation of the legislation is subject to the appropriation of funds.

STUDENT AND SCHOOL SAFETY

Present law requires the State Board of Elementary and Secondary Education (BESE) to adopt regulations for the construction, design, equipment, and operation of school buses.

House Bill 156 by Representative Pugh (Act 377) requires that a school bus meet the minimum standards, BESE regulations, and all statutory requirements for the construction, design, equipment, and operation of school buses. This legislation also requires charter schools to abide by the state laws and regulations relative to the construction, design, equipment, and operation of school buses. Charter schools will also be required to follow BESE rules and regulations relative to school bus specifications and inspection requirements, operational procedures, and school bus operator and bus attendant pre-employment screening and training requirements.

Postsecondary Education

by: Cheryl Serrett
(225) 342-1022

AFFORDABILITY and STUDENT FINANCIAL ASSISTANCE

There were several pieces of legislation introduced which sought to decrease student costs for postsecondary education. These included making textbooks more affordable by making them tax exempt and increasing the use of open educational resources. Others sought to educate students about financing postsecondary education, decreasing student debt, and expanding grant programs.

Senate Bill 85 by Senator Barrow (Pending Senate Finance) would add the exemption for purchases of postsecondary textbooks and instructional materials to the list of applicable state sales and use tax exemptions.

Senate Bill 109 by Senator Barrow (Act 400) amends existing foster care law and expands age for coverage from 18 to 21 if the person is participating in a postsecondary education program.

Senate Bill 117 by Senator Walsworth (Act 125) defines "affordable educational resource" (AER) and "open educational resource" (OER) and provides for greater availability and use of affordable textbooks and other educational resources. All public postsecondary education institutions will be required to designate courses that exclusively utilizes AER or OER course materials, clearly

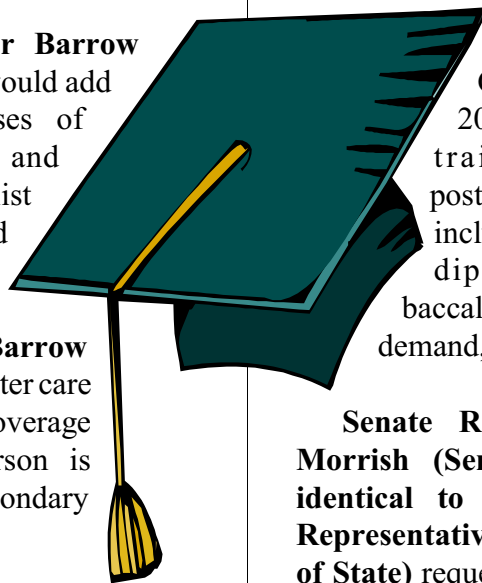
communicate to students how to access AER and OER course materials, and publish the course schedule with such designations and the required textbooks on their website prior to opening of course registration.

Senate Bill 203 by Senator Walsworth (Act 402) amends current law relative to the Go-Youth ChalleNGe program. Go-Youth ChalleNGe is a program which provides a grant for postsecondary skills training to

students who graduate from the National Guard's Youth Challenge Program. Senate Bill 203 expands beyond skills training and allows the postsecondary education options to include education for a certificate, diploma, or associate or baccalaureate degree in a high-demand, high-skill, high-wage career.

Senate Resolution 206 by Senator Morrish (Sent to Secretary of State), identical to House Resolution 210 by Representative Landry (Sent to Secretary of State) requests the Louisiana Community and Technical College System, in coordination with the Board of Regents and the Louisiana Office of Student Financial Assistance, to continue a pilot program to provide public postsecondary education scholarships to certain adult students and to submit written reports of its findings.

House Bill 121 by Representative Falconer (Pending House Education) would require



public postsecondary education management boards to establish a policy for forgiving a student's outstanding tuition and fees if the student reenrolls in the same institution.

House Bill 239 by Representative J. Harris (Act 116) amends current law requiring all public school students who receive instruction in personal financial management to require the instruction to cover student borrowing for postsecondary education.

House Concurrent Resolution 96 by Representative Falconer (Enrolled) requests the Board of Regents, in collaboration with the public postsecondary education management boards, to conduct a study of student debt relief measures used nationally and statewide, and to submit a written report of findings and conclusions, including recommendations for legislation relative to debt as a barrier to reenrollment for those who have completed some postsecondary education.

CAMPUS ATMOSPHERE

A couple of bills focused on addressing issues discovered during implementation of prior laws focused on ensuring a safe and orderly campus for all students.

House Bill 294 by Representative Carpenter (Act 157) amends current law relative to sexual assault climate surveys on college campuses by removing the stipulation that the administration of the survey is subject to funding and changing the frequency of administration of the survey from annual to triennial. Also allows for inclusion of sexual assault climate survey as a separate and clearly identified component of broader campus safety surveys.

House Bill 443 by Representative Landry (Act 382) amends current law relative to hazing by providing that if any representative or officer of an organization knows of an act of hazing and fails to timely report the incident to law enforcement, the organization may be subject to certain penalties.

COORDINATION and EFFICIENCY

Many measures sought to ensure that the state's postsecondary system is coordinated and efficient serving the needs of students and the economy.

Senate Bill 243 by Senator Morrish (Act 423) creates the Dual Enrollment Task Force under the jurisdiction of the Board of Regents to make recommendations for the establishment of a statewide dual enrollment framework to provide universal access to dual enrollment courses to all qualified public high school juniors and seniors.

Senate Concurrent Resolution 77 by Senator Bishop (Sent to the Secretary of State) requests that the Louisiana State Board of Nursing, the Southern University School of Nursing, and Southern University at New Orleans to collaborate to establish a nursing education program on the campus of Southern University at New Orleans.

Senate Concurrent Resolution 92 by Senator Chabert (Enrolled) requests the Board of Regents establish the Higher Education Maritime Campus Consortium Task Force to study the need for the establishment of a maritime campus for training and supporting the maritime industry sector and provide a report to the governor and legislature.

House Bill 89 by Representative McMahan (Act 287) renames the Northwest Louisiana Technical College as the Northwest Louisiana Technical Community College and provides for an expansion of its mission and educational program.

House Bill 429 by Representative S. Carter (Subject to Call- House Final Passage) would authorize a local governing authority in which a public postsecondary education institution is located to create an economic development district to provide for cooperative economic and community development.

Senate Concurrent Resolution 75 (Sent to Secretary of State) and Senate Resolution 190 (Sent to Secretary of State) by Senator Peacock; House Bill 470 (Pending House Education), House Concurrent Resolution 24 (Sent to Secretary of State) , House Concurrent Resolution 102 (Pending House Education), House Resolution 226 (Pending House Education) by Representative Glover requests the Board of Regents to study how the state can best meet the educational needs of students and the economic and workforce development needs of the northern portion of the state. Many specifically address the needs of the Shreveport-Bossier region. The study requests include studying the need for establishing a law school, establishing a dental school, and merging some of the existing postsecondary education institutions in the area.

Vocational/Technical Education

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

COMMUNITY AND TECHNICAL COLLEGES

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.

In 2011, Senate Concurrent Resolution 88 requested the Board of Regents to study the feasibility of offering community college services to the greater north central Louisiana area. The Board of Regents issued its report in 2012, but no action was taken on the findings of the report. **House Bill 89 by Representative McMahan (Act 287)** renames the Northwest Louisiana Technical College as the Northwest Louisiana Technical Community College and expands its mission and educational programs, including the authority to grant associate degrees in addition to career and technical certifications.

Senate Concurrent Resolution 81 by Senator Allain (Sent to Secretary of State) requests the Board of Regents to create the Postsecondary Education Agriculture Technology Study Commission. The key charge to the commission is to study the criteria deemed necessary to create and implement an Agriculture Technology Program to train a workforce with the skills needed to diagnose problems and repair the sophisticated farm equipment used in modern

agriculture.

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 and House Resolution 112 by Representative Landry of the 2018 Regular Session requested 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. Based upon the promising results of this pilot scholarship program, **Senate Concurrent Resolution 206 by Senator Morrish (Sent to Secretary of State) and House Resolution 210 by Representative Landry (Sent to Secretary of State)** request LCTCS to extend and expand the pilot scholarship program for adult students using any appropriated funds or other available funding.

Senate Bill 203 by Senator Walsworth (Act 402) allows a student who graduates from the National Guard Youth ChalleNGe Program and who meet TOPS eligibility criteria to enroll in a postsecondary institution to pursue a certificate, diploma, associate or baccalaureate degree. Prior to enactment of this law, such graduates were limited to enrolling in a skill or occupational training program. This legislation also allows the office of student financial assistance to adopt a rule allowing graduates of the Youth ChalleNGe program to enroll in a postsecondary institution at an earlier or later date than specified for other TOPS recipients to accommodate the rolling graduation dates of these students.

Elections

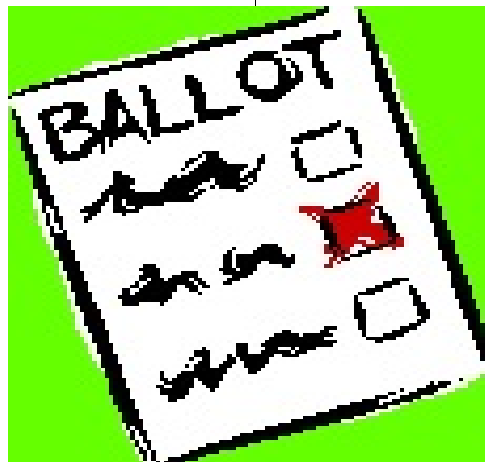
by: *Tim Prather*
(225) 342-8299

Addressing tax concerns, **Senate Bill 213 by Senator White (Pending Senate and Governmental Affairs)** would provide that in parishes with a population of more than 400,000 persons, according to the latest federal decennial census, a parish or other political subdivision tax or tax renewal approved at an election held for that purpose will only apply within a municipality located in the parish or other political subdivision if a majority of the municipal electors voting on the tax or tax renewal approved it.

Furthermore, the bill would not apply to elections for taxes or tax renewals for the purpose of funding sheriffs, other parish-wide law enforcement services, and emergency medical services.

In an attempt to address local elections, **Senate Bill 63 by Senator Colomb (Pending Senate Local and Municipal Affairs)** would address the current law that provides for the governor to call a special election for the purpose of determining whether the unincorporated area described in the petition will become a municipality. Moreover, current law authorizes all qualified electors residing within the area proposed for incorporation to be entitled to vote in the special election.

The bill would provide for an exception for parishes having a population in excess of 440,000, based on the latest federal decennial census, authorizing all qualified electors residing within the parishes of the area proposed for incorporation to be entitled to vote in the special election to determine whether the unincorporated area shall become a municipality.



Adding more clarity to the election process, **House Bill 82 by Representative Devillier (Act 205)** requires the inclusion of the estimated cost of the election in the publication of the notice of the election and in the publication of the results of the election.

Currently, elections costs are paid by the secretary of state and governing authorities and provides the manner in which such expenses may be prorated between the state and all local entities participating in the election. Notice of the election will be given and provides for the content of the notice. The notice of the election will be published once a week for four consecutive weeks in the official journal of the political subdivision, or if there is none, then in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. It further provides that not

less than 45 days nor more than 90 days will intervene between the date of the first publication and the date of the election.

Furthermore, the governing authority is required to promulgate the result of the election by one publication in a newspaper of general circulation in the political subdivision or, if there is none, in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish.

The bill add a requirement that the governing authority include in the publication a statement of the actual cost of the election as determined by the, secretary of state, in accordance with current law and will have effect on all bond, debt, and tax elections called after Sept. 23, 2019.

Energy

by: Alan Miller
(225) 342-2576

Senate Concurrent Resolution 116 by Senator Chabert (Sent to Secretary of State) requests the United States Department of the Interior to adopt a public policy that encourages the avoidance of stranding oil and gas assets in the Gulf of Mexico Shallow Water Province in order to ensure maximum benefit for the nation to grow the national economy, to help create American energy dominance, and doing all in a manner that minimizes the risk to Federal Revenue Sharing to the eligible states.

Senate Bill 115 by Senator Ward (Act 350) reduces the percentage of consent for co-owners of undivided interests in land, mineral leases, or mineral servitudes to exercise rights from 80% to 75%, but the reduced percentage of consent will only apply to contracts entered into on or after August, 1, 2019.

Senate Bill 180 by Senator Allain (Act 193) requires approval by the Oilfield Site Restoration Commission(OSRC) for costs associated with response to any emergency unless directed by the commission not to expend monies in the fund. SB180 requires DNR to seek recovery from the responsible party of any monies disbursed and spent from the fund for an emergency within six months from the initial expenditure and to notify the commission of the emergency. The commission will be required to hold a meeting within 90 days after the emergency to approve the expenditure of monies. In addition to requiring the secretary of the DNR to recover costs incurred for the control, clean up,

closure, or restoration of oilfield sites, the costs for responding to an emergency at an oilfield site or other facility, structure, or pipeline under the jurisdiction of the commissioner of conservation to the costs the secretary may also be recovered from the responsible party.

Senate Bill 242 by Senator Allain (Act 403) authorizes the State Mineral and Energy Board (board) to include in any lease entered into by the state, any state agency, or any political subdivision after July 31, 2019, a clause which grants a continuing security interest in and to all as-extracted collateral attributable to, produced, or to be produced, from the leased premises or from lands pooled or unitized therewith, as security for the prompt and complete payment and performance of the lessee's obligation to pay royalties or other sums of money that may become due under the lease, as contemplated by the Uniform Commercial Code.

Environmental Quality

by: J.W. Wiley
(225) 342-2108

House Bill 125 Representative Lyons (Act 97) provides relative to the expedited enforcement program administered by the Dept. of Environmental Quality. The bill increases the maximum penalty for violations of the expedited enforcement program from \$1,500 per violation to \$3,000 per violator or from \$3,000 per violator to \$5,000 per violator.

House Bill 163 Representative Crews (Act 297) provides relative to the policy and jurisdiction of the commissioner of conservation over the geologic storage and withdrawal of carbon dioxide. The responsibility of performing actions required by the commissioner of conservation pursuant to the La. Geologic Sequestration of Carbon Dioxide Act rests only on storage operators. The bill specifies that the owner, shipper, or generator of carbon dioxide is not responsible for performing the actions required by the commissioner of conservation relative to carbon sequestration, unless the person is also the owner or operator of a facility or an activity regulated by the La. Geologic Sequestration of Carbon Dioxide Act.

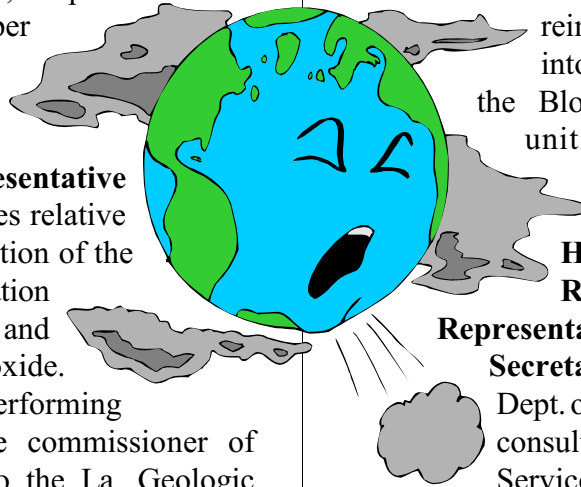
House Bill 214 Representative Jenkins (Act 300) adds decisions or orders by the Dept. of Environmental Quality to the exception excluding legal holidays in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review

or appeal of a decision or order by an agency in the executive branch of state government.

House Bill 545 Representative Jim Morris (Act 242) authorizes an owner, producer, or operator in the Caddo Pine Island Field in Caddo Parish to dispose or reinject produced saltwater into the productive interval of the Blossom Formation without unitization of the entire reservoir.

House Concurrent Resolution 25 Representative Hollis (Sent to the Secretary of State) requests the Dept. of Environmental Quality, in consultation with the Public Service Commission, the La. Municipal Assoc., the La. Rural Water Assoc., and other interested state and local governmental entities, to study the feasibility of providing funding for the consolidation of municipal wastewater treatment systems into larger, regionalized systems.

House Concurrent Resolution 42 Representative Zeringue (Sent to Secretary of State) requests the Dept. of Environmental Quality to study the overall impacts of wetland assimilation projects prior to approval of additional such projects and to submit a report by Feb. 1, 2020.



Senate Concurrent Resolution 51 by **Senator Morrell (Enrolled)** creates the Louisiana Task Force on Lead-Free Water to study the problem of lead contamination in water systems.



Ethics

by: James Benton
(225) 342-0597

2019 was a slow year for ethics as it was a fiscal year and balancing the state budget was paramount. However, there was some legislation aimed at the subject ethics. However most laws implicitly have ethical provisions.

Local Government

HB261 by Representative Hollis (Pending House, Parochial, and Cultural Affairs)

Current law provides that New Orleans and East Baton Rouge and Jefferson parishes may designate a local ethics entity, such as an ethics review board or office of inspector general, that it creates as a law enforcement agency and may thereby confer upon the local ethics entity all investigative powers and privileges appurtenant to a law enforcement agency under state law, including access to information maintained for the use of law enforcement personnel and any information contained in the criminal history record and identification file of the La. Bureau of Criminal Identification and Information. Further authorizes such an entity to make investigations and examinations, to gather evidence in any matter in any legally appropriate manner, to administer oaths and take the testimony of those sworn, and to compel the attendance of witnesses and the production of public and private records by issuing a subpoena.

Proposed law would have retained current law and makes it applicable to any parish or municipality with a home rule charter. Would have provided, for the applicability to an

inspector general only if the position is created in the home rule charter.

Current law authorizes inspectors general and other ethics entities to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Entities of the local governmental subdivision.
- (2) Entities receiving funds through or for the benefit of the local governmental subdivision, including any officer, employee, elected official, department, agency, board, commission, public benefit corporation, quasi public agency, or body of the municipality or parish.
- (3) Contractors, subcontractors, and licensees of the municipality or parish.
- (4) Applicants for certification of eligibility for a contract or program.
- (5) Parish and municipal governing authorities.
- (6) Districts, boards, and commissions created by the parish or municipality.
- (7) Independently elected parish public officials whose offices receive funds from the parish or municipality.

Proposed law would have retained current law and further authorizes a parish inspector general to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Political subdivisions with a jurisdiction wholly contained within the parish.
- (2) The offices of officials that receive parish funds.

Proposed law would have also authorized a parish or municipality to dedicate to the funding of its inspector general any revenue saved or recovered as a result of the discovery by the inspector general of fraud, waste, or inefficiency in the operations of an entity.



Finance

by: Sherry Phillips
(225) 342-8894

*Finance Highlights are located at the
back of this Document.*



Gaming

by: Dawn Watson
(225) 342-6144

LAND-BASED CASINO CONTRACT

One of the most talked about bills this session was **House Bill 544 by Representative Barras, (Act 171)**. The current contract for the land-based casino between the state of Louisiana and Harrah's is due to expire in July of 2024. House Bill No. 544 provides for a 30-year renewal term, pushing the expiration of the contract to July of 2054. In exchange for the renewal, Harrah's agrees to a capital investment of \$325,000,000 on or around the official gaming establishment to be completed by July 2024. Provides that if there is need for an extension to complete the capital investment due to a force majeure event, including a lawsuit, Harrah's shall be required to post a bond or put monies in escrow to ensure satisfaction of the mandated capital expenditure. Harrah's also agrees to a payment of \$25,000,000 within ten days of the contract's approval. Of that \$25,000,000, 70% (or \$17,400,000) goes to the State and 30% (or \$7,500,000) goes to the city of New Orleans.

House Bill 544 also provides that beginning August 1, 2019, Harrah's will pay directly to Orleans Parish an annual sum of \$6,000,000, payable in quarterly installments for support services resulting from the operation of the official gaming establishment and activities

therein. This figure will be tied to the Consumer Price Index beginning in August of 2024, with adjustments being made every two years.

Beginning October 1, 2019, Harrah's shall make a payment of \$3,400,000 to the State, and annually thereafter, to fund the Louisiana Cancer Research Center of LSU Health Science Center in New Orleans/Tulane Health Science Center. Again, beginning in August of 2024, this figure will be tied to the Consumer Price Index, with adjustments being made every two years.

The current negotiated tax rate for the land-based casino is 21.5% of gross gaming revenue or \$60,000,000, whichever is greater. Upon approval of the contract extension, the tax rate will go back to the original contract rate of 18.5% of gross gaming revenue or \$60,000,000, whichever is greater, until March 31, 2022. Beginning with the casino's fiscal year starting April 1, 2022, the rate will be 18.5% of gross gaming revenue or \$65,000,000, whichever is greater. The first \$60,000,000 (or \$65,000,000 beginning in FY 2023) collected from the taxes are to be allocated 10% to the Support Education in Louisiana First (SELF) for teacher pay for K-12th grade and 90% to the SELF unrestricted.



Dollars received over that threshold amount are allocated first to the Louisiana Early Childhood Education Fund (up to \$3,600,000) and any amount over that is split 70% to the Community Water Enrichment and Other Improvements Fund and 30% to Orleans Parish for capital projects. The dollars going to the Community Water Enrichment and Other Improvements Fund are to be divided evenly between appropriations to projects for community water systems and a grant program with the Office of Community Development for local government capital, infrastructure and other projects.

The bill also has provisions regarding a real estate investment trust (REIT) option by VICI Properties. It provides that if VICI exercises its call option prior to October 1, 2020, Harrah's shall pay \$40,000,000. Provides that \$20,000,000 shall be paid within ten days of the option being exercised, and \$10,000,000 on the anniversary date of the payment for the following two years. Provides that if VICI does not exercise its option by October 1, 2020, the first payment of \$20,000,000 will be due ten days after October 1st, and similar \$10,000,000 on the anniversary date of the payment for the following two years. These payment are to be split 70% for the State and 30% for the city of New Orleans.

Finally, the bill also provides that beginning April 1, 2022, Harrah's will be required to pay a \$3,000,000 license fee of which \$500,000 shall be allocated to the Compulsive and Problem Gaming Fund.

The bill also incorporates agreements made between Harrah's and the Greater New Orleans Hotel and Lodging Association dated April 2019 and between Harrah's and the Louisiana Restaurant Association dated March

2018. The agreements regard nongaming amenities of Harrah's.

SPORTS WAGERING

Another gaming highlight of the session was sports wagering (or what is commonly referred to in a casino as a Sports Book.) **Senate Bill 153 by Martiny (pending House Appropriations)** would have called a statewide election to authorize sports wagering in Louisiana, to be decided parish-by-parish. It would have limited sports wagering operators to the fifteen current Riverboat licensees, the four live horse racing Race Tracks and the Land-Based Casino. An establishment located in a parish that approved sports wagering would be allowed to apply to the Louisiana Gaming Control Board for a sports wagering certificate authorizing the establishment to conduct sports wagering at its facility. The Riverboat, Land-Based Casino, or Race Track receiving a certificate to have a Sports Book, would have the option to operate that line of their business themselves or to contract out that line of its business to a third party who would have to be permitted by the board as a sports wagering service provider. The bill defined sports wagering as the business of accepting wagers on a sports event approved by the Louisiana Gaming Control Board. It authorized proposition wagers on novelty occurrences or non-occurrence or individual players over a broad spectrum of possibilities within a sports event that are not dependent on the final outcome of the sports event. The bill defined a sports event as a professional sport or athletic event, any Olympic or international sports competition, any collegiate sport or athletic event, or portions thereof. It specifically excluded fantasy sports activity and any high school sports event.

Senate Bill 153 would have counted wagering windows and self-service kiosks or machines as gaming positions toward the allowable gaming positions for Riverboats and Race Tracks. The bill also authorized electronic wagering or mobile betting provided: (1) the patron had an established wagering account with the Riverboat, Race Track, or Land-Based Casino; (2) the wager was place only in the gaming area of the establishment that is limited to patrons 21 years of age or older; and (3) the sports wagering operator maintained geo-fencing or geo-location services and boar all costs and responsibility for it as required by the board.

The bill was to become effective when fees and penalties became effective.

The companion bill to Senate Bill 153 was **House Bill 587 by Marino (failed House Final)**. The bill would have provided had seven major components:

- (1) Present law requires suitability examinations through a permitting process for businesses and individuals who seek to do business with, or be employed by, a Riverboat, Land-Based Casino or Race Track. The bill would have added Sports Book to the list of licensees that manufacturers, suppliers, and employees need to be permitted to do business with, or be employed by.
- (2) The bill would have added a new category of permit for a third party operators who seeks to operate a Sports Book for a Riverboat, Land-Based Casino, or Race Track. The new permit would have been a Sports Wagering Service Provider Permit and the associated fee would have been

\$15,000 with a one-year term.

- (3) Senate Bill 153 would have required that a sports wagering certificate is required to operate a Sports Book. Provided that a Riverboat, the Land-Based Casino, or a Race Track that is located in a parish that voted to approve Sports Wagering could apply to the Gaming Control Board for a Sports Wagering Certificate. House Bill No. 587 provided that the initial application fee for a certificate would be \$50,000; would have provided that upon approval of the certificate, the certificate fee would be \$100,000 for a term of five years.
- (4) All fees collected are to be deposited into a newly created Sport Wagering Enforcement Subfund account in the treasury and withdrawal would be by legislative appropriation to be used solely for expenses of the Gaming Division of State Police, the Gaming Division of the Department of Justice and the Gaming Control Board in administering and enforcing the law on sports wagering.
- (5) The bill would have imposed a tax of 13% on Net Sports Wagering Proceeds. Net Sports Wagering Proceeds is the total amount of dollars wagered minus the amount paid out in winnings.
- (6) On the taxes received, the bill would have dedicated 1/13 (up to \$750,000) to the Compulsive and Problem Gaming Fund; 10/13 to the Louisiana Early Childhood Education Fund; and 2/13 to the parish governing authority,

in proportion to where the taxable conduct occurred.

- (7) The bill would have also clarified that the Gaming Control Board has the authority to impose civil penalties for violations of proposed sports wagering law.

House Bill 587 was to become effective when Senate Bill 153 by Martiny became effective.

FANTASY SPORTS

Act 322 of the 2018 Regular Session authorized fantasy sports contests and provided for a statewide election last fall to approve the measure. The Act defined "fantasy sports contests" as any fantasy or simulation sports game or contest played through the internet or mobile device with all of the following elements:

- (1) Participants create a simulation sports team based on the current membership of actual amateur or professional sports organizations.
- (2) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest, and the value of the prizes or awards is not determined by the number of participants or the amount of any fees paid by those participants.
- (3) All winning outcomes reflect the relative knowledge and skill of the participant and are predominantly determined by accumulated statistical results of the performance of the individuals, including athletes in the case of sporting events.

- (4) No winning outcome is based on either of the following:

- (a) On the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams.
- (b) Solely on any single performance of an individual athlete in any single real-world sporting or other event.

Last fall, forty-seven parishes approved the proposition, thereby authorizing fantasy sports contests to be conducted therein. However, that Act also provided that fantasy sports contests would not be authorized until the Louisiana Gaming Control Board adopted rules regarding fantasy sports contests and laws relative to the licensing, regulations, and taxation of revenue relative to fantasy sports contests were enacted.

To that end, Representative Talbot brought **House Bill 459 by Talbot (VETOED)** providing for the regulation of fantasy sports contests and **House Bill 600 by Talbot (pending House Conference)** providing for the fees, taxes, and fines and other penalties regarding fantasy sports contests.

House Bill 459 would have provided that the Louisiana Gaming Control Board may issue a license to conduct fantasy sports contests to an applicant who meet the following criteria:

- (1) Is a person domiciled in Louisiana, or a domestic business entity with a certificate of existence from the secretary of state and are in good standing, or a foreign corporation with

a certificate of authority to transact business in the state from the secretary of state and are in good standing.

- (2) Demonstrates to the Louisiana Gaming Control Board that the operator is suitable for licensing,

House Bill 600 would provide for the initial license fee for an operator who has not been licensed at any time prior in Louisiana to be \$5,000. Would provide for the annual renewal to be based on the licensee's annual revenue. Provides specifically that:

- (1) If the licensee's annual revenue is less than \$100,000, the annual fee shall be \$5,000.
- (2) If the licensee's annual revenue is \$100,000 or more, but less than \$300,000, the annual fee shall be \$15,000.
- (3) If the licensee's annual revenue is more than \$300,000, the annual fee shall be \$40,000.

Would provide that an amount shall be allocated to the Department of Public Safety and Corrections and to the Department of Justice, pursuant to legislative appropriation, for regulatory, administrative, investigative, enforcement, legal, and other such expenses as may be necessary to carry out their responsibilities and for activities associated with the enforcement of laws and regulations governing fantasy sports contests.

House Bill 459 would require operators to segregate fantasy sports contest player funds from operational funds or maintain a reserve that exceeds the amount of player funds on

deposit. Would provide that reserve funds may take the form of cash, cash equivalents, payment processing reserves, payment processing receivables, an irrevocable letter of credit, a bond, or a combination thereof, in an amount that must exceed the total balances of the fantasy sports contest players' account. Also would require the operator to annually submit to the board an audit done by an certified public accountant that is consistent with the standards accepted by the American Institute of Certified Public Accountants. Also would require periodic reporting to the board of gross fantasy sports contests revenues, net revenue, and financial statements regarding a fantasy sports contest operators operations in Louisiana.

The bill would prohibit an operator from charging players for an inactive account and allows charging players only for entry fees placed or contests entered. Would regarding active accounts, the bill provides that operators must:

- (1) Limit each authorized player to one active and continuously used account.
- (2) Publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform. Requires procedures to include a toll-free number to call for help in establishing such parental controls.
- (3) Make clear conspicuous statements that are not inaccurate or misleading concerning the chances of winning and the number of winners when referencing the chances or likelihood of winning.

- (4) Permit any authorized player to permanently close an account registered to the player, on any and all platforms supported by the operator or registrant, at any time and for any reason.
- (5) Identify all highly experienced players in any contest by a symbol attached to the players' username, or by other visible means, on all platforms supported by the operator or registrant.
- (6) Disclose the number of entries a single authorized player may submit to each contest.
- (7) Disclose the maximum number of total entries allowed for each contest.
- (8) Implement measures to protect the privacy and online security of authorized players, their account, and their personal financial information.

House Bill 600 would provide for a tax on net revenues of 18.5% due and payable monthly. The bill would also provide that a fantasy sports contest operator who violates the law shall be liable for a civil penalty of not more than \$1,000 for each violation, not to exceed \$50,000 for violations arising out of the same transaction or occurrence.

Both house bills picked up amendments on the Senate Floor to add the provisions of Senator Martiny's and Representative's Marino's bills regarding sports wagering.

Health & Hospitals

by: Christine Peck
(225) 342-2114

PHARMACY BENEFIT MANAGERS

Senate Bill 41 by Senator Mills (Act 124)

provides for regulation of pharmacy benefit managers by the Louisiana Department of Insurance and the Louisiana Board of Pharmacy, including identification and enforcement of specific prohibited acts that are considered unfair trade practices in Louisiana including spread pricing, patient steering, discriminatory reimbursement, and other acts that impede patient access, contradict physician orders, and jeopardize the stability of community and independent pharmacists statewide and provides for certain enforcement authority of the Department of Justice for commission of certain acts and omissions by pharmacy benefit managers.

House Bill 433 by Representative LeBas (Act 161)

allows a pharmacist to decline to fill a prescription if the patient's pharmacy benefit manager or managed care organization reimburses an amount less than what the pharmacist paid for the drug as long as the pharmacist directs the patient to another pharmacy that can fill the prescription.

House Bill 538 by Representative LeBas (Act 167) provides that when a pharmacy benefit manager audits a Louisiana pharmacist for purposes of clinical judgment, the audit

must be in consultation with a pharmacist who is licensed in this state.

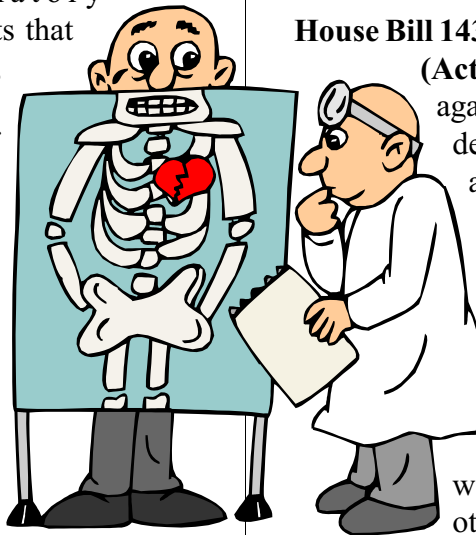
SUPPORTING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Senate Bill 151 by Senator Luneau (Act 411) transfers the Louisiana Special Education Center from the Special School District to the Louisiana Department of Health.

House Bill 143 by Representative M. White (Act 57) prohibits discrimination against qualified individuals with developmental disabilities who are in need of an organ transplant.

House Bill 199 by Representative Horton (Act 421) establishes the "TEFRA option" which furnishes Medicaid benefits to children with disabilities who are otherwise ineligible for such benefits because the income of their household exceeds state-established limits for Medicaid eligibility.

House Bill 390 by Representative M. White (Act 381) requires the Louisiana Department of Health to maintain reliable data relative to reimbursement rates paid to providers of Medicaid-funded services for individuals with disabilities, requires reasonable, periodic financial reports from providers as needed to ensure the availability of reliable cost data, and stipulates that any reduction in disability



rates to providers must be approved by the Joint Legislative Committee on the Budget.

PROTECTING THE PUBLIC

Senate Bill 36 by Senator Mills (Act 438) prohibits freestanding emergency departments in Louisiana that are not an off-site campus of a licensed hospital and prohibits the Louisiana Department of Health from approving an off-site campuses of a licensed hospital within the primary service area of a rural hospital.

Senate Bill 166 by Senator Lafleur (Act 276) authorizes physician assistants to issue an order for occupational therapy.

Senate Bill 169 by Senator Barrow (Act 192) statutorily names the immunization registry the Louisiana Immunization Network (LINKS) and makes it applicable to children and adults.

Senate Bill 173 by Senator Mills (Act 412) provides for the "Healthcare Coverage for Louisiana Families Protection Act", which takes effect if the Patient Protection and Affordable Care Act is ruled unconstitutional to provide for certain patient protections and coverage of essential health benefits and establishes the "Louisiana Guaranteed Benefits Pool" to be a risk-sharing program to provide payment to health insurance issuers for claims for healthcare services provided to eligible individuals with expected high healthcare costs to lower premiums for health insurance coverage offered in the individual market.

House Bill 335 by Representative Gisclair (Act 372) requires all food service establishments that sell or provide cooked or prepared crawfish or shrimp that originate outside of the U.S. to display on all menus or

on required signs the country of origin of such crawfish or shrimp.

House Bill 536 by Representative Hilferty (Act 332) provides for the Louisiana Department of Health to license and regulate free standing birth centers.

BUILDING OUR HEALTHCARE WORKFORCE

Senate Bill 51 by Senator Hewitt (Act 45) modernizes law regarding eligibility of an individual to enroll in the certified medication attendant program to include a citizen of the United States, a United States national, or an alien lawfully admitted for permanent residency in the United States.

Senate Bill 54 by Senator Mills (Act 336) expands expertise on the Louisiana Health Works Commission to include Southern University System, Louisiana State University Health Sciences Center at New Orleans, Louisiana Academy of Family Physicians, Louisiana Association of Nurse Practitioners, Louisiana Community and Technical College System, and the Association of Independent Colleges and Universities.

House Bill 431 by Representative Jackson (Act 229) establishes the state certified hospice attendant program to allow certain inmates in a Louisiana state prison who are not sex offenders receive training in hospice care while in prison, obtain state certification, register with the Louisiana Department of Health, and comply with all other state and federal laws relative to hospice to be eligible for employment at a licensed hospice agency.

COMPASSIONATE CAUSES

Senate Bill 109 by Senator Barrow (Act 400) establishes a voluntary extended foster

care program for children who are at least 18 years old, but less than 21 years old if the child is housed at a residential home or in a transitional placement program.

Senate Bill 119 by Senator Colomb (Act 351) establishes the Palliative Care Interdisciplinary Advisory Council to study and make recommendations to the secretary of the Louisiana Department of Health and the legislature regarding the availability of patient-centered and family-focused palliative care for adults and children in this state.

Senate Bill 145 by Senator Johns (Act 409) establishes a coalition including the Department of Children and Family Services, Louisiana Department of Health, Family in Need of Services Assistance Program, with the assistance of the Louisiana Alliance of Children's Advocacy Centers to create and develop a human trafficking victim services delivery model.

House Bill 177 by Representative Pugh (Act 100) establishes a commemorative certificate of stillbirth that may be requested when a child is lost due to spontaneous fetal death that is not a result of an induced termination of pregnancy prior to twenty weeks gestation.

MEDICAL MARIJUANA

House Bill 169 by Representative Hoffmann (Act 207) authorizes the Louisiana State Board of Medical Examiners to collect data on health effects and patient outcomes associated with use of recommended medical marijuana.

House Bill 358 by Representative James (Act 284) removes requirement that a physician recommending medical marijuana must be domiciled in Louisiana, but requires

that the physician be licensed by the Louisiana State Board of Medical Examiners and have a bona fide relationship with the patient and provides for metered-dose inhalers as a form of medical marijuana delivery that may be approved by the Louisiana Board of Pharmacy.

BEHAVIORAL HEALTHCARE

Senate Bill 240 by Senator Boudreaux (Act 414) authorizes advance practice registered nurses (APRNs) and physician assistants (PAs) to provide medication-assisted treatment (MAT), the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose, in accordance with federal and state laws and state rules governing MAT services, including that the APRN's collaborating physician and the PA's supervising physician shall be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT.

House Bill 211 by Representative Horton (Act 370) limits individual behavioral health services providers rendering certain mental health rehabilitation services to a maximum total of 12 reimbursable hours of Medicaid-funded services per rendering provider, per calendar day, regardless of the number of patients seen by the rendering provider, unless an exception for crisis, emergency, or group settings is warranted.

House Bill 243 by Representative D. Miller (Act 423) provides for more complete data collection relative to opioid deaths and requires each coroner report drug overdose deaths where the decedent's toxicology results indicate that an opioid was present at the time of death and enter the report into the Louisiana Electronic Event Registration

System.

House Bill 250 by Representative Davis (Act 425) requires each residential treatment facility which provides treatment for opioid use disorder to provide access to medication-assisted treatment either onsite or by referral to at least one form of FDA-approved opioid antagonist treatment or onsite access to at least one form of FDA-approved partial opioid agonist treatment.

House Bill 284 by Representative Abraham (Act 426) provides that a prescribing practitioner shall indicate on a patient's prescription for an opioid when an override of the seven day limit is medically necessary.

CRIMINAL BACKGROUND CHECKS

Senate Bill 19 by Senator Boudreaux (Act 265) authorizes the Louisiana State Board of Medical Examiners to conduct criminal background checks on applicants for licensure as perfusionists, medical psychologists, genetic counselors, and polysomnographic health professionals.

Senate Bill 32 by Senator Fannin (Act 43) provides for authorized agencies to conduct criminal history background checks on nonlicensed persons enrolling in a clinical preceptor nurse aide training program offered by a community college, vocational-technical program, or other educational entity or another entity approved by the Louisiana Department of Health pursuant to federal or state law or regulation.

MEDICAID MANAGED CARE

Senate Bill 239 by Senator Mills (Act 263) authorizes the La. Department of Health to remove pharmacy services from Medicaid managed care organization contracts and

assume direct responsibility for all Louisiana Medicaid pharmacy services, provides that the department has a duty to administer the Medicaid prescription drug benefit program in the most clinically effective cost-efficient manner possible, and requires the department to develop and submit a comprehensive plan to administer the Medicaid prescription drug program and submit the plan to the Senate and House committees on health and welfare, Senate Finance Committee, and House Appropriations Committee on February 1, 2020.

House Bill 424 by Representative Stagni (Act 330) provides greater transparency relative to Medicaid managed care organization denials of claims and requirements for prior authorization to ensure that providers know in advance what is required to secure prior authorization and if the claim is denied, that the provider is given specific information regarding the denial.

House Bill 434 by Representative Magee (Act 319) provides greater transparency of policies and procedures adopted by the Louisiana Medicaid program and policies and procedures adopted by the Medicaid managed care organizations that are not promulgated through rulemaking in accordance with the Administrative Procedure Act, including publication, comment periods, and delayed implementation.

ABORTION

Senate Bill 221 by Senator Mizell (Act 198) provides a woman must be provided the name of the physician who is to perform the abortion in writing to satisfy the "Woman's Right to Know" informed consent law.

House Bill 133 by Representative Hoffmann (Act 376) provides that the outpatient abortion facility licensing law applies to providers of both surgical and chemical abortions.

HB 484 by Representative Crews (Act 435) requires abortion clinics and abortion providers to retain medical records for not less than seven years for adult patients and not less than ten years from the age of majority for minor patients, with the ten-year period for minors beginning to run when the patient attains the age of 18 and when the patient has reported facts that would require reporting of child abuse, the retention period shall be 30 years.

Homeland Security

by: J.W. Wiley
(225) 342-2108

Senate Bill 46 by Senator Peacock (Act 187) creates the Louisiana Cybersecurity Information Sharing Act. The purpose of this bill is to provide a framework for sharing cybersecurity information under Louisiana law that is consistent with federal law. The bill provides that the following entities are authorized, in addition to those entities identified in federal law, to receive cyber threat indicators and defensive measure information through electronic mail transmission: the Department of Justice, office of the attorney general, Louisiana Bureau of Investigation; the Department of Public Safety and Corrections, office of state police, Louisiana State Analytical and Fusion Exchange; and the Governor's Office of Homeland Security and Emergency Preparedness.

Senate Concurrent Resolution 123 by Senator Martiny (Sent to Secretary of State) creates the Task Force on Cyber Incident and Response to develop and plan a tabletop exercise to strengthen the state's existing infrastructure and defenses against cyber threats and attacks. The resolution requires that a written report of findings and recommendations of the task force be submitted to the legislature no later than February 1, 2020.

Below are some of the recent events that the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) have been monitoring:

- (1) Ruston area tornadoes that occurred April 25 - 26: GOHSEP has submitted a request for a Presidential Disaster Declaration. The state assisted with security, debris removal, and recovery operations. Louisiana Tech University suffered significant damage to its facilities.
- (2) Jonesboro area tornadoes and severe weather that occurred May 9 - 12: Multiple tornadoes impacted multiple parishes in the Jonesboro area. The Jimmie Davis State Park suffered significant damages. There was also statewide flash flooding over Mother's Day weekend.
- (3) Ville Platte area tornadoes that occurred May 18-19: There were tornado and wind impacts in Allen, Evangeline, and other parishes in the Ville Platte area.
- (4) Mississippi River/Atchafalaya River flooding: Governor Edwards issued a State Declaration of Emergency for river flooding effective February 26, 2019 (33 JBE 2019). This declaration has been extended multiple times and is in effect until June 24, 2019, unless terminated sooner.

The flood duration has reached historic levels. On May 21, 2019, the city of Baton Rouge experienced its longest duration flood event, surpassing the 135 days in the 1927 flood.

Also, the Bonnet Carre Spillway has been operated twice in the same year and in consecutive years for the first time in history.



Information Technology

by: Gary Schaefer
(225) 342-1001

ADMINISTRATION

House Bill 378 by Representative James (Act 220) provides for authorization to digitize state-authorized and required credentials for user access on an electronic wallet. The bill further provides that a digitized credential is as valid as a tangible credential.

COMMERCE

House Bill 465 by Representative Jordan (Pending House Commerce) would have created the Internet and Social Media Data Privacy and Protection Act to protect consumers' private confidential information that was obtained by internet, broadband, and social media companies.

COMMERCIAL REGULATIONS

House Concurrent Resolution 67 by Representative Foil (Sent to Secretary of State) requests Louisiana Economic Development to study cybersecurity issues faced by businesses in compliance with the Cybersecurity Framework Standards promulgated by the National Institute of Standards and Technology.

CONGRESS

Senate Concurrent Resolution 36 by Senator Mizell (Sent to Secretary of State) memorializes Congress to support the

#fixappratings initiative to deter children from downloading electronic applications (apps) that are harmful to minors.

CONSUMERS/PROTECTION

House Bill 305 by Representative Falconer (Act 14) provides for heightened damages in a private right of action or unfair trade practices by telephone, electronic mail, or text messaging when the person who suffers loss is an elderly person or person with a disability.

COURTS/CITY

House Bill 50 by Representative Muscarello (Act 291) makes the current law regarding the destruction of useless records applicable to all clerks of city courts and adds an approved digital imaging exception for certain criminal history records.

CRIME

House Bill 7 by Representative Dwight (Act 88) prohibits interference with communications of the state, military or civil defense, or any legal entity created for the purpose of providing utility services to the public. The bill provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than ten years, or both, for a first offense. For a second or subsequent offense, provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than

fifteen years, or both. The bill defines communication to include any radio, telegraph, telephone, electronic, satellite, or cable communication.

House Bill 74 by Representative Landry, T. (Act 292) creates the crime of trespass against state computers, provides penalties for persons convicted of trespass against state computers, provides a definition of “internet-connected device”, and provides fines with imprisonment, with or without hard labor.

CRIME/SEX OFFENSES

House Bill 187 by Representative Larvadain (Pending House Administration of Criminal Justice) would have provided enhanced penalties for the crime of video voyeurism under certain circumstances involving the ages of and the relationship between the offender and the victim and would have provided relative to the sex offender registration and notification requirements of the offender in these scenarios.

ELECTION CODE

House Bill 325 by Representative Bishop (Pending Conference Committee) would have prohibited the registrar of voters, clerk of court, and the Department of State from disclosing the following specified computer system information: user names, nonpublic uniform resource locators, database object names, computer names, device identifiers and serial numbers, screen printouts and captures, internet protocol address numbers, and instructional manuals.

ENVIRONMENT

House Resolution 145 by Representative Abramson (Sent to Secretary of State) requests the Department of Environmental Quality in conjunction with the Louisiana Department of Health to study the effects of evolving 5G technology.

FUNDS/FUNDING

House Bill 442 by Representative Ivey (Pending Appropriations) would have created the State Cybersecurity and Information Technology Infrastructure fund as a special treasury fund and would have required .25% of monies in the state general fund to be deposited into this special fund for the state’s information technology infrastructure and cybersecurity purposes. The bill would have dedicated .75% of monies in the state general fund that were not allocated to the Bond Security and Redemption Fund or pledged in connection with the issuance of bonds that would have been appropriated solely for purposes of enhancing and upgrading the state’s information technology infrastructure and to support cybersecurity needs.

House Bill 448 by Representative Ivey (Pending Appropriations) would have established the State Cybersecurity and Information Technology Infrastructure Fund as a special treasury fund, would have deposited into the fund .0025% of monies in the state general fund, and would have dedicated the money to support the state’s information technology infrastructure or cybersecurity needs.

House Bill 511 by Representative Abraham (Pending Finance Committee) would have

created the Louisiana Cybersecurity Talent Initiative Fund for the purpose of funding degree and certificate programs in cybersecurity fields and would have created the Cybersecurity Education Management Council to advise relative to the fund.

GAMING

Senate Bill 153 by Senator Martiny (Involuntarily Deferred Appropriations Committee) would have provided for sports wagering if approved by the voters. The bill further would have provided for electronic or mobile sports wagering if: a patron had established a wagering account through the sports wagering certificate holder or sports wagering service provider permittee and an initial verification of the account was completed by the holder or permittee; electronic sports wagers were placed in the gaming area of the Riverboat, Track, or Land-Based Casino, as that area was determined by the Gaming Control Board, or any other areas of the Riverboat, Track or Land-Based Casino, as the board may have approved, would have provided those areas were restricted to persons at least 21 years of age or older; the sports wagering certificate holder or sports wagering service provider permittee maintained geo-fencing or geo-location services and bore all costs and responsibilities associated therewith as required by the board; the system of electronic sports wagering through a mobile or other digital platform would have counted as one gaming position, subject to the rules and regulations of the board.

HEALTH CARE

House Bill 169 by Representative Hoffmann (Act 207) authorizes the Louisiana State Board of Medical Examiners to create and maintain a data system for collection of information on health effects and outcomes associated with medical marijuana. The bill further provides that, except for any disclosure of data specifically authorized, all data in the data system shall be confidential and shall not be available for subpoena nor shall such information be disclosed, discoverable, or compelled to be produced in a any civil, criminal, administrative, or other proceedings. The bill stipulates that the data maintained in the data system shall not be subject to any public records requests nor shall any such data be considered as a public record.

HEALTH CARE/FACILITIES

House Bill 334 by Representative Foil (Pending House Health and Welfare Committee) would have authorized the installation and use of monitoring devices in the rooms of residents of intermediate care facilities, also known as “IDF/DD” facilities, for people with developmental disabilities.

HEALTH CARE/PROVIDERS

House Bill 77 by Representative Armes (Pending Senate Health and Welfare Committee) would have authorized, subject to approval by the secretary of the Louisiana Department of Health, online delivery of certain training required for medication attendants.

HOUSE RULES

House Resolution 208 by Representative Emerson (Sent to Secretary of State) provides that effective January 13, 2020, a copy of a proposed floor amendment, except an amendment proposed by the chairman of the Legislative Bureau on behalf of the Legislative Bureau, shall be placed on the desk of each member of the House who has notified the Clerk that the member wants to receive printed copies of all proposed floor amendments, and no vote shall be taken on the proposed floor amendment until this requirement has been met because amendments are available online.

INTERNET

Senate Bill 46 by Senator Peacock (Act 187) creates the Louisiana Cybersecurity Information Sharing Act and provides that a private entity may, for a cybersecurity purpose, monitor certain information systems and information that is stored, processed by, or passed through certain information systems. The bill also exempts from the Public Records Law a cyber-threat indicator or defensive measure shared by a state entity with an appropriate entity.

LEGISLATIVE AFFAIRS

House Concurrent Resolution 104 by Representative Ivy (Pending House and Governmental Affairs Committee) would have created a joint legislative committee to conduct a detailed analysis of information technology systems used by the agencies of the legislative branch of state government and would have reported its findings and recommendations to the legislature by January 13, 2020.

LEGISLATIVE BUDGETARY CONTROL

House Bill 447 by Representative Ivey (Involuntarily deferred in House and Governmental Affairs Committee) would have removed listing of uses of the Legislative Capitol Technology Fund and would have provided instead that it be used in accordance with provisions of law relative to legislative obligations, expenditures, or disbursement of funds or contracts.

LOCAL AGENCIES

House Concurrent Resolution 103 by Representative Ivey (Sent of Secretary of State) requests the office of technology services within the division of administration to develop an survey questionnaire to be used by local government agencies to provide detailed information regarding information technology systems used by local government agencies, to compile the information submitted in response to the survey questionnaire, and to report its findings to the legislature by December 1, 2019.

MOTOR CARRIERS

Senate Bill 47 by Senator Erdey (Act 333) requires the assistant secretary of the office of motor vehicles, not later than October 1, 2020, to establish, operate, and maintain motor carrier, commercial motor vehicle, or driver information system and data analysis programs to support safety regulatory and enforcement activities that comply with the information systems established and operated by the secretary of the United States Department of Transportation.

MOTOR VEHICLES

House Bill 455 by Representative Landry, T. (Act 232) provides relative to the operation of autonomous commercial motor vehicles and defines “automated driving system” as hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous commercial motor vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The act also defines “autonomous commercial vehicle” as a motor vehicle used in commerce and equipped with an automated driving system, including those designed to function without a driver.

NOTARIES

House Bill 514 by Representative Garofalo (Pending House Final Passage, Subject to Call) would have provided for recordation of tangible copies of electronic acts; would have allowed for the performance of notarial functions remotely through the use of technology; and would have provided for limitations, qualifications, procedures, duties, and rulemaking relative to the performance of remote online notarization.

PHARMACEUTICALS

Senate Bill 53 by Senator Johns (Act 80) provides authority for the Board of Pharmacy to provide prescription monitoring information to electronic health information systems and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions.

POLICE/STATE

House Bill 506 by Representative Duplessis (Act 165) creates a uniform data collection requirement for law enforcement agencies and makes such data public. The bill requires the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to establish, through electronic data processing and related procedures, a system by which the collected data can be submitted electronically by law enforcement agencies to the commission in a standardized format. The bill further requires the commission to make available for download on its website all raw data received from law enforcement agencies.

PUBLIC RECORDS

House Bill 146 by Representative Crews (Pending Senate and Governmental Affairs Committee) would have required any Department of Transportation and Development public record that consisted of geographic information system data that was made available to the public by the custodian on the internet would have additionally be made available to the public by the custodian on the internet in a format for expressing geographic annotation and visualization in two-dimensional or three-dimensional representations using applications that were available to the public without charge, including without limitation KML. KML (Keyhole Markup Language) is an XML notation for expressing geographic annotation.

House Bill 554 by Representative Garofalo (Pending House and Governmental Affairs Committee) would have made revisions to the Public Records Law by including provisions relative to the definition of public records, right to access public records, procedures and

requirements for making public records requests, duties of custodians relative to such request, fees, and enforcement. The bill would have added electronic communications, data, and email and text messages to the listing of documents included in the definition of public records. The bill also would have provided that a person may make a request to review a public record by any means, including in person, electronically, or by mail.

REAPPORTIONMENT

House Bill 46 by Representative Bouie (Involuntarily deferred in House and Governmental Affairs Committee) would have provided, for purposes of all redistricting by the legislature, that an incarcerated person shall be counted at his last known residential address prior to incarceration if within the state, and if the last known residential address is outside of the state, unknown, or unreported, the incarcerated person would have been removed 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 approval by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs at a joint meeting held no sooner than five days after the draft adjustment was published on the website of the legislature and no later than thirty days after its publication.

House Bill 504 by Representative Franklin (Involuntarily deferred in House and Governmental Affairs Committee) would have created the Reapportionment Transparency Act, including provisions for a study and advisory commission, that would have required public hearings and broadcasts

thereof regarding the redistricting process and would have required a five-day delay prior to the final passage of a redistricting bill during which an additional public hearing would have been held regarding the content of the bill and factors involved.

SCHOOLS/TECHNOLOGY

House Bill 467 by Representative Johnson, (Pending House Education Committee) would have required the Department of Education's statewide educational plan for public schools to identify and utilize all such assets provided through the Board of Regents' Louisiana Optical Network Infrastructure (LONI) and would have required that policies and procedures authorize and provide for public school boards' elective participation in LONI.

TAX/SALES-USE, STATE

House Concurrent Study Request 2 by Representative Smith (Approved) requests a study by the House Governmental and Affairs Committee and the Senate Governmental and Affairs Committee of the cost associated with the implementation of accessibility services and assistive technology at the Legislature of Louisiana and report to the legislature prior to the 2020 Regular Session.

TELECOMMUNICATIONS

Senate Concurrent Resolution 123 by Senator Martiny (Sent to Secretary of State) creates the Task Force on Cyber Incident and Response to develop and plan a tabletop exercise to strengthen the state's existing infrastructure and defenses against cyber threats and attacks. The resolution

provides for the task force membership and requires that a written report of findings and recommendations be submitted to the legislature no later than February 1, 2020.

Senate Resolution 177 by Senator Mizell (Sent to Secretary of State) creates the Task Force on Access to Broadband High-Speed Internet Service to study the current impediments to rural access to broadband access, to devise solutions to achieve statewide access to high-speed internet broadband service, and to report findings and recommendations to the Senate no later than March 1, 2020.

TRAFFIC/VIOLATIONS

House Bill 229 by Representative Huval (Pending Judiciary C Committee) would have modified provisions applicable to the use of a wireless communication device while operating a motor vehicle by extending the prohibition to include general usage of wireless telecommunication devices while driving.

TRANSPORTATION

House Bill 572 by Representative Barras (Pending House Transportation Committee) would have provided relative to transportation network company requirements and would have defined “digital network” as any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

House Bill 575 by Representative Magee (Act 286) provides relative to transportation network company requirements and defines “digital network” as any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

TAX/SALES & USE

House Bill 547 by Representative Abramson (Act 360) provides for the administration of tax collection related to remote seller transactions.



Insurance

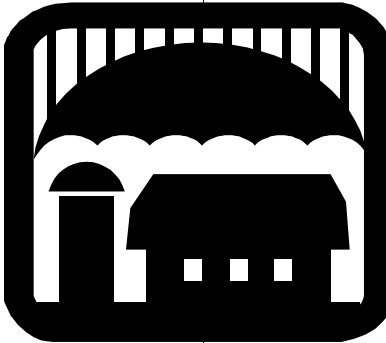
by: *Laura Gail Sullivan*
(225) 342-1196

Senate Bill 73 by Senator Long (Act 49) prohibits a dental plan that is delivered, renewed, issued for delivery, or otherwise contracted for in Louisiana from making a credit card the only means of payment acceptable for healthcare services provided by the dentist to the insured. Additionally, the law requires a dental plan that utilizes electronic funds transfer payments or credit card payments to notify the dentist if any fees are associated with a particular payment method, to advise the dentist of all available methods of payment, and to instruct the dentist as to how to select an alternative payment method. The law may not be waived by contract.

Senate Bill 87 by Senator John Smith (Act 82) requires a person licensed in La. as a nonresident insurance producer who moves from one state to another to include his current and prior addresses when filing the required change-of-address and certification from the new resident state of legal residence. The law also automatically terminates a nonresident producer license's designation as "current" or "in good standing" in Louisiana if the home state resident producer license ceases to be current or in good standing. However, the law allows the nonresident license to remain in force if the licensee holds a current resident producer license in good standing in the new home state and the licensee complies with notification requirements.

Senate Bill 108 by Senator Gary Smith (Act 54), applicable in Orleans Parish, provides that to the extent an additional 1% premium rate on criminal bail bonds has been collected under color of the provisions of a 2005 law that provided an additional licensing fee of 1% of premiums, no repayment of overcollections as determined by the commissioner shall be required, and eliminates the additional 1% licensing fee. The law is not to be considered to support actions for violations involving provisions regarding charges in a quoted premium or actions involving rate enforcement of premiums on criminal bail bonds.

Senate Bill 197 by Senator Bishop (Act 197), relative to homeowners' insurance policies issued in La. that provide coverage for damage to property, adds to the list of disclosures that must be prominently displayed on a form developed and promulgated by the commissioner a requirement that each policy contain a disclosure that making improvements or modifications to the property such as adding storm shutters, modifying the roof design, and improving the roof covering may reduce the cost of the policy's premium and advising the homeowner to contact the insurance producer or insurer on qualifying improvements or modifications.



Judiciary

by: Tom Wade
(225) 342-9169

APPROPRIATION FOR JUDICIARY

House Bill 148 by Representative Cameron Henry (Act 60) appropriates funds for Fiscal Year 2019-2020 for the ordinary operating expenses of the judicial branch of government with total funding of \$183,157,699 from the following sources: \$163,523,924 out of the State General Fund (Direct) [*note reduction detailed below*]; \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund; and \$9,392,850 from interagency transfers for Court Appointed Special Advocates and Drug Court. Appropriations from State General fund (Direct) shall be reduced by \$12,063,833 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

JUDICIAL COMPENSATION

Senate Bill 27 by Senator Danny Martiny (Act 178) provides relative to judicial compensation and salaries, beginning July 1, 2019. It provides that the actual salary of the judges of the supreme courts, courts of appeal, and district courts shall be increased by 2.5% on July 1st of 2019, 2020, 2021, 2022, and 2023. It also provides that the state-paid salary of city court and parish court judges shall be increased by 2.5% on July 1st of 2019, 2020, 2021, 2022, and 2023. Those increases are contingent upon approval prior to each July first by the Louisiana Supreme Court and the Louisiana Judicial Budgetary Control Board, after each determines that the judiciary has

sufficient funding from the state and other sources to fund the salary increases prior to approving the increases. It further provides that those salary increases shall be funded by the judiciary. In addition, it provides that effective July 1, 2020, any local or state official eligible for compensation under existing law concerning compensation for sheriffs shall not be eligible for a salary increase pursuant to the new provisions for the same fiscal year.

AGE LIMITATION FOR JUDGES

House Bill 178 by Representative Katrina Jackson (pending House final passage) would have removed the constitutional age limitation for judges. The constitution requires that no judge may remain in office beyond his 70th birthday. The provision allows a judge to complete the current term if he attains 70 years of age while in office. The proposed change would have repealed the mandatory retirement age for judges. It also would have provided that no person could be denied the right to hold public office or public employment based solely on age.



Juvenile Justice

by: Yoursheka George
(225) 342-0599

CHILDREN

House Bill 11 by Representatives Bacala (VETOED) would have provided that if a child is taken into custody without a warrant or court order, the officer must release the child to the custody of his parents upon written promise by the parents to bring the child to court. However, if the child is 17 years old or older and commits a misdemeanor-grade delinquent act, the officer may issue a summons or counsel to the child and release him on his written promise to appear in court.

House Bill 158 by Representative M. White (Act 147) requires a detention screening instrument to be administered to a child who has been detained before the detained child is transported to the appropriate place of detention, upon the child's arrival at the appropriate place of detention or as soon as possible after the child has been admitted into the detention center. House bill 158 lists factors that must be included in the detention screening instrument that include, but are not limited to: the current offense for which the child was taken into custody; the child's history of prior delinquent acts; the child's history of failure to appear; the child's history of being a runaway; and any mitigating and aggravating circumstances. This bill also permits each judicial district or parish to develop a program or programs to serve as alternatives to detention of a child.

House Bill 267 by Representative Norton (Act 395) authorizes the Office of Juvenile Justice to establish an arts-based program in its juvenile institutions – includes performing, visual and other arts activities that enhance youth development. The programming is optional and not mandatory.

House Bill 268 by Representative Norton (pending Senate Final) would provide that the time within which to institute prosecution of the following sex offenses that involve a victim under seventeen years of age shall be thirty years: attempted first degree rape, attempted second degree rape, sexual battery, second degree sexual battery, oral sexual battery, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, prostitution of persons under eighteen, enticing persons into prostitution, crime against nature, aggravated crime against nature, and crime against nature by solicitation. This thirty year period begins to run when the victim attains the age of eighteen. Also, House Bill 268 would provide an exception to the thirty year period by extending the period by an additional fifteen years if new and material evidence is discovered prior to the expiration of the thirty-year period. However, in no case shall the time within which to institute prosecution extend beyond forty-five years from the date

on which the victim attains the age of eighteen. Finally, House Bill 268 would set a time limitation of ten years for the prosecution of sex offenses other than those provided in Code of Criminal Procedure Articles 571, 571.1, and 572 (B). If new and material evidence is discovered prior to the expiration of the ten-year period, the time within which to institute prosecution of the offense is extended for an additional fifteen years. The additional fifteen-year period begins to run at the expiration of the ten-year period.

House Bill 306 by Representative Jefferson (Act 310) provides that if a child who has been detained is not released to his parents, the court shall set and hold a hearing within 3 days after the child was placed in the detention facility or shelter care facility. If the hearing is not held within this time, or the next business day that is not a legal holiday, the child shall be released.





Labor/Employment

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

Senate Bill 88 by Senator Luneau (Act 345) makes changes to add a date for which appeals must be made related to the workers' compensation medical treatment guidelines. Currently, injured workers who are covered by workers compensation insurance and are receiving medical treatment, must adhere to the medical treatment schedule which consists of how and when medical care, services, and treatment can be accessed by the injured worker. If medical treatment is sought apart from the medical treatment schedule and the treatment is not approved by the workers' compensation insurer, an injured worker can seek approval for the treatment from the medical director or associate director at the office of workers compensation (OWC). Current law provides that any party may appeal the decision of the medical director or associate medical director by filing a "Disputed Claim for Compensation" form provided by the La. OWC and the appeal will be heard by a workers' compensation judge. Current law has no deadline for when the appeal to the workers' compensation judge must be filed. **Act 345** requires that the appeal of the decision by the medical director or associate medical director must be made within 45 days of the date of the issuance of the medical director's decision.

House Bill 285 by Rep. Billiot (Act 306) provides medical benefits for volunteer

reserve police officers and deputy sheriffs who may become injured while the volunteer member is in the line of duty. Currently some volunteer firefighters are entitled to workers compensation benefits through their local fire house which is purchased collectively for all local fire stations as a group by the office of the state fire Marshall. **Act 306** would provide similar benefits to volunteer reserve police officers and deputy sheriffs; however, the benefits for volunteer reserve police officers and deputy sheriffs would be limited to medical benefits only. **Act 306** provides that the public entity who elects to provide coverage for volunteer reserve police officers or deputies are required to use the public entity's own funds and at their own discretion. The bill also provides that the injured volunteer reserve officers and reserve deputies are not be entitled to be compensated for lost wages. **Act 306** defines the term "volunteer reserve officer" to mean an individual who is carried on the membership list of the municipal organization as an active participant in the normal functions of the law enforcement organization. "Volunteer reserve deputy" is defined as an individual who is a part-time, non-salaried, fully-commissioned law enforcement officer who volunteers with the parish organization.

Senate Bill 107 by Senator Gatti (Act 122) provides that workers' compensation policies for employees of local

emergency medical services (EMS), local police departments, local fire departments, and state police as well as volunteer fire firefighters include coverage for posttraumatic stress injury. **Act 122** defines "post-traumatic stress injury" as those injuries which are defined as such by the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association caused by an event occurring in the course and scope of employment. **Act 122** requires that diagnosis be made by a psychiatrist or psychologist. The bill provides that the diagnosis must be made either during employment or thereafter and, once made, it will be presumed that the disease or infirmity is connected with his employment. **Act 122** provides that, once diagnosed with posttraumatic stress injury the employee affected or his or her survivors will be entitled to all rights and benefits as granted by state law to one suffering an occupational disease and is entitled as service connected in the line of duty, regardless of whether the employee is employed at the time of diagnosis. **Act 122** provides that in case of any conflict between provisions of **Act 122** and any retirement law, then retirement law provisions will supercede the provisions of **Act 122**.

Senate Bill 155 by Senator Troy Carter (passed the Senate Labor Committee but Committee but never voted on the Senate Floor) was filed as a constitutional amendment which would have allowed the voters of Louisiana to decide if employers should pay a minimum wage of \$9 per hour beginning July 1, 2020.

Senate Bill 136 by Senator Morrell (passed the Senate Labor Committee but not voted on the Senate Floor) would have added wage disclosure (known as "pay secrecy") to the list of items which cannot be the subject of intentional discrimination. For decades, Louisiana has prohibited intentional discrimination on the basis of race, color, religion, sex, or national origin. In prohibiting wage disclosure, or pay secrecy, an employer would be prohibited from intentionally requiring, as a condition of employment, that an employee refrains from inquiring about, discussing, or disclosing the amount of his wages or the wages of another employee. **Senate Bill 136** would have prohibited an employer from intentionally requiring, as a condition of employment, that an employee sign a waiver, non disclosure, or other document that denies the employee the right to inquire about, discuss, or disclose the amount of his wages. **Senate Bill 136** also would have prohibited an employer from intentionally retaliating, disciplining, or discharging, or otherwise discriminating against an employee who has inquired about another employee's wages or discussed or disclosed his own wages.

Senate Bill 139 by Senator Gatti (heard in the Senate Labor Committee but deferred) would have prohibited workplace bullying or harassment. **Senate Bill 139** would have prohibited an employer from engaging in abusive conduct. Further the employer would have become liable if one of his employees engaged in abusive conduct against another of his employees. "Abusive conduct" is defined as the acts or omissions that a reasonable person would find abusive

based on the severity, nature, and frequency of the conduct, including repeated verbal abuse such as the use of derogatory remarks, insults, and epithets, verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature, or sabotaging or the undermining of an employee's work performance.

Senate Bill 186 by Senator Morrell (passed the Senate Labor Committee but pending Senate Finance) would have created the Louisiana Family and Medical Leave Benefits Act. The bill would have been implemented, through the Louisiana Workforce Commission, a program to protect employees who need to take leave from their job due to certain family or medical circumstances. Employees would have received benefits for serious health conditions, pregnancy, adoption, etc. All employers would have been required to provide the benefits to their employees except those that employ 19 or less. However, even those employees who work for small employers would have been able to participate if the employee agrees to pay the employer's portion of the premiums for the benefits. Benefits would include a 12-week maximum of benefits in an application year. **Senate Bill 186** would have provided that any covered individual who is denied benefits, job restoration, or discriminated against in violation of the new benefit law would be entitled to recover a civil penalty payable from the employer of not more than \$200 per violation. Each day a violation continues would constitute a separate offense.

Legislative Affairs

by: *Laura Gail Sullivan*
(225) 342-1196

The object of **Senate Bill 171 by Senator Hewitt (Vetoed by the Governor)** was to make changes to the statute that, over a five-year period, causes each legislative mandate for an executive branch agency to produce a report to expire unless the legislative oversight committee in each house votes to continue the mandate on that agency. Because of the gubernatorial veto, a mandate applicable to any executive branch agency other than a state retirement system initially imposed in 2014, 2009, or any earlier year ending in "4" or "9" expired July 1, 2019. Mandates on the retirement systems continue because the House and Senate retirement committees voted for continuation during the 2019 Regular Session.

As finally passed by the Senate, **Senate Bill 171** would have delayed until July 1, 2021, the first expiration of mandates for reports from executive branch agencies. The Senate refused to concur in and the conference committee rejected amendments adopted by the House of Representatives providing for all report mandates to be reviewed every four years beginning in 2022 and continuing a mandate in the absence of legislative action.

The conference committee report adopted by both houses repealed the statute requiring

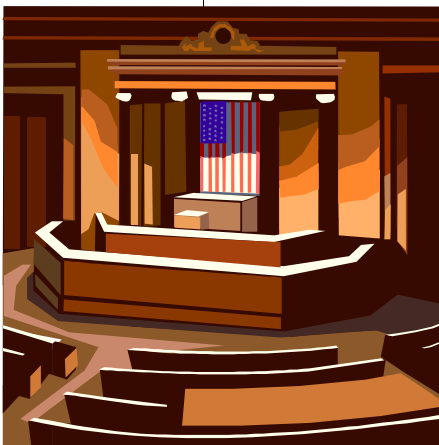
review and expiration of legislatively mandated reports and retained proposed House Floor Amendments providing for certain information related to boards and commissions authorized to issue certain licenses to be submitted to the legislative auditor rather than the House and Senate governmental affairs committees.

Senate Resolution 45 by Senator Colomb (Sent to the Secretary of State) adopts

Senate Rule 4.7, providing that a former senator who served three terms in the Senate and, because of this service, was prohibited by the state constitution from being elected to the Senate for the succeeding term may be designated or referred to as "Senator Retired, District No." followed by the number of the Senatorial District represented.

House Resolution 227 by Representative Schnexayder (Sent to Secretary of State)

authorizes and directs the legislative fiscal office to determine the cost of all studies requested by the legislature during the 2016-2020 term of the Louisiana House of Representatives and to report its determination to each member of the House of Representatives by March 1, 2020.



Local Government

by: Michael Bell
(225) 342-1175

COURTS

Senate Bill 102 by Senator Erdey (Act 349) authorizes the mayor of the town of Livingston to impose court costs not to exceed fifty dollars for each offense on any defendant convicted of a violation of a municipal ordinance.

ECONOMIC DEVELOPMENT

Senate Bill 67 by Senator Morrell (Act 266) creates the Mid City Economic Development District in the parish of Orleans which is to be governed by a five-member board of commissioners who shall serve without compensation. Provides that the board shall be composed of the state representative who represents the district, or his designee; the state senator who represents the district, or his designee; the mayor of the city of New Orleans, or his designee; and the sheriff of Orleans Parish, or his designee. Provides that the assessor shall serve as the chairman and requires the board to elect from its number a vice chairman, a treasurer, and such other officers as it may deem appropriate. Authorizes the city council of New Orleans, subject to voter approval, to levy and collect, for a term not to exceed fifty years, a special ad valorem tax. Provides that the tax shall be levied and collected in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city. Provides that any tax levied shall be subject to the homestead exemption as provided by the constitution.

LOCAL AGENCIES

Senate Bill 11 by Senator Morrish (Act 23) authorizes the governing authority of Calcasieu Parish to increase the number of board commissioners from five to seven for their consolidated gravity drainage districts.

Senate Bill 24 by Senator Peacock (Act 25) provides additional normal retirement eligibility requirements for retirees from the assessors' office in Caddo parish.

Senate Bill 62 by Senator Morrish (Act 339) requires the board of commissioners of the Calcasieu-Cameron Navigation District to meet in regular session once each quarter and to meet in special session as often as the president of the board convenes them, or on written request of three members.

Senate Bill 92 by Senator Mills (Act 346) clarifies that seven members of the board of commissioners shall be appointed by the Iberia Parish governing authority, relative to Iberia Parish Hospital Service District No. 1. Provides for two members to be appointed by the medical executive committee of Iberia Medical Center and requires that the members appointed by the committee be physicians who are fully credentialed and in good standing with the medical executive committee. Provides further that no member of the board shall serve more than three consecutive terms; however, any service as part of another member's unexpired term shall not be counted

and provides that a vacancy shall be filled in the same manner as the predecessor's appointment.

Senate Bill 96 by Senator Bishop (Act 347) increases the membership of the board for the Gentilly Development District, in the parish of Orleans, from six to seven by adding the state senator who represents Senate District No. 4, or his designee to the board.

MUNICIPALITIES

Senate Bill 12 by Senator Morrish (Act 24) provides for the qualifications for the position of deputy chief of police, in the city of Jennings, shall be not less than five years of full-time law enforcement experience.

PARISHES

Senate Bill 18 by Senator Hensgens (Act 175) requires the parish governing authority of Acadia Parish to elect the parish secretary-treasurer for a term of four years and provides that the secretary-treasurer's term is concurrent with the term of the parish governing authority members.

SPECIAL DISTRICTS

Senate Bill 35 by Senator Hewitt (Act 182) changes the name of the Northshore Harbor Center District to the Harbor Center District and authorizes the board of commissioners to use the tax, fee, or assessment, which shall not exceed two dollars, for repair, reconstruction, refurbishment, and renovation of any facility owned or to be owned by the district and for the replacement of machinery, equipment, and furnishings.

Senate Bill 104 by Senator Erdey (Act 84) authorizes the governing authority of Livingston Parish to increase the number of board commissioners from five to seven for Gravity Drainage District No. 5.

Senate Bill 105 by Senator Lambert (Act 269) provides that any gravity drainage district or sub-drainage district that requires leveeing and pumping to carry out drainage work has the power and authority to enter into contracts for the maintenance and repair of pumps, without necessity of advertising for bids, relative to the operation and maintenance of pumping stations.

TAX/LOCAL

Senate Bill 142 by Senator Hensgens (Act 189) provides for full-time employees of the fire and police departments of the city of Abbeville to receive an equal raise without consideration of rank or longevity as determined by the City. Further authorizes the city of Abbeville, subject to voter approval, to levy an additional sales and use tax not to exceed 1%. Provides that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by present constitution or current law.

Senate Bill 236 by Senator Morrish (Act 56) authorizes the governing authority of Consolidated School District No. 1 of Jefferson Davis Parish to levy and collect a parcel fee within district boundaries not to exceed \$200 per parcel per year and further provides for an election to be held within the district and approved by a majority of the

voters in the district. Further provides that fee proceeds are to be expended for the purposes of operating, maintaining, and improving the public school system in the district and for all purposes incidental thereto and provides for the parcel fee to be levied and collected annually and permits the fee to be carried on the tax rolls for Jefferson Davis Parish and be collected at the same time as parish property taxes. Also, provides for collections proceedings if any parcel fee is not paid when due, including a delinquent fee, and any collection costs incurred by the district, plus interest at a rate not exceeding 12% on the unpaid amount and, in the event legal proceedings are necessary to effect collection, court costs, and reasonable attorney fees.

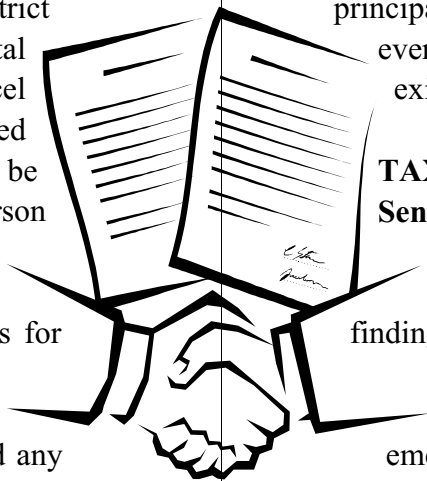
Senate Bill 237 by Senator Colomb (Act 203) authorizes the creation of one or more tax increment financing districts in parishes with a population of more than 440,000 persons as established by the most recent federal decennial census in order to address the needs of areas where there is substantial and persistent unemployment, underemployment, and other forms of economic distress. Provides that all property of the district and the income, earnings, and operations of the district shall be exempt from all taxation, fees, assessments, and any other similar charges. Provides, however, that the exemption shall terminate when the district sells or otherwise disposes of the property in the district to any purchaser or transferee not a public body. provides that the district shall dissolve and cease to exist one year after the

date all bonds, notes, and other evidences of indebtedness of the district, including refunding bonds, are paid in full as to both principal and interest. Provides that in no event shall the district have an existence of less than three years.

TAX/SALES

Senate Bill 229 by Senator Claitor (Vetoed by the Governor)

would have provided legislative findings and determinations that in the event of incorporation of the city of St. George a state of emergency will exist until cash flow can be developed through the levy and collection of municipal sales and use taxes to fund the expenses of municipal government and that it is essential and necessary to authorize the continuation of current sales and use taxes levied by the parish and the provision of services by the parish within the incorporated area and to create a financial assistance district and provide a source of revenue for it so it may engage in cooperative endeavors, contract for the provision of essential public services, and raise revenue to assist the municipality in funding essential public services and preventing cash flow difficulties. Would have created the city of St. George Transition District as a special taxing district with boundaries coterminous with the municipality. Would have provided that the district is a body politic and corporate and a political subdivision of the state with all of the powers of a political subdivision. Would have provided that the legislature determines that the creation of the district and the carrying out of its public purpose is a public and governmental purpose for the improvement of



the health, safety, welfare, comfort, and security of the people of the municipality, that such purposes are public purposes, and that the district will be performing an essential governmental function and meeting a public obligation in the exercise of the powers conferred upon it in accordance with law. Furthermore, would have authorized the district to levy and collect a 2% sales tax to provide funds to assist the municipality to fund essential public services, reduce or eliminate its cash flow deficit or remedy cash flow shortfalls, pay obligations in connection therewith, or any combination of these. Would have prohibited such levy if the rate of such tax, when combined with the rate of the municipal sales and use taxes collected within the municipality, exceeds 2%.

Military/Veterans Affairs

by: James Benton
(225) 342-0597

Military Affairs is always an important topic at the Louisiana Legislature. Some of our Senators have served, but all support the men and women in uniform. Our state has a rich history and an overabundance of concern for matters affecting those in uniform. The 2019 Legislative Session was no different, with laws and resolutions affecting those in uniform passing on the Senate floor.

Commercial Regulations

Senate Bill 116 by Senator Hensgens (Act 439) provides that military medals and associated documents held in a safekeeping depository are presumed abandoned if they remain unclaimed for more than five years after expiration of the rental period on the depository. Requires medals and documents presumed abandoned to be forwarded to the La. Dept. of Treasury, unclaimed property division. Specifies that the unclaimed property division may enter into an agreement with the La. Dept. of Veterans Affairs allowing the Dept. of Veterans Affairs to store and locate the owners for the return of the abandoned military medals and associated documents.

Employment

Senate Bill 186 by Senator Morrell (Pending Senate Finance) would have defined "qualifying military exigency leave" as leave for the family member of a military service member for any of the following

reasons:

- (1) Leave needed because of a notice of seven days or less before deployment of the service member.
- (2) Leave to attend military events and related activities of the service member.
- (3) Leave to attend child care and school activities if the leave is required due, indirectly or directly, to the active duty call or active duty status of a family member.
- (4) Leave to make financial and legal arrangements due to the service member's absence.
- (5) Leave to attend counseling provided by someone other than a healthcare provider, if the need for counseling arises from the active duty or a call to active duty status of a military service member.
- (6) Leave to spend time with a service member who is on short-term, temporary rest and recuperation leave during the period of deployment. The eligible employee may take up to five days of leave for each instance of rest and recuperation.

- (7) Leave to attend post deployment activities of the service member.
- (8) Any leave related to issues that arise out of active duty or a call to active duty that the employer and covered individual agree will be covered.

Resolutions

Senate Resolution 160 by Senator Boudreaux (Sent to Secretary of State) requests the Senate of the Louisiana Legislature to declare Louisiana as a Purple Heart State.

The Purple Heart is the oldest military decoration in use, and was initially created as "The Badge of Military Merit", by General George Washington in 1782; and, the Purple Heart medal was the first American service award made available to the common soldier and is specifically awarded to members of the Armed Forces who have been wounded or paid the ultimate sacrifice in combat. The state of Louisiana appreciates the sacrifices that our Purple Heart recipients have made defending our freedoms and acknowledge the courage and valor of these brave Patriots. Louisiana is a state that has a rich history in regard to it's citizens participation in the Armed forces. Further, Louisiana has had several Purple Heart recipients over the years.



Natural Resources

by: Alan Miller
(225) 342-2576

Senate Bill 231 by Senator Lambert (Act 200) adds Ascension Parish to the Capital Area Groundwater Conservation District (CAGWCD) currently composed of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. SB 231 also authorizes the commission (CAGWCC) to add other parishes contiguous by commission and not legislative action. The CAGWCC was established to provide for the efficient administration, conservation, orderly development and supplementation of groundwater resources in the Capital region.

House Concurrent Resolution 31 by Representative Marcell (Sent to Secretary of State) requests the commissioner of conservation to study, outline the requirements, and make recommendations as to the necessity of an area of groundwater concern or a critical area of groundwater concern declaration in the Baton Rouge area to limit saltwater intrusion and protect regional groundwater supplies for the future. HCR 31 requires the study to include recommendations that provide for the role and necessary actions required of the CAGWCC in any plan to preserve and manage the groundwater resources of the Baton Rouge area.



Property

by: *Angela De Jean*
(225) 342-0661

Senate Bill 154 by Senator Ward (pending Senate Calendar), relative to civil liability and damages, would provide that any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damages, which the highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the permitted maximum weight, even if authorized by a special permit. Present law provides whenever such a driver causing damage is not the owner of the vehicle, object, or contrivance but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. **Senate Bill 154** would change "be jointly and severally liable" to "have solidary liability". **Senate Bill 154** would further provide that evidence of liability and damage shall be admissible as authorized by the Louisiana Code of Evidence or other applicable provision of law, and that the prescriptive period or periods for actions under the provisions of **Senate Bill 154** shall be governed by the Louisiana Civil Code or other applicable provision of law.

Senate Bill 154 would also increase the prescriptive period of one year for certain

delictual actions, in present law, from one year to two years. Present law provides certain requirements for wearing of safety belts and further provides that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation of thereof shall not be considered evidence of comparative negligence. Present law also provides that failure to wear a safety belt in violation of present law shall not be admitted to mitigate damages. **Senate Bill 154** would repeal present law provisions, and add as new Code of Evidence Article that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation of law may be considered evidence of comparative negligence. The admissibility of such evidence shall be determined by the court out of the hearing of the jury.

Senate Bill 172 by Senator Colomb (Pending Conference) would prohibit a minor under the age of sixteen from entering into a contract of marriage and prohibits a minor sixteen or seventeen years of age from entering into a contract of marriage with a person of the age of majority where there is an age difference of four years or greater between them. Present law provides that a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties

and further provides that a purported marriage between the parties of the same sex does not produce any civil effects.

Senate Bill 172 would retain present law, when the cause of the nullity is another reason, and provides that when the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties. Additionally, present law provides that a minor is fully emancipated by marriage, that termination of the marriage does not affect emancipation by marriage and that emancipation by marriage may not be modified or terminated. **Senate Bill 172** would retain this provision of present law for a minor sixteen or seventeen years of age. Present law provides that unless fully emancipated, a minor may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person. Present law also authorizes the state registrar of vital records, or a judge of the city court, in the Parish of Orleans; the clerk of court, in any other parish; or a district judge, if the clerk of court is a party to the marriage to issue marriage licenses. **Senate Bill 172** would provide that a minor under the age of sixteen may not enter into a matrimonial agreement. **Senate Bill 172 by Senator Colomb** also provides that a minor sixteen or seventeen years of age may not enter into a matrimonial agreement without the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Senate Bill 172 would prohibit the issuance of a marriage license for a minor under the age of

sixteen and prohibits the issuance of a marriage license for a minor of the age of sixteen or seventeen where there is an age difference of four years or greater between the persons seeking the marriage license. Further, **Senate Bill 172** would prohibit an officiant from performing a marriage ceremony in which a minor sixteen or older is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court as provided by law. **Senate Bill 172** also prohibits the performance of a marriage ceremony for a minor under the age of sixteen.

Lastly, present law prohibits an officiant from performing a marriage ceremony in which a minor is a party unless the minor has the written consent to marry of either both parents, the tutor of his person, a person who has been awarded custody of the minor, or the juvenile court. A minor under the age of sixteen must also obtain written authorization to marry from the judge of the court exercising juvenile jurisdiction in the parish in which the minor resides or the marriage ceremony is to be performed. Judicial authorization is required upon application by the minor, for the marriage when there is a compelling reason why the marriage should take place. **Senate Bill 172** would provide for judicial authorization upon application by a minor of the age of sixteen or seventeen, for the marriage when there is a compelling reason why the marriage should take place. **Senate Bill 172** would further provide that no marriage shall be authorized for a minor under the age of sixteen.

House Bill 425 by Representative Jackson (Act 447) provides that nothing in the Louisiana Constitution shall be construed to secure or protect a right to abortion or require the funding of abortion. The proposed constitutional amendment provides that, to protect human life, nothing in the present constitution shall be construed to secure or protect a right to abortion or require the funding of abortion.

House Bill 425 by Representative Jackson provides for submission of the proposed amendment to the voters at the statewide election to be held October 12, 2019.

Public Safety/Law Enforcement

by: Nancy Vicknair
(225) 342-1472

CRIME

House Bill 140 by Representative Crews (Pending House Criminal Justice) would create the crime of terrorizing of a judge or law enforcement officer which prohibits a person from making a threat to cause death or serious bodily injury to a judge or law enforcement officer in retaliation for the legal performance of their duties through the use of electronic, textual, visual, written, or oral communication. Would further provide that to constitute a violation, it is necessary that the judge or officer reasonably believes that the threat of death or serious bodily injury is so imminent that the professional or personal life activities of the judge or officer is altered or otherwise changed in the interest of personal safety.

The legislation would provide for penalties which include a fine of not more than \$15,000 or imprisonment with or without hard labor for not more than 15 years, or both.

CRIME/PUNISHMENT

Senate Bill 145 by Senator Johns (Act 409) creates a coalition to develop a human trafficking victim services delivery model, provides that such model is to be developed with consideration of the recommendations of, and collaboration with, the La. Human Trafficking Prevention Commission and Advisory Board, and provides a multi-disciplinary and agency approach that

coordinates resources and improves the statewide response and delivery of services to victims.

LAW ENFORCEMENT

Senate Bill 238 by Senator Mizell (Act 280) provides for abortion clinic employees to be mandatory reporters of human trafficking and certain sexual based crimes to law enforcement and provides for the additional postings of the National Human Trafficking Resource Center hotline information.

The legislation adds "abortion facility staff member" to the list of healthcare staff members who are mandatory reporters of child abuse or neglect and requires abortion facility professionals and abortion facility staff members to report crimes of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to law enforcement, whether the victim is a minor child or an adult. The legislation also requires that the report be made immediately not later than the end of the business day.

The legislation defines "abortion facility professional" or "outpatient abortion facility professional" as an individual who is a physician, surgeon, resident, intern, licensed nurse, nursing aide, emergency medical technician, or a paramedic who diagnoses, examines, or treats a female patient at an outpatient abortion facility. It also defines

"abortion facility staff member" or "outpatient abortion facility staff member" as an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility.

The legislation requires the La. Dept. of Health to promulgate a form which may be used by a mandatory reporter to law enforcement to report a crime of human trafficking, trafficking of children for sexual purposes, rape, incest, or coerced abortion to the sheriff's department in the parish or to the local police department where the outpatient abortion facility is located.

The legislation provides that beginning Aug. 1, 2019, every mandatory reporter to law enforcement is required to certify to the La. Dept. of Health that they have participated in training on human trafficking awareness and prevention on an annual basis. Requires the La. Dept. of Health to maintain the name of each mandatory reporter to law enforcement as confidential, and the information shall not be subject to disclosure pursuant to the Public Records Law. The legislation further requires that the La. Dept. of Health promulgate rules to provide for compliance with such training requirement.

Current law requires information regarding the National Human Trafficking Resource Center Hotline to be posted in certain establishments and requires such notice to meet certain size, font, and language requirements to be set by the commissioner of the Alcohol Tobacco Control (ATC) and the applicable phone

number to be included in the notice. The legislation retains those provisions and also requires that the notice also include the ability to text "Help" to 233733 (Be Free) in order to access help and services.

The legislation provides that, in addition to the posting requirement, beginning on Jan. 1, 2020, each establishment required to post such information shall affix a flyer to the inside of the door to each bathroom stall at the establishment. It also provides that the flyer will be designed by the Greater New Orleans Human Trafficking Task Force, with the approval of the ATC commissioner, and be no larger than 8 ½ by 11 inches. It further provides that no later than Dec. 1, 2019, the Greater New Orleans Human Trafficking Task Force shall transfer the flyer in an electronic format to the ATC commissioner for posting on the ATC's website.

TRAFFIC

Senate Bill 148 by Senator Hewitt (Pending Senate Judiciary A) would allow consideration of evidence of failure to wear a safety belt in an action to recover damages arising from a motor vehicle accident as comparative negligence and removes provision prohibiting its admission to mitigate damages.



Retirement

*by: Margaret Corley
(225) 342-8827*

COST-OF-LIVING ADJUSTMENTS (COLAs)

Senate Bill 10 by Senator Bodi White (Act 77) provides relative to permanent benefit increases (PBI) for the retirees of the Sheriffs' Pension and Relief Fund. Limits the board of trustees to granting only one type of PBI in any fiscal year which may equal no more than 2.5%.

SURVIVOR BENEFITS

Senate Bill 13 by Senator Ronnie Johns (Act 41) provides for a benefit payable to the surviving spouse of a member of the State Police Retirement System killed in the line of duty. Named the "Troop William Michael Kees Act", this provides that the surviving spouse of a member killed in the line of duty prior to June 11, 1999, shall resume receiving the survivor death benefit upon the dissolution of any subsequent marriage by death or divorce.

WEP/GPO

House Concurrent Resolution 20 by Representative Sam Jones (Sent to the Secretary of State) memorializes congress to consider eliminating the Windfall Elimination Provisions (WEP) and the Government Pension Offset (GPO) Social Security benefit reduction.

FUNDING METHOD

House Bill 21 by Representative Kevin Pearson (Act 91) changes the actuarial funding method for the Firefighters' Retirement System to frozen initial liability and establishes amortization periods for unfunded accrued liability.



Revenue & Taxation

by: Leonore Heavey
(225) 342-8313



Sales Tax Exemptions

After three special sessions in 2018, the legislature reached a compromise to stabilize state revenue until 2025 by reducing the number of applicable sales tax exemptions and by continuing 0.45 percent of the 1.0 percent temporary sales tax initially enacted in 2016 until July 1, 2025. Less than a year later, several new sales tax exemptions and reinstatements of suspended exemptions were introduced, many of which, had they been enacted would have reduced state revenue significantly. One of the sales tax exemptions that was partially suspended by Act 1 of the 2018 Third Extraordinary Session was the exemption for business utilities that results in the taxation of business utilities at 2%. **House Bill 603 by Representative Stefanski (pending Senate Revenue and Fiscal Affairs)** would have reinstated the full exemption. Representative Stefanski voluntarily deferred the bill in Senate Revenue and Fiscal Affairs.

Senate Bill 21 by Senator Peacock (pending Senate Revenue and Fiscal Affairs) and **House Bill 599 by Representative Lance Harris (pending Senate Revenue and Fiscal Affairs)** both proposed to reduce the portion of 0.45% temporary sales tax sent to the general fund. House Bill 599 would have simply phased out the temporary tax before the 2025 sunset. Senate Bill 21 would have deposited an increasing amount of this

temporary tax into the Transportation Trust Fund and according to the author would have allowed the state to avoid a cliff when the tax sunsets in 2025 as well as providing additional revenue to the Transportation Trust Fund.

The sales tax exemption and rate reduction proposals with the largest state revenue impact were not reported to the floor by Senate committees, but several bills with smaller fiscal impacts are on their way to being enacted. These bills include **Senate Bill 5 by Senator Morrell (pending Senate conference)** that exempts diapers and feminine hygiene products from state sales tax, **Senate Bill 225 by Senator Fannin (Act 199)** that exempts purchases of seed, feed, and fertilizer by student farmers, and **House Bill 90 by Representative Moss (Act 419)** that creates a rebate of the state sales tax paid on the purchase of a motor vehicle by an individual for the transportation of a person who is permanently orthopedically disabled.

Several instruments were introduced that sought to reinstate at least one of the three state sales tax holidays that were suspended by **Act 1 of the 2018 Third Extraordinary Session** including **Senate Bill 234 by Senator Ward** and House Bill 60 by Representative **Jay Morris (Failed House Final)**. **Senate Bill 234** would moved all three holidays to the

same date and would have applied the holidays to local sales taxes. All three holidays were added to the diaper sales tax exemption bill (**Senate Bill 5 by Senator Morrell—pending in Senate Conference**) on the House floor.

Tax Credit Sunset Extensions

In order to give future legislatures the ability to review state spending on tax preferences, sunset dates were added to numerous tax credit programs during the 2017 Regular Session. Although most of these programs do not sunset until 2021 or 2022, bills were introduced that extend selected programs by four or more years for the Angel Investor Tax Credit (**House Bill 586 by Representative Jimmy Harris--pending Senate Finance**), the Historic Structure Rehabilitation Credit (**Senate Bill 222 by Senator Riser—pending Senate Revenue and Fiscal Affairs and House Bill 83 by Representative Jimmy Harris--pending Senate Finance**), the Research and Development Tax Credit (**House Bill 480 by Representative Davis Harris--pending Senate Finance**), and the Sound Recording Investment Tax Credit (**House Bill 331 by Representative Leger—pending in Conference Committee**). All but **House Bill 480** would make changes to the underlying programs in addition to extending the sunset date.

At this point, the only one of these bills appears likely to make it through the entire process, is **House Bill 331**, that would extend the sunset date of the Sound Recording Investment Tax Credit from July 1, 2021 to July 1, 2026 and adds a credit enhancement of

10% for sound projects that use Louisiana copyrighted musical compositions.

Income Tax Proposals

There were several House proposals that would have reduced the maximum individual or corporate income tax rate, eliminated the constitutional requirement to provide a deduction for federal income tax paid, eliminated the deduction for excess federal itemized deductions, and would have instituted a zero tax bracket for incomes below a certain threshold including **House Bills 441 and 451 by Representative Ivey, House Bills 260 and 262 by Representative Stokes, and House Bills 151 and 191 by Representative Zeringue**. All proposals consisted of a constitutional amendment and a statutory companion. The proposed constitutional amendment **House Bill 151 by Representative Zeringue (failed House final passage)** fell one vote short of the required 70 votes for final passage. It is likely that these concepts will be debated again in the 2021 Regular Session, perhaps as part of comprehensive tax reform.

Senate Bill 223 by Senator Allain (pending in House Conference) would provide for an election that allows flow through business such as Subchapter S corporations and LLCs to pay state income tax at the corporate level rather than on the partners, members, and shareholders individual income tax returns. This would allow these entities to deduct their state and local taxes at the entity level when computing their federal income tax. Entities making this election would be required to calculate their Louisiana income tax in the same way as a Louisiana C corporation. The

shareholders or members of the entity will not be required to include the income from the entity on their Louisiana individual income tax returns. **Senate Bill 223** picked up hitchhiker on the House floor that will allow Combat Injured Veterans to seek the state income refund that they are entitled to related to the improper imposition of federal income tax on disabled veterans' payments. Because the disabled veteran payments were on account of physical injury, these veterans should never have had to pay tax on these payments and this provision enables the state to refund the state income tax that was paid on the payments.

Calls for Tax Reform

Although **House Bill 599 by Representative Lance Harris (pending Senate Revenue and Fiscal Affairs)** was deferred by the Revenue and Fiscal Affairs committee, during the hearing on the bill, the committee and the author engaged in a frank and open discussion for the need for comprehensive state tax reform.

Senate Bill 93 by Senator Ward (pending Senate Revenue and Fiscal Affairs) proposed a decrease in the maximum corporate income tax rate in exchange for an elimination of the majority of corporate income tax credits. Because of the origination clause of the state constitution, a House instrument will be necessary to provide a comprehensive solution to the state's corporate tax structure that involves addressing the federal income tax deduction.

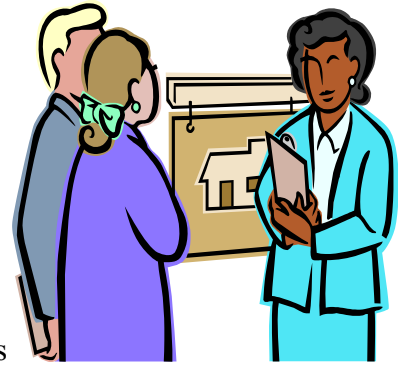
Senate Bill 125 by Senator Ward (pending Senate Finance) that would have eliminated the corporate franchise tax on the first \$300,000 of taxable capital for all franchise taxpayers, **House Bill 31 by Representative DeVillier (pending House Ways and Means)** would have repealed the entire corporate franchise tax, and **House Bill 523 by Representative Ivey (pending House Ways and Means)** would have phased out the corporate franchise tax and would have made up part of the revenue loss by eliminating several corporate income tax credits. Although none of these proposals left their chamber of origin, the bills also led to discussions of the need for comprehensive tax reform.

Tax Administration

House Bills 428 (Act 446) and 583 (Act 365) by Representative Dwight a proposed constitutional amendment and statutory bill allow the Board of Tax Appeals to hear and rule on constitutional questions that arise during the course of state and local tax disputes. These instruments specifically provide that the Board will not have jurisdiction to hear matters arising from claims that a law is unconstitutional because the state constitutional requirements for the passage of laws were not met. Those matters will continue to be in the exclusive jurisdiction of the district courts.

Social Services

by: Ann S. Brown
(225) 342-0333



CHILDREN

Senate Resolution 7 by Senator Mills (Sent to Secretary of State) requests the Louisiana Department of Health and the Louisiana Department of Education coordinate an awareness effort to have children screened for scoliosis.

Senate Bill 109 by Senator Barrow (Act 400) establishes an extended foster care program for children who are at least 18 years old, but less than 21 years old. In extended foster care proceedings, a court exercising juvenile jurisdiction makes a determination whether it is in the youth's best interest to continue in extended foster care in a voluntary placement.

Senate Concurrent Resolution 56 by Senator Long (Sent to Secretary of State) requests the Department of Children & Family Services to establish the "Task Force on Protecting Children from Exposure to Pornography" to study all issues related to the exposure of children and the impact it has on their lives.

House Bill 537 by Representative Mike Johnson (Act 241) provides that parents or other individuals of children who have been voluntarily or involuntarily placed in foster care, are deemed to have made an assignment of their rights to the Department of Children & Family Services. Such assignments

includes the parent's or individual's entire right, title, and interest, to any support obligation they may have.

House Bill 108 by Representative Pylant (Pending Senate Health & Welfare) would have authorized the installation and use of newborn safety devices at infant relinquishment sites designated in the Safe Haven Law and provides requirements and specifications relative to such devices.

House Bill 550 by Representative Turner (Act 244) provides that the identity of a person making a complaint relative to an early learning center, family child care or in-home provider, or fraud pertaining to the Child Care Assistance Program and related state Dept. of Education investigation records shall be confidential and shall not be public records.

House Concurrent Resolution 38 by Representative Lyons (Sent to Secretary of State) requests the state Dept. of Education, the La. Dept. of Health and the Dept. of Children & Family Services to continue to work collaboratively to coordinate opportunities and access to early childhood programs and provides for a written report by 12/1/19.

LAW ENFORCEMENT

House Bill 170 by Representatives Jones (Act 378) adds cadets participating in the Dept. of Wildlife & Fisheries Enforcement Training Academy and in the La. State Police Training Academy to the list of law enforcement officers whose surviving spouses and children are eligible to receive financial security.

Senate Bill 238 by Senator Mizell (Act 280) provides for abortion clinic employees to be mandatory reporters of human trafficking and certain sexual based crimes to law enforcement and provides for the additional postings of the National Human Trafficking Resource Center hotline information.

House Bill 548 by Representative Cox (Act 243) requires the Bureau of Criminal Identification & Information to release certain criminal history record information to the Dept. of Children & Family Services relative to certain individuals employed by therapeutic group homes and child care institutions.

MEDICAID

Senate Bill 239 by Senator Mills (Act 263) requires the La. Dept. of Health to develop and submit a comprehensive plan to administer the Medicaid prescription drug benefit program and submit the plan to the Senate & House committees on health and welfare by 2/1/2020.

House Bill 424 by Representative Stagni (Act 330) requires the provision of certain information for the denial of claims and prior authorization requests by Medicaid managed care organizations.

House Bill 409 by Representative Franklin (Pending Senate Finance) would provide that no Medicaid managed care organization shall deny a behavioral health services provider, licensed by the La. Dept. of Health, the opportunity to be a participating provider in the provider network of the managed care organization if the behavioral health services provider meets all requirements of participation in the state Medicaid program.

House Bill 373 by Representatives Thomas (Pending Senate Finance) would create a four-bed home peer group for intermediate care facilities for people with developmental disabilities and provides for the calculation of Medicaid per diem rates for those facilities.

House Bill 526 by Representative Hoffmann (Pending Senate Health and Welfare) would prohibit the imposition of prior authorization requirements in Medicaid managed care organizations for certain prescription medications used in treating opioid use disorder.

House Bill 204 by Representative Pierre (Act 299) authorizes the La. Dept. of Health to assess Medicaid provider fees on nonemergency ground ambulance transportation services furnished by certain providers.

House Concurrent Resolution 43 by Representative Bacala (Sent to Secretary of State) requests the secretary of the La. Dept. of Health to reconsider the department's election to exclude roughly two-thirds of the state's Medicaid enrollees from quarterly income eligibility verification.

House Bill 199 by Representative Horton (Act 421) requires the La. Dept. of Health to institute the Tax Equity & Fiscal Responsibility Act of 1982 (TEFRA) option for providing Medicaid-funded services to children with disabilities regardless of their parent's income.

TAX CREDITS

House Bill 595 by Representative Wright (Pending Senate Finance) would authorize a nonrefundable income tax credit for donations a taxpayer makes to a foster care organization equal to the actual amount of the donation used by the organization to provide services to a qualified individual, or \$100,000, whichever is less.

Senate Bill 222 by Senator Riser (Pending Senate Revenue and Fiscal Affairs) and House Bill 83 by Representative Jimmy Harris (Pending Senate Finance) would extend the sunset for the tax credit for the rehabilitation of nonresidential historic structures from 1/1/22 to 1/1/26, and limits the maximum amount of credits awarded in a calendar year to \$150 million.

State Government

by: James Benton
(225) 342-0597



State Government is the essence of what we do at the Louisiana Legislature. Legislators come together from across the state to effect positive changes for the state of Louisiana. This year we had a myriad of legislative instruments that came across the Senate chamber.

Taxation

Senate Bill 37 by Senator Peacock (Act 183)

Current law authorizes municipalities and parishes to refer unpaid debt to the Department of Revenue for offset against individual income tax refunds. Proposes law authorizes all units of local government, including school boards and special districts, to refer unpaid debt to the Department of Revenue for offset against individual income tax refunds. Proposed law defines debt as any legally collectible, liquidated sum due and owing an agency that is in excess of \$25 and provides that an unpaid balance for public elementary and secondary school meals will not be considered debt for purposes of the income tax refund offset program. Proposed law provides for a priority ranking of refund offset claims and retains current law priority for municipalities and parishes and adds all other local government units authorized to perform governmental functions, including a school board or special district to this priority level.

Gaming

Senate Bill 196 by Senator Morrell (Pending Senate Final) Would have authorized

the local governing authority in which a riverboat or the land-based casino is located to levy a fee of up to \$50 on progressive slot annuities and cash gaming winnings. Would provide that proposed law will only apply to payments for which the licensee is required to file Form W-2G, or a substantially equivalent form, with the United States Internal Revenue Service. A licensee is required to file an IRS Form W-2G on any patron who wins \$600 or more in gambling winnings if the winnings are at least 300 times the amount of the wager. Current licensed riverboats and the land-based casinos are located in the parishes of (or municipalities therein) Bossier, Caddo, Calcasieu, East Baton Rouge, Jefferson, Orleans, and St. Mary. Provides that the licensee shall deduct the amount of the fee from the payment of the progressive slot machine annuity or cash gaming winnings. Requires deducted amounts to be accumulated by the licensee and remitted on a monthly basis to the local. Would provide that deductions will be after any administrative fee and any child support arrearages or child support overpayments have been deducted.

Public Contracts

Senate Bill 200 by Senator Cortez (Act 261) creates a pilot program to authorize local

governmental subdivisions and political subdivisions to use A+B bidding method to determine the lowest responsive bidder on a contract for public works. The pilot is limited to 15 projects subject to prior approval of the House and Senate committees on transportation, highways, and public works. If the committees approve a project, the owner is required to submit in writing to the chairmen of committees, the name and address of the lowest responsive bidder awarded the contract, together with the bid values of the A+B components. Further, upon completion and acceptance of the project, the owner is required to submit in writing to the chairmen of the committees a project report that includes the final project cost and an evaluation of whether or not contract times were reduced, costs were acceptable, and quality was maintained by use of the A+B bid method.

Local Government ~

House Bill 261 by Representative Hollis (Pending House, Parochial, and Cultural Affairs) Current law provides that New Orleans and East Baton Rouge and Jefferson parishes may designate a local ethics entity, such as an ethics review board or office of inspector general, that it creates as a law enforcement agency and may thereby confer upon the local ethics entity all investigative powers and privileges appurtenant to a law enforcement agency under state law, including access to information maintained for the use of law enforcement personnel and any information contained in the criminal history record and identification file of the La. Bureau of Criminal Identification and Information. Further authorizes such an entity to make

investigations and examinations, to gather evidence in any matter in any legally appropriate manner, to administer oaths and take the testimony of those sworn, and to compel the attendance of witnesses and the production of public and private records by issuing a subpoena.

Proposed law would have retained current law and makes it applicable to any parish or municipality with a home rule charter. Would have provided, for the applicability to an inspector general only if the position is created in the home rule charter.

Current law authorizes inspectors general and other ethics entities to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Entities of the local governmental subdivision.
- (2) Entities receiving funds through or for the benefit of the local governmental subdivision, including any officer, employee, elected official, department, agency, board, commission, public benefit corporation, quasi public agency, or body of the municipality or parish.
- (3) Contractors, subcontractors, and licensees of the municipality or parish.
- (4) Applicants for certification of eligibility for a contract or program.
- (5) Parish and municipal governing authorities.

- (6) Districts, boards, and commissions created by the parish or municipality.
- (7) Independently elected parish public officials whose offices receive funds from the parish or municipality.

Proposed law would have retained current law and further authorizes a parish inspector general to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Political subdivisions with a jurisdiction wholly contained within the parish.
- (2) The offices of officials that receive parish funds.

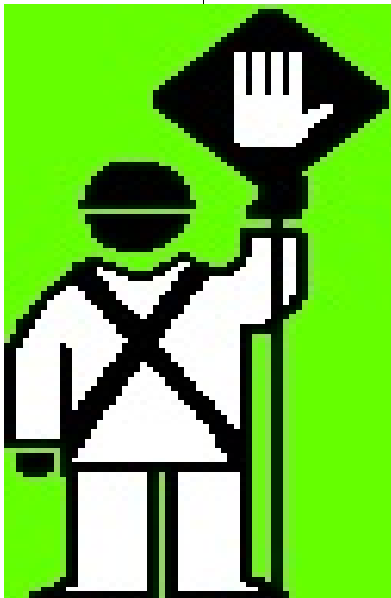
Proposed law would have also authorized a parish or municipality to dedicate to the funding of its inspector general any revenue saved or recovered as a result of the discovery by the inspector general of fraud, waste, or inefficiency in the operations of an entity.

Transportation & Development

by: Sharon Lyles
(225) 342-1126

Raising sustainable revenue dedicated to the improvement of Louisiana's infrastructure is a recurring issue facing the Department of Transportation and Development and continues to be particularly challenging in an election year. The Louisiana Coalition to Fix Our Roads, a nonprofit, statewide organization that advocates for improving Louisiana's roads and bridges, announced its intent to make passing an increase to the gasoline tax an issue in the Fall 2019 election, particularly targeting the governor's race.

House Bill 542 by Representative Steve Carter (considered and deferred at the request of the author in the Committee on Ways and Means on May 20, 2019) proposed to increase the gallon tax on gasoline, diesel, and special fuels and proposed to levy an annual tax on electric and hybrid vehicles and to dedicate a portion of the tax to the Construction Subfund of the Transportation Trust Fund. Absent calling a Special Session with this issue included in the call, raising the gas tax is not eligible for consideration again until the 2021 Regular Session of the Legislature.



Funding Initiatives

Monies for road and bridge projects this 2019 Regular Session have centered around innovative finance tools (GARVEE Bonds and public-private partnerships) and the search for one-time revenue sources.

House Bill 578 by Representative Tanner Magee (Act 443)

dedicates the economic proceeds from the Deepwater Horizon litigation to transportation projects and redirects funding to the Construction Subfund of the Transportation Trust Fund for Fiscal Years 2021-2034, and requires, after paying of amounts due on bonds and related expenses, the state treasurer to immediately transfer the balance of the annual payments of \$53,333,333 from the Deepwater Horizon litigation to the Construction Subfund of the Transportation Trust Fund. The economic damage proceeds and the bonds shall be issued, after paying the costs associated with the issuance of the bonds, solely and exclusively for the following projects and in the following amounts:

(a) For Fiscal Years 2021-2026, \$25,000,000 per year for Phase Two of the LA 1 Improvement Project between Golden

Meadow, La. and Leeville, La.- \$150,000,000

(b) LA 415 Bridge at the Intracoastal Canal - \$125,000,000

(c) I-49 South - \$150,000,000

(d) LA. Highway 3241 from I-12 to Bush, La. - \$50,000,000

(e) Additional two lanes for the Jimmie Davis Bridge (LA 511) and Repair of the Existing Bridge - \$100,000,000

(f) Acquisition of a New Cameron Parish Ferry - \$20,000,000

(g) On-System Bridge Program for the replacement and rehabilitation program for highway bridges on any federal-aid system over waterways, other topographical barriers, other highways, and railroads - \$40,000,000

(h) Sugarhouse Road Extension/Eddie Williams Boulevard to LA 43 Highway 1, Phase I and II - \$19,000,000

(i) Acquisition of Two Cranes for the Port of New Orleans - \$20,000,000

(j) Hooper Road Widening from LA 3034 to LA 37 - \$15,000,000

The use of public-private partnerships to advance transportation mega-projects has been discussed and proposed this Session

House Bill 561 by Representative Abraham (Pending Senate Committee on Transportation, Highways and Public

Works) proposed creation of the Calcasieu Parish Tolling Authority to advance replacement of the Interstate 10 Bridge over the Calcasieu River in Calcasieu Parish via a public-private partnership and imposition of tolls. On a recent visit to Louisiana, President of the United States Donald J. Trump visited Lake Charles and promised, if re-elected, to provide federal-aid funds to replace the bridge. The president's promise prompted Representative Abraham to request deferral of this measure. Tolls in Louisiana are not a popular alternative to fund transportation projects. Public-private partnerships are generally synonymous with the imposition of tolls.

Senate Concurrent Resolution 122 by Senator Morrish (Sent to Secretary of State) directs the Department of Transportation and Development to expedite procurement, planning, engineering, and design for a new Interstate 10 Calcasieu River Bridge, in cooperation with the Southwest Area Chamber's I-10 Bridge Task Force.

In 2001, the Legislature of Louisiana created the Louisiana Transportation Authority (LTA)(R.S. 48:2071 et seq.) with the power to impose, revise, and adjust from time to time tolls, fees, and charges in connection with its projects sufficient to pay all project costs, maintenance, operation, debt service and reserve or replacement costs, and other necessary or usual charges. The first and only project to date pursued by the LTA was the replacement of the Leeville Bridge on LA 1 with the use of tolls. In 2006, the Legislature expanded LTA's authority to include public-private partnerships. In 2016, the Legislature

authorized the Department of Transportation and Development to with approval of the House and Senate transportation, highways, and public works committees, may solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility, provided the department shall comply with the provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private partnership projects of the Louisiana Transportation Authority. (R.S. 48:250.4) The Department of Transportation and Development was granted authority to solicit for a public-private partnership agreement to replace the Belle Chase Tunnel and Bridge in December 2017 and has received one proposal that was the subject of a public hearing before the Joint Committee on Transportation, Highways and Public Works on May 30, 2019. A variety of funding sources, including GARVEE Bonds, INFRA grant funds, and tolls, are to be used to finance the project. Whether or not the Department of Transportation and Development or a private developer of a state project has legislative authority to impose tolls is an issue? R.S. 48:250.4 as passed does not grant legislative authority for the department to impose tolls.

The department has also requested and received approval from the Joint Committee on Transportation, Highways and Public Works on May 30, 2019, to solicit a public-private partnership agreement to construct LA 3241 from I-12 to Bush, one of two unfinished TIMED projects. [R.S. 47:820.2(B)(1)(a)] Tolls are not a source of project funds. Monies for the project would include private funds subject to repayment over a term of

years, state and federal funds, and TIMED dollars of \$25 million being set-aside annually by the department to complete this project and the Florida Avenue Bridge project, the other unfinished TIMED project.

Legislation related to the department's use of public-private partnership is, as follows:

House Bill 348 by Representative Bourriaque (Act 358) which allows the department and the LTA to retain liability for damages arising from personal injury or property damage to third parties occurring on an existing state owned highway or transportation facility, or portions thereof; and

House Bill 567 by Representative Larvadain (Act 361) which provides for the department to collect and enforce tolls and to contract with an operating entity to perform toll collection and enforcement.

The state's operating budget in **House Bill 105 by Representative Henry (Act 10)** contains the department's operating budget in Schedule 7.

House Bill 479 by Representative Gary Carter (Act 163) recreates the New Orleans Ferry Fund and redirects approximately \$1.14 M annually derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans from the Statutory Dedication - Transportation Trust Fund-Regular into the Statutory Dedication - New Orleans Ferry Fund. Monies in the New Orleans Ferry Fund will be used exclusively to fund operations of

the Calmed ferry and to provide ferry service formerly operated by DOTTEd’s Crescent City Connection Division. Under present law, monies from this source flow into the Transportation Trust Fund Regular and are utilized for general operating, maintenance and capital construction expenditures of DOTTEd.

House Bill 286 by Representative Henry (Act 362), the funds bill, relative to the department, would redirect twenty-five percent of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481 on trucks and trailers in Jefferson Parish (approximately \$450,000 of former Highway Fund #2 receipts) from the Transportation Trust Fund to the newly created Regional Maintenance and Improvement Fund for the single year of FY20.

Priority Programs

House Bill 2 by Representative Abramson (Act 20) the Capital Outlay Bill would include funding for the following department programs:

Highway Program	\$ 909,738,612
Non-Federal Aid Eligible Highway Program	\$ 36,000,000
Port Construction and Development Priority Program	\$ 44,400,000
Aviation Construction and Development Priority Program	\$ 28,246,478

Statewide Flood Control Program
\$ 20,186,800

Act 20 authorizes the sale of State of Louisiana Grant Anticipation Revenue Bonds (GARVEE), in one or more series, not exceeding \$650,000,000 for the Barksdale Project, Loyola Project, I-10 Project, and the Belle Chasse Project. The first series of GARVEE Bonds in the original principal amount of not exceeding \$185,000,000 have been sold; sale of the second series of GARVEE Bonds in the principal amount of approximately \$142,000,000 is subject to approval of the Joint Legislative Committee on the Budget.

House Bill 394 by Representative Carmody (Act 222) creates the Class II and III Rail Improvement Infrastructure Program beginning in Fiscal Year 2021. This is a new priority program that is not funded with Transportation Trust Funds. Class II and III railroads are private companies, commonly referred to as short line railroads, for the movement of freight. This program is established to participate in federal funds.

Highway Classifications

House Bill 127 by Representative Pierre (Act 375) increases the number of highway classifications from twelve to fourteen to conform to highway classifications established by the United States Department of Transportation.

High Occupancy Vehicle Lanes

Senate Bill 84 by Senator Erdey (Act 81) authorizes the secretary of DOTD or his designee to designate a high occupancy

vehicle (HOV) lane on any highway in the state highway system, where adequate shoulders exist, and may restrict the use thereof to vehicular traffic classified as a "high occupancy vehicle (HOV)" to the extent he thinks it expedient that, in his judgment, is appropriate to provide travel time savings and to increase the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion. DOTD did a study of the feasibility of implementing HOV lanes on Interstate 12 to help relieve traffic congestion in the Baton Rouge Metropolitan area. This is promoted as a cost saving measure versus construction of lanes to increase capacity on congested roads.

Highway and Bridge Designations

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. Fiscal notes on several of the bills advise that the department expends from \$550 to \$1,100 per sign from the Transportation Trust Fund to install and fabricate a memorial sign dependent upon a sign's location. Material and labor 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 that local or private monies are provided to the department to offset expenditures for sign costs that would otherwise be paid from monies in the Transportation Trust Fund due to the backlog of highway needs and the insufficiency of Transportation Trust Fund monies for infrastructure needs resulting in a \$14 billion backlog of unfunded highway and bridge needs.

Senate Bill 2 by Senator Mizell (Act 38) designates a portion of Louisiana Highway 25 in Washington Parish as the "Jerry Joe Rayborn Memorial Highway".

Senate Bill 8 by Senator Riser (Act 39) designates Louisiana Highway 124 in Catahoula Parish as the "Lt. Col. R.V. McHale Memorial Highway" and designates United States Highway 167 from the Winn Parish line to the village limits of Dry Prong in Grant Parish as the "Preston Hall Mosley Memorial Highway".

Senate Bill 31 by Senator Fannin (Act 26) designates the portion of Louisiana Highway 34 between its intersection with the north corporate limits of the town of Chatham and south to its intersection with Louisiana Highway 4, all in Jackson Parish, as the "Second Lieutenant Harvel Moore Memorial Highway".

Senate Bill 134 by Senator Bishop (Act 368) requires DOTD to add "Home of the Who Dat Nation" signs to Louisiana welcome signs on I-10 in Louisiana at the Texas and Mississippi State Lines and in downtown New Orleans at the exit to the Superdome and designates United States Highway 90 from its intersection with I-10 in Lafayette to its intersection with Louisiana Highway 308 in Raceland as the "Governor Kathleen Babineaux Blanco Highway".

House Bill 66 by Representative Terry Brown (Act 94) designates a portion of United States Highway 84 in LaSalle Parish as the "Veterans Memorial Highway".

House Bill 79 by Representative Dubuisson (Act 113) designates a portion of United States Highway 190 in LaSalle Parish as the "Veterans Memorial Highway; designates a portion of United States Highway 4 in Shreveport, Louisiana, as the "Ralph D. Balentine Memorial Highway.

Outdoor Advertising Signs

Two instruments were pre-filed aimed at reducing the proliferation of outdoor advertising signs. Trial lawyer billboards targeting personal injury and property damages resulting from "big truck" crashes appeared to be the target, aside from the arguments that outdoor advertising signs contribute to distracted driving. With opposition from Lamar Advertising, the issue faded after **House Concurrent Resolution 4 by Representative McFarland (Involuntarily deferred by the House Committee on Transportation, Highways and Public Works)** was involuntarily deferred after a lengthy committee hearing. **House Concurrent Resolution 4** proposed to amend the Department of Transportation and Development's administrative rules relative to regulation of outdoor advertising and to increase outdoor advertising permit fees. **Senate Bill 211 by Senator Appel (Pending Senate Committee on Transportation, Highways and Public Works)** proposed to amend the provisions in Title 48 relative to outdoor advertising.

Special Permits

Senate Bill 163 by Senator Cortez (Act 191) authorizes the secretary to issue special permits to permit movement along the interstate highway system within Louisiana of

vehicles, removing the 16-foot width limitation of operating on the interstate highway system.

House Bill 164 by Representative Franklin (Indefinitely postponed on the Senate floor) proposed to create a weight variance applicable to dump trucks.

House Bill 217 by Representative Leger (Act 301) increases the fee for issuance of special overweight permits by fifty percent for single trips and dedicates all revenues collected annually pursuant to R.S. 32:387(H) over \$20 million into the Construction Subfund of the Transportation Trust Fund. Further, it modifies the axle weight limitation for Class II Ocean Container permits, removes the restriction that such axles be a rear axle set in tridem, increases the annual permit fee by fifty percent, removes the limitation that applications for permits must be from owners or operators within a fifty-mile radius of a statutorily defined port or harbor district of a vehicle transporting certain sealed intermodal containers, and provides that the secretary may establish routes for any owner or operator who receives a permit for transporting certain sealed intermodal containers. Biannual permits are authorized for ocean containers. Special provisions for timber harvest season permits are authorized. House Bill 217 should result in a significant increase in revenues deposited into the constitutionally and statutorily dedicated Transportation Trust Fund-Regular (TTF-Regular) and the Construction Subfund of the Transportation Trust Fund (TTF). The department reports that the three-year average for overweight permit fee collections (each fee varies by weight)

between FY 16 and FY 18 pursuant to R.S. 32:387(H) was \$17,119,782. A fifty percent increase in the overweight permit fees would generate approximately \$8.56 M of additional statutorily dedicated revenues, assuming that the increase in overweight permit fees does not cause a decline in the number of permits sought by industry and issued by DOTTED. Under the provisions **Act 301**, the statutorily dedicated TTF-Regular would realize increased deposits of approximately \$2.88 million (to bring the total to \$20 M) and the Construction Subfund of the TTF would realize deposits of \$5.68 million (the portion in excess of \$20 million). There is currently no recurring source of revenue into the Construction Subfund of the TTF.

Transportation Network Companies

House Bill 575 by Representative Tanner Magee (Act 286) establishes requirements for transportation network companies (i.e. Uber and Lyft) and requires the department to implement rules and regulations for the issuance of permits for their operation. Transportation Trust Funds cannot be used for this purpose. Implementation by the department will require appropriation of State General Funds for this purpose.



Wildlife & Fisheries

by: Alan Miller
(225) 342-2576

Senate Bill 65 by Senator Lambert (Act 48) requires each crab trap to have a minimum of two escape rings be located in the upper chamber flush with the baffle and requires a minimum of one escape ring be located in the lower chamber no greater than one mesh length from the trap floor.

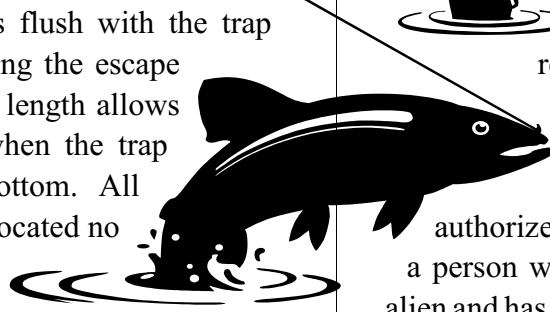
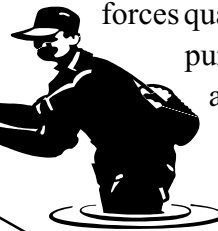
Currently, the escape rings in the lower chamber may be placed on the vertical, outside walls flush with the trap floor or baffle. Moving the escape rings up by one mesh length allows access to the rings when the trap sinks into the water bottom. All escape rings must be located no greater than one mesh length from the corners, to allow greater ease in escape for smaller crabs, beginning on July 1, 2022.

Senate Bill 100 by Senator Allain (Act 53) authorizes the taking of outlaw quadrupeds (coyotes, armadillos, and feral hogs) with a shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition on private property.

Currently, outlaw quadrupeds (coyotes, armadillos, and feral hogs), may only be taken with a shotgun capable of holding three shells. Act 53 also authorizes the taking of outlaw quadrupeds while riding or standing in or

upon a moving land vehicle on private property.

House Bill 86 by Representative Terry Brown (ACT 293) provides that honorably discharged veterans of the U.S. armed forces qualify as "bona fide residents" for purposes of purchase of hunting and recreational fishing licenses.



Currently, a "bona fide resident" in the context of purchasing a license for hunting or recreational fishing activities where such license does not authorize any commercial activity means a person who is a U.S. citizen or resident alien and has resided in this state continuously during the six months immediately prior to the date on which he applies for any such license, and who has manifested his intent to remain in this state by establishing La. as his legal domicile.

Act 293 includes in the definition of "bona fide resident" for these purposes any person who served in and was honorably discharged from the U.S. armed forces or a reserve component of the U.S. armed forces, including the National Guard, and who possesses a La. driver's license or a special identification card issued by the Dept. of Public Safety and Corrections in lieu of a

driver's license. Under Act 293, the six-month residency requirement is effectively waived for an honorably discharged veteran.

House Bill 142 by Representative Leopold (Act 144) permits the use of tongs or harvesting by hand of oysters on the oyster seed grounds under the oyster seed ground vessel permit.

Currently, a permit is required for a person to take oysters for commercial purposes from the public natural reefs or oyster seed grounds or reservations. The annual permit for use of a single scraper is \$250 for a resident and \$1,000 for a nonresident. The cost of the permit for use of a double scraper is \$500 for a resident and \$2,000 for a nonresident.

Act 144 allows use of a tong or by hand in conjunction with the single scraper permit, and by any legal means in conjunction with a double scraper permit.

House Bill 269 by Representative Zeringue (Act 305) eliminates the requirement of an additional license for an assistant to a licensed alligator hunter.

House Concurrent Resolution 65 by Representative Stuart Bishop (Sent to Secretary of State) requests the Dept. of Wildlife and Fisheries to work with the Dept. of Education and the La. School Boards Association to provide firearm and hunter education as a physical education voluntary elective in public high schools.



Louisiana State Budget Update:

*To understand how the state finished this year...
you have to go back to the beginning of last year.*

A Timeline of Budget Events:

24-Jun-18

Final FY19 Budget after One Regular and Three Extraordinary Sessions

As enacted, the 2019 Fiscal Year budget totaled \$30.7 billion.

The legislature met four times to accomplish final passage of the expenditure and revenue proposals. The revenue proposals generated almost \$500 million in recurring revenue.

Additionally, a Supplemental Section totaling \$43.3 million was included. The section required REC to recognize additional revenue prior to January 1, 2019 and needed JLCB approval for expenditure.



FY19 Total State Budget (in \$ millions)

State General Fund	\$9,497.13
Fees and SGR	\$2,837.90
Statutory Dedications	\$4,260.15
Total State Funds	\$16,595.19
Federal Funds	<u>\$14,116.08</u>
Total State Budget	\$30,711.27
Total Positions	36,824

FY19 Supplemental Section

Executive Department (GOHSEP)	\$ 2,000,000
Executive Office	\$ 343,000
Secretary of State	\$ 130,206
Registrars of Voters	\$ 480,000
Attorney General	\$ 869,649
Agriculture and Forestry	\$ 600,000
Economic Development	\$ 500,000
Corrections Administration Personal Services and Acquisitions	\$ 12,290,000
Corrections CSO pay increase	\$ 4,000,000
Youth Services: Raise the Age and Acadiana Center for Youth	\$ 10,800,000
Natural Resources Restoration	\$ 500,000
Natural Resources Oil and Gas Regulatory Program	\$ 280,000
Local Housing of State Adult Offenders	\$ 10,506,197
Total	\$ 43,299,052

Items in Blue required FY19 Supplemental Appropriations

19-Oct-18 FY18 Surplus reported to JLCB in the amount of \$308,053,201. In accordance with law, 25% will go to the Budget Stabilization Fund (\$77 million) and 10% (\$31 million) will go towards the UAL.

Revenue Estimating Conference met twice *before* December 31 to review the FY19 Official Forecast.

- 27-Nov-18 Both economists recommended increases of either \$163 million or \$145 million for FY19. Economists presented first FY20 Official Forecast. Conferees discussed price of oil contained in forecast relative to drops in market. Oil is currently in the forecast at roughly \$59 bbl. The estimates had oil at \$60-\$63 bbl for FY19 & FY20. Conference **did not** adopt any revisions recommended by economists.
- 10-Dec-18 Both economists reduced forecasts for FYs 19 & 20 based on request to estimate oil at \$51 bbl. Reduction in Oil in FY19 reduced estimate by \$20 million/\$30 million. The same reduction for FY20 had a larger impact. Conference **did not** adopt any revisions recommended by economists.

31-Dec-18 Supplemental Section of HB1 becomes Null and Void



Louisiana Senate Finance Committee Budget Update

Timeline of Significant Budget Events

Two Additional Revenue Estimating Conference Meetings Scheduled to Establish FY20 Forecast

11-Jan-19 Revenue Estimating Conference meets.

Economists presented no changes to individual forecasts different from the December meeting.

Therefore: FY19 increases ranged between \$126.3 million and \$138.3 million.

FY20 increases ranged between \$67 million and \$125 million.

Speaker offered alternative forecast for FY20 that doesn't adjust State General Fund.

Conference **did not** adopt any revisions recommended by economists.

11-Feb-19 Revenue Estimating Conference meets.

Economists revised forecasts for February meeting.

Economists proposed increases of either \$122.3 million or \$148.7 million to the FY19 Forecast.

Economists proposed increases of either \$90 million or \$134.4 million to the FY20 Forecast.

Speaker offered alternative forecast for FY20 that didn't adjust State General Fund.

Conference discussed impact of not having an Official Forecast for purposes of the Executive Budget.

Conference **did not** adopt any revisions and did not establish an Official Forecast for FY20.

22-Feb-19 FY20 Proposed Budget Presented to Joint Legislative Committee on the Budget

Budget document relied on forecasts presented to REC over the last year.

There was no FY20 Official Forecast adopted by REC.

FY19 vs FY20 Comparative Statement (in \$ millions)

	FY19 EOB	Proposed FY20	Over /Under EOB	Percent Change
State General Fund Direct	\$ 9,560	\$ 9,740	\$ 180	1.88%
Fees and Self-generated Revenues	\$ 2,847	\$ 3,029	\$ 181	6.37%
Statutory Dedications	\$ 4,321	\$ 4,342	\$ 21	0.48%
Total State Funds	\$ 16,728	\$ 17,110	\$ 382	2.28%
Federal Funds	\$ 14,150	\$ 14,666	\$ 516	3.65%
Grand Total	\$ 30,879	\$ 31,776	\$ 898	2.91%
Total Authorized Positions	33,571	33,675	104	0.31%
Total Other Charges Positions	1,828	1,754	(74)	-4.05%
Total Non-TO FTE Positions	1,504	1,296	(208)	-13.83%
Total Positions	36,903	36,725	(178)	-0.48%

Budget Highlights		Budget Issues	
Teacher pay raise and MFP	\$ 140,184,280	Mandated Costs for Higher Education	\$ 18,000,000
GO Bond Sale	\$ 25,621,352	Early Childhood Education	\$ 8,800,000
Higher Education and TOPS	\$ 25,973,765	Department of Education	\$ 2,300,000
OJJ \$14.9 m. and DCFS \$8.8 m.	\$ 23,749,399	Department of Health	\$ 38,800,000
Statewide Adj.	\$ 64,979,490	Acquisitions	\$ 13,100,000



Louisiana Senate Finance Committee Budget Update

Timeline of Significant Budget Events

21-Mar-19 HB 103 filed by Representative Leger — contained the Governor's FY20 Budget Proposal.

21-Mar-19 HB 105 filed by Representative Henry
Did not contain the Governor's Budget Proposal as submitted to JLCB.

Both HB103 and HB105 contained dedications and fees and self-generated revenues that were not recognized by the Revenue Estimating Conference.

State General Fund Comparison Between HB103 and HB105

DEPARTMENT	EOB as of 12/01/2018	HB 103 LEGER	HB 105 HENRY	HB 105 OVER/(UNDER) HB 103
Executive Department	\$ 135,165,035	\$ 134,119,109	\$ 134,119,109	\$ -
Department of Veterans Affairs	\$ 5,592,418	\$ 6,215,569	\$ 5,592,418	\$ (623,151)
Secretary of State	\$ 56,003,629	\$ 55,401,476	\$ 55,401,476	\$ -
Office of the Attorney General	\$ 17,520,088	\$ 17,354,514	\$ 17,354,514	\$ -
Lieutenant Governor	\$ 1,041,842	\$ 1,082,973	\$ 1,041,842	\$ (41,131)
State Treasurer	\$ -	\$ -	\$ -	\$ -
Public Service Commission	\$ -	\$ -	\$ -	\$ -
Agriculture and Forestry	\$ 18,300,151	\$ 19,033,707	\$ 18,300,151	\$ (733,556)
Commissioner of Insurance	\$ -	\$ -	\$ -	\$ -
Department of Economic Development	\$ 20,063,613	\$ 21,575,802	\$ 20,063,613	\$ (1,512,189)
Department of Culture Recreation and Tourism	\$ 32,960,531	\$ 32,497,266	\$ 32,497,266	\$ -
Department of Transportation and Development	\$ -	\$ -	\$ -	\$ -
Corrections Services	\$ 504,803,318	\$ 521,670,104	\$ 504,623,318	\$ (17,046,786)
Public Safety Services	\$ 51,504	\$ -	\$ -	\$ -
Youth Services	\$ 111,686,001	\$ 124,995,276	\$ 111,686,001	\$ (13,309,275)
Louisiana Department of Health	\$ 2,482,536,143	\$ 2,493,402,155	\$ 2,471,234,563	\$ (22,167,592)
Department of Children and Family Services	\$ 193,377,419	\$ 206,508,804	\$ 193,377,419	\$ (13,131,385)
Department of Natural Resources	\$ 8,743,801	\$ 7,995,955	\$ 7,995,955	\$ -
Department of Revenue	\$ -	\$ -	\$ -	\$ -
Department of Environmental Quality	\$ -	\$ -	\$ -	\$ -
Louisiana Workforce Commission	\$ 8,252,219	\$ 8,029,040	\$ 8,029,040	\$ -
Department of Wildlife and Fisheries	\$ -	\$ -	\$ -	\$ -
Department of Civil Service	\$ 5,343,846	\$ 5,632,744	\$ 5,343,846	\$ (288,898)
Retirement Systems	\$ -	\$ -	\$ -	\$ -
Higher Education	\$ 1,014,826,798	\$ 1,040,713,592	\$ 1,014,826,798	\$ (25,886,794)
Special Schools and Commissions	\$ 45,820,886	\$ 46,512,129	\$ 45,820,886	\$ (691,243)
Department of Education	\$ 3,586,184,156	\$ 3,726,772,686	\$ 3,687,922,686	\$ (38,850,000)
LSU Health Care Services Division	\$ 24,427,906	\$ 23,981,083	\$ 23,981,083	\$ -
Other Requirements	\$ 557,721,585	\$ 495,138,101	\$ 495,138,101	\$ -
Ancillary Appropriations	\$ -	\$ -	\$ -	\$ -
Non-Appropriated Requirements	\$ 513,973,375	\$ 540,364,015	\$ 539,966,015	\$ (398,000)
Judicial Expense	\$ 153,530,944	\$ 153,530,944	\$ 153,530,944	\$ -
Legislative Expense	\$ 62,472,956	\$ 57,472,956	\$ 57,472,956	\$ -
Capital Outlay	\$ 63,349,760	\$ -	\$ -	\$ -
Total Expenditures	\$ 9,623,749,924	\$ 9,740,000,000	\$ 9,605,320,000	\$ (134,680,000)

Source: Division of Administration / State Budget Office



Louisiana Senate Finance Committee Budget Update

Timeline of Significant Budget Events

10-Apr-19 Revenue Estimating Conference meets.
Economists revised forecasts for April meeting.

FY19

Economists proposed increases of either \$128.5 million or \$110 million to the FY19 Forecast. Conference **adopted** FY19 forecast containing a **\$110 million** increase for the current fiscal year. The excess revenue for FY19 was used for FY19 supplemental appropriations.

Increases in Revenue for Fiscal Year 2019 were appropriated in HB392 (Act 50).

Supplemental Appropriations for FY19	
Homeland Security /Repay FEMA for multiple di	\$ 25,178,234
Louisiana Wireless Information Network System	\$ 2,061,680
Payments for TOPS program	\$ 6,627,240
Corrections for personal/ operating services for current year	\$ 18,290,000
DOA / LaGov Financial Systems	\$ 7,120,925
Partial Repayment to Public Service Commission	\$ 3,500,000
Youth Services - OJJ	\$ 1,266,239
Fiscal Administrator Program	\$ 450,000
LDH for Pennington for diabetes research	\$ 1,000,000
Department of Children and Family Services	\$ 5,427,033
LDH / Rate Restorations & Enhancing Reimbursements	\$ 4,631,821
Higher Education	\$ 4,772,032
Major Events Funds	\$ 3,800,000
Oil & Gas Dispute Payments	\$ 950,000
Judiciary	\$ 2,550,000
Judgments	\$ 12,367,418
Lallie Kemp	\$ 2,825,157
Total	\$ 102,817,779

10-Apr-19 FY18 Prior-Year Balance

REC officially recognized the FY18 prior-year surplus, in the amount of \$308 million, as non-recurring and incorporated the revenue into the FY19 Official Forecast.

FY18 Surplus funding was appropriated in HB286 and HB2.

FY18 Surplus of \$308 million reported in October, 2018	
"Surplus" means the excess for any fiscal year of the actual monies received and any monies or balances carried forward over the actual expenditures paid by warrant or transfer for any fund at the close of the fiscal year as such are reported by the office of statewide reporting within the division of administration.	
FY2018 Year End Surplus	\$ 308,053,201
Twenty-five percent to Budget Stabilization / Rainy Day Fund	\$ 77,013,300
Ten percent to Unfunded Accrued Liability Payments (LASERS=\$9,478,184 / TRSL = \$21,327,137)	\$ 30,805,320
(Contained in HB392)	
Governor proposes payments for Coastal Restoration	\$ 55,000,000
	Sub-total \$ 200,234,581
	Sub-total \$ 145,234,581
Placed in Cash Capital Outlay (See Inside and Back Cover for Project Descriptions)	\$145,234,579
Allowable Use of Surplus/Non-recurring Revenues	
Defeasance of Debt	Coastal Protection and Restoration Fund deposits
Budget Stabilization deposits	New Highway Construction with Federal match
Payments towards the Unfunded Accrued Liability	Capital Outlay Projects



Louisiana Senate Finance Committee Budget Update

Timeline of Significant Budget Events

FY20

Economists proposed increases of either \$119.3 million or \$139.1 million to the FY20 Forecast. Conference **adopted** an FY20 Official Forecast containing a \$119.3 million increase for FY20. Conference **adopted** an FY20 Official Forecast for Stat. Deds and Fees and Self-gen. Revenues. The revenue was officially incorporated into the FY20 budget.

DEPARTMENT NAME	Governor's FY20 Budget Proposal	Representative Henry's Proposal in HB105 Original	Difference between HB105 to Gov's FY20 Budget Proposal	Representative Henry's Proposal in HB105 RE-Engrossed	Difference between HB105 Re-Engrossed to Gov's FY20 Budget Proposal	Representative Henry's Proposal in HB105 ENROLLED	Difference between HB105 Enrolled to Gov's FY20 Budget Proposal	Representative Henry's Proposal in HB105 TOTAL MOF ENROLLED
Statewide								Inclusive of Double Counts
Executive Department	\$134,119,109	\$134,119,109	\$0	\$137,878,707	(\$3,759,598)	\$137,921,962	(\$3,802,853)	\$2,179,242,924
Veterans Affairs	\$6,215,569	\$5,592,418	(\$623,151)	\$6,689,940	(\$474,371)	\$6,580,688	(\$365,119)	\$73,305,686
Secretary of State	\$55,401,476	\$55,401,476	\$0	\$55,401,476	\$0	\$52,719,555	\$2,681,921	\$93,008,962
Attorney General	\$17,354,514	\$17,354,514	\$0	\$17,854,514	(\$500,000)	\$17,354,514	\$0	\$76,931,070
Lieutenant Governor	\$1,082,973	\$1,041,842	(\$41,131)	\$1,041,842	\$41,131	\$1,092,973	(\$10,000)	\$7,263,328
State Treasurer	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,730,895
Public Service Commission	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$9,722,536
Agriculture and Forestry	\$19,033,707	\$18,300,151	(\$733,556)	\$18,707,477	\$326,230	\$18,787,387	\$246,320	\$73,373,213
Commissioner of Insurance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$32,829,836
Economic Development	\$21,575,802	\$20,063,613	(\$1,512,189)	\$20,634,834	\$940,968	\$20,634,834	\$940,968	\$43,944,128
Culture Recreation and Tourism	\$32,497,266	\$32,497,266	\$0	\$32,363,265	\$134,001	\$32,613,265	(\$115,999)	\$93,396,386
Transportation and Development	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$625,863,473
Corrections Services	\$521,670,104	\$504,623,318	(\$17,046,786)	\$517,635,748	\$4,034,356	\$516,828,343	\$4,841,761	\$583,974,237
Public Safety Services	\$0	\$0	\$0	\$100,000	(\$100,000)	\$100,000	(\$100,000)	\$474,380,467
Youth Services	\$124,995,276	\$111,686,001	(\$13,309,275)	\$124,479,867	\$515,409	\$122,055,552	\$2,939,724	\$138,328,329
Department of Health	\$2,493,402,155	\$2,471,234,563	(\$22,167,592)	\$2,492,486,492	\$915,663	\$2,461,281,530	\$32,120,625	\$14,856,218,013
Children and Family Services	\$206,508,804	\$193,377,419	(\$13,131,385)	\$198,615,935	\$7,892,869	\$206,508,804	\$0	\$695,286,192
Natural Resources	\$7,995,955	\$7,995,955	\$0	\$7,962,984	\$32,971	\$7,962,984	\$32,971	\$60,274,964
Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$107,996,014
Environmental Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$134,008,686
Workforce Commission	\$8,029,040	\$8,029,040	\$0	\$7,995,933	\$33,107	\$8,595,933	(\$566,893)	\$288,082,392
Wildlife and Fisheries	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$152,624,338
Civil Service	\$5,632,744	\$5,343,846	(\$288,898)	\$5,609,518	\$23,226	\$5,609,518	\$23,226	\$21,652,536
Retirement Systems	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Higher Education	\$1,040,713,592	\$1,014,826,798	(\$25,886,794)	\$1,051,548,947	(\$10,835,355)	\$1,062,048,947	(\$21,335,355)	\$2,848,904,260
Special Schools and Comm.	\$46,512,129	\$45,820,886	(\$691,243)	\$46,542,042	(\$29,913)	\$47,032,129	(\$520,000)	\$103,616,696
Department of Education	\$3,726,772,686	\$3,687,922,686	(\$38,850,000)	\$3,704,195,319	\$22,577,367	\$3,719,235,313	\$7,537,373	\$5,482,679,640
LSU Health Care Services Division	\$23,981,083	\$23,981,083	\$0	\$23,981,083	\$0	\$23,981,083	\$0	\$62,118,880
Other Requirements	\$495,138,101	\$495,138,101	\$0	\$496,854,162	(\$1,716,061)	\$499,845,182	(\$4,707,081)	\$779,974,873
Ancillary Appropriations	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,351,269,821
Non-Appropriated Requirements	\$540,364,015	\$539,966,015	(\$398,000)	\$539,966,015	\$398,000	\$539,966,015	\$398,000	\$621,238,015
Judicial Expense	\$153,530,944	\$153,530,944	\$0	\$153,780,944	(\$250,000)	\$151,460,091	\$2,070,853	\$171,093,866
Legislative Expense	\$57,472,956	\$57,472,956	\$0	\$62,472,956	(\$5,000,000)	\$62,472,956	(\$5,000,000)	\$95,997,999
Special Acts Expense	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,546,150,060
TOTAL:	\$9,740,000,000	\$9,605,320,000	(\$134,680,000)	\$9,724,800,000	\$15,200,000	\$9,722,689,558	\$17,310,442	\$34,896,482,715
								Inclusive of Double Counts

FY19 vs FY20 Total Means of Finance and Positions Comparative Statement

exclusive of double counts

	FY19 EOB	FY20 Enrolled	Over /Under EOB	Percent Change
State General Fund (Direct)	\$ 9,624	\$ 9,723	\$ 99	1.03%
Fees and Self-generated Revenues	\$ 2,847	\$ 3,041	\$ 194	6.80%
Statutory Dedications	\$ 4,321	\$ 4,458	\$ 137	3.17%
Total State Funds	\$ 16,792	\$ 17,222	\$ 430	2.56%
Federal Funds	\$ 14,150	\$ 14,387	\$ 237	1.67%
Grand Total	\$ 30,942	\$ 31,608	\$ 667	2.15%
		Exclusive of Double Counts		
Total authorized positions	33,571	33,749	178	0.53%
Total Other Charges Positions	1,828	1,760	(68)	-3.72%
Total Non-TO FTE Positions	1,504	1,296	(208)	-13.83%
Total Positions	36,903	36,805	(98)	-0.27%



Louisiana Senate Finance Committee Budget Update

Timeline of Significant Budget Events

Four Separate Bills Appropriated the Revenue Changes Debated in REC Over the Last Year

HB105 served as HB1 for the Operating Budget.

HB392 appropriated FY19 Excess Revenue for Suppl. Appropriations & FY18 Surplus dollars

HB286, the Funds bill and **HB2**, Capital Outlay, contain the appropriations of the FY18 Surplus.

Significant Legislation with a Fiscal Impact in Ensuing Years

HB551/ACT245 SHERIFFS: Provides relative to the amount DPS&C pays for the housing of state inmates in a parish jail or institution (EN +\$6,486,618 GF EX See Note). Increases the per diem to house state inmates from \$24.39 to \$25.39 in FY20 and to \$26.39 in FY21 and thereafter.

HB387/ACT315 Dist. Attys: Increases the salary of the district attorney from \$50,000 to \$52,500 in FY21 and \$55,000 in FY22 and the Asst. District Atty from \$45,000 to \$47,500 in FY21 and \$50,000 in FY22 (EN +\$1,637,111 GF EX See Note)

SB27/ACT178 JUDGES: Provides relative to an annual 2.5% salary increase through FY24 for judges as recommended by the Judicial Compensation Commission. (gov sig) (EN +\$1,802,964 OF EX See Note)

SB182/ACT413 SUITS AGAINST STATE: Provides for the participation of a sexual harasser in a settlement or judgment in a sexual harassment claim. SEE FISC NOTE OF EX See Note)

SB109/ACT400 CHILDREN/FAMILY SERVICES DEPT: Provides relative to youth in the foster care program. (gov sig) (EN +\$1,575,758 GF EX See Note)

HB544/ACT171 GAMING/CASINO: Provides with respect to the land-based casino operating contract. Provides for increased payments to the state and city of New Orleans, new provisions for the support service contract, dedications to the La. Cancer Research Consortium and Early Childhood Development along with other new allocations under certain circumstances. (SEE FISC NOTE)

HB576/ACT243 FUNDS/FUNDING: Dedicates the economic proceeds (\$53.3 million per year from FY21 through FY34 for specific projects) from the Deepwater Horizon litigation to transportation projects and redirects funding to the Construction Subfund of the Transportation Trust Fund (EN -\$24,000,000 GF RV See Note)

HB199/ACT421 MEDICAID: Establishes the TEFRA option within the La. Medicaid program to serve children with disabilities. Fiscal impact of this legislation will not be determined until department designs and CMS approves the structure of the expansion.

SB174/ACT127 AGED PERSONS: Provides relative to the annual appropriation for the councils on aging. (8/1/19) (EN +\$3,972,082 GF EX See Note)