

**2015**

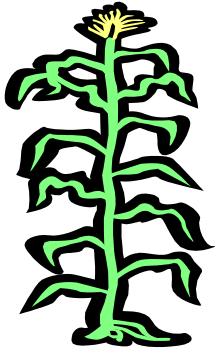
**FINAL EDITION**

**OF**

**Legislative Sessions**

**Highlights**





## Agriculture/Rural Development

by: Curry Lann  
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### AGRICULTURE INCENTIVE PROGRAMS

**House Bill 761 by Representative Woodruff (Act 429)** authorizes the establishment of urban agriculture incentive zones for the purpose of entering into contracts with landowners for the use of vacant or blighted lands for agricultural use. The legislation creates procedures, provides for contract requirements, and establishes rules that political subdivisions must follow when imposing fees for the administration of urban agriculture incentive zones.

### AGRICULTURAL DEALER AGREEMENTS

**Senate Bill 263 by Senator Thompson (Act 466)** grants certain dealers a choice of remedy in addition and supplemental to remedies provided in any dealer agreement. The legislation also modifies procedures by which an agent may terminate, cancel, or fail to renew a dealership agreement. Forestry contracts are added to provisions of law regarding the repurchase of farm, industrial, and lawn and garden equipment by a wholesaler. This legislation is prospective but applies to subsequent amendments and modifications of contracts made after the effective date of the Act.

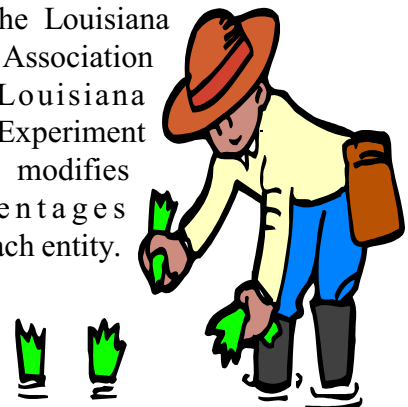
### ANIMALS

**House Bill 358 by Representative Schroder (Act 216)** authorizes the state veterinarian to place any animal used for research in quarantine until a disease risk has abated. The determination to lift a quarantine must be based on validated data derived from evidence-based practices.

**House Bill 847 by Representative Carmody (Act 365)** requires that an applicant for an initial or renewal kennel license provide the governing body of a parish or municipality with his federal animal dealer's license number and sales tax identification number or provide the reason that such information is not required.

### ASSESSMENTS

**House Bill 173 by Representative Terry Landry (Act 3)** increases the amount of sweet potato tax money that the commissioner of agriculture disburses to the Louisiana Sweet Potato Association and the Louisiana Agricultural Experiment Station and modifies the percentages allocated to each entity.



**House Bill 285 by Representative Montoucet (Act 201)** removes a minimum fee of five dollars and increases the maximum fee to sixteen dollars that the Structural Pest Control Commission is authorized to establish for each reported standard contract and each reported wood destroying insect report.

**House Bill 291 by Representative Anders (Act 202)** increases horticulture professional license fees, nursery stock dealer's permit fees, and cut flower dealer's permit fees issued or renewed by the commissioner of agriculture. The legislation also authorizes the Horticulture Commission to promulgate rules and regulations and increases civil penalties that the commission may assess governing horticulture.

**House Bill 295 by Representative Terry Brown(Act 315)** clarifies that the current forest protection tax is actually a forest protection assessment and directs all unexpended and unencumbered monies in the Forest Protection Fund to the Louisiana Agricultural Finance Authority.

**House Bill 310 by Representative Mack (Act 318)** increases the seed dealer license fee maximum from one hundred dollars to two hundred dollars per license and authorizes the Agricultural Chemistry and Seed Commission to increase the regulatory fee maximum on all seeds sold in Louisiana from twenty cents to thirty cents per one hundred pounds of seed.

**House Bill 760 by Representative Fannin (Act 428)** changes the appointing authority, membership, and appointment terms of the Louisiana Beef Industry Council and clarifies the duties and additional powers

of the council. All appointments commence on August 17, 2015 with no appointee serving more than two consecutive three-year terms on the council. The legislation also repeals the fifty cent state assessment, removes all provisions related to refunds from the state assessment, and removes the referendum for assessment purposes.

## **DEPARTMENT OF AGRICULTURE AND FORESTRY**

**House Bill 243 by Representative Chaney (Act 5)** expands the type of programs that the Louisiana Agricultural Finance Authority can establish, administer, and supervise for the purposes of promoting the purchase of Louisiana agricultural products beyond only incentive programs.

**House Bill 269 by Representative Anders (Act 198)** authorizes the Department of Agriculture and Forestry to issue certifications and registrations and adds the authority for the department and its boards and commissions issuing licenses, permits, certifications, registrations, or certificates to deny, revoke, or not renew such privileges, if the applicant owes any monies.

**Senate Bill 178 by Senator Amedee (Act 267)** provides relative to meat and poultry inspection regulations and clarifies that retail type establishments are exempt from inspections in certain circumstances. The legislation additionally exempts meat and meat food products sold and transported directly to the consumer by a retail store, restaurant, or similar retail type establishment's employees or a common carrier without intervening transfer or storage from inspection requirements.

**Senate Bill 55 by Senator Riser (Act 249)** removes the requirement that the office of forestry operate forest tree nurseries in north and south Louisiana as they are no longer in operation due to budgetary constraints.

#### **DRONES IN AGRICULTURE**

**Senate Bill 183 by Senator Thompson (Act 166)** authorizes the commissioner to adopt rules for the regulation of unmanned aerial systems used in the course of agricultural commercial operations, except as prohibited by federal law. The legislation requires each operator of an unmanned aerial system used in the course of an agricultural commercial operation to obtain a license from the department. All unmanned aerial systems operated in the course of an agricultural commercial operation must also be registered with the department. The legislation provides for violations, authorizes the commissioner to issue stop orders, and imposes a civil penalty for violations.

#### **FARM TO SCHOOL**

**Senate Bill 184 by Senator Thompson (Act 167)** authorizes the Department of Education and any governing authority of a nutrition program to use simplified acquisition procedures for small purchases up to the Federal Small Purchase Threshold, in order to support procurement of local agricultural products and USDA Farm to School initiatives. By allowing schools the freedom to purchase up to the federal threshold for small purchases when procuring local agricultural products, schools may get quotes exclusively from local producers instead of issuing formal bids.

#### **PEST MANAGEMENT**

**House Bill 275 by Representative Guinn (Act 311)** requires a certified commercial applicator or a person under the supervision of a certified applicator to apply any herbicide, rodenticide, insecticide, or restricted use pesticide in, on, or around structures or grounds of pre-kindergarten schools. The legislation also requires each city, parish, or other local public school board to submit a single, comprehensive integrated pest management plan for all schools under its jurisdiction.



## Capital Outlay

by: Martha Hess  
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**House Bill 2 by Representative Robideaux (Act 26)**, provides for the comprehensive capital outlay budget for Fiscal Year 2015-2016, including funding from the following sources of monies:

|   |           |                      |
|---|-----------|----------------------|
| Federal Funds (excluding TTF - Federal Funds)   | \$        | 233,476,143          |
| Transportation Trust Fund (TTF) - Federal Funds | \$        | 559,414,090          |
| Transportation Trust Fund (TTF) - Regular       | \$        | 114,326,858          |
| Coastal Protection and Restoration Fund         | \$        | 42,155,620           |
| Fees and Self-Generated Revenues                | \$        | 156,477,000          |
| Interagency Transfers                           | \$        | 27,600,012           |
| Miscellaneous Statutory Dedications             | \$        | 78,015,996           |
| Reappropriated Cash                             | \$        | 12,741,200           |
| Revenue Bonds                                   | \$        | <u>216,560,000</u>   |
| <b>TOTAL CASH PORTION</b>                       | <b>\$</b> | <b>1,439,806,953</b> |

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

|   |           |                             |
|---|-----------|-----------------------------|
| Priority 1                                | \$        | 1,434,220,500               |
| Priority 2                                | \$        | 391,399,658                 |
| Priority 3                                | \$        | 800,000                     |
| Priority 4                                | \$        | 0                           |
| Priority 5                                | \$        | 2,080,284,000               |
| <b>TOTAL GENERAL OBLIGATION BONDS</b>     | <b>\$</b> | <b>3,906,704,158</b>        |
| <b>BONDS NRP</b>                          | <b>\$</b> | <b><u>58,246,959</u></b>    |
| <b>GRAND TOTAL ALL MEANS OF FINANCING</b> | <b>\$</b> | <b><u>5,405,718,036</u></b> |

*Bonds NRP is the reallocation of previously sold bonds.*

*Section 16 of the Act limits cash lines of credit or the authorization of the issuance of general obligation bonds to \$1,440,055,000; the cash line of commitment for Priority 1 projects is \$1,434,220,500, which leaves \$5,834,500 available for Priority 2 cash lines of credits.*

## Children, Women & Family

by: *Ashley Mitchell Carter*  
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### DOMESTIC VIOLENCE

**Act 456 by Senator Broome** provides certain accommodations upon reasonable documentation presented by domestic abuse victims who lease residential dwellings. This legislation provides that If a lessee requests early termination of the lease agreement, the lessor shall terminate the lessee's lease agreement early on a mutually agreed upon date within the next 30 days provided that the lessee is a victim of domestic abuse and has completed the specified process to receive an accommodation afforded to victims of domestic abuse.

### SEXUAL ASSAULT

**Act 172 by Senator Morrell** provides relative to sexual assault on college campuses. This legislation requires public postsecondary education management boards to conduct annual anonymous sexual assault climate surveys on each of their campuses and to provide the procedures that each campus must following in reporting the incidents of abuse and information ascertained by the climate surveys.

**Act 242 by Senator Amedee** provides relative to sexual assault protective orders. This legislation enacts the Protection for Victims of Sexual Assault Act and expresses legislative intent to make sexual assault victims eligible for the same services,

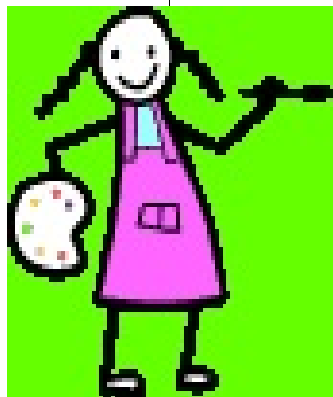
benefits, and assistance available to persons under the Domestic Abuse, Assistance Act, Protection from Dating Violence Act, and the Protection from Stalking Act.

**Act 229 by Representative Moreno** creates standards and procedures for the examination and treatment of victims of a sexually-oriented criminal offense and the subsequent billing for the services rendered as a result of the offense. This legislation requires the coroner or his designee to examine all alleged victims of rape, carnal knowledge, sexual battery, and crime against nature or any sexually-oriented criminal offense. It also removes the requirement that the case be under police investigation.

**Act 440 by Representative Moreno** expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members as possible victims.

This legislation also amends present law to provide that a prior conviction of domestic abuse battery also includes a conviction under the laws of any state or ordinance that prohibits the intentional use of force or violence committed against a family member and expands the crime of stalking to specifically include written threats. It also increases the maximum term of imprisonment

from six months to one year for a third or subsequent conviction for the crime of violation of protective orders that does not



involve a battery or crime of violence against the person protected by the protective order and increases the maximum term of imprisonment from six months to one year and increases the minimum mandatory sentence from 14 days to 30 days for a second conviction that involves a battery or crime of violence against the person protected by the protective order. Lastly, it expands the present law prohibition on the possession of firearms for the duration of a permanent injunction or protective order to any person against whom a protective order or permanent injunction was issued pursuant to the Protection from Stalking Act, or as a condition of release on bail for an offense against a family or household member or dating partner.

**Act 327 by Representative Badon** authorizes the establishment of a family justice center in any judicial district to provide multi agency and multi disciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and to persons protected by the Adult Protective Services Act. This legislation prohibits any family justice center from denying services to any victim on the grounds of the victim's criminal history.

**Act 221 by Representative James** changes the law relative to obtaining an immediate divorce as a result of domestic abuse committed during the marriage. It specifies that the abuse must have occurred during the marriage or when a protective order was issued during the marriage. This legislation also provides that the court may assess attorney fees and costs against the perpetrator of abuse in an action for divorce and in incidental actions thereafter, which shall be a separate obligation of the

perpetrator, when an immediate divorce is granted. Lastly, this legislation provides that a hearing is not required when there was a protective order or injunction issued to protect one spouse or child from abuse.

**Act 353 by Representative Smith** prohibits a parish or municipality from enacting ordinances that authorize the eviction of a tenant or the termination or suspension of a rental agreement signed by a tenant as result of the tenant, or someone acting on behalf of the tenant, contacting law enforcement or other emergency officials to request assistance with a domestic abuse incident or other crime.

## **CHILDREN & NEWBORNS**

**Senate Concurrent Resolution 17 by Senator Mills** directs the Department of Health and Hospitals to evaluate and report on the health benefits and costs of adding Krabbe disease, also known as globoid cell leukodystrophy, a degenerative disorder that affects the nervous system, to the list of mandatory screening performed on newborns under certain circumstances.

**Act 223 by Representative Willmott** provides for annual communications and public information plans to be implemented by the Dept. of Children and Family Services concerning the Safe Haven Law relative to infant relinquishment which provides a mechanism whereby a parent may relinquish the care of an infant who is not more than 60 days old to the state in safety, anonymity, and without fear of prosecution.

**House Concurrent Resolution 162 by Representative Barrow** requests the Commission on Perinatal Care and Prevention of Infant Mortality to study and make

recommendations related to the prevention, screening, and treatment of neonatal abstinence syndrome.

**Act 248 by Senator Broome** prohibits suspension or expulsion of students in grades pre-kindergarten through five for certain uniform violations. This also applies to charter schools.

## **WOMEN**

**House Concurrent Resolution 169 by Representative Cox** requests the La. Workforce Commission to notify Louisiana employers, chambers of commerce, and employees of their rights regarding pay discrimination based on gender by making posters available online.

**House Concurrent Resolution 168 by Representative Billiot** creates the Task Force on Youth Aging Out of Foster Care to study and explore the public policy and financing options for programs that could assist youth aging out of foster care to achieve successful independence once they reach the age of majority.

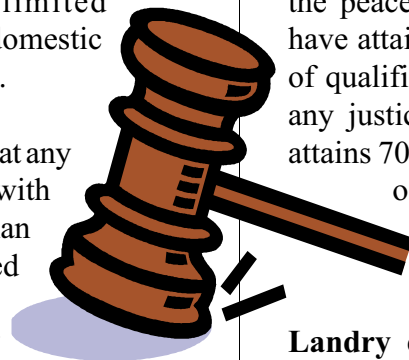


## Civil Law & Procedure

by: Angela De Jean  
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**Act 180 by Representative Arnold** authorizes the judges of two new judgeships to serve as duty judges and have the same authority as other judges of the court acting as a duty judge. Under present law, the first two judgeships that become vacant in the Domestic Relations Division of the Orleans Civil District Court are abolished and two new judgeships with limited jurisdiction for family and domestic relations matters were created.

Present law provides that any person who resides in a parish with a population of less than 40,000, and who has passed the uniform statewide examination, except for any performance assessment component, during examinations administered between December 1, 2009 and August 1, 2016, may be provisionally appointed to the office of notary public in and for that parish upon fulfillment of all requirements provided by law and upon meeting all other qualifications necessary to be appointed to the office of notary public in this state. Present law expires on August 1, 2016, and any commission granted pursuant to present law also expires on that date, except if the notary has, subsequent to issuance of a commission, passed all components of the examination provided by present law on or before August 1, 2016.



**Act 181 by Representative Shadoin** deletes the August 1, 2016 termination date within which to take the notary examination and repeals the August 1, 2016 sunset provision.

Present law provides that any person who qualifies to run for the office of justice of the peace or constable after 2008 shall not have attained the age of 70 years by the date of qualification, and further provides that any justice of the peace or constable who attains 70 years of age while serving a term of office shall be allowed to complete that term of office.

**Act 71 by Representative Landry** exempts persons who are serving or already elected to serve as constable or justice of the peace on Aug. 15, 2006, from all age requirements to serve or run for their offices in the future.

**Act 221 by Representative James** changes the law relative to domestic abuse committed during the marriage. Present law grounds for immediate divorce include:

- (1) Living separate and apart for a specific period of time provided by present law.
- (2) Adultery.

- (3) The commission of a felony and a sentence of death or imprisonment at hard labor.
- (4) Physical or sexual abuse of the spouse seeking divorce or a child of one of the spouses.
- (5) After a contradictory hearing or consent decree, a protective order or an injunction was issued against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

**Act 221** specifies that the domestic abuse occurred during the marriage or when a protective order was issued during the marriage. It further provides for legislative intent with respect to the grounds for an immediate divorce involving abuse or the issuance of a protective order.

Additionally, **Act 221** provides that notwithstanding present law (that attorney fees and costs in a divorce action are community obligations), the court may assess attorney fees and costs against the perpetrator of abuse in an action for divorce and in incidental actions thereafter, which shall be a separate obligation of the perpetrator, when an immediate divorce is granted in the following two cases:

- (1) Physical or sexual abuse of the spouse seeking divorce or a child of one of the spouses.
- (2) The issuance of a protective order or an injunction against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Lastly, present law provides that a hearing is not required when there is a demand for divorce upon the grounds that the spouses have been living separate and apart for the applicable time periods required. **Act 221** extends present law to a demand for divorce when there was a protective order or injunction issued to protect one spouse or child from abuse.

**Act 260 by Senator Peacock** provides for parental authority of married persons, obligations of children, parents, and other ascendants, and provisional custody by mandate. **Act 260** revises present law to provide that a married father and a mother share parental authority over their minor child, unless modified in accordance with law, until the child attains the age of majority or is emancipated, or upon termination of the marriage of the parents of the child. As long as the child remains under the authority of his father and mother, he is bound to obey them in everything which is not contrary to good morals and the laws. An unemancipated minor cannot quit the parental house without the permission of his father and mother, who have the right to correct him, provided it be done in a reasonable manner. The father and mother have a right to appoint tutors to their children and may delegate a part of their authority to teachers and other persons.

Present law provides for the parental administration of a child's estate by the father and in some cases by the mother, during their marriage, until the child attains the age of majority or is emancipated. **Act 260** provides that each parent has the right and the obligation to administer the property of their unemancipated minor child in accordance with law, until the termination of parental authority. Parents have during marriage a

usufruct over the property of their unemancipated minor child. **Act 260** provides for the rights and obligations of parents who administer the property of their unemancipated minor child. Present law provides that a child has no right to sue either parent for a marriage settlement or other advancement. However, **Act 260** provides that an unemancipated minor child may not sue any person having parental authority over him. It further provides that the father is the proper plaintiff to sue to enforce a right of an unemancipated minor and provides for exceptions to present law. All persons having parental authority of an unemancipated minor must join as proper plaintiffs to sue to enforce a right of an unemancipated minor and provides for exceptions to this rule.

Present law provides that when married, a father or the mother under specific circumstances, may use the same forms and procedures as a tutor to sell or mortgage the property of a minor, or compromise a claim of the minor, or take any step affecting the interest of the minor. **Act 260** by provides that the parents shall seek court approval to act for a minor and provides exceptions to this rule. **Act 260** also provides that an ascendant having parental authority shall be considered a parent.

Present law provides for provisional custody by mandate. **Act 260** revises present law of provisional custody by mandate to provide for separate rules for persons having parental authority and for tutors.

## Coastal Restoration

by: Jerry Jones  
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### BILLS

**Senate Bill 220 by Senator Chabert (Act 34)** - Provides relative to the powers and duties of the Bayou Lafourche Fresh Water District, and includes certain statutory definitions.

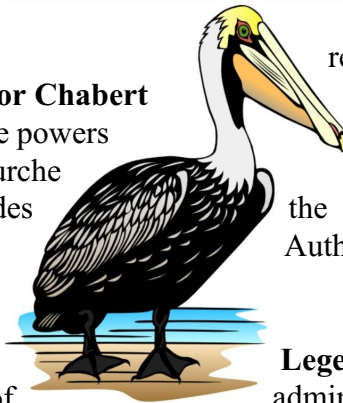
**House Bill 65 by Representative Lorusso (Act 287)**- Limits the placement of obstructions upon certain levees in Orleans Parish.

**House Bill 94 by Representative Jones (Act 177)** - Provides relative to the powers and duties of the St. Mary Levee District, including those relating to levee, floodwall, and floodgate property and structures.

**House Bill 178 by Representative Dove (Act 57)** - Transfers certain land in the possession of the Atchafalaya Basin Levee District for certain purposes to the Terrebonne Levee and Conservation District.

**House Bill 327 by Representative Dove (Act 68)** - Provides relative to the membership and procedures of the North Lafourche Conservation, Levee and Drainage District.

**House Bill 339 by Representative Dove (Act 69)** - Authorizes the state, Coastal Protection and Restoration Authority, or any



political subdivision to use its own resources for satisfying any mitigation requirements resulting from or related to an integrated coastal protection project as approved by the Coastal Protection and Restoration Authority Board.

**House Bill 352 by Representative Leger (Act 72)** - Provides relative to administrative responsibility for land reclamation by an "acquiring authority" for integrated coastal protection purposes.

**House Bill 363 by Representative Barras (Act 326)** - Creates the Squirrel Run Levee and Drainage District in Iberia Parish and provides for its powers and duties.

**House Bill 529 by Representative Miller (Act 220)** - Provides relative to expenditures of taxes collected by the Lafourche Basin Levee District from property in St. Charles Parish located west of the Mississippi River.

**House Bill 709 by Representative Harrison (Act 423)** - Provides relative to per diem of board members for levee districts and levee and drainage districts, including procedures for changing such per diem relative to federal per diem rates and requirements of advance public notice of intent to vote on whether or not to increase the per diem of members above a certain amount.

**RESOLUTIONS**

**House Concurrent Resolution 1 by Representative Dove (Sent to Secretary of State)** Approves the annual integrated coastal protection plan for Fiscal Year 2015-2016 as adopted by the Coastal Protection and Restoration Authority.

**House Concurrent Resolution 5 by Representative St. Germain (Sent to Secretary of State)** - Approves the Atchafalaya Basin Annual Plan for Fiscal Year 2015-2016, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

**House Concurrent Resolution 21 by Representative Leger (Sent to Secretary of State) and Senate Resolution 8 by Senator Chabert (Sent to Secretary of State)** - Recognizes April 14, 2015, as Coastal Day at the Louisiana Legislature.

**House Concurrent Resolution 66 by Representative Hodges (Sent to Secretary of State)** - Continues Comite River Diversion Canal Project Task Force to study and make recommendations on actions necessary to complete the construction of the Comite River Diversion Canal Project.

**House Concurrent Resolution 135 by Representative Dove (Pending Senate Natural Resources)** - would have requested the Coastal Protection and Restoration Authority Board to establish a subcommittee to develop recommendations for a coastal protection and restoration program that addresses critical at-risk energy infrastructure.

**House Resolution 152 by Representative Badon (Sent to Secretary of State)** - Requests that the Orleans Levee District and the Lake Pontchartrain Basin Foundation not reopen the Pontchartrain Beach to the public.

**Senate Concurrent Resolution 105 by Senator Gallot (Sent to Secretary of State)** Requests the Louisiana State Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by prescription or other means.

**Senate Resolution 180 by Senator Nevers (Sent to Secretary of State)** - Requests the Louisiana State Law Institute to study and make recommendations regarding the feasibility of the use of levee roads by owners of enclosed estates to reach public roads.

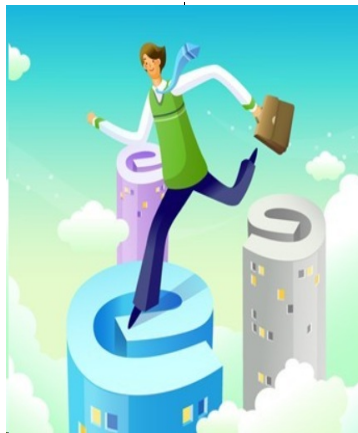
**Senate Resolution 187 by Senator Chabert (Sent to Secretary of State)** - Requests the division of administration to study the feasibility of using alternative delivery methods for public large scale construction projects.

**Senate Resolution 193 by Senator Morrell (Sent to Secretary of State)** - Creates the Non-Flood Protection Asset Management Task Force to provide recommendations on the membership of the Non-Flood Protection Asset Management Authority.

## Commerce & Consumer Protection

by: Mary O'Brien  
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In a session dominated by the budget and begun with looming draconian cuts to Louisiana's colleges and universities, the subject areas of commerce and consumer protection drew little attention. However, issues important to specific areas of Louisiana's economy were discussed and acted upon.



**House Bill 317 by Representative Ponti (Act 207)** deals with licensing fees for lenders licensed to make consumer loans and raises the fees for the application, survey, and licensing fee for a lender to be allowed to offer consumer loans.

**House Bill 318 by Representative Ponti (Act 208)** deals with licensing fees for pawnbrokers, including an increase in the annual fee to remain licensed as a pawnbroker in Louisiana.

The topics raised in the Committee on Commerce, Consumer Protection, and International Affairs were wide-ranging and no single subject dominated the committee's deliberations. However, the issues regarding licensing fees for financial institutions and banks and banking each garnered particular attention, as indicated below.

### FINANCIAL INSTITUTIONS AND BANKING

#### Licensing Fees for Various Institutions

In a year where the looming budget shortfall colored the content of most instruments, a group of instruments by Representative Ponti sought to raise fees related to the licensing of several different financial institutions.

**House Bill 316 by Representative Ponti (Act 319)** deals with licensing fees for money transmitters and raises the fees for application, investigation and renewal for money transmission agents who transmit money or sell checks.

Licensing fees for mortgage lenders, mortgage brokers, mortgage services, and mortgage originators were the subject of **House Bill 354 by Representative Ponti (Act 324)**. Each fee, as provided for in R.S. 6:1088.2(A), is increased by one hundred dollars.

#### Banks and Banking

The regulation of financial institutions, including banks, garnered attention during the 2015 legislative session. Included are very technical bills that deal with intra-bank transactions and also legislation that deals with the common issues of collecting past due child support and provisions that may be included in the articles of incorporation of any banks in Louisiana.

**Senate Bill 64 by Senator Martiny (Act 155)** The provisions of SB64 address relationships between local customer banks and the First National Bankers' Bank. Generally, banks allow their liquid assets (money) to remain on their books overnight, making no money for the customer bank's shareholders. However, this legislation allows these local customer banks to deposit their excess liquidity with the FNBB, who will, on behalf of these customer banks, purchase funds in other, upstream banks. Because FNBB has large amounts of assets to invest, they purchase shares in the upstream banks, spreading the risk for any one customer bank, very widely. This allows the small, customer banks to increase their assets overnight, with little risk because their investment is spread across so many upstream banks. This whole process allows the smaller local customer banks to increase their assets with minimal risk. Senator Martiny's legislation allows this type of relationship between the local customer banks and the FNBB. While this is a very technical bill and it deals with the intricacies of banks lending to one another, Louisiana citizens who own shares in local banks could potentially benefit.

**House Concurrent Resolution 143 by Representative Harrison (Sent to the Secretary of State)** requests all financial institutions conducting business in the state of Louisiana to comply with the provisions of the Financial Institution Insurance Sales Law.

Information to be provided by banks and financial institutions to the Department of Children and Family Services when dealing with issues of child support enforcement is the topic of **House Bill 357 by Representative Ritchie (Act 215)**.

**House Bill 666 by Representative Reynolds (Act 83)** deals with provisions that can be included in the articles of incorporation of a bank. The articles of incorporation may contain a provision that if the bank is unable to locate a shareholder who is entitled to dividends or redemption price, the shares will revert to the bank in full ownership. The articles of incorporation would also provide that the officers of the bank shall not be held liable for such a loss to the shareholder, unless a breach of loyalty or a transaction occurred in which the officer received an improper personal benefit. Anyone purchasing such shares would have notice because the provisions are contained in the articles of incorporation which would be provided to anyone purchasing stock.

## **ECONOMIC DEVELOPMENT**

### Uniform fee schedule

Economic development is the topic of **House Bill 773 by Representative Leger (Act 361)** and the bill authorizes the Department of Economic Development to establish a uniform fee schedule for economic development incentive and financial assistance programs by rule and provides for the recovery of costs associated with certain administrative functions. The legislation also provides ranges of acceptable amounts for the fees to be enacted by rule.

## **TELECOMMUNICATIONS**

### Kelsey Smith Act adopted

Kelsey Smith was a lovely young woman who was abducted and murdered, but before her body was discovered, law enforcement requested a trace on her cell

phone. Four days later her body was found and the cell phone service provider had yet to report to the authorities. This legislation seeks to prevent a reoccurrence of such a situation. **Senate Bill 182 by Senator Thompson (Act 165)** enacts the Kelsey Smith Act to require mobile service device providers (cell phones, generally) to provide device location information to law enforcement in certain circumstances.

## MISCELLANEOUS TOPICS

### Warranty Repairs on Motor Vehicles

**Senate Bill 243 by Senator John Smith (Act 170)** authorizes a manufacturer of motor vehicles to allow a fleet owner, defined as a person or entity who is authorized by a manufacturer to perform warranty repairs on vehicles that it own or rents. This legislation also authorizes an emergency services company or emergency services related company to perform warranty repairs on its vehicles, including emergency repairs. The manufacturer who grants these vehicle owners such allowances to notify the dealer in the same area where the fleet owner or emergency services company operates.

### Real Estate

Real estate issues were raised in **Senate Bill 83 by Senator White (Act 157)**. This legislation provides for an exception from the requirement that only provisional licenses may be granted to ex-offenders. The Louisiana Real Estate Commission and the Louisiana Real Estate Appraisers Board are no longer bound by the provision requiring ex-offenders be granted only provisional licenses.

### Home Service Contract Providers

**Senate Bill 152 by Senator Long (Act 161)** moves the regulation of home service contract providers from the Department of Insurance to the office of the secretary of state.



# Constitutional Amendments

by: Tom Tyler  
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Proposals for amending the Constitution of Louisiana will be submitted to the voters at the statewide election to be held on October 24, 2015.

## LEGISLATIVE SESSIONS

Language in the constitution restricting the subject matter items in legislative sessions held in odd-numbered years is removed in **House Bill 518 by Representative Stokes (Act 472)**. This change provides more general authority to legislate with regard to taxes and rebates in these legislative sessions removing restrictions that the legislature can only "levy or authorize a new tax" and "legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits".

## FEE VOTES

While the constitution requires a two-thirds vote to levy a new fee or increase an existing fee, **House Bill 61 by Representative Carmody (pending conference committee)** would have made an exception for tuition or fees charged by a public postsecondary education institution.

## AD VALOREM TAXES

While public lands and other public property used for a public purpose is exempt from ad valorem taxes, **House Bill 360 by Representative Chaney (Act 470)** provides that land or property owned by another state or a political subdivision of another state is not to be exempt from ad valorem taxation in this state.

## FUNDS

### State Infrastructure Bank

**House Bill 618 by Representative St. Germain (Act 471)** - authorizes public funds to be invested to capitalize a state infrastructure bank and the loan, pledge, or guarantee of public funds by a state infrastructure bank solely for transportation projects.

### Budget and Transportation Stabilization Trust

**Senate Bill 202 by Senator Adley (Act 473)** - renames the Budget Stabilization Fund as the Budget and the Transportation Stabilization Trust and provides for deposits into the Trust and creates the Budget Stabilization Sub-fund and the Transportation Stabilization Sub-fund in the Trust.



Requires that at the beginning of each fiscal year, mineral revenues are to be allocated and deposited into the sub-funds as follows:

- (1) Beginning in Fiscal Year 2015-2016, mineral revenues in excess of the base shall be deposited in the Budget Stabilization Sub-fund until the balance in the fund equals and shall be maintained in the amount of \$500 million.
- (2) Once the balance in the Budget Stabilization Sub-fund equals \$500 million, mineral revenues shall be deposited into the Transportation Stabilization Sub-fund at the beginning of the next fiscal year until the balance in the Transportation Stabilization Sub-fund equals and shall be maintained in the amount of \$500 million. Thereafter, any excess mineral revenues shall be deposited into the state general fund. The legislature may appropriate additional monies into either the Budget Stabilization Sub-fund or the Transportation Stabilization Sub-fund.

Requires that Transportation Stabilization Sub-fund monies be appropriated by the legislature solely and exclusively for planning, design, construction, and maintenance connected with the state highway program, and that at least 20% of the funds appropriated from the Transportation Stabilization Sub-fund be used only for the Louisiana Intermodal Connector Program.

- (3) Prohibits the deposit of mineral revenues in any fiscal year in which money in the fund is appropriated for use or incorporated into the official forecast or in the ensuing fiscal year, except by specific legislative appropriation.

## Corrections

by: *Tim Prather*  
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### TRANSPORTATION

**Senate Concurrent Resolution 1 by Senator Brown (Pending Senate Transportation, Highways, and Public Works)** would have made certain revisions to the general regulations applicable to the operation of private driving schools. The resolution would require the adoption of the following rules:

- \* Requires a driving school to have an established business location where it operates and where records are kept.
- \* Removes rule that allows schools licensed by June 30, 2012, to maintain records at an owner's residence.
- \* Removes rule that allows schools to rent temporary space from hotels or other facilities to conduct classes.

The resolution would have directed the secretary of the Senate to transmit copies of the resolution to the office of the state register and the deputy secretary of the Department of Public Safety and Corrections, public safety services and further directs the office of the state register to print the amendments to rules in the La. Administrative Code and to transmit a copy of the revised rules to the deputy secretary of the Department of Public Safety and Corrections, public safety services.

Addressing a growing population in Louisiana, **House Resolution 121 by Representative Ritchie (Sent to Secretary of State)** requests the Department of Public Safety and Corrections, public safety services, to conduct a study relative to the production of a combination mobility impaired specialty prestige license plate. The resolution requires the department to prepare a written report detailing the results of the study by Feb. 1, 2016 and further require that the report be submitted to the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works.

### REFERRAL FACILITIES

In an attempt to slow prison overcrowding, **Senate Bill 73 by Senator Morrish (Act 447)**, addresses the existing law relative to judicial agency referral residential facilities, including pretrial diversion facilities, not otherwise required to be licensed by the Dept. of Health and Hospitals or the Dept. of Children and Family Services, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime. Furthermore, the Act addresses the existing law that provides for referral of arrestee's to these facilities by any judicial agency, including the district attorney's office.

The Act removes specific reference to the district attorney's office and further define a "judicial agency" as the district court and

officers thereof, including the district judge, the prosecutor and district attorneys. No sheriff or sheriff's department of any parish will be deemed to be a judicial agency. The Act further provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs nor can they receive funding from the state.

Any facility is prohibited, including a pretrial diversion facility, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime who are referred by any judicial agency, from being located within 1,000 feet of any property used by any school or any child day care center.

### CRIMINAL JUSTICE

Attempting to address the ever growing prison population, **House Concurrent Resolution 82 by Representative Leger (Sent to Secretary of State)** directs the creation of the La. Justice Reinvestment Task Force comprising fourteen members to evaluate, analyze, and undertake a comprehensive review of the state's adult criminal justice system and, using a data-driven approach, develop sentencing and corrections policy recommendations for legislative consideration to reduce the prison population, provide better use of resources, and reduce recidivism.



## Crimes/Criminal Procedure

by: *Alden Clement*  
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The Regular Session of 2015 saw changes to the definitions and penalties for a number of existing crimes, but bills relative to a marijuana and domestic violence dominated the headlines.

### CONTROLLED DANGEROUS SUBSTANCES

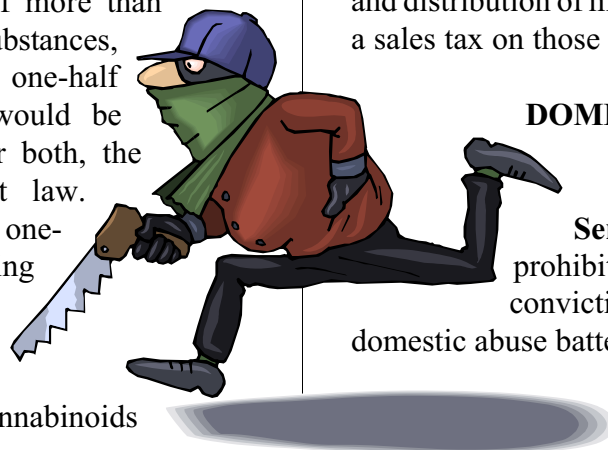
**House Bill 149 by Representative Badon (Act 295)**, identical in form and substance to **Senate Bill 241 by Senator Morrell (pending House Committee on Administration of Criminal Justice)** reduces the penalties for possession of marijuana and certain related substances in certain amounts. Current law provides a first offense fine of up to \$500, six months in jail, or both, and makes subsequent convictions felony offenses. These bills would provide that on a first conviction for the possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender would be fined up to \$300, imprisoned in parish jail for not more than fifteen days, or both. For possession of more than fourteen grams of these substances, but less than two and one-half pounds, the offender would be fined, or imprisoned, or both, the same as under current law. These bills also provide a one-time two-year cleansing period for a first conviction. However, current law relative to the possession of synthetic cannabinoids

would remain the same.

The House of Representatives, despite being willing to reduce marijuana penalties to some degree, was not willing to go any further towards outright legalization by moving out of committee **House Bill 117 by Representative Honore (pending House Committee on Administration of Criminal Justice)**. This bill would have authorized the conducting of an election on November 8, 2016, to determine whether the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof by persons twenty-one years of age or older should no longer be a criminal offense. If a majority of the electors had approved the proposition, then the possession, distribution, or dispensing of marijuana by persons twenty-one or older would not longer have been a criminal offense. The removal of criminal penalties would have been contingent upon: (1) the voters approving the proposition and (2) the legislature subsequently providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales by August 1, 2018.

### DOMESTIC VIOLENCE

**Senate Bill 27 by Senator Broome (Act 151)** prohibits the expungement of a conviction for the crime of domestic abuse battery.



**House Bill 842 by Representative Moreno (Act 440)** expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include the intentional use of force or violence or assault with a dangerous weapon, respectively, by one family member against another family member, whether or not members of the same household. For purposes of this expansion, "family member" is defined as a spouse, former spouse, parent, child, step-parent, step-child, foster parent, and foster child.

**House Bill 368 by Representative Badon (Act 327)** authorizes the establishment of a family justice center in any judicial district to provide multi-agency and multi-disciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking, as well as to persons protected by the Adult Protective Services Act pursuant to current law. No family justice center may deny services to any victim on the grounds of the victim's criminal history, nor may a family justice center request the criminal history of a victim without the victim's written consent unless pursuant to a criminal investigation. A victim may not be required to participate in the criminal justice system nor be required to cooperate with law enforcement as a condition of receiving services at a family justice center.

**House Bill 841 by Representative Lopinto (Act 439)** changes current law to authorize, rather than require, a contradictory bail hearing when a defendant is in custody charged with the commission of domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's household member, family member, or dating partner.

Any contradictory hearing in this regard must be held within five days from the date of a determination of probable cause in order to determine conditions of bail or whether the defendant should be held without bail pending trial. If the court decides not to hold a contradictory hearing, it must notify the prosecuting attorney prior to setting bail.

## **SEX OFFENSES**

Two of the most remarkable criminal law bills of the 2015 Regular Session were **Senate Bill 117 by Senator Gary Smith (Act 256)** and **House Bill 139 by Representative Hodges (Act 184)**, which renamed the crimes of aggravated rape, forcible rape, and simple rape to "first degree rape," "second degree rape," and "third degree rape," respectively. Senate Bill 117 also creates the crime of misdemeanor sexual battery, defined as the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim. All of the elements of the renamed grades of rape remain essentially the same.

**Senate Bill 36 by Senator Amedee (Act 242)** creates the sexual assault protective order (SAPO) to provide "fast track" protections for victims of all types of sexual assaults, not only those arising out of a domestic or shared household situation. Upon a showing of good cause in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect the petitioner, any minor

children, or any person alleged to be incompetent, from any non-consensual contact by the defendant. A demonstration that the petitioner has been a victim of sexual assault constitutes "good cause" for purposes of this law. If a TRO is granted without notice, the matter is to be set within twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of sexual assault by a preponderance of the evidence. If no TRO has been granted, the court is to issue a rule to show cause why the protective order should not be issued, and set the rule for hearing on the earliest day that the business of the court will permit, but in any case within ten days from the date of service of the petition, at which time the petitioner must prove the allegations of sexual abuse by a preponderance of the evidence. Any final SAPO is to be for a fixed period of time, not to exceed eighteen months, and may be extended by the court, after a contradictory hearing, in its discretion.

**House Bill 289 by Representative Gisclair (subject to call-House final passage)** would require a criminal justice agency to submit, no later than thirty days after receipt of a sexual assault collection kit, any kit involving an unknown suspect and any kit for which a prosecuting agency has made an official request for analysis. Further, for offenses not reported to law enforcement, where a hospital must collect and preserve evidence for a period of thirty days by assigning a code number to the evidence to maintain confidentiality, a local law enforcement agency having jurisdiction must retrieve the evidence no later than seven days after receiving notification that a code number has been assigned.

**House Bill 153 by Representative Tim Burns (Act 187)** creates the crime of unlawful distribution of material harmful to minors through the Internet, providing that any person or entity in Louisiana that publishes material harmful to minors on the Internet shall, prior to permitting access to such material, require any person attempting to access such material to acknowledge that the person is eighteen years of age or older. However, if the person seeking to access such material is under the age of eighteen but falsely acknowledges that he is eighteen years of age or older, then person or entity that publishes the material and complies with these acknowledgment requirements cannot be held liable for this offense. This crime carries a fine of up to \$10,000.

## **FIREARMS**

**House Bill 57 by Representative Honore (Act 176)** exempts the legislative auditor and designated investigative auditors from the crime of illegal carrying of weapons when those officials are qualified annually in the use of firearms by the Peace Officer Standards and Training Council (P.O.S.T.).

Similarly, **House Bill 67 by Representative Cox (Act 288)** exempts retired district attorneys and retired assistant district attorneys from the crime of illegal carrying of weapons, provided they are P.O.S.T. certified. However, this exception does not apply to any retired district attorneys or retired assistant district attorneys who has entered a plea of guilty or nolo contendere to, or been found guilty of, a felony offense.

## THEFT

**Senate Bill 30 by Senator Kostelka (Act 137)** retains current law relative to the crime of illegal possession of stolen things, but adds that no person, e.g. a seller of automotive parts, is exempt from prosecution under that law for any act committed with fraudulent, willful, or criminal knowledge even if that person obtained a signed statement of ownership executed by a purported owner of the property conveyed. This bill was aimed primarily at "chop shop" owners who know or have reason to believe that automobile parts they are buying were stolen.

Last year, House Bill 791 by Representative Katrina Jackson (Act 255) amended the crime of theft to provide grades of theft based on the value of the item stolen, and repealed certain theft statutes relative to livestock, animals, crawfish, timber, alligators, rental motor vehicles, motor vehicle fuel, used building components, and copper taken from a religious building, cemetery, or graveyard. These repealed crimes specific to the thing stolen are now all covered by the crime of "theft." **House Bill 297 by Representative Burrell (Act 65)** reenacts the provisions of law regarding theft of livestock and theft of timber that were repealed by Act No. 255 of the 2014 Regular Session. For the crime of theft of livestock, it provides penalties including a fine of \$5,000, imprisonment with or without hard labor for not more than ten years, or both. For the crime of theft of timber, it provides penalties that are dependent upon the value of the timber taken.

## PRIVACY AND PRIVACY-RELATED CRIMES

**Senate Bill 264 by Senator Dorsey-Colomb (Act 173)** increases the penalties for the crime of illegal use of a tracking device. Current law provides that a violation is to be punished by a fine of between \$100 and \$500, up to six months in prison, or both. This bill would increase the penalties for a violation as follows: For the first offense, a fine of between \$500 and \$1,000, up to six months in prison, or both; for a second offense, a fine of between \$750 and \$1,500, imprisonment for between thirty days and six months, or both; and for the third offense and subsequent offenses, a fine between \$1,000 and \$2,000, or imprisonment for between sixty days and one year, or both.

**House Bill 103 by Representative Adams (Act 49)** authorizes the attorney general and certain investigators to use electronic surveillance equipment pursuant to a court order. Current law authorizes the use of such equipment by commissioned officers of state police, full-time commissioned city police officers of a municipality, and sheriffs and deputy sheriffs.

**House Bill 489 by Representative Stokes (Act 231)** creates the crime of non-consensual disclosure of a private image, which occurs when the person making the disclosure: (1) intentionally discloses an image of another person who is seventeen years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part; (2) obtained the image under circumstances that a reasonable person would know or understand that the image was to remain



private; (3) knew or should have known that the person in the image has not consented to the disclosure of the image; and (4) has the intent to harass or cause emotional distress to the person in the image, or knew or should have known that the disclosure could harass or cause emotional distress to the person in the image. Penalties for this offense include a fine of up to \$10,000, imprisonment for up to 2 years, or both.

## Culture, Recreation & Tourism



### CULTURE

by: Alan Miller  
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**Senate Bill 153 by Senator Martiny (Act 263)** changes the composition and terms of the Board of Directors of the Louisiana State Museum. Under the provisions of SB153, the total number of members stays at twenty, but the number of at-large members decreases so that the Friends of the Cabildo, the Louisiana Museum Foundation, and the Friends of the Capitol Park Museum may have more representation. The terms of the members will be staggered rather than concurrent with that of the lieutenant governor.

The board will also have more input on policy matters and in the appointment of the museum director. The Lt. governor will choose the museum director from a list of three candidates selected by a search committee appointed by the board. The director's pay from the state may also be supplemented by the board or affiliated museum foundations. SB153 also provides for an exception to the Ethics Code in order to allow for the director's supplementary pay.

### RECREATION

by: Tammy Crain Waldrop  
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**House Bill 581 by Representative Armes (Act 122)** authorizes the use of "utility terrain vehicles" on certain roads.

**House Bill 839 by Representative Miguez (Act 437)** limits liability of certain facilities operated by nonprofit youth organizations.

**Senate Bill 11 by Senator Long (Act 234)** if approved by parish voters this act authorizes the Sabine Parish Tourist and Recreation Commission to levy additional occupancy taxes on hotel and motel rooms, and camping facilities.

**Senate Bill 91 by Senator Adley (Pending Senate Revenue & Fiscal Affairs)** would have changed certain refundable tax credits to non refundable tax credits.



**Senate Bill 100 by Senator Morrell (Act 141)** requires LED to engage independent auditors to prepare production expenditure verification reports for motion picture investor tax credits; sworn affidavits of those submitting information for the reports; regulates and limits expenditures between related parties and subjects them to review by the state inspector general.

**Senate Bill 153 by Senator Martiny (Act 263)** provides relative to the Louisiana State Museum Board of Directors and museum director.

**Senate Bill 278 by Senator Brown (House tabled Conference Committee Report)** would have created and provided for the North LaFourche Recreation Enhancement District.

**Senate Concurrent Resolution 15 by Senator Morrish (Sent to Secretary of State)** commends Milton Vanicor for eighty years of passion, devotion, and commitment to Cajun Music.

**Senate Concurrent Resolution 84 by Senator Cortez (Sent to Secretary of State)** commends the students, and faculty of the Lafayette Parish School System for their first-overall placement in the Louisiana Governor's Games 23<sup>rd</sup> Annual Elementary State Championship Fitness Meet.

**Senate Resolution 15 by Senator Thompson (Sent to Secretary of State)** congratulates the University of Louisiana at Monroe water ski team for its national championship win at the 26<sup>th</sup> National Collegiate Water Ski Association Conference.

**Senate Resolution 56 by Senator Thompson (Sent to Secretary of State)** congratulates the University of Louisiana at Monroe cheer leading team for their fourth place national ranking at the 2015 Universal Cheerleaders Association National Competition.

## **TOURISM**

*by: Linda Nugent  
(225) 342-8892*

During the 2015 legislative session, legislation relating to tourism was local in nature.

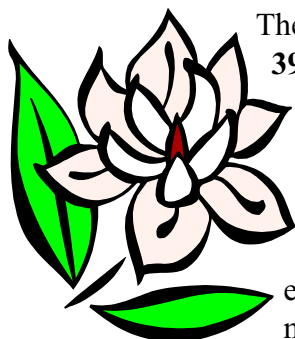
To facilitate the collection and use of private sector originated supplementary funds to market and promote greater New Orleans as a traveler destination and provide for several purposes, including tourism, **Act 266 by Senator Martiny** authorizes the levy of an optional hotel assessment by a tourism organization upon its hotel members. The assessment would be up to one and three quarters percent of the daily room charge and would be treated as a surcharge to hotel guests. Any

such assessment would have to be approved by a 2/3 vote of the assessed hotels in a referendum, with each assessed hotel having a number of votes equal to the number of its hotel rooms. Further requires that the organization would be subject to audit by the legislative auditor.

The Sabine Parish Tourism and Recreation Commission is currently allowed bylaw to levy a 3% hotel occupancy tax. **Act 234 by Senator Long** provides that the Commission would be authorized to levy an additional 2%, the avails of which would be used for recreational and tourism marketing. Any increase in the tax would be subject to the approval of a majority of the electors in Sabine Parish.

The town of Duson (situated in Acadia and Lafayette parishes) are authorized to levy and collect a 4% hotel occupancy tax, subject to voter approval, under the provisions of **Act 53 by Representative Montoucet**. The proceeds of the tax may be used to fund economic development, the promotion of tourism, and related infrastructure within the town.

Currently the avails of the state sales tax on hotel rooms collected in Winn Parish is deposited into the Winn Parish Tourism Fund to be appropriated by the legislature to the Winnfield Museum Board. Under the provisions of **Act 293 by Representative Fannin**, 80% of the monies would be appropriated to the Greater Winn Parish Development Corporation for the Louisiana Political Museum and Hall of Fame and 20% of the monies would be appropriated to the Winn Chamber of Commerce and Tourism to support tourism and economic development in Winn Parish.



The Grant Parish Economic Development Fund is created by **Act 39 by Representative Brown**. Into the fund will be deposited the avails of the 3.97% hotel occupancy tax, which shall be used exclusively for promoting tourism in Grant Parish.

Monies in the St. James Parish Enterprise Fund are subject to annual appropriation by the legislature and are available exclusively for the St. James Convention Facility and other multipurpose buildings, including an agricultural arena and farmer's market. **Act 182 by Representative Price** retains the present uses and further specifies that monies in the fund would be available for use by the governing authority of St. James Parish to promote tourism and economic development related activities and for maintenance and repair, parking areas, and for the St. James Parish Tourist Information

Welcome Center.

Current law provides that the Acadia Parish Convention and Visitors Commission shall be governed by a board of seven directors to be appointed by the governing authority of the parish. As proposed by **Act 60 by Representative Montoucet**, the tourist commission will be governed by a board of eleven directors appointed by the governing authority of Acadia Parish.

## Economic Development

*by: Michelle Ridge  
(225) 342-6162*

**Senate Bill 100 by Senator Morrell (Act 141)** seeks to protect the integrity of the motion picture investor tax credit program. The Act requires the Department of Economic Development to engage and assign an independent certified public accountant or a tax attorney to prepare a production expenditure verification report on a tax credit applicant's cost report of expenditures or claimed expenditures.

**Senate Bill 218 by Senator Murray (Act 12)** establishes the Major Events Incentive Program authorizing the Department of Economic Development to enter into a contract with certain entities to recruit, solicit, or acquire for Louisiana, qualified events that have a significant positive economic development impact in the state. The Act provides that, subject to approval by the Joint Legislative Committee on the Budget, the contract shall provide for financial commitment to the entity and shall be paid with funds dedicated for such purposes. The secretary of the department is authorized by the Act to determine the amount of the incentive to be paid pursuant to the contract. Further, the Act requires the event be held no more often than annually and be one for which multiple sites are considered.

**House Bill 604 by Representative Stokes (Act 412)** requires the Department of Economic Development to directly engage and assign an independent certified public accountant or tax attorney to prepare for the department any required expense or

expenditure verification report on a tax credit applicant's cost report of expenditures or claimed expenditures for the following programs: the motion picture investor tax credit program, the research and development tax credit program, the digital interactive media and software tax credit program, the sound recording investor tax credit program, the musical and theatrical production income tax credit program, and any other program as provided by statute or rule. The Act also authorizes the secretary of the department to establish and collect a verification report fee.

**House Bill 773 by Representative Leger (Act 361)** authorizes the Department of Economic Development to establish a uniform fee schedule for economic development incentives and financial assistance programs. The legislation sets the maximum fee amount and provides that the fees shall be used solely for costs associated with the administration of economic development incentive and financial assistance programs.

### Economic Development Districts

**House Bill 23 by Representative Hensgens (Act 282)** provides with respect to the Vermilion Parish Economic Development District. This legislation changes the name of the district to the Vermilion Economic Development District, increases the number of members to fifteen, and changes the appointment process of the members. Most

substantially, the bill reduces the number of district members appointed by the Vermilion Parish Police Jury from nine to five and provides that the governing authorities of Abbeville, Delcambre, Erath, Gueydan, Kaplan, and Maurice shall each appoint one member. Under current law, the Vermilion Parish Police Jury, by resolution, could dissolve the district. However, this Act removes that power from the police jury and assigns it to the Vermilion Economic Development District.

**House Bill 144 by Representative Arnold (Act 376)** authorizes the Algiers Development District, for the purposes of facilitating development within the district, to exercise all powers granted by law to local governmental subdivisions to approve the creation of nonprofit economic development corporations.

**House Bill 693 by Representative Leger (Act 420)** creates the New Orleans Exhibition Hall Authority Economic Growth and Development District. The district is created to provide for cooperative economic and community development among the district, the city, the state, and the owners of property in the district, to enhance the development of and improvement to the property within the area of the district, and to promote economic growth, safety, and development.

### **Enterprise Zones**

**House Bill 466 by Barras (Act 114)** prohibits eligibility of a business with NAICS Code of 44, 45, or 72 from receiving benefits pursuant to the law governing enterprise zone program incentives for projects whose contract is not entered into before July 1,

2015, unless an advance notification for the project was filed prior to June 10, 2015, and the related claim for benefits is filed on or after July 1, 2016.

**House Bill 738 by Representative James (pending House Ways and Means)** would have prohibited certain businesses from being eligible to participate in the enterprise zone program. Such businesses include: construction, real estate and rental and leasing, healthcare and social assistance, and accommodation and food services. The legislation sought to require the state treasurer to annually transfer the amount of savings recognized by the state by limiting enterprise zone incentives to the Louisiana Education and Workforce Opportunity Fund.

### **Hotel Occupancy Tax**

**Senate Bill 169 by Senator Martiny (Act 265)** authorizes Jefferson Parish to levy an optional hotel assessment by a tourism organization upon its hotel members.

**House Bill 147 by Representative Montoucet (Act 53)** allows the governing authority of Duson to levy and collect a four percent tax upon the paid occupancy of hotel rooms located within Duson. The money collect from this tax shall be used to fund economic development, to promote tourism, and for related infrastructure within the town.

## K-12 Education

by: Jeanne Johnston  
(225) 342-0626

### CHARTER SCHOOLS / STUDENTS WITH EXCEPTIONALITIES

**Senate Bill 267 by Senator Claitor (Act 467)** requires charter schools to enroll special education students (other than gifted and talented) in numbers proportional to the enrollment of such students in the local school district in which the charter school is located. Currently, this requirement only applies to at risk students eligible for the free and reduced lunch program and many charter schools are not enrolling significant numbers of special education students.

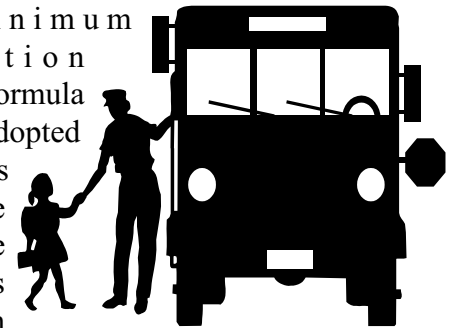
The minimum foundation program formula generates extra funding for students with special needs through allocation weights based on student needs and characteristics, including students with disabilities. The extra funds generated through these weights are included in the MFP funds distributed to schools and school districts that enroll these special needs students.

Charter schools currently receive the average per pupil amount education students, receive special education funding, but without providing a commensurate level of special education services. **Senate Bill 267** provides that charter schools will receive funding based upon the amount generated through the formula, including the special education weight, instead of receiving the district average per pupil amount. If charter schools enroll special education students, they will also receive the extra special education

funding provided through the formula for these students. Otherwise, they will not.

### MINIMUM FOUNDATION FORMULA

In most legislative sessions, passage of the concurrent resolution that provides for legislative approval of the minimum foundation program formula annually adopted by BESE is a routine matter. The formula is based upon



a base per-pupil amount, which in turn drives most of the components of the formula, and the debate generally centers on which schools and school systems are included in the formula and the changes in the allocations amongst these schools. The dynamics of this process changed in May, 2013, when the Louisiana Supreme Court ruled that the formula adopted by BESE for the 2012-13 fiscal year and the concurrent resolution that approved that formula were unconstitutional, and thereby null, void, and of no effect. Article 8, Section 13(B) of the Louisiana Constitution provides that if the legislature fails to approve the formula most recently adopted by the board, the last formula approved by the legislature shall be used. After the supreme court ruling, the MFP formula adopted for the 2011-12 fiscal year became the operative formula for the 2012-13

fiscal year. The MFP formula adopted by BESE for the 2013-14 fiscal year was rejected by the Senate Committee on Education, primarily because of the way the proposed formula treated the allocation of special education funds. As BESE did not resubmit a revised formula, the 2011-12 MFP formula remained operative for FY 2013-14. Although the initial formula submitted by BESE was rejected, BESE submitted a revised formula for the 2014-2015 fiscal year, which was approved by the legislature.

The 2014-15 MFP formula has a base per pupil amount of \$3,961, with an estimated cost of \$3.6 Billion.

**House Concurrent Resolution 18 by Representative Carter (Senate Education)**, which would have provided for legislative approval of the 2015-16 MFP formula, was rejected by the Senate Committee on Education after much discussion. The formula submitted by BESE included a 1.375% increase in the base per pupil amount from \$3,961 to \$4,015, with an estimated additional cost of approximately \$36 million dollars that was not provided for in House Bill 1. There were also additional increases for high cost services for students with disabilities, career and technical courses, and the supplemental course program. The committee felt it would be irresponsible to approve a MFP formula, that the legislature is constitutionally required to fund, for which insufficient funds had been appropriated, and deferred the resolution.

Subsequent to committee action, the State Board of Elementary and Secondary Education did not reconsider and resubmit a proposed formula for the 2015-16 school year for legislative approval. The state constitution provides that if new formula is not approved

by the legislature, the last formula that received legislative approval remains in effect. Consequently, the 2014-2015 MFP formula will continue to be in effect for the 2015-2016 fiscal year.

## **STANDARDS, CURRICULUM, INSTRUCTION AND ASSESSMENT**

The Common Core State Standards are a set of expectations for what a student should know in the subject areas of Math and English/Language Arts. Standards for Science and Social Studies are still under development.

Since the federal No Child Left Behind Act of 2001 was enacted into law, all states are required to have established content standards in the core subject areas of Math, Science, English, and Social Studies and to test all students in grades three through eight on these standards. However, there has been a growing concern, nationally, that the academic performance of students in the U.S. was lagging further and further behind the rest of the developed and developing world.

In response, the National Governors' Association and the Council of Chief State School Officers initiated development of the Common Core State Standards (CCSS) with the over-arching goal of developing rigorous content standards that would raise the educational attainment of students in individual states and the national as a whole, as well as allow comparisons between the states. A guiding principle was to develop fewer standards, but standards that were broader and deeper, thus promoting development of critical thinking skills. The U.S. Dept. of Education considers state adoption of CCSS to meet NCLB



requirements, but does and has approved states that opted not to adopt CCSS, provided the standards adopted for use in those states were found to be sufficiently rigorous. However, there has been growing criticism surrounding the role third party organizations such as the Gates Foundation and testing and textbook companies played in the development and adoption of the CCSS. There is also considerable criticism from individuals and groups who feel the CCSS was not a state led initiative and constitute a federal intrusion into the states' rights under the U.S. Constitution and constitute a federal curriculum. There are those who feel that many states did not voluntarily adopt the CCSS, but were coerced by the federal government to adopt the common core standards.

States began adopting the Common Core State Standards in 2010. Initially 46 states, plus the District of Colombia, adopted the standards. Three states - Indiana, Oklahoma, and South Carolina - have since rejected the CCSS. 43 states, including Louisiana, and the District of Colombia are currently implementing the CCSS.

The implementation of CCSS required that new assessments be developed to align with the new standards. Two consortiums were formed to develop these assessments, Smarter Balanced and the Partnership for Assessment of Readiness for College and Careers (PARCC). Some states joined both, but most joined only one. The primary goal of the consortia developed tests was to allow for comparability of scores across member states. While PARCC and Smarter Balanced are the major players, other organizations such as ACT, are also developing assessments aligned with CCSS.

BESE was dissatisfied with the overall performance of Louisiana's students and joined the consortium known as the Partnership to Assess Readiness for College and Careers (PARCC) through a Memorandum of Understanding in 2009. Louisiana became a governing state in the PARCC consortium and began participating in the development of test items for the new CCSS aligned assessments.

BESE formally adopted the common core state standards for Math and English in 2010 and began the transition to the CCSS standards in these subjects. The CCSS in Math and English were fully implemented in the 2013-2014 School year. Students were administered the LEAP and iLEAP exams, augmented with common core related questions during the transition, with administration of the PARCC tests scheduled for Spring 2015.

Despite BESE actions to lessen the impacts CCSS might have on students, teachers, schools, and districts, sentiment against the use of the common core standards in the state continued to grow. A number of bills were filed during the 2014 Regular Session, but none passed and discontent continued to grow.

**House Bill 373 by Representative Geymann (Act 329), Senate Bill 43 by Senator Appel (Act 245), and House Bill 542 by Representative Schroder (Act 342)** work in tandem to address the concerns and issues surrounding the adoption and use of the common core state standards in Louisiana. The effectiveness of all of these bills is contingent upon the effectiveness of each individual bill. If any of these bills fails to pass or is vetoed, the remaining bills will not

become effective.

**House Bill 373** address the development of state content standards and requires BESE to review and develop state content standards for English language arts and mathematics for adoption not later than March 4, 2016. Prior to adopting the standards, BESE and DOE must:

- (1) Solicit recommendations and advice from educational personnel in the public schools and state colleges and universities.
- (2) Hold public meetings, in accordance with the Open Meetings Law, on the proposed state content standards. At least one meeting must be held in each congressional district in the state and submit the minutes from each meeting to all members of the legislature.
- (3) Post the proposed standards on the BESE website not later than February 21, 2016 and adopt the standards not later than March 4, 2016.

The Senate President and the Speaker of the House are to appoint one member from their respective house to serve as a liaison to attend the public meetings and report back.

If the governor suspends or vetoes the rules promulgated by BESE to implement the state content standards, BESE will review the standards and immediately begin the process of promulgating rules to implement the revised standards.

**Senate Bill 43** addresses the formal adoption of the state content standards and requires each rule proposed by BESE to adopt,

amend, suspend, or repeal state content standards for use in public elementary and secondary schools be submitted to the Senate and House education committees for review, in accordance with the APA. State content standards proposed to be adopted by rule shall not be subject to severability in consideration by a legislative committee or the governor in oversight determinations and must be considered in globo.

Both the legislature and the governor must consider the set of content standards contained in a proposed rule as a whole. They must be accepted or rejected in their entirety.

**House Bill 542** addresses the state testing and assessment program and provides as follows relative to state assessments for the 2015-2016 school year:

- (1) Requires DOE to enter into a one-year contract, in accordance with the La. Procurement Code, for assessments to be used in grades three through eight in English language arts and mathematics.
- (2) Provides that not more than 49.9% of the questions included in the selected assessments shall be based upon a blueprint or intellectual property developed by the Partnership for Assessment of Readiness for College and Careers consortium, or any other federally funded consortium of states.
- (3) Provides that no question included in the selected assessments shall be based upon a blueprint or intellectual property developed by a consortium of states predominantly funded by organizations primarily dedicated to

political advocacy.

- (4) Requires the commissioner of administration to ensure that any contractor is in full compliance with the law.
- (5) Requires the commissioner of administration to ensure that a copy of any subcontract entered into by the selected contractor shall be submitted to the division of administration within 10 calendar days of finalization of the contract.
- (6) Requires the state chief procurement officer, in accordance with applicable state law, to make a final determination regarding the department's request for proposals to solicit a vendor for the 2015-2016 assessments, by July 15, 2015, provided all requirements of the state procurement code have been met.
- (7) Requires the state chief procurement officer, in accordance with applicable state law, to make a final determination regarding the department's contract for the 2015-2016 assessments, not later than Oct. 15, 2015, provided all requirements of the state procurement code have been met.

## TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Currently, in carrying out its constitutional and statutory mandate to prescribe, adopt, and exercise authority over the distribution and use of textbooks and other materials of instruction for use in the public

schools, BESE is required to adopt lists of approved textbooks and other instructional materials. Schools and school districts are allowed to purchase any textbooks and materials they desire with local funds, but are largely required to purchase textbooks and materials on the adopted lists if state funds are used. Some variance is allowed. **House Bill 287 by Representative Reynolds (Act 389)** significantly revises the current procedures for the adoption, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. Instead of BESE adopted prescribed lists of approved textbooks/instructional materials, DOE will prepare lists of reviewed textbooks/instructional materials and indicate the degree to which each aligned with state content standards. Each list of state reviewed textbooks must contain at least one text in each subject that totally aligned with state standards. The legislation establishes a digital review process that allows for increased access by parents and the public and eliminates the need for the costly textbook "caravan" required by current law. The legislation also provides for a local review and adoption process for books chosen for use that are not on the DOE list or reviewed books and mandates parental participation. The legislation retains the book depository and state contracts for cost savings through bulk purchasing. However, school governing authorities are free to buy the textbooks and related materials that best fit local needs and can buy directly from the publisher.

## Postsecondary Education

by: Jeanne Johnston  
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### ACCOUNTABILITY AND PERFORMANCE / GRAD ACT

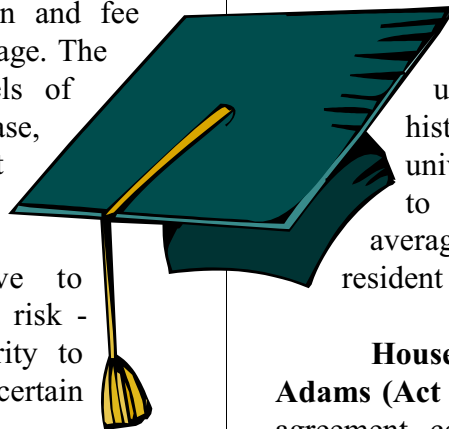
In response to postsecondary education's quest to gain tuition and fee setting authority, the legislature enacted the Louisiana Granting Resources and Autonomy for Diplomas Act, commonly known as the GRAD Act. The GRAD Act provides a mechanism for public postsecondary institutions to enter into 6-year performance agreements with the Board of Regents in order to be granted limited tuition authority and certain operational autonomies, provided specified performance targets and objectives are met, including retention and graduation rates, increased admission standards, and elimination of remedial courses at 4-year institutions. If the performance targets are met, institutions can raise tuition and fees up to 10% annually until tuition and fee amounts reach the SREB average. The Act provides for three levels of operational autonomies - base, intermediate, and high - that exempt postsecondary institutions from certain statutory provisions relative to procurement, contracting, and risk - management, and the authority to retain and invest funds in certain bonds.

**House Bill 171 by Representative Jefferson (Act 100)**, for performance agreements entered into prior to the 2018--2019 academic year, allows Grambling,

Southern, and Southern at New Orleans to admit students who need only one remedial course. Also allows these institutions to offer remedial courses and developmental programs, but provides that all remedial course work offered at these institutions be funded at the community college rate.

**House Bill 129 by Representative Jefferson (Act 98)** exempts the state's historically black colleges and universities (Grambling, Southern - Baton Rouge, Southern at Shreveport, and Southern at New Orleans) from the GRAD Act requirement that nonresident tuition and fees be no less than the average tuition charged to Louisiana residents attending historically black colleges and universities in other states. Allows the Southern Board of Supervisors and the Board of Supervisors for the University of Louisiana System to reduce tuition and fees applicable to nonresident undergraduate students at the historically black colleges and universities under their supervision to an amount not less than the average tuition and fees paid by resident students at those institutions.

**House Bill 766 by Representative Adams (Act 359)** removes the performance agreement conditions in the GRAD Act relative to the granting and exercise of operational autonomies and replaces them with the requirement that the division of administration shall approve the exercise of the autonomies subject only to the following



conditions:

- (1) A public postsecondary education management board may decide that none of its institutions will have such authority.
- (2) The division of administration shall approve the exercise of such autonomies to institutions in a system if the system received for its most recent audit, a financial audit with an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles.
- (3) Notwithstanding (2) above, if the system did not receive an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles, the division of administration shall not approve the exercise of such autonomies by any institution that was responsible for the finding of noncompliance at the system level.

If an institution granted the right to exercise operational autonomies subsequently receives an audit with a material weakness through a financial audit, the institution shall be required to develop and implement a corrective action plan for approval by the

management board. The institution will be required to demonstrate to the management board that the necessary corrective actions were taken within six months from the date the audit finding was reported, or the institution will lose the authority to exercise the autonomies granted for the remainder of the period that the authority is in effect. The corrective action plan and post-implementation report shall be submitted to the division of administration and the Board of Regents.

## **ARTICULATION AND TRANSFER**

Current law requires the development of a comprehensive system of articulation and transfer of credits between and among public secondary and postsecondary education institutions and created the Statewide Articulation and Transfer Council (SATC) to oversee this process. At the heart of this system are the two-year associate of arts and associate of science transfer degrees implemented in the Fall of 2010 that are designed to transfer fully to a four-year institution and apply toward a four-year degree. Current law also requires the creation of a pathway between career and technical education and industry-based certification programs and academic degree programs offered by community colleges and charges the Statewide Articulation and Transfer Council and the LCTCS board of supervisors to establish a process to award and transfer college credit for the academic content embedded in career and technical education and industry-based certification courses. Students successfully completing such courses would be able to "bank" the academic credit earned through such courses that can later be applied, in whole or in part, to an equivalent academic course offered by a community

college. This process will make it possible for a career and technical education student to later enroll in an associate degree program offered by a public community college. Representatives of the Board of Regents, BESE, and the public postsecondary education management boards are required to meet at least once quarterly to discuss and make recommendations to the SATC and the Board of Regents regarding the appropriate role and responsibilities of each board, the status of current and proposed articulation and transfer policies, activities, and initiatives, methods to enhance and maximize student knowledge and utilization of articulation and transfer policies and programs, and methods to overcome obstacles and barriers preventing the efficient and effective development and implementation of successful articulation and transfer policies and practices.

**Senate Bill 132 by Senator Nevers (Act 233)** authorizes and encourages four-year colleges and universities and community colleges to enter into reverse articulation or reverse transfer agreements to facilitate the transfer of academic credits earned by a student while enrolled in a four-year postsecondary institution back to a community college for the purpose of enabling a student to complete the requirements for an associate degree from the community college. Requires the SATC to establish guidelines to govern the reverse transfer of academic credits between four-year colleges and universities and community colleges.

This legislation also requires each articulation and transfer agreement developed and implemented to maximize the number of academic or workforce education credits awarded to veterans of the U.S. Armed Forces for their military education, training, or

experience and provide for their seamless transfer from one public postsecondary education institution to another. Each public postsecondary education institution is required to assist veterans and their spouses in pursuing their educational goals by providing expedited transcript analysis, prior learning assessment, portfolio analysis, advising, and testing. Senate Bill 132 also requires SATC to coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public postsecondary education institutions that will:

- (1) Recognize and align military education, training, or experience with the appropriate academic or workforce course work.
- (2) Provide for the transfer of academic credit hours earned by a veteran or the spouse of a veteran from a postsecondary educational institution that offers academic course work to military personnel and their spouses, provided such institution is accredited by the appropriate regional accrediting body and the credit to be transferred is aligned with the course and program requirements of the receiving institution.

## CAMPUS SAFETY

Currently, an American woman who attends college is more likely to be the victim of sexual assault than a woman who does not attend college. Colleges and universities have thus come under increased scrutiny at the state and national level concerning the adequacy of their policies concerning the reporting and prevention of such assaults. **Senate Bill 255 by Senator Morrell (Act 172)** enacts the

Campus Accountability and Safety Act and to ensure that our colleges and universities are doing everything possible to stop sexual violence on college campuses. Based upon federal legislation introduced by U.S. Senator Claire McCaskill, this legislation:

- (1) Requires postsecondary education institutions to enter into a memorandum of understanding with local law enforcement to delineate responsibilities and share information in accordance with federal and state law and to update such MOUs every two years.
- (2) Provides for training requirements for law enforcement and campus personnel.
- (3) Requires the Board of Regents to establish uniform policies and best practices regarding reporting of sexual assaults on college campuses, the prevention of such crimes, and the medical and mental health care needs of alleged victims.
- (4) Requires postsecondary institutions to designate and provide training for confidential advisors to inform the alleged victim of her rights under federal and state law and school policies, including reporting options.
- (5) Allows postsecondary institutions to offer the same assistance to the accused that are required to be offered to the alleged victim.
- (6) Provides that the Board of Regents' Uniform Policy on Sexual Assault require postsecondary institutions to

communicate with one another regarding the transfer of students against whom disciplinary action has been taken as a result of a code of conduct violation relating to sexually oriented criminal offenses. Such policy shall also require institutions to withhold the transcript of students seeking a transfer with pending disciplinary action for such offenses until the investigation and adjudication is completed.

This legislation also requires that when funding is made available, each public postsecondary education institution is to administer an annual, anonymous sexual assault climate survey to its students who choose to participate. The Board of Regents, in consultation with the public postsecondary education management boards, is to develop the survey and establish procedures for the administration of the survey and use the survey developed by the Center on Violence Against Women and Children at the Rutgers University School of Social Work as a model. Each public postsecondary education institution must:

- (1) Administer the survey to students who choose to participate.
- (2) Report school-specific results of the survey to the Board of Regents.

The Board of Regents must:

- (1) Submit a written report not later than September 1st of each year regarding the survey results of each public postsecondary education institution and the state as a whole to the governor and the Senate and House of

Representatives committees on education for the previous academic year.

- (2) Publish the survey results on the board's website and in any other location or venue the board deems necessary or appropriate.

**Senate Resolution 11 by Senator Morrel (Sent to Secretary of State)** creates a task force to study the postsecondary education disciplinary process for campus rape and sexual assault and report its findings to the Senate Committee on Education and the Board of Regents by January 8, 2016.

## GOVERNANCE AND STRUCTURE

The postsecondary education governance structure has been under increased scrutiny in recent years, which intensified with the creation of the Postsecondary Education Review Commission (PERC) in 2009, a nine member commission charged to review all aspects of postsecondary education in order to ensure that the enterprise was operating efficiently, effectively, and in a manner that best serves students, their families, and the state and to make recommendations for changes necessary to ensure such system operation. The review was to be comprehensive and include governance, facilities, all programs, funding, and other related issues. Although this commission did propose a number of innovative recommendations, none of the PERC recommendations came to fruition. Less than satisfied with the PERC report, the legislature adopted HCR 184 of the 2011 Regular Session requesting the Board of Regents to create a commission to study the governance, management, and supervision of public postsecondary education and the related issues

of tuition and institutional authority and responsibilities. The report issued by this 18 member commission did not yield any new or innovative recommendations. The search for a viable approach to improve the postsecondary education delivery system in the state continues.

In yet another attempt to prompt an objective examination of the postsecondary education delivery system, **Senate Resolution 132 by Senator Appel (Sent to Secretary of State)** requests the Board of Regents, in consultation with the public postsecondary education management boards, to re-examine the state's public postsecondary education delivery system and make recommendations to the legislature regarding the appropriate role, scope, and mission for each public postsecondary institution as necessary to ensure a comprehensive, coordinated, statewide public postsecondary delivery system that meets the needs of students and addresses the state's economic development and workforce needs on a local, regional, and statewide level.

The Louisiana Constitution empowers the Board of Regents to revise or eliminate existing degree programs, departments of instruction and to approve creation of the same. The constitution also provides that it is the duty and responsibility of the board to study and report their findings and recommendations to the legislature prior to consideration of legislation to create a new postsecondary institution, the addition of another management board, or the transfer of an institution from one management board to another. The Board of Regents is also constitutionally tasked with creating a and revising a master plan for public postsecondary education, which establishes



the role, scope, and mission of each public postsecondary education institution in the state.

SCR 132 specifies that it is incumbent upon the Board of Regents to exercise its constitutional responsibility and re-examine the state's public postsecondary education delivery system from a statewide perspective and determine the best manner in which to provide a coordinated statewide public postsecondary delivery system that provides for the proper role, scope, and mission of each public postsecondary institution and its placement within the public postsecondary education governance structure, focuses resources, and establishes an optimal balance of technical colleges, two-year and four-year institutions, and courses of study.

The resolution also requests the Board of Regents, in consultation with the public postsecondary education management boards, to re-examine the state's public postsecondary education delivery system and make recommendations to the legislature regarding the appropriate role, scope, and mission for each public postsecondary institution as necessary to ensure a comprehensive, coordinated, statewide public postsecondary delivery system that meets the needs of students and addresses the state's economic development and workforce needs on a local, regional, and statewide level.

Finally, the Board of Regents is requested to submit a written report of its findings and conclusions, including recommendations for the role, scope, and mission for each existing public postsecondary institution, to the President of the Senate, the Speaker of the House of Representatives, the Senate Committee on Education, and the

House Committee on Education not later than sixty days prior to the beginning of the 2016 Regular Session of the Legislature of Louisiana.

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

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

As the number of students qualifying for TOPS increases and tuition continues to rise at the state's colleges and universities, so does the cost to the state to fully fund the TOPS program. The dynamic that exists between tuition and the cost of the TOPS program has resulted in much discussion regarding the need to place a limit on the monetary amount for the various TOPS awards in order to make the cost more manageable and predictable, as well as to preserve the long-term viability of the program. **Senate Bill 48 by Senator Donahue (Vetoed)** would have capped TOPS award amounts at the 2014-2015 levels, unless increased by the legislature by law. Students

will still receive the stipends provided to students receiving the Performance and Honors awards.

Would have provided that the TOPS-Tech award can be used for any technical or applied course leading to an Industry Based Certification, a Certificate of Applied Sciences, and a Certificate of Technical Sciences offered at a Louisiana public or nonpublic postsecondary education institution or by any Louisiana training provider recognized by the la workforce commission as approved by BESE, when such certification or certificate is approved by the Workforce Investment Council.

**House Bill 838 by Representative Price (Act 230)** represents a philosophical change in how the TOPS-Tech award has traditionally been awarded and used. This legislation, beginning with students who graduate during the 2016-2017 school year, restricts the use of the award to only those programs that have been approved by the Louisiana Workforce Investment Council and the Board of Regents. A student could be academically eligible, but still not be able to receive the TOPS-Tech Award, if the program of study he or she chooses to pursue isn't on the approved list. If the Board of Regents and the Workforce Commission remove a program of study from the approved list, a student already receiving a TOPS-Tech award may continue to use the award, provided all other eligibility requirements are met.

**House Bill 462 by Representative Cox (Act 403)** aligns the curriculum requirements for the TOPS-Tech award with those established for a high school student to earn a Career Diploma and allows attainment of a silver level score on the ACT Work Keys

system to substitute for the required ACT score.

## TUITION

Currently, any increases in tuition to be imposed by postsecondary education management boards, other than those allowed by the GRAD Act, must be approved by a 2/3 vote of the legislature. **Senate Bill 155 by Senator Donahue (Failed House Final Passage)** was a constitutional amendment which, if ratified by the voters, would have given each postsecondary education management board the authority to establish the tuition and fee amounts charged by institutions under their supervision and management, without legislative approval. However, because of the link between Tuition increases and the cost of TOPS (See TOPS section above), this constitutional amendment will not be placed on the ballot for a vote by the people, unless SB 48 is enacted and becomes effective.

**House Bill 61 by Representative Carmody (pending Conference Committee)** is a constitutional amendment, which if ratified by the voters, would have removed the constitutional requirement that any postsecondary tuition and fee increases be approved by a 2/3 vote of the legislature and will instead provide that the postsecondary education management boards have the authority to establish tuition and fees charged to students attending public postsecondary education institutions shall be provided bylaw enacted by the legislature.

**House Bill 152 by Representative Broadwater (Act 377)**, notwithstanding the provisions of the GRAD Act, authorizes the four public postsecondary education

management boards to increase the amount of

mandatory fees charged by each institution under their management and supervision as deemed necessary for the 2015-2016 and 2016-2017 academic years only. However, the revenue per full-time equivalent student from all tuition and fees charged to a student, plus the revenue from state and local appropriations, shall not exceed the national average of total per full-time equivalent student revenue as reported by the National Center for Education Statistics. Institutions are allowed to impose per-credit fees, differential fees for certain programs, and to charge proportional amounts for part-time students and for summer sessions. This bill received the 2/3 vote in both houses to meet the constitutional vote requirement for raising fees.

## VETERANS

In addition to the military articulation and transfer process described above, **House Bill 485 by Representative Henry Burns (Act 232)** requires the Board of Regents to establish a process for a public postsecondary education institution to be designated by the governor as a "Governor's Military and Veteran Friendly Campus". The designation is good for one year, but may be renewed upon verification that the institution still meets the eligibility requirements for the designation. "Veteran" is defined as a former or current member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the U.S. Coast and Geodetic Survey.

## Vocational/Technical Education

*by: Alan Miller*  
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**House Bill 838 by Representative Price (Act 230)** limits TOPS-Tech Awards, beginning with students graduating from high school in the 2016-17 school year and thereafter, to students enrolled in those associate's degree (academic or non-academic) or shorter-term training and education programs that the Board of Regents and the Louisiana Workforce Investment Council determine are aligned with state workforce priorities.



## Elections

*by: Ashley Menou  
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**Senate Bill 207 by Senator Riser (Act 269)** changes who bears the burden of costs associated with elections. Senate Bill 207 provides the payment of costs associated with publication of polling place locations, renting polling places, drayage, voting machine set up, compensation of commissioners and parish custodians, and other election expenses are to be paid by the appropriate governing authority that relates to the character of office or issue involved in the election. In the event the secretary of state pays the costs, the governing authority must reimburse the secretary of state who will then remit the funds to the state treasurer.

**House Bill 131 by Representative Berthelot (Act 50)** prohibits a recalled public officer who was removed from office as a member of certain municipal governing authorities from becoming a candidate at the election to fill the vacancy on the governing authority that is held prior to the next regularly scheduled election for members of a governing authority following the recall.

**House Bill 640 by Representative Johnson (Act 347)** increases criminal fines for bribing voters. Currently, the penalty for giving or offering to give any money or anything of apparent present or prospective value to any voter at any election or convention of a recognized political party with the intent to influence the voter's vote is a fine, imprisonment, or both. The time for imprisonment is currently for not more than two years for the first offense (with or without

hard labor) and not more than five years for a second or subsequent offense (with hard labor). House Bill 640 does not change the imprisonment times. House Bill 640 does increase the fine from not more than \$2,000 for the first offense to not more than \$4,000 and increases the fine for a second or subsequent offense from \$5,000 to \$10,000.

**House Bill 591 by Representative Broadwater (Act 410)** changes various election dates and other time frames relative to elections and candidate qualifying. Primary election dates are moved one week earlier for regularly scheduled elections, the general election date is moved one week later in certain municipal and ward elections, and the opening of the qualifying period is moved one month earlier for all certain regularly scheduled elections. The same changes are made for elections to fill a newly created office or vacancy in an existing office and to bond, tax, or other elections at which a proposition or question is to be submitted to the voters. House Bill 591 also limits the time during which a candidate may withdraw from an election.

## Energy

*by: McHenry Lee  
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**Senate Bill 88 by Senator Adley (Act 253)** provides for drilling units and authorizes the permitting of cross-until wells. This legislation is the result of the study produced by the Cross-Until Well Study Commission, which was created by Act 390 of the 2014 Regular Session.

**Senate Concurrent Resolution 89 by Senator Allain (Sent to Secretary of State)** establishes a task force to study the performance audit on the regulation of oil and gas wells and management of orphaned wells. This resolution is an attempt to address some of the concerns raised by SB 41, also by Senator Allain, which would establish the Louisiana Oilfield Site Restoration Law. The task force will report its findings to the legislature in early 2016.

**Senate Concurrent Resolution 94 by Senator Chabert (Sent to Secretary of State)** memorializes the United States Congress to eliminate the current ban on crude exports.

**House Bill 400 by Representative Schexnayder (Act 332)** authorizes the commissioner of conservation to regulate liquified natural gas facilities in the state.

**House Bill 784 by Representative Dove (Act 362)** provides for certain fees collected by the office of conservation. The bill will increase the cap on annual fees collected from operators of capable oil and gas wells and on injection wells and facilities.





## Environment

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### **LITTER**

#### **Penalties. Act 368 by Representative Berthelot**

increases the penalties for littering and applies the increases to the unfunded accrued liability of the retirement system of the law enforcement agency issuing the citation. Non pecuniary penalties are usually imposed for simple and gross littering. However, in the case of a third and subsequent violation of intentional and gross littering, non pecuniary penalties include suspension of driver's licenses and for gross litter, up to thirty days imprisonment. Currently, four types of littering offenses are defined by law. Intentional littering is the intentional disposal of litter on public or private property or the waters of the state. Violations impose criminal penalties for first and subsequent offenses. Simple littering is the disposal of litter and allowing the disposal of litter on public or private property or on the waters of the state. Violations impose civil penalties. Gross littering prohibits the intentional disposal of large items of litter such as furniture, appliances, auto parts, tires, equipment, building materials, roofing nails, bags or boxes of household or office garbage on public or private property or on waters of the state. Commercial littering prohibits the disposal of litter from industrial, commercial, mining, or agricultural operations on public or private property or waters of the state. All money penalties for all four types of littering will be double the fines now collected. The measure also modifies the distribution

proportions of the fines by directing the increases in fines to the retirement system of the law enforcement agency issuing the litter citation to be applied to the oldest outstanding positive amortization base of that system. Upon liquidation of the positive amortization base, the funds are paid to the general fund of the system until the creation of a new amortization base..

### **PESTICIDES**

**Schools. Act 311 by Representative Guinn** regulates the use of pest control products and product application in pre-kindergarten classrooms. Currently, application of any herbicide, rodenticide, insecticide, or restricted use pesticide, on a non fee basis for grass and weed control, rodent and general pest control in, on, or around structures or grounds of any school that provides education to kindergarten through 12th grade classes, unless that person is a certified commercial applicator or is under the supervision of a certified applicator. The measure simply adds kindergarten classrooms to the provisions now applicable to elementary and secondary classrooms. The bill also provides for a one hundred twenty five dollar fee to be assessed by the commissioner of agriculture for the administrative cost of reviewing the annual integrated pest management plan.

### **WASTE TIRES**

**Processing. Act 79 by Representative Miguez** provides that administration of the state's waste tire program remain in the Department of Environmental Quality and the

Waste Tire Program Task Force make recommendations on the waste tire program in an annual report. The bill also requires the secretary of the department of Environmental Quality to establish standards and requirements for end market uses of waste tire material by January 1, 2016, and that such standards and requirements shall not include disposal as an end market use of eligible waste tire material. The bill further provides that a permitted waste tire processing facility shall be entitled to fifty percent of the total payment at processing and the remaining fifty percent of the total payment once waste tire material reaches end market uses. The measure also provides for an additional member to the Waste Tire Program Task Force appointed by the Louisiana Marine And Motorcycle Dealers Association. The definition of "processed" is further defined as tires that are no longer whole and have been reduced by cutting it in half along its circumference.





## Ethics

by: Ashley Menou  
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**Senate Bill 119 by Senator Perry (pending final passage)** would have limited the number of constitutional amendments that may be presented to the electorate per election. Currently, there is no limit to the number of constitutional amendments that may be presented per ballot to the electorate. Senate Bill 119 would have limited that number and provides that no more than five proposed amendments can be presented to the electorate per election.

**Senate Bill 131 by Senator Johns (Act 258)** allows an elected public official who is a member of the governing authority of a parish who was elected to his initial term in 2004 maybe employed with any gaming licensee provided the elected official is a non-key gaming employee and his employment began at least four years before he held public office. Senate Bill 131 further provides that a public official's employment is terminated they can still be employed by a gaming licensee as a non-key employee whose duties do not involve access to a designated gaming area.

**House Bill 296 by Representative Burns (Act 316)** creates an exception to the Public Records Law for records of the Board of Ethics pertaining to enforcement proceedings. Additionally, House Bill 296 creates the requirements for expungement of records regarding a complaint filed with the Board of Ethics and procedures for such an expungement.



**Senate Bill 87 by Senator Perry (Act 450)** removes financial disclosure requirements for members of a board or commission that does not receive compensation, per diem, or reimbursement. Additionally, a board or commission that does not have the authority to expend, disburse, or invest more than \$50,000 of funds in a fiscal year and whose members are not eligible to receive compensation, per diem, or reimbursement for their service shall not be considered a board or commission for personal financial disclosure requirement purposes. Senate Bill 87 also creates an exception for a former member of the board of commissioners of the East Union Parish Hospital Service District from entering into a contract with or under supervision of the board of commission of the hospital district or receiving compensation for such contract.

## Finance

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### APPROPRIATIONS AND FUNDS

**House Bill 1 by Representative Fannin (Act 16)**, the General Appropriations Act, provides for the ordinary operating expenses of state government for Fiscal Year 2015-2016. As appropriated, HB1 contained \$8.9 billion in State General Fund (Direct) spending and the total means of financing was \$25.1 billion (without double counting or contingencies) according to the Division of Administration's Office of Planning and Budget. The proposed budget included 52,443 authorized positions which is 677 less than the Existing Operating Budget for the 2014-2015 Fiscal Year.

**Senate Bill 218 by Senator Murray (Act 12)**, establishes the Major Events Incentive Program authorizing the secretary of the Dept. of Economic Development (DED) to enter into a contract with a local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for Louisiana qualified major specified events that have significant positive economic development impact on the state. Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the contract shall provide for financial commitment to the local organizing

committee, endorsing parish, or endorsing municipality, which shall be paid with funds dedicated for such purposes.

Creates the Major Events Incentive Program Subfund in the treasury for deposit of the incremental increase in certain state tax receipts generated by the occurrence of all qualified events, subject to the approval of the Joint Legislative Committee on the Budget, the secretary of the Department of Economic Development is hereby authorized to enter into a contract.

Also requires the event to be held no more often than annually and sites outside of the state must have been considered. Further requires that a site selection organization selects a site in this state as the sole site for the events.

*Effective July 1, 2015.*

**Senate Bill 122 by Senator Adley (Act 257)**, present constitution in Article VII, Section 10.3 and present law establish the Budget Stabilization Fund in the state treasury. Present constitution and present law provide that the base maybe increased every ten years beginning in the year 2000 by a law enacted by a two-thirds vote of the elected members of each house of the legislature. Such increase shall not exceed 50% in the aggregate of the increase in the consumer price index for the immediately



preceding ten years.

Proposed law retains present law but increases the base from \$850 million to \$950 million; requires a two-thirds vote of the elected members of each house of the legislature.

*Effective upon signature of the governor.*

## **TRANSPORTATION AND HIGHWAY FUNDING ISSUES**

**Senate Bill 202 by Senator Adley (Act 473)**, proposed constitutional amendment recreates the existing Budget Stabilization Fund as the Budget and Transportation Stabilization Trust. Creates the Budget Stabilization Subfund and the Transportation Stabilization Subfund within the Budget and Transportation Stabilization Trust and provides that at the beginning of each fiscal year, mineral revenues shall be allocated and deposited into the subfunds as follows:

- (1) Beginning in Fiscal Year 2015-2016, mineral revenues in excess of the base shall be deposited in the Budget Stabilization Subfund until the balance in the fund equals and shall be maintained in the amount of \$500 million.
- (2) Once the balance in the Budget Stabilization Subfund equals \$500 million, mineral revenues shall be deposited into the Transportation Stabilization Subfund at the beginning of the next fiscal year until the balance in the Transportation Stabilization Subfund equals and shall be maintained in the amount of \$500 million. Thereafter, any excess

mineral revenues shall be deposited into the state general fund. The legislature may appropriate additional monies into either the Budget Stabilization Subfund or the Transportation Stabilization Subfund. The proposed constitutional amendment provides that monies in the Transportation Stabilization Subfund shall be appropriated by the legislature and used solely and exclusively for planning, design, construction, and maintenance connected with the state highway program, provided that at least 20% of the funds appropriated from the Transportation Stabilization Subfund shall be used only for the Louisiana Intermodal Connector Program within DOTD.

- (3) No deposit of mineral revenues shall be made in any fiscal year in which money in the fund is appropriated for use or incorporated into the official forecast or in the ensuing fiscal year, except by specific appropriation by the legislature.

*Submission to the voters on the October 24, 2015 ballot.*

**Senate Bill 221 by Senator Adley (Act 275)**, beginning in Fiscal Year 2017-2018 and each fiscal year thereafter, from the avails of certain sales and use taxes and inventory tax, the treasurer shall deposit an amount equal to the increase in general fund revenues that are certified by the Revenue Estimating Conference as being attributable to the provisions of the Act that originated as SB122 of the 2015 R.S., but this amount cannot exceed \$100 million.

Provides that the first seventy million dollars of the monies shall be deposited into the TTF to be used exclusively for state highway pavement and bridge sustainability projects. Thereafter, ninety-three percent of the monies shall be deposited into the TTF to be allocated as follows: not less than thirty percent for highway priority program projects classified as capacity projects; twenty-five percent for port construction and development priority program projects; and the remaining monies for state highway pavement and bridge sustainability projects.

Further provides that the remaining seven percent shall be deposited into the infrastructure bank as provided in the Act which originated as HB 767 for final design and construction and shall not be used for studies. If the Act which originated as HB 767 fails to pass and is not enacted into law, the monies allocated herein shall be deposited into the Transportation Trust Fund and used exclusively for port construction and development priority program projects.

Effective and becomes operative if and when the Act which originated as **Senate Bill 122 (Act 257)** of this 2015 Regular Session of the Legislature is enacted into law and becomes effective.

**House Bill 618 by Representative St. Germain (Act 471)**, amends the constitution to authorize the investment of public funds to capitalize a state infrastructure bank.

*Submission to the voters at statewide election on October 24, 2015.*

**House Bill 767 by Representative St. Germain (Act 431)**, establishes the Louisiana State Transportation Infrastructure Bank

(Bank) within the Dept. of the Treasury. Provides that the purpose of the Bank is to select and assist in financing eligible transportation projects by providing loans and other financial assistance to municipalities, parishes, publicly operated ports, harbors, or terminal districts, publicly operated airports, publicly operated ferries, or publicly operated transit systems in the state for planning, constructing, and improving transportation facilities necessary for public purposes.

## FISCAL CONTROLS

**Senate Bill 222 by Senator Donahue (Act 169)**, relative to budgetary procedures, defines "incentive expenditures" to mean the reductions of and payments from current tax collections attributable to twenty eight incentive benefit statutes specified in the Act. Requires the Revenue Estimating Conference (REC) to establish a forecast of incentive expenditures for each fiscal year, beginning for fiscal year 2016-2017. Requires that the forecast be an amount that is no less than the estimated amount of payments from and reductions of current tax collections which will be made by each of the incentive benefit statutes.

Also requires that the "incentive expenditure forecast" be derived and based upon the assumption that the current law and current administrative procedures will remain in effect for the forecast period. Requires that the agency which administers the incentive benefit notify the conference when the incentive expenditure forecast is not sufficient to meet the requirements of current law or current administrative procedures. Authorizes the conference to revise the forecast as necessary. Requires that the incentive expenditure forecast be a separate forecast and

shall not be included in the estimates of the money to be received by the state general fund and dedicated funds for the current and next fiscal years which are available for appropriation. Requires that the incentive expenditure forecast be determined by the REC.

*Effective July 1, 2015.*

**Senate Bill 260 by Senators Broome and Claitor (Act 146)**, relative to the Office of Group Benefits, provides for oversight of the Office of Group Benefits. Creates a six voting member Group Benefits Estimating Conference to estimate the operational and actuarial costs of the Group Benefits Program. The information from the Estimating Conference shall be used by the commissioner of administration and the chief administrative officer in setting new rates or developing new plans of benefits. The information shall also be used by the Group Benefits Policy and Planning Board in its review of proposed new plans or rates.

Changes the board composition from sixteen members to eleven voting members. The eleven member voting board retains two retiree members to be elected and nine members to be appointed as follows: three members appointed by the speaker of the House of Representatives; three members appointed by the president of the Senate, and three members appointed by the governor.

Each of the appointed members shall have a minimum of five years professional experience or fiscal expertise in the industries of health insurance, actuarial sciences, financial services, or banking.

Provides that any new plan of benefits or the annual plan of benefits or certain contracts negotiated by the Office of Group Benefits (OGB) shall be subject to review and approval of the relevant oversight committees of the legislature having jurisdiction over agency rules. Additionally, any adjustments to such contracts in the amount of one million dollars or more shall require the review and approval of the oversight committees before the modified contracts may be implemented. Such adjustments shall indicate the fiscal impact to the plan of benefits as well as the rate structure, if any, over the subsequent three years or maximum contract period.

*Effective January 1, 2016*

## REVENUE MEASURES

The Finance Committee received a number of revenue measures which originated in the House that were dual referred after being considered and passed by the Senate Committee on Revenue and Fiscal Affairs. These measures included: **House Bill 119 by Representative Ritchie (Act 94)**, cigarette tax increase; **House Bill 218 by Representative Broadwater (Act 103)**, net operating loss; **House Bill 402 by Representative Stokes (Act 109)**, credit for tax paid in other states; **House Bill 549 by Representative Thibaut (Act 120)**, modifies certain exemptions; **House Bill 624 by Representative Jackson (Act 123)**, certain corporate income tax exclusions; **House Bill 629 by Representative Jackson (Act 125)**, reduces income and corporate franchise tax credits; **House Bill 635 by Representative Jackson (Act 126)**, reduces tax rebates; **House Bill 779 by Representative Ponti (Act 131)**, solar tax

credit; **House Bill 805** by **Representative Adams (Act 133)**, carry-forward certain ad valorem credits; **House Bill 829** by **Representative Robideaux (Act 134)**, certain motion picture credits, **and House Concurrent Resolution 8** by **Representative Montoucet (Sent to Secretary of State)**, sales tax exemption suspension (portion).

# Gaming

by: Cathy Wells  
(225) 342-1126

## BINGO

**Senate Bill 198 by Senator Heitmeier (Act 168)** - Increases the rate of compensation for persons who assist in the holding, operating, or conducting of charitable bingo games from \$10.00 per hour to \$15.00 per hour, not to exceed \$90.00 per session for any one employee. Removes the requirement of each distributor having an employee on site during the use of such distributor's devices.

## FANTASY FOOTBALL

**House Bill 475 by Representative Lopinto (Senate Judiciary B Committee)** - Would have authorized "fantasy football" and other fantasy or simulation games by providing an exception for these games to certain gambling offenses under certain conditions.

## GAMING PROCEEDS

**House Bill 143 by Representative Moreno (Act 186)** - Requires unclaimed prize monies from certain gaming activities, less the amount of state tax due, to be remitted to the state for deposit by the state treasurer into the Crime Victims Reparations Fund to be used exclusively to pay the expenses associated with health care services of victims of sexually oriented criminal offenses, including forensic medical exams.

## LAND BASED CASINO

**Senate Bill 236 by Senator Murray (Senate Judiciary B Committee)** - Would have allowed the current casino gaming operator to reduce its total operating force or personnel level below two thousand employees, provided however that any initial reduction in the work force from that which existed prior to August 15, 2015, shall have been by attrition or for cause. After April 1, 2016, the Gaming Control Board would have had the authority to reduce the minimum employment level based upon a showing of good cause and casino industry standards, but only upon ratification of such employment level by the Joint Legislative Committee on the Budget. Further, would have prohibited the casino gaming operator from reducing the total salary levels or compensation of its operating force or personnel by more than seventeen percent of the required salary level or compensation as such existed on August 1, 2015.



## Health & Hospitals

by: Chris Adams  
(225) 342-2114

### HEALTH CARE PROVIDERS

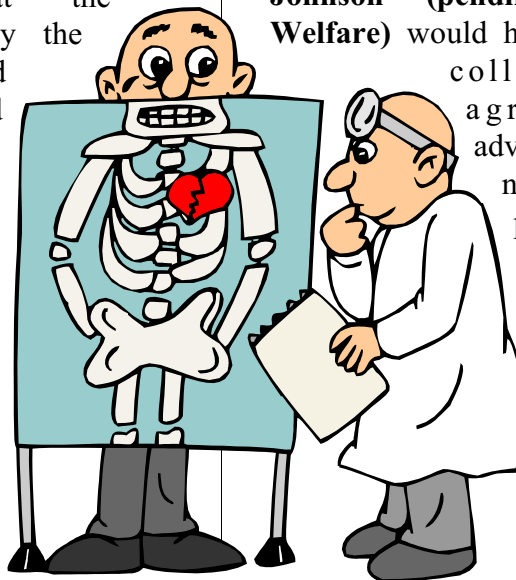
**Senate Concurrent Resolution 19 by Senator Mills (Sent to the Secretary of State)** directs the Louisiana Physical Therapy Board to create the Physical Therapy Patient Access Review Committee.

**Senate Bill 56 by Senator Dorsey-Colomb (pending House Health and Welfare)** would have provided for a modernization of the chiropractic practice laws.

**Senate Bill 115 by Senator Mills (Act 453)** provides for the practice of physician assistants. Proposed law requires that the physician supervising the physician assistant maintain a written agreement with the physician assistant and requires that the agreement include a statement that the physician exercise supervision over the physician assistant and that the agreement be signed by the supervising physician and physician assistant, updated annually, kept on file at the practice site, and be available to the LSBME upon request. Proposed law removes provisions authorizing a physician assistant to have multiple supervising physicians in no more than five medical specialties or sub specialties, provided all of the physician assistant's supervising

physicians are properly registered with the LSBME. Proposed law allows a physician assistant to prescribe, order, and administer drugs to the extent delegated by the supervising physician and except as provided by law relative to anesthetics and that these drugs include those in Schedules II, III, IV, and V. Proposed law requires a physician assistant authorized to prescribe controlled substances to register with the United States Drug Enforcement Administration. Proposed law requires that a graduate physician assistant have at least 500 clinical hours of training prior to application for prescriptive authority and authorizes a physician assistant to request, receive, and sign for sample drugs and distribute sample drugs to a patient. Proposed law permits licensed optometrists to prescribe drugs including those in Schedules II, III, IV, and V.

**House Bill 486 by Representative R. Johnson (pending Senate Health and Welfare)** would have provided relative to collaborative practice agreements between advanced practice registered nurses and physicians and prohibits the Louisiana State Board of Medical Examiners from limiting the right of nurses and physicians to enter into such agreements.





**House Bill 843 by Representative Hazel (Act 441)** provides for the investigation and adjudication of violations by the Louisiana State Board of Medical Examiners. Proposed law clarifies that the list of acts qualifying as unprofessional conduct is illustrative and not exclusive. Proposed law adds intentionally falsifying or fraudulently altering records to the list of examples of unprofessional conduct. Proposed law clarifies that the list of acts qualifying as medical incompetency is illustrative and not exclusive. Proposed law provides the board must have the required final rules adopted by the deadline of Jan. 1, 2016. Proposed law removes provisions relative to the content of an initial complaint. Proposed law removes the prohibition against the board acting on anonymous complaints. Proposed law removes the statute of limitations on claims. Proposed law requires a majority vote of the board members present and voting prior to commencing a formal investigation. Proposed law clarifies that proposed law applies only to investigations begun after the effective date of proposed law.

## MEDICAID

**Senate Bill 109 by Senator Johns (Act 158)** provides for reporting measures for the Medicaid managed care program and the Louisiana Behavioral Health Partnership program.

**Senate Bill 163 by Senator Mills (Pending House Health and Welfare)** would have provided that a managed care organization may negotiate the ingredient cost reimbursement in its contracts with providers and provides any contract between the Department of Health and Hospitals and a managed care organization that the department

provides for pharmacy reimbursement shall provide for a dispute process for local pharmacies. Would have provided that the department shall not amend any contract unless such amendment shall not increase the actuarially sound rate paid as of March 1, 2015. Would have provided that after June 15, 2016, no managed care organization shall pay a local pharmacy a per-prescription reimbursement at a rate less than the Medicaid rate unless the department provides a dispute process. The full cost for implementing these provisions shall be the responsibility of the department through allocation of existing budget resources and not additional appropriations.

**House Bill 270 by Representative Armes (Act 21)** stipulates that in administering the state's Medicaid program, the Department of Health and Hospitals shall not limit the period within which a health care provider may submit a claim for payment for a Medicaid-covered service to less than 365 days from the date the service was rendered.

**House Bill 436 by Representative R. Johnson (Act 399)** requires health insurance issuers to reimburse the pharmacy or pharmacist for payment of the provider fee when the pharmacy or pharmacist makes a claim for reimbursement of the fee. The language from Senate Bill 163 is also included in this bill.

## MEDICAID EXPANSION

**Senate Bill 10 by Senator Peterson (pending Senate Health and Welfare)** was a constitutional amendment to direct the Department of Health and Hospitals to offer health insurance with essential health benefits to every legal resident of Louisiana whose

income is at or below 138% of the federal poverty level. **Senate Bill 40 by Senator Nevers (pending Senate Health and Welfare)** would have required the Department of Health and Hospitals to provide health care coverage with essential health benefits to every legal Louisiana resident whose household income is at or below 138% of the federal poverty level. Would have provided the state general fund shall not be used to pay for the state's responsibility of the program required under the bill.

### **MEDICAL MARIJUANA**

**Senate Bill 143 by Senator Mills (Act 261)** provides relative to prescribed marijuana for therapeutic uses and the development of rules and regulations by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners. Proposed law requires the Department of Agriculture and Forestry to develop rules and regulations regarding the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana and requires that these rules include procedures for application, eligibility, background checks, and standards for suitability for a license and penalties for rule violations.

### **PHARMACY**

**House Bill 319 by Representative Simon (Act 391)** provides relative to the dispensing of biological products.

## Homeland Security

by: JW Wiley  
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The Governor's Office of Homeland and Homeland Security and Emergency Preparedness (GOHSEP) was re-created by **House Bill No. 223 by Representative Hodges (Act 381)**. GOHSEP will begin to terminate on July 1, 2018, and shall cease as of July 1, 2019, unless it is re-created again.

During the response to the explosion that occurred at the Explo Systems, Inc., operations at Camp Minden in 2012, responders discovered that a large quantity of the waste artillery propellant, M6, was improperly stored. Shortly after relocating the waste into buildings and bunkers on Camp Minden, Explo Systems, Inc., filed bankruptcy, leaving the Louisiana National Guard with ownership of fifteen million pounds of the propellant. Experts at the United States Environmental Protection Agency stated that based on experience and research "open burning/open detonation (OB/OD) is a relatively uncontrolled, dirty, polluting technology" and that an open burn at Camp Minden, Louisiana, would require "an extensive and costly clean up/remedial action". The state of Louisiana, the United States Environmental Protection Agency, and the citizens of North Louisiana are currently working together to select and implement an alternative technology for the disposal of the M6 propellant. In order to protect its citizens by preventing a dangerous situation like Camp Minden from ever occurring again, **House Concurrent Resolution 172 by Representative Reynolds (Sent to Secretary of State)** was passed and it directs the

Louisiana National Guard not to accept waste explosives at Camp Minden brought into the state after August 1, 2015.



# Information Technology

by: Gary Schaefer  
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## ADMINISTRATION DIVISION

**Senate Bill 33 by Senator Walsworth (Act 241)** places the office of telecommunications management within the office of technology services. Public postsecondary institutions of education, the institutions' management boards, and the Board of Regents shall be excluded unless the chief information officer can verify that inclusion per contracted service would result in savings to the institution or board.

## AIRCRAFT/AVIATION

**Senate Bill 183 by Senator Thompson (Act 166)** provides for the regulation of unmanned aerial systems in agricultural commercial operations.

## BUDGETARY PROCEDURES

**House Bill 698 by Representative Abramson (Pending House Judiciary Committee)** would have required the Judicial Budgetary Control Board to develop an annual financial report on expenditures, revenues, and employee positions for the judiciary for the last fiscal year concluded and would have made the report available on the supreme court website the same day that the judicial appropriation bill was submitted to the legislature.

## CIVIL/PROCEDURE

**House Bill 697 by Representative Abramson (Act 84)** extends the rights, protections, and authority of a financial institution to an assignee in possession of a reproduction of an electronic record and allows a court to deem the reproduction as authentic.

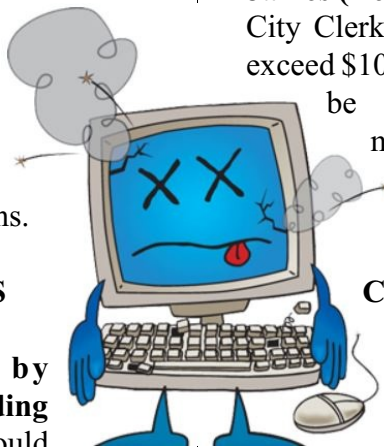
## COURTS/CITY

**House Bill 69 by Representative James (Act 372)** authorizes the Baton Rouge City Clerk of Court to collect a fee not to exceed \$10.00 in civil and criminal matters to be used for the acquisition and maintenance of new and existing electronic case management systems.

## COLLEGES/UNIVERSITIES

**House Bill 720 by Representative Adams (Pending House Final Passage Subject to Call)** would have authorized the Board of Supervisors of the Community and Technical College system to enter into contracts with private nonprofit corporations for services, including information technology and telecommunication operations.

**House Concurrent Resolution 161 by Representative Badon (Adopted, Sent to Secretary of State)** requests public universities to continue to develop and offer



on-line courses so all bachelor's degrees can be completed entirely online.

## **CONTROLLED SUBSTANCES**

**House Bill 6 by Representative Honoré (Pending House Health and Welfare Committee)** would have allowed the commissioner of the Department of Agriculture and Forestry to issue a license to an applicant to operate a therapeutic marijuana production facility upon satisfaction of all the required criteria, including the ability to provide a secured inventory and computer inventory tracking of all therapeutic marijuana produced at that facility.

## **COURTS**

**House Bill 293 by Representative Barras (Pending House Judiciary Committee)** would have required, by January 1, 2016, the state supreme court to establish and maintain a website to post information concerning contracts for goods and services of the supreme court, courts of appeal, district courts, family courts, and juvenile courts. The website would have been required to be operational by January 1, 2016.

## **CRIME**

**House Bill 153 by Representative Burns, T. (Act 187)** creates the crime of unlawful distribution of material harmful to minors through the Internet, provides criminal penalties, including a fine of up to \$10,000, and provides for exceptions for any bona fide news or public interest broadcast, website, video, report, or event.

**House Bill 489 by Representative Stokes (Act 231)** creates the crime of

nonconsensual disclosure of a private image, including electronically, and provides the offender shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than two years, or both.

## **DRUGS/PRESCRIPTION**

**House Concurrent Resolution 10 by Representative Burford (Pending House Health and Welfare Committee)** would have suspended, until sixty days following the end of the 2016 Regular Session, rules of the Louisiana Board of Pharmacy that invalidate prescriptions with computer-generated electronic signatures.

## **FISCAL CONTROLS**

**House Bill 559 by Representative Morris, Jay (Pending House and Governmental Affairs Committee)** would have required the legislative auditor to post a list of approved contracting entities on the legislative auditor's website eligible to request and receive state monies for contracts with the state and political subdivisions, excluding public, private, or parochial schools, colleges, or universities. Any contracting entity that did not appear on the list of approved contracting entities would have been ineligible to request or receive state monies.

## **FUNDS/FUNDING**

**Senate Bill 111 by Senator Gallot (Pending Finance Committee)** would have created the Out-of-State Sales Tax Collection Fund in the state treasury, and when the implementation of a federal law required vendors located out-of-state to collect sales tax on vendors' Internet, mail-order sales, or other sales into the state, the bill would have

dedicated the proceeds to higher education (75%) and healthcare services (25%).

**House Bill 80 by Representative Carmody (Pending Finance Committee)** would have created the Better Highways and Higher Education Fund and would have dedicated a certain portion of state sales and use taxes from out-of-state vendors on Internet and mail-order sales to the fund.

## GAMING

**House Bill 475 by Representative Lopinto (Pending Judiciary B Committee)** would have authorized fantasy football and other fantasy or simulation games when using a computer by providing an exception for these games to certain gambling offenses.

**House Bill 641 by Representative Guillory (Act 19)** removes the requirement that the central computer monitoring system for gaming devices shall be located within the Department of Public Safety and Corrections, state police gaming division, and provides that only certain fee increases relative to the central computer monitoring system shall require legislative approval.

## HEALTH SERVICES

**House Bill 498 by Representative Talbot (Act 338)** provides for transparency in health services pricing and healthcare quality measures through requirements of the Department of Health and Hospitals to publish online certain data (e.g., healthcare quality information, common diagnosis codes, hospitals complying with reporting requirements) on health services.

**House Concurrent Resolution 4 by Representative Simon (Sent to Secretary of State)** expresses the intent of the legislature that existing law established the standard of care that physicians are required to use in the practice of telemedicine, and declared that any administrative rules proposing to establish a standard of care that differed from the standard specified in existing law are inconsistent with the intent of the legislature. Existing statutes require that a physician who practices telemedicine use the same standard of care as if the healthcare services were provided in person, and authorizes a physician to prescribe a controlled substance through telemedicine after he has conducted an appropriate in-person patient history or physical examination of the patient.

## HEALTH/SMOKING

**House Bill 158 by Representative Hoffmann (Act 55)** requires the Department of Health and Hospitals to publish information on its website concerning services of the Smoking Cessation Trust and coordinate certain health programs with those offered by the trust.

## INTERIM EMERGENCY BOARD

**House Bill 840 by Representative Stokes (Act 438)** requires the clerk of the house and the secretary of the senate to provide a notice to members of the legislature concerning Interim Emergency Board ballots using the most efficient communication medium available to the clerk or secretary. Any such communication medium may include but is not limited to e-mail, or SMS communications.

## JUDGES

**House Bill 294 by Representative Bishop, S. (Pending House Judiciary Committee)** would have requested the filing of financial disclosures statements for all judges and justices of the peace and would have provided that the office of the judicial administrator post on a website the reports and names of those that have failed to report or failed to report timely.

## LAW ENFORCEMENT

**Senate Bill 37 by Senator Morrell (Act 152)** requires the Council on Peace Officer Standards and Training to develop and update continuously certain Internet and classroom training programs on sexual assault for peace officers and college or university police officers. Rules and regulations concerning the programs shall comply with the APA and are subject to oversight by the House Committee of the Administration of Criminal Justice and the Senate Committee on Judiciary B.

**Senate Bill 250 by Senator Johns (Vetoed by Governor)** would have created the pilot program (Statewide Motor Vehicle Theft and Uninsured Motorist Identification Program) to use automatic license plate recognition systems to reduce the crimes of motor vehicle theft and uninsured motorists. The bill would have provided that the Department of Public Safety and Corrections would have allowed access to the vehicle registration and compulsory motor vehicle insurance databases to be used only in the connection with the automatic license plate recognition system established in this bill and that the department would have provided a report to the senate and house committees on

transportation concerning the program.

**House Bill 424 by Representative Havard (Pending House Administration of Criminal Justice Committee)** would have prohibited the use of a cellular tracking device by anyone except a law enforcement or investigative officer, telecommunication employee, or an FCC employee, and would have provided procedures for law enforcement to obtain a court order to utilize cellular tracking devices.

## LIABILITY INSURANCE

**Senate Bill 172 by Senator Morrish (Act 266)** creates The Transportation Network Company Motor Vehicle Responsibility Law that applies to and defines, for transportation network companies and company participating drivers, a 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.

## MEDICAID

**Senate Bill 109 by Senator Johns (Act 158)** requires the Department of Health and Hospitals to make available on its website all informational bulletins, health plan advisories, and guidance published by the department concerning the Louisiana Medicaid Bayou Health Program, including Medicaid drug rebates and manufacturer discounts.

## MOTOR VEHICLES

**Senate Concurrent Study Request 1 by Senator Dorsey-Colomb (Sent to**

**Secretary of State)** requests the Senate Committee on Transportation, Highways, and Public Works and the House Committee on Transportation, Highways, and Public Works to meet and function as a joint committee to study the impact of and penalties for texting or using social media while driving in Louisiana.

#### **MTR VEHICLE/INSPECTION**

**House Bill 593 by Representative Landry, T. (Act 344)** authorizes the Department of Public Safety and Corrections to develop a system of electronic filing of inspection information and print on-demand motor vehicle inspection certificates, providing funds are appropriated for this purpose.

#### **NOTARIES**

**House Bill 372 by Representative Garofalo (Pending Judiciary A Committee)** would have required the secretary of state to post certain information on its website regarding the passage rate of the uniform notarial examination and would have subjected notaries to suspension or revocation of their commission for failure to complete fully the required annual report.

#### **POSTSECONDARY ED**

**Senate Bill 255 by Senator Morrell (Act 172)** provides relative to sexual assault on college campuses and provides that a college shall publish on its website the results of student surveys on sexual assault and information and services available to students that have been victims of sexual assault.

#### **PROPERTY/UNCLAIMED**

**House Bill 692 by Representative Robideaux (Act 350)** provides for electronic communications and transactions as a means of an owner indicating interest in abandoned property.

#### **PUBLIC PRINTING**

**Senate Bill 179 by Senator Amedee (Act 457)** creates a statewide website for the publication of statutorily required notices.

#### **SCHOOLS**

**Senate Bill 28 by Senator Brown (Act 239)** requires public school governing authorities to inform students and parents of the homework assistance services offered through the State Library of Louisiana, and provides that the appropriate link provided by the State Library of Louisiana shall be included in each school's student handbook and be posted on the home page of the website of each public school governing authority and each public school that has a website.

#### **SCHOOLS/FUND PROGRAMS**

**House Bill 730 by Representative Woodruff (Pending Appropriations Committee)** would have required the Louisiana Department of Agriculture and Forestry to establish and make accessible a Louisiana Farm to School inventory database via the Internet. Farm to School was defined as initiatives that connect children and schools to local small-sized and mid-sized farms that grow, harvest, and produce healthy food products.



**SENATE**

**Senate Study Request 1 by Senator Dorsey-Colomb (Sent to Secretary of State)** requests the Committee on Senate and Governmental Affairs study the feasibility of establishing a process for members with physical disabilities to cast their vote remotely for a committee hearing or during floor debate.

**STATE AGENCIES**

**House Bill 638 by Representative Ivey (Act 414)** provides for the collection of fees associated with payments to state agencies by credit cards, debit cards, or other forms of electronic payments and provides for a convenience fee. The convenience fee may either be a uniform dollar amount, a percentage of the transaction, or a tiered amount.

**STATE DEPARTMENTS**

**House Bill 151 by Representative Bishop, S. (Act 296)** authorizes the secretary of state to produce maps and conduct certain elections not governed by the Election Code or other law, charge fees for such services, and dedicates the fees to the Voting Technology Fund. All money in the fund shall be used solely and exclusively for the acquisition and maintenance of voting machine technology, including hardware and software, voting equipment and supplies, and information technology products to produce, run, and support the election and voting systems.

**STUDENT/STANDARDS**

**House Bill 662 by Representative Carter (Pending House Education**

**Committee)** would have provided for the review of state content standards for public school students related to the content standards for English language arts and mathematics and that, by June 15, 2015, the Department of Education would have posted the content standards for English language arts and mathematics on its website for public comment.

**House Bill 672 by Representative Harris (Involuntarily Deferred House Education Committee)** would have provided for the development, review, and adoption of state content standards and related assessments for public school students. The bill would have provided further that proposed standards were published on the Department of Education's website for review and input. The bill also defined computer adaptive technology as assessment technology that adapted the level of difficulty of the assessment based on the student's prior answers and that assessments administered to the student would not have been administered using any computer adaptive technology and would not have included the compilation, collection, or assessment of any biometric information.

**TAX/SALES**

**Senate Bill 118 by Senator Adley (Pending Finance Committee)** would have dedicated to the Better Highways and Higher Education Fund state sales tax proceeds collected each fiscal year as a result of a federal law requiring vendors located out-of-state to collect sales tax on vendors' Internet and mail-order sales.

**Senate Bill 199 by Senator Gallot (Pending Revenue and Fiscal Affairs**

**Committee)** would have created a constitutional amendment, for voter approval, to provide for taxation of Internet and mail-order sales and would have provided for the dedication and distribution of the proceeds.

**Senate Bill 200 by Senator Gallot (Pending Revenue and Fiscal Affairs Committee)** would have created a constitutional amendment, for voter approval, authorizing the state to levy and collect an additional state sales tax, at the same rate as the state sales tax, upon Internet and mail-order sales in lieu of local sales tax with all the proceeds distributed to each political subdivision. In addition, if the federal government required out-of-state vendors to collect sales tax on Internet and mail-order sales, the state would have been authorized to collect the tax and dedicate the proceeds to higher education (75%) and healthcare services (25%).

**Senate Bill 276 by Senator Martiny (Pending Revenue and Fiscal Affairs Committee)** would have eliminated state sales tax over a six-year period on transactions related to certain tangible personal property used or consumed by a communications service provider in providing communications services or which was integral or necessary for the installation, operation, or maintenance of such property. The definition of a communications service provider included Internet access service.

**House Bill 471 by Representative Stokes (Act 405)** establishes the Sales Tax Streamlining and Modernization Commission to perform a comprehensive study of Louisiana's state and local sales and use tax systems. The study shall include the impact of increasing Internet sales.

**House Bill 536 by Representative Williams (Pending House Final Passage Subject to Call)** would have required the collection of sales and use taxes by a remote seller (e.g., Internet) by expanding the definition of a dealer to include persons who have certain substantial relationships and similarities with Louisiana retailers, transact business in a certain manner, or who engage in business in Louisiana through the use of certain affiliated agents.

**House Bill 355 by Representative Pugh (Pending Senate Final Passage Subject to Call)** would have required the collection of sales and use taxes by a remote seller (e.g., Internet) by expanding the definition of a dealer to include persons who have certain substantial relationships and similarities with Louisiana retailers, transact business in a certain manner, or who engage in business in Louisiana through the use of certain affiliated agents. The bill also would have changed the distribution of tax collections to local taxing authorities from annually to quarterly and would have provided procedure for making refunds to those taxpayers that had paid the tax.

**House Bill 555 by Representative Fannin (Vetoed by Governor)** would have required the collection of sales and use taxes by a remote seller (e.g., Internet) by expanding the definition of a dealer to include persons who have certain substantial relationships and similarities with Louisiana retailers, transact business in a certain manner, or who engage in business in Louisiana through the use of certain affiliated agents. The bill also would have provided procedure for making refunds to those taxpayers that had paid the tax.

**TAX/STATE**

**House Bill 809 by Representative Billiot (Pending Ways and Means Committee)** would have levied a tax on the transmission of money, dedicated the tax proceeds to the Quality of Life Fund, and exempted a transfer of money by Internet or telephone through use of a debit card, credit card, or Automated Clearing House (ACH) transfer.

**TAX/TAXATION**

**Senate Bill 98 by Senator Morrell (Act 451)** requires the office of entertainment industry development to create and maintain a Public Registry of Motion Picture Investor Tax Credit Brokers and include in the registry any person who meets the qualification outlined in the bill. The bill further requires the office to make available to the public and maintain on its website an updated list of those eligible to sell or broker tax credits.

**TELECOMMUNICATIONS**

**House Bill 456 by Representative Thierry (Pending Senate Final Passage Subject to Call)** would have required commercial mobile service providers and telecommunications carriers to disclose call location information to law enforcement agencies during emergency situations and would have allowed for the establishment of procedures.

**TEXTBOOKS/MATERIALS**

**House Bill 287 by Representative Reynolds (Act 389)** requires the Department of Education to review instructional materials in the core subject areas of English language

arts, mathematics, science, and social studies at least every six years and determine the degree to which each aligns with state content standards. The bill further requires the review committee evaluations and all public comments shall be posted on the school governing authority's website and that each governing authority of public and secondary schools provide a link on its website to the Department of Education on-line review process.

**TOBACCO/TOBACCO PRODUCTS**

**House Bill 477 by Representative Montoucet (Act 406)** requires the commissioner of Alcohol Tobacco and Control (ATC) to post the minimum wholesale and retail price schedule of each cigarette brand on a website maintained by ATC within five business days of the effective date of the manufacturer's, importer's, or sales entity affiliate's price change, resulting from trade discounts, rebates, or coupons.

**TRANSPORTATION**

**House Bill 742 by Representative Leger (Act 355)** provides for selection and prioritization of projects to be constructed by the Department of Transportation and Development (DOTD) in the ensuing fiscal year. The bill further provides that DOTD shall evaluate the outcomes of each program beginning March 14, 2016, and the results of biennial evaluations and programmatic outcomes shall be reported to the legislature and made available to the public on the department's website biennially beginning in calendar year 2018.

**VOTERS/VOTING**

**Senate Bill 201 by Senator Gallot (Pending Senate and Governmental Affairs Committee)** would have created a constitutional amendment, subject to voter approval, to provide for ballot initiatives and would have provided that petitions could have been signed either in person or electronically on the secretary of state's website.

# Insurance

by: Cheryl Horne  
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**Senate Bill 144 by Senator Dorsey-Colomb (Act 37)** requires an insurance premium finance company that finances any consumer automobile insurance policy to cooperate with the Department of Insurance in any investigation regarding such insurance policy. Upon request by the department, the insurance premium finance company will make available to the department all documents, correspondence, and cancellation notices related to the consumer automobile insurance policy received or sent by the insurance premium finance company.

The insurer of a commercial policy must provide notice of cancellation or a statement of reasons for cancellation where cancellation for nonpayment of premium is effected by a premium finance company or other entity pursuant to a power of attorney or other agreement executed by or on behalf of the insured. An insurance premium finance company that finances any commercial insurance policy must cooperate with the department in any investigation regarding such commercial insurance policy. Upon request by the department, an insurance premium finance company that finances a commercial insurance policy will make available to the department all documents, correspondence, and cancellation notices related to the insurance policy received or sent by the insurance premium finance company.

**Senate Bill 172 by Senator Morrish (Act 266)** creates the Transportation Network Company("TNC") Motor Vehicle

Responsibility law. The bill defines "transportation network company rider" or "rider" as a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

The TNC bill requires a transportation network company driver or a transportation network company on the driver's behalf, to maintain primary automobile insurance that meets the following requirements:

Automobile insurance during the pre-trip acceptance period must:

- (1) Be in the amount of not less than \$50,000 for death and bodily injury per person, not less than \$100,000 for death and bodily injury per incident, and not less than \$25,000 for property damage.
- (2) Include uninsured and underinsured motorist coverage to the extent required by current law.

Automobile insurance during a prearranged ride must:

- (1) Be in the amount of not less than \$1 million for death, bodily injury, and property damage.

- (2) Include uninsured and underinsured motorist coverage in the amount of not less than \$1 million.

Insurers that write automobile insurance in this state may exclude any or all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network during the pre-trip acceptance period or while a driver is engaged in a prearranged ride.

This right to exclude coverage shall apply to any or all coverage in an automobile insurance policy including, but not limited to:

- (1) Liability coverage for bodily injury.
- (2) Liability coverage for property damage.
- (3) Uninsured and underinsured motorist coverage.
- (4) Medical payments coverage.
- (5) Comprehensive physical damage coverage.
- (6) Collision physical damage coverage.

This legislation also provides that the transportation network company must file proof of its compliance with insurance requirements with any parish or municipality that requires or requests such a filing. In a claims coverage investigation, a transportation network company and its insurer must

cooperate with insurers that are involved in the claims coverage investigation and shall respond within 14 days of a request for information from the parties or another insurer.

A driver of a transportation network company must carry proof of transportation network company insurance and shall provide it to any party involved in an accident, a police officer, or both, upon request. A transportation network company that obtains insurance shall provide its drivers with proof of insurance.

**Senate Bill 250 by Senator Johns (Vetoed)** would have created a pilot program to be known as the State Motor Vehicle Theft and Uninsured Motorists Identification Program with the intent of detecting and preventing both motor vehicle theft and the operation of motor vehicles by uninsured motorists.

Senate Bill 250 would have authorized the sheriff's office in each parish of the state, in cooperation with that parish's district attorney's office to participate in the pilot program by entering into an agreement to participate with appropriate agencies and other entities in each jurisdiction. It further would have provided that to implement this pilot program, the use of technology and software to aid in detection of offenses involving motor vehicle theft and uninsured motorists is necessary and desirable, and participating law enforcement agencies in these parishes have the authority to enter into contractual agreements with other entities.



The legislation would have authorized the use of automatic license plate recognition systems utilizing individual automatic license plate reader system units for those law enforcement agencies participating in the pilot program, as well as other entities with which those participating law enforcement agencies contract in order to implement and operate the pilot program. Further, it would have provided that an authorized user may use an automated license plate recognition system only for the official and legitimate purposes of the user's employer.

A central database for the collection, storage, and dissemination of data captured by an automatic license plate recognition system is to be established and operated by the participating law enforcement agencies, which database must be located in a secure area. The central database must fully comply with all National Law Enforcement Telecommunications System (NLETS) and FBI hosting and security standards, and access to the database is to be restricted to authorized law enforcement agency users in the pilot program and to any other entities with whom the participating law enforcement agencies contract to establish and operate the program.

In order to accomplish the purposes of the pilot program, the Department of Public Safety and Corrections, public safety services, shall allow access to the vehicle registration and compulsory motor vehicle insurance databases to be used only in connection with the automatic license plate recognition system.

The automatic license plate recognition system may be used by a law enforcement officer or other authorized user employed by the participating law enforcement agency in the jurisdictions of the

pilot program as follows:

- (1) If a law enforcement officer by using this system is able to determine that a motor vehicle is stolen or that the operator of a motor vehicle lacks the compulsory insurance required by current law, such determination constitutes probable cause to arrest the operator of the stolen motor vehicle or to issue a citation for the compulsory insurance violation.
- (2) A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on a state public highway and that the database shows that the vehicle was uninsured or stolen at the time such vehicle was being operated, which affidavit constitutes probable cause for prosecution under any applicable current law.

The data collected or retained through the use of an automated license plate recognition system may be retained by a law enforcement agency for not more than sixty days, except when the data is being used as evidence of a violation of the compulsory motor vehicle insurance law or for felonies being investigated, including but not limited to motor vehicle theft, homicide, kidnapping, and burglary, or for the purpose of AMBER Alerts and Blue Alerts.

The data collected or retained through the use of an automated license plate recognition system, including both historical and active data, is confidential and available for use only by a law enforcement agency

participating in the pilot program and by any other entity agency with which the participating law enforcement agency contracts for purposes of the pilot program's operation.

Any person who violates any provision of the legislation relative to use of data and confidentiality may be imprisoned for up to six months, or fined up to \$1,000, or both.



# Judiciary

*by: Tom Wade  
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There were only a few legislative instruments having any impact on the Louisiana judiciary in the 2015 Regular Session. Among those instruments was the bill appropriating funds to defray the expenses of the judiciary. Another bill sought to make changes in the election districts for the City Court of Baton Rouge. Several bills that would have imposed some reporting requirements on the judiciary never made it out of the House committee of origin.

## ELECTIONS TO BATON ROUGE CITY COURT

**House Bill 76 by Representative Alfred Williams (Act 374)** provides for the election sections for the City Court of Baton Rouge. It was filed to make changes in the current law to adjust for the changing demographic in the city.

## LAWYER'S ASSISTANCE PROGRAM, INC.

Current law provides for the Lawyer's Assistance Program designed to encourage the successful treatment of alcoholism and drug addiction among the judiciary, members of the Louisiana State Bar Association, law students, and prospective law students. **House Bill 197 by Representative Shadoin (Act 59)** provides a restatement of the public purpose and renames the program the Judges and Lawyers Assistance Program, Inc. It extends the purpose, privileges, and immunities of the program to include mental health issues.

## REPORTING REQUIREMENTS

**House Bill 293 by Representative Barras (Pending in House Judiciary)** would have required the supreme court, courts of appeal, district courts, family courts, and juvenile courts to report to the judicial administrator of the supreme court the following contract information as it relates to any contracts for goods or services: amount, brief description of the purpose, effective and termination dates, name of contracting agency and contractor, and the city and state of the contractor's principal place of business. It also would have required the judicial administrator of the supreme court to collect and analyze the submitted contract information and publish such information on a website, to be operational no later than Jan. 1, 2016, and to be updated annually, established for access and viewing by the public.

**House Bill 294 by Representative S. Bishop (Pending in House Judiciary)** would have required the filing of financial disclosure statements for all judges and justices of the peace and provides relative to the related procedures, requirements, and penalties. **House Bill 698 by Representative Abramson (Pending in House Judiciary)** would have required the judiciary to prepare and submit an annual financial report of expenditures, revenues, and employee positions for the last fiscal year concluded.

## JUDICIAL APPROPRIATION

**House Bill 801 by Representative Fannin (Act 66)** appropriates funds for FY 2015-2016 for the ordinary operating expenses of the judicial branch of government with total funding of \$176,103,192 from the following sources: \$156,338,908 out of the State General Fund (Direct); \$9,392,850 through interagency transfers from the Dept. of Children and Family Services; and, \$10,371,434 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

|  |                       |
|--|-----------------------|
| Louisiana Supreme Court                | \$ 83,871,836         |
| Courts of Appeal                       | 46,577,636            |
| District Courts                        | 37,451,140            |
| Criminal Court, Parish of Orleans      | 6,374,572             |
| Juvenile and Family Courts             | 2,553,444             |
| Other Courts (Required by Statute)     | 3,062,052             |
| Other Courts (Not Required by Statute) | 743,487               |
| Non-Judicial State Expenses            | <u>2,029,839</u>      |
| <b>TOTAL</b>                           | <b>\$ 182,664,006</b> |

The bill also provides that the appropriations out of the State General Fund (Direct) contained in the bill shall be reduced by a total amount of \$3,060,814 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court.



## Juvenile Justice

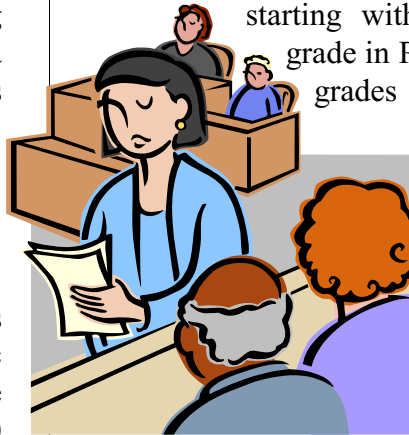
by: Julie Baxter  
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**Senate Concurrent Resolution 70 by Senator Claitor (Sent to Secretary of State)** recognizes and acknowledges the efforts of the employees of the Louisiana Department of Public Safety and Corrections, youth services, office of juvenile justice (OJJ), recognizing OJJ employees for treating Louisiana's young people every through a quality system of care that embraces partnerships with families, communities and system partners to assist youth in redirecting their lives toward responsible citizenship.

**Senate Resolution 167 by Senator Broome (Sent to Secretary of State)** directs the governing authority of each public elementary school to report to the state Department of Education not later than 60 days prior to the beginning of the 2016 Regular Session of the legislature (which begins on March 14, 2016), regarding all alternative behavioral strategies and interventions utilized to address undesirable student behavior prior to suspending or expelling a child in PreKindergarten through 5<sup>th</sup> grade out of school. The SCR notes that during the 2013-2014 school year, approximately 31,000 Louisiana students in Pre-K through 5<sup>th</sup> grade were suspended or expelled and it is an inescapable fact that a child cannot learn if he is not in the classroom.

**House Bill 292 by Representative Barras (Act 203)** provides certain early intervention programs in East Baton Rouge, Iberia, St. Mary and St. Martin parishes are designed to address the underlying causes of

behavioral problems and school performance problems related to behavior by pooling existing resources targeted at the child and family through appropriate action by service and treatment providers. Those programs are to be implemented in three phases, starting with PreK through 6<sup>th</sup> grade in Phase One, 7<sup>th</sup> and 8<sup>th</sup> grades in Phase Two, and 9<sup>th</sup> through 12<sup>th</sup> grades in Phase Three. **Act 203** provides that each program shall be implemented with fidelity to the 16<sup>th</sup> Judicial District prosecutor's Early



Intervention Program.

**House Concurrent Resolution 73 by Representative Leger (Sent to Secretary of State)** urges and requests the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include 17-year-olds. Louisiana is one of only nine states left in the United States that automatically transfers a seventeen-year-old in the criminal justice system to be tried as an adult. This resolution requests the study include several different state departments and other associations in evaluating whether Louisiana should follow the trend toward making the age of 18 the default age of adult criminal responsibility.

**House Concurrent Resolution 117** by Representative Chaney (Sent to Secretary of State) authorizes and directs the Children's Code Committee of the Louisiana State Law Institute to study the issue of restitution in delinquency cases and to report its findings to the legislature prior to the convening of the 2016 Regular Session. The HCR notes that the legislature wishes to study the possibility of amending the Children's Code to provide for the possibility of parental restitution in certain delinquency cases.



## Labor/Employment

by: Carla Roberts  
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**Senate Bill 107 by Senator Peacock (Act 254)** extends the sunset of the Second Injury Fund indefinitely. The Second Injury Fund encourages employers to retain and hire employees with a pre-existing permanent partial disability by providing for reimbursement from the Second Injury Fund to the employer or its insurer, for workers' compensation benefits beyond a scheduled threshold, where both of the following occur: (1) The employer had prior knowledge of the preexisting disability. and (2) Is liable for benefits as the result of a subsequent compensable accident causing a second injury that merges with the pre-existing injury to cause greater liability and harm to the employee than would have existed otherwise.

**Senate Resolution 73 by Senator White (Sent to the Secretary of State)** urges and requests Governor Bobby Jindal to issue an executive order directing state agencies and local governments to continue to support the Louisiana State Use Program, managed by Employment Development Services. The legislature in 1984 enacted legislation whereby a preference is to be given by all governmental bodies in purchasing products and services from a state supported skill development center that employs persons with severe disabilities. The program is referred to as the Louisiana State Use Program and its provisions are applicable to all state and local governments, educational institutions, and other political subdivisions of Louisiana.

The Louisiana State Use Program is patterned after similar programs utilized by at least twenty other states as well as the federal government with the primary purpose of employing persons with severe disabilities in transitional jobs which give the disabled employees marketable skills, thereby allowing them to be employed in the private sector.

**Senate Bill 81 by Senator Petterson (deferred in Senate Labor Committee)** would have, beginning January 1, 2016, required employers who employ five or more full-time employees to provide paid sick leave benefits for all full-time employees. Employers who employ less than five employees would have been required to provide unpaid sick leave benefits for all full-time employees. **Senate Bill 81** would have allowed an employee to use sick leave benefits for employee's medical treatment or care for illness, medical treatment or care for illness of a family member, business closure due to a public health emergency, employee's child's school closure due to a public health emergency, injuries sustained by the employee as a result of domestic violence, sexual assault, or stalking, an employee's attendance at a meeting at the employee's child's school related to the child's disability or health related matter, and employee compliance with quarantine requirements during a public health emergency. **Senate Bill 81** would have subjected employers who did not provide for sick leave to pay a civil fine to be levied by

and paid to the La. Workforce Commission in an amount between \$20 and \$200. Each day such violation would have constituted a separate offense.

**Senate Bill 84 by Senator Peterson (deferred in Senate Labor Committee)** would have created the "Louisiana Family and Medical Leave Benefits Act" (FMLA). The bill defined "covered individual" as those employees who would ordinarily be subject to withholding payroll taxes for unemployment compensation benefits. The bill would have, beginning Jan. 1, 2017, required employers to provide FMLA insurance benefits to individuals, with 50% being paid by the employer and 50% by the employee. The benefit would have encouraged leave for the birth of a child, adoption, or placement through foster care, caring for a family member with a serious health condition, a serious health condition that makes the covered individual unable to perform the functions of the position of such employee, caring for a qualifying service member who is the covered individual's next of kin, and a "qualifying exigency" arising out of the military deployment of a family member of the covered individual.

**House Bill 393 by Representative Lorusso (Act 397)** lowers the rating of investments securities in which investment for reserves of Workers' Compensation Self-Insured Funds maybe invested to a minimum rating of "A" by Moody's, Standard & Poor's, or Fitch, so long as no more than 5% of the fund's assets maybe invested in anyone issue nor can this type of investment 15% percent of the fund's assets in aggregate. Prior law provided that assets must be invested in AAA rated investments.

**House 464 by Representative Talbot (Act 404)** provides that a franchisee's employees are not deemed employees of the franchise or unless the two entities share or co-determine those matters governing the essential terms and conditions of employment and directly and immediately control matters relating to the employment relationship such as hiring, firing, discipline, supervision, and direction. Testimony at the committee on **Act 404** indicated that the purpose of the bill was related to a decision by the NLRB (National Labor Relations Board) which stated that an employee could be both an employee of the franchisee and the franchisor, even where the employee provided no employment duties to the franchisor.

**House Bill 741 by Representative Alfred Williams (Act 426)** conforms state law to federal law related to the Workforce Investment Council. The bill changes references in the law from the Workforce Investment Act to the Workforce Investment Innovation and Opportunity Act, which was enacted by congress in 2014. The section of the law provides for workforce development to be coordinated within the La. Workforce Commission (LWC) with entities administering the job training plans in the various workforce investment areas, pursuant to the Workforce Investment Act.

**House Bill 772 by Representative Tim Burns (Act 360)** deletes the requirement that the workers' compensation judgment be made in favor of the claimant when the administrator fails to timely file the case records and provides that the court may make a judgment based on the evidence presented. Current law requires the executive director of the La. Workforce Commission, acting as the administrator, who is a party to every

proceeding, to file his answer to the petition for review along with the case records with the court within 60 days of being served. Prior law provided that, if the administrator fails to file the required records, the court, upon hearing sufficient evidence, may issue a judgment awarding payment to the claimant. **Act 360** deletes the requirement that the judgment must be made in favor of the claimant and allows the employer to present evidence at the court proceeding.

## Legislative Affairs

by: *Laura Gail Sullivan*  
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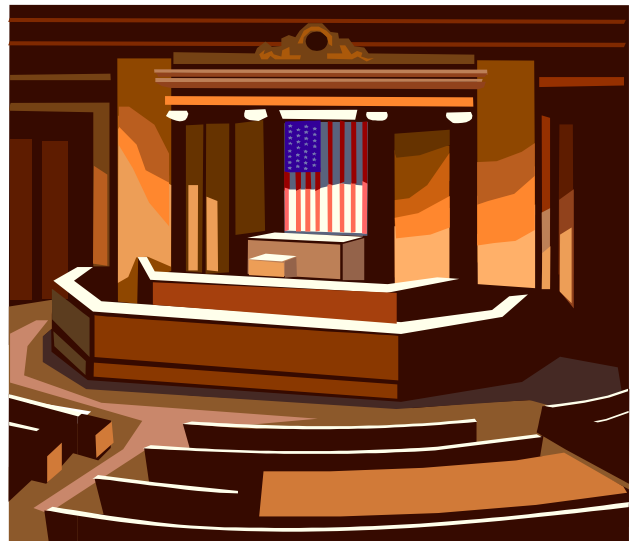
### CAPITAL OUTLAY

**House Bill 212 by Representative Jay Morris (Pending Senate Committee on Senate and Governmental Affairs)** would have provided for the commissioner of administration to make recommendations to the Joint Legislative Committee on Capital Outlay (JLCCO) concerning which state and non state entity projects should be granted lines of credit. The bill would have required a list of the recommended projects to be submitted not less than 30 days before the meeting date of the State Bond Commission at which the lines of credit would be considered. The bill would have give JLCCO the discretion to approve the list or to make changes to the list and would have allowed only the projects approved by JLCCO to be submitted to the Bond Commission for consideration for lines of credit. **House Bill 495 by Talbot (Pending Senate Committee on Senate and Governmental Affairs)** contained similar provisions, limited to nonstate entity projects and requiring the commissioner's list to be submitted to JLCCO only 15 days before the Bond Commission meeting.

### LEGISLATIVE SESSIONS

**Act 472 by Representative Stokes** proposes a constitutional amendment that would specify that the odd-numbered Regular Session subject matter is limited to the General Appropriation Bill, the capital budget, or making appropriations; to levy, authorize,

increase, decrease, or repeal a fee; to legislate with regard to dedication of revenue, taxes, rebates, or the issuance of bonds. If approved by the voters on October 24, 2015, the provisions of this amendment would be effective for the 2017 Regular Session.





## Local Government

by: Michael Bell  
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### HOUSING

**Senate Bill 22 by Senator Lafleur (Act 236)** defines "self-insurance fund" as a pool of public monies established by an interlocal risk management agency from contributions of its members in order to pool any one or more of the following risks: general liability, workers' compensation, public officials liability, including employment practices liability, property, or any other line of coverage approved by the board of trustees of the interlocal risk management agency; or to purchase insurance for general liability, workers' compensation, public officials liability, including employment practices, property coverage or other lines of coverage approved by the board of trustees of the interlocal risk management agency.

### MUNICIPALITIES

**Senate Bill 29 by Senator Cortez (Act 240)** provides relative to the city of Lafayette municipal fire and police civil service. Adds an exception for the Lafayette Police Department which requires that names be placed on the promotion employment list, from highest to lowest, according their total "promotional seniority" in the next lower class. Provides that if two or more employees share equal promotional seniority in a class, then those employees are to be listed in order of their "departmental seniority" from highest to lowest.

**Senate Bill 38 by Senator Johns (Act 243)** provides relative to the city of Lafayette municipal fire and police civil service. Adds an exception for the Lake Charles Police Department which requires that names be placed on the promotion employment list, from highest to lowest, according their total "promotional seniority" in the next lower class. Provides that if two or more employees share equal promotional seniority in a class, then those employees are to be listed in order of their "departmental seniority" from highest to lowest.

**Senate Bill 211 by Senator Johns (Act 272)** authorizes the additional adjacent land acquired by the city in 2010 to be leased or sold for development for any commercial and profit-oriented purpose and for any residential purpose pursuant to the design guidelines for such development approved by the voters with or without public bid in accordance with current provisions regarding the transfer of property by a political subdivision for industrial inducement purposes.

### PARISHES

**Senate Bill 21 by Senator Long (Act 235)** authorizes the president of Natchitoches Parish to designate up to two employees within his office as ex officio notaries public to only administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions for the

president's office.

## **SPECIAL DISTRICTS**

**Senate Bill 53 by Senator Morrell (Act 247)** provides relative to the Oak Island Neighborhood Improvement District within the parish of Orleans to levy and collect a parcel fee not to exceed \$150 per year. Provides for the parcel fee to expire 10 years after its levy but may be renewed for another 10 years if the renewal is approved by the voters of the district.

**Senate Bill 149 by Senator Morrell (Act 262)** creates and provides relative to the Law Enforcement Management District of Orleans Parish which boundaries are coterminous with the boundaries of the parish of Orleans. Provides for the district's governing authority to facilitate development and implementation of cooperative endeavor agreements and memorandums of understanding between or among the various agencies having law enforcement jurisdiction in Orleans Parish to provide police protection.

**Senate Bill 192 by Senator Johns (Act 268)** clarifies that the purpose of the district includes financing costs and expenses associated with development in the district. Deletes reference to Lake Charles Facilities, Inc. and requires that the site plan for any hotel constructed immediately adjacent to the Lake Charles Civic Center set forth the elevation and design of the hotel and designate the parking area. Also requires that the site plan be approved prior to construction by the governing authority of the city of Lake Charles.

**Senate Bill 193 by Senator Thompson (Act 458)** creates the Walnut

Street Special District in the city of Monroe as a special district and political subdivision of the state to provide for cooperative economic development between the district, the city of Monroe, and the owner or owners of businesses and other property within the district in order to provide for costs related to infrastructure within the district as determined by the board of commissioners of the district.

**Senate Bill 278 by Senator Troy Brown (House Tabled Conference Committee Report)** would have created the North Lafourche Recreation Enhancement District. Would have provided that the objects and purposes of the district shall be to own and operate playgrounds and other recreational facilities within the boundaries of the district whether preexisting or thereafter constructed or acquired by the district; and generally to administer programs and engage in activities which would promote recreation and any related activity designed to encourage recreation and promote the general health and well-being of citizens.

## **TOURISM**

**Senate Bill 169 by Senator Martiny (Act 265)** provides that a tourism organization, under authority of its articles or bylaws, may levy a hotel assessment of up to 1.75% of the daily room charge of the daily room charge upon its hotel members in Jefferson Parish pursuant to current law for destination marketing, sales, public relations and for other matters deemed by the tourism organization to benefit directly or indirectly economic development, the traveler economy and tourism growth as shall be approved by resolution of the board of directors of the tourism organization and ratified by a vote of the assessed hotels in a referendum conducted in accordance with law.

## Military/Veterans Affairs

by: Heyward Jeffers  
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### BENEFITS

Death and disability. **Act 77** by **Representative Hazel** changes the eligibility for death and disability benefits for Louisiana National Guard personnel. Currently, a "qualifying disability" means one hundred percent permanent total disability rating or permanent and total unemployability disability rating as determined by the U.S. Department of Veterans Affairs and certified by the secretary for the Louisiana Department of Veterans Affairs or proper state entity in a final adjudication of the initial rating decision by the federal VA. **Act 77** adds a prohibition that the initial rating decision cannot apply to a federal rating decision predating service in the Louisiana National Guard.

Tax benefits. **Act 117** by **Representative Foil** authorizes an income tax deduction for each taxpayer who provides continuous employment to a qualified individual with a disability for not less than four, continuous months for not less than twenty hours a week at a rate comparable to and in the same setting as other employees performing the same or similar task. Veterans with a service-connected disability rating of fifty percent or more as designated by the U.S. Department of Veterans Affairs would also be eligible for the benefit. A qualified individual

with a service-connected disability shall include individuals who receive facility-based vocation or prevocational services through the Home and Community Based Waiver programs. The benefits would be limited to one hundred eligible employees. The Secretary of the Department of Revenue, in consultation with the Department of Health and Hospitals and the Office of Veterans Affairs would promulgate rules and regulations pursuant to the Administrative Procedure Act for the purpose of implementing the limitation of the availability of the deduction. To the extent practicable, the credits will be apportioned equitably to employers who are geographical representative of all portions of the state. The taxpayer claiming the deduction must maintain all records necessary to

verify that the employer and the qualified disabled individual for which the taxpayer is claiming the deduction meets all of the requirements. The bill provides that the amount of the deduction is equal to fifty percent of the gross wages paid to a qualified disabled individual during the first four continuous months of employment and thirty percent of the gross wages paid to the individual during each subsequent continuous month of employment. The taxpayer will be entitled to the deduction for each qualified disabled individual they employs each taxable year.



Colleges and universities. **Act 232 by Henry Burns** requires the Board of Regents to establish a process for a public postsecondary education institution to be designated by the governor as a Governor's Military and Veterans Friendly Campus, if the school provides for eligibility relative to articulation programs, fee waivers, orientation programs, deployment and read mission policies, priority class scheduling, tutoring, and workshops offered by the institutions for military veterans. The school designation as a military friendly institution will last for one year and would require for verification of renewal applications by the Board of Regents that an institution continues to meet the eligibility requirements to receive the designation each year. The bill defines "Veteran" as a former or current member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the U.S. Coast and Geodetic Survey.

## Natural Resources

by: McHenry Lee  
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### Water and Minerals

**Senate Bill 220 by Senator Chabert (Act 34)** provides additional powers to the Bayou Lafourche Freshwater District. The bill allows the district to buy, sell, and lease property as well as create a beautification program and enforce no wake zones.

**Senate Concurrent Resolution 105 by Senator Gallot (Sent to Secretary of State)** requests the Louisiana State Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by prescription or other means.

### Coastal Protection and Restoration

**House Bill 352 by Representative Leger (Act 72)** expands the powers of local and state governing authorities to acquire land for the purpose of integrated coastal protection projects.

### State Lands

**House Bill 178 by Representative Dove (Act 57)** provides for the transfer of certain state property from the Atchafalaya Basic Levee District to the Terrebonne Levee and Conservation District in Terrebonne Parish.

**House Bill 455 by Representative Thibaut (Act 402)** establishes new property boundaries around False River.

Numerous land transfer bills were filed during the session. The land transfer bills authorized certain state agencies to transfer state-owned property to local political subdivisions or private persons. The following are some of the land transfer bills: **Senate Bill 217 by Senator Gallot (Act 459)** (Rapides and East Baton Rouge); **Senate Bill 246 by Senator J.R. Smith (Act 171)**(Vernon); **House Bill 97 by Representative Chaney (Act 48)**(Richland); **House Bill 155 by Representative Danahay (Act 54)** (Calcasieu); **House Bill 193 by Representative Guinn (Act 190)**(Calcasieu); **House Bill 219 by Representative Brown (Act 61)**(Union).



# Property

by: *James Benton*  
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## CRIME/PUNISHMENT

**Senate Bill 30 by Senator Kostelka (Act 137)** provides that a person who executes a false statement of ownership of property shall be subject to prosecution for the crime of illegal possession of stolen things.

## HOUSING

**Senate Bill 22 by Senator Lafleur (Act 236)** provides for inter local risk management agencies to pool their general liability risks, their workers' compensation risks and their property coverage risks in whole or part with those of other local housing authorities. Requires that an annual gross premium, calculated in accordance with the applicable manual premium rate or rates, plus or minus applicable experience credits or debits, of not less than \$200,00 for each line or risk for general liability, workers' compensation and property coverage risk.

## MORTGAGE LOANS

**Senate Concurrent Resolution 102 by Senator Broome (Sent to Secretary of State)** urges and request the Louisiana State Law Institute to study and make recommendations regarding whether an assignment of a mortgage or loan on residential real property should be required to

be recorded in the appropriate mortgage or conveyance records in order to be effective as to third parties.

## PRIVATE SECURITY

**Senate Concurrent Resolution 82 by Senator Murray (Sent to Secretary of State)** encourages business owners and residents of Louisiana to take all measures to ensure the safety of their property, including considering the installation of security cameras to enhance safety, deter crime, and otherwise provide for the protection of their property.

## WARRANTIES

**Senate Bill 243 by Senator John Smith (Act 170)** provides that a manufacturer may authorize a fleet owner to perform warranty repairs if the manufacturer determines that the fleet owner has the same basic level of requirements for special tools, technician certification, and training that are required of a franchise dealer, but only those as determined by the manufacturer, in its sole discretion, that are necessary to perform the specified limited type of warranty repairs on the makes and models of motor vehicles for which the fleet owner is authorized to performed warranty repairs.



## Public Safety/Law Enforcement

by: *Nancy Vicknair*  
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### CRIME

**House Bill 489 by Representative Stokes (Act 231)** creates the crime of nonconsensual disclosure of a private image and provides specific criteria to indicate when such crime does, and does not, occur.

### CRIMINAL PROCEDURE

**House Bill 103 by Representative Adams (Act 49)** authorizes the attorney general and certain investigators to use electronic surveillance equipment pursuant to a court order.

### DOMESTIC VIOLENCE

**Senate Bill 27 by Senator Broome (Act 151)** prohibits the expungement of records of all misdemeanor and felony convictions of domestic abuse battery.

**House Bill 722 by Representative Billiot (Act 85)** with respect to domestic abuse assistance, the legislation clarifies the individuals protected and offenses included, authorizes the court to consider any and all past history of abuse or threats in determining the existence of an immediate and present danger of abuse, and provides that there is no requirement that the abuse itself be recent, immediate, or present.

### HEALTH/MEDICAL TREATMENT

**House Bill 835 by Representative Moreno (Act 229)** creates standards and procedures for the examination and treatment of victims of a sexually-oriented criminal offense and the subsequent billing for the services rendered as a result of the offense.

### LAW ENFORCEMENT

**House Bill 183 by Representative Honore (Pending House Judiciary)** would have created the "Peace Officer Citizens and Protection Act" which requires law enforcement officers to wear body cameras and provides relative to the policies and procedures regarding use of the cameras.

**House Bill 424 by Representative Badon (Pending House Criminal Justice)** would have prohibited the use of a cellular tracking device by anyone except a law enforcement or investigative officer, telecommunication employee, or FCC employee, and provides procedures for law enforcement to obtain a court order to utilize cellular tracking devices.

**House Concurrent Resolution 180 by Representative Honore (Sent to Secretary of State)** creates the Louisiana Law Enforcement Body Camera



Implementation Task Force to study and make recommendations regarding the requirements for implementation and development of best procedures for the use of the body cameras.

## **FAMILY VIOLENCE**

**House Bill 368 by Representative Badon (Act 327)** establishes family justice centers to assist victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and persons protected by the Adult Protective Services Act.

## **MOTOR VEHICLES**

**Senate Concurrent Study Request 1 by Senator Dorsey-Colomb (Approved by the Senate)** requests the Senate Committee on Transportation, Highways, and Public Works and the House Committee on Transportation, Highways, and Public Works to jointly study the impact of and penalties for texting or using social media while driving.

## **POSTSECONDARY EDUCATION**

**Senate Bill 42 by Senator Morrell (Act 244)** requires each criminal justice agency, including college and university campus police departments, to report information regarding sexually-oriented criminal offenses, as well as reported and unreported sexual assault collection kits for the preceding calendar year, no later than February 15<sup>th</sup> of each year to the Commission on Law Enforcement and the Administration of Criminal Justice.

**Senate Resolution 11 by Senator Morrell (Sent to the Secretary of State)** creates a task force to study the postsecondary education disciplinary process for campus rape and sexual assault.

## **SEX OFFENSES**

**Senate Bill 242 by Senator Morrell (Act 276)** requires each criminal justice agency, including college and university campus police departments, to report certain information regarding sexually oriented criminal offenses and sexual assault collection kits to the Commission on Law Enforcement and the Administration of Criminal Justice for the preceding calendar year no later than February 15<sup>th</sup> of each year. Also requires each crime laboratory to report the number of sexual assault collection kits in their backlog for the prior calendar year no later than February 15<sup>th</sup> to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

## **WEAPONS**

**House Bill 86 by Representative Norton (Pending House Criminal Justice)** would have prohibited the supplying of a child 12 years of age or younger with an Uzi submachine gun and requires that a person who violates such law be imprisoned with or without hard labor for not more than two years, fined not less than \$1,000 nor more than \$5,000, or both.



# Retirement

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

**House Bill 42 by Representative Jones (Vetoed)** would have provided a 1.5% COLA to all eligible retirees and beneficiaries of the Louisiana State Employees' Retirement System (LASERS) and Teachers' Retirement System of Louisiana (Teachers), and a 2% COLA to all eligible retirees and beneficiaries of the Louisiana School Employees' Retirement System (LSERS) and the Louisiana State Police Retirement System (Troopers). The COLA is funded with money from each system's experience account, a special account where money to pay for COLAs is accumulate, and will begin July 1, 2015.

**House Bill 48 by Representative Thibaut (Act 370), House Bill 56 by Representative Hoffmann (Act 371), and Senate Bill 17 by Senator Guillory (Act 136)** provide a mechanism through which certain statewide retirement systems may pre-fund a COLA for the retirees of the systems. These bills provide for the Sheriffs' Pension and Relief Fund, the District Attorney's Retirement System, the Assessors' Retirement Fund, the Clerks' of Court Retirement and Relief Fund, the Municipal Employees' Retirement System, the Parochial Employees' Retirement System, and the Registrar of Voters' Retirement System.

## SYSTEM LIABILITIES

**House Bill 42 by Representative Jones (Vetoed)** would have provided for changes to the amortization period of the liabilities of the four state systems: LASERS, Teachers, LSERS, and Troopers. The bill reduces the amortization period from 30 years to 20 years in two year increments over five years. The bill also allows for the reamortization of certain special debt to occur every five years, leveling the employer rate at each system. The bill moves the systems more quickly towards compliance with the constitutional requirement that all benefits must be funded over a 10-year period by amortizing the debt associated with deposits made to each experience account over 10 years instead of 30 years.

Act 399 of the 2014 Legislative Session altered the mechanism for granting COLAs while allowing for the debt of the systems to be paid off earlier and for employer rates to be reduced more quickly. **Senate Bill 16 by Senator Guillory (pending Senate concurrence)** was a follow-up piece of legislation to complete the work of Act 399. The bill would have reorganized the law regarding granting COLAs and funding of system liabilities.

**House Bill 44 by Representative Miller (Act 43)** requires employers who terminate participation in the Municipal Police Employees' Retirement System to pay the portion of the system's unfunded accrued

liability attributable to the employer's participation in the system.

### **RETIREEES RETURNING TO WORK**

Two bills were introduced this session regarding the restrictions on retirees of the Teachers' Retirement System of Louisiana (Teachers') continuing to receive retirement benefits after returning to work. **Senate Bill 20 by Senator Long (Act 149)** allows any retiree who retired from Teachers' prior to June 30, 2010 (the effective date of Act 921 of 2010 which greatly restricted a retiree's ability to avoid benefit suspension when the retiree was rehired in a position covered by the system) to return to a Teachers'-covered position without any suspension of benefits. The bill also allows for educational diagnosticians and school social workers to return to work without any suspension of benefits when a critical shortage has been certified. Additionally, the bill restructures the statute to make it easier to administer and understand.

**House Bill 43 by Representative LeBas (pending Senate Retirement)** would have allowed for an expansion of the current restrictions on retirees returning to work as substitutes receiving benefits. The bill would have increased the amount a retiree was permitted to earn without a suspension of his benefit from an earnings limitation of 25% of his benefit to 50% of his benefit.

## Revenue & Taxation

*by: Riley Boudreaux  
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While there were various revenue-raising bills enacted in the 2015 Session, most of the discussion on tax matters were focused on the following bills.

**House Bill 629 by Representative Jackson (Act 125)** cut 28% of the following income and corporation franchise tax credits on returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [See note below]:

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>(1) R.S. 25:1226.4 Atchafalaya Trace Heritage Area Development Zone tax credit</li><li>(2) R.S. 47:34 Corporation tax credit for new full-time and part-time jobs.</li><li>(3) R.S. 47:35 Neighborhood assistance tax credit</li><li>(4) R.S. 47:37 Credit for contributions to educational institutions</li><li>(5) R.S. 47:227 Offset against tax; insurance premium</li><li>(6) R.S. 47:265 Credits arising from refunds by utilities</li><li>(7) R.S. 47:287.664 Credits arising from refunds by utilities</li><li>(8) R.S. 47:287.748 Corporation tax credit; re-entrant jobs credit</li></ul> | <ul style="list-style-type: none"><li>(9) R.S. 47:287.749 Jobs credit</li><li>(10) R.S. 47:287.752 Credit for employment of first-time nonviolent offenders</li><li>(11) R.S. 47:287.753 Neighborhood assistance tax credit</li><li>(12) R.S. 47:287.755 Credit for contributions to educational institutions</li><li>(13) R.S. 47:287.758 Credit for bone marrow donor expense</li><li>(14) R.S. 47:287.759 Credit for employee and dependent health insurance coverage</li><li>(15) R.S. 47:297 Reductions to tax due for the following Subsections of R.S. 47:297:<ul style="list-style-type: none"><li>(A) For deaf, blind, mentally incompetent, or loss of limbs.</li><li>(B) For the elderly, contributions to candidates for public office, investment credits, credits for foreign tax, work incentive credits, jobs credits, and residential credits on federal return.</li><li>(C) For individuals in an amount equal to the state gasoline and</li></ul></li></ul> |
|---|--|

- motor fuels tax and special fuels taxes paid to operate or propel a commercial fishing boat.
- (D) \$25 income tax credit per child for individual taxpayers for educational expenses.
- (F) Amount contributed to a family responsibility program.
- (G) Certain environmental equipment designed to recover or recycle chloroflourocarbons used as refrigerants
- (H) Medical doctors and dentists who practice in designated rural areas.
- (I) Bone marrow donor expenses.
- (J) Certain educational expenses associated with attending college.
- (L) Purchase of a bulletproof vest.
- (M) Premiums for eligible long-term care insurance.
- (N) Expenses because of a living organ donation by the taxpayer or taxpayer's spouse.
- (P) Inclusion of certain accessible and barrier-free design elements in the construction of a new one- or two- family dwelling.
- (16) R.S. 47:297.6 Credit for rehabilitation of residential structures
- (17) R.S. 47:297.9 Certain military service members and dependents hunting and fishing licenses
- (18) R.S. 47:6004 Employer Credit each person and participant of Family Independence Work Program in a newly created full-time job.
- (19) R.S. 47:6005 Qualified new recycling manufacturing equipment and service contracts.
- (20) R.S. 47:6008 Credit for donations to assist playgrounds in economically depressed areas.
- (21) R.S. 47:6009 Louisiana Basic Skills Training Tax Credit.
- (22) R.S. 47:6012 Employer tax credits for donations of materials, equipment, advisors, or instructors to public training providers registered with the La. Workforce Commission, or community colleges to assist in the development of training programs designed to meet industry needs.
- (23) R.S. 47:6013 Credit for donations to public schools.
- (24) R.S. 47:6017 Credit for expenses paid by economic development corporations for the filing fee paid to the La. State Bond Commission.
- (25) R.S. 47:6018 Credit for purchasers from "PIE contractors"

- (26) R.S. 47:6020 Angel Investor tax credit program.
- (27) R.S. 47:6022 Digital interactive media and software tax credit.
- (28) R.S. 47:6023 Sound recording investor tax credit.
- (29) R.S. 47:6025 Credit for La. Citizens Property Insurance Corp. assessment.
- (30) R.S. 47:6026 Cane River heritage tax credit.
- (31) R.S. 47:6032 Credit for certain milk producers.
- (32) R.S. 47:6034 Musical and theatrical production income tax credit.
- (33) R.S. 47:6035 Credit for conversion of vehicles to alternative fuel usage. (50% reduction in maximum for purchase of such vehicles - \$3,000 to \$1,500.)  
  
R.S. 47:6036 Ports of Louisiana Tax Credits.
- (34) R.S. 47:6037 Credit for "green job industries".
- (35) R.S. 51:1807 Incentives (Urban Revitalization) per net new employee.
- (36) R.S. 51:2354 Technology commercialization credit.
- (37) R.S. 51:2399.3 Modernization tax credit.

**House Bill 624 by Representative Jackson (Act 123)** cut 28% of the following tax exclusions and deductions on returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [**See note below**]:

- (1) R.S. 47:51 & R.S. 47:287.71 - Exclusion for any funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system.
- (2) R.S. 47:158 & R.S. 47:287.745 - Oil and gas depletion allowance.
- (3) R.S. 47:287.73 - Deduction from corporate income tax for any expenses disallowed under I.R.C. Section 280C.
- (4) R.S. 47:287.738 - Deduction equal to interest and dividend income included on the federal income tax return.
- (5) R.S. 51:3092 - Exemption for certain La. Community Development Financial Institutions for 5 [to 4] consecutive taxable periods.
- (6) R.S. 47:246 & R.S. 47:287.86 - Deduction for net operating loss of a corporation.

In addition to the 28% cut in HB629, **HB218** repealed the three-year "carryback provision" of the net operating loss deduction, but increased the carryover or "carry forward" period from 15 years to 20 years beginning with any claim filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed.

**House Bill 635 by Representative Jackson (Act 126)** revises rebates laws with respect to the following:

- (1) Makes businesses assigned a NAIC Code of 44 or 45 (retailers of merchandise) and 722 (food services and drinking places) ineligible to receive Enterprise Zone rebates or credits if an "advance notification" was not filed before July 1, 2015.
- (2) Reduces the Louisiana Mega-project Assistance Rebate granted from July 1, 2015 through June 30, 2018 to 80% [rather than all] of the severance tax on natural gas consumed in operation of the facility or in the manufacture of the energy sold to the facility.
- (3) Reduces to 80% the amount of benefits under the Quality Jobs Program for projects for which an advance notification was filed on or after July 1, 2015 but before July 1, 2018.
- (4) Reduces from 25% to 20% the rebate of relocation costs under the Corporate Headquarters Relocation Program for projects for which an "invitation to apply" was extended by LED on or after July 1, 2015 but before July 1, 2018.
- (5) With respect to the Competitive Projects Payroll Incentive Program reduces the rebates for certain qualified capital expenditures from 1.5% to 1.2% and the credit for new payroll from a maximum of 15% to a maximum of 12% of the new payroll for projects for which an "invitation to

apply" was extended by LED on or after July 1, 2015 but before July 1, 2018.

**House Bill 805 by Representative Adams (Act 133):**

- (1) Changes the tax credit allowed for property taxes paid on certain inventory and natural gas from a fully refundable credit to the following:
  - (A) 100% refundable if tax liability is less than \$10,000.
  - (B) If the tax liability is \$10,000 or above, 75% is refundable and 25% may be carried forward for up to five years.
- (2) Changes the Research and Development Tax Credit from a fully refundable credit to one in which credit amounts which exceed taxpayer liability may be carried forward for up to five years.

Applicable to all claims for the credits on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates [**See note below**].

**House Bill 402 by Representative Stokes (Act 109)** limits the income tax credit on taxes paid to another state to the tax which would have been imposed by Louisiana (i.e. the taxpayer gets a credit for the income taxed by the other state which is equal to the Louisiana tax rate, not the higher tax rate of the other state). In addition, the law requires reciprocity and prohibits the credit if the other

state allows a credit for Louisiana taxes.

Effective for returns filed on or after July 1, 2015, but before June 30, 2018, notwithstanding the tax year for which the return is filed [See note below].

**House Bill 218 by Representative Broadwater (Act 103)** eliminated the provision which allowed a "net operating loss" of a corporation to be "carried back" to offset income from any of three tax years prior to the "loss" tax year. In a sort of exchange, the bill allows the loss to be "carried forward" for an additional five years (from the 15 years authorized in current law).

Applicable to all claims for the net operating loss on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates [See note below].

**House Bill 829 by Representative Robideaux (Act 134)** made many changes to the movie investor tax credit program. Most of those were focused on directing the credit to productions which have more of an impact on Louisiana employment and businesses and smaller productions which are more likely to occur in the state, such as:

1. Increasing the tax credit for payroll of La. residents from 5% to 10%.
2. Capping the maximum amount of credits available for any single production at \$30 million.
3. Lowering the threshold expenditures for earning credits from \$300,000 to \$50,000 if 90% of the production's expenditures for "above the line services" (i.e. actor, director, producer,

etc.) are expended on La. residents and 90% or more of the total number of jobs in the production are filled by La. residents.

4. Granting 15% extra tax credit for a production using Louisiana based screenplays or 15% extra tax credit on the amount expended on Louisiana based sound recording copyrighted or musical copyrighted music.

The main savings of HB829, though, is a \$180 million "cap" on claims against state income tax allowed on returns and purchases by LED of tax credits for Fiscal Years 2015-2016, 2016-2017, and 2017-2018.

**House Bill 779 by Representative Ponti (Act 131)** reduced the amount of the solar energy systems tax credit and limited the amount of the tax credits allowed until the credits terminate on January 1, 2018, as follows:

1. For systems purchased by taxpayers, the credit is equal to the least of:
  - (a) Two dollars multiplied by the total size of the system as measured in DC watts.
  - (b) 50% of the cost of purchase and installation.
  - (c) \$10,000.

The "caps" on the tax credits for such "purchased" systems are:

FY2015-2016, \$10 million.

FY2016-2017, \$10 million.

On or after July 1, 2017 to December 31, 2018, \$5 million.

2. For systems leased to taxpayer by solar installers, the credit is limited to the first \$20,000 of the system's cost (rather than the first \$25,000).

The caps on the tax credits for such "leased" systems are:

\$19 million for credits not granted prior to June 1, 2015, but granted during FY2014-2015.

FY2015-2016, \$10 million.

FY2016-2017, \$10 million.

On or after July 1, 2017 to December 31, 2018, \$5 million.

**House Concurrent Resolution 8 by Representative Montoucet (Sent to Secretary of State)** "suspends" the state sales tax exemption for business utilities (non-residential sales and purchases of steam, water, electric power or energy, and natural gas) against 0.97% of the tax beginning July 1, 2015, through the 60<sup>th</sup> day after final adjournment of the 2016 Regular Session.

**House Bill 119 by Representative Ritchie (Act 94)** increased the tax per pack of 20 cigarettes from 36¢ to 86¢. In addition, levied an excise tax equal to \$.05 per milliliter of nicotine liquid solution on vapor products and electronic cigarettes.

**House Bill 549 by Representative Thibaut (Act 120)** should be mentioned because it is a limitation on the exemption from severance tax for oil and gas produced

by horizontally drilled wells for 24 months or until the pay out of well costs. However, the bill had no fiscal effect because the official budgeted oil and gas price projections do not approach the bill's minimum price threshold for reducing the exemption, \$70/bbl and \$4.50/mmbtu.

**Senate Bill 93 by Senator Adley (Act 140)** disallows a maximum credit of \$25 for educational expenses incurred for each child attending kindergarten, elementary, or secondary school if the deduction for the payment of tuition and fees for nonpublic elementary and secondary school tuition is taken for the child as provided for in R.S. 47:297.10.

In addition, the Act provided for the Student Assessment for a Valuable Education (SAVE) Credit Program which grants a SAVE credit against various state taxes equal to the amount of a SAVE assessment for each student enrolling at a public institution of higher education. The amount of each credit cannot exceed the average household tax liability and the total credits cannot exceed the amount appropriated by the legislature. The amount of the credit is transferred by the Department of Revenue to treasurer who must place the money in the Higher Education Initiatives Fund in R.S. 17:3129.6, and it is distributed by the Board of Regents pursuant to its formula for the equitable distribution of funds to public institutions of higher education.

**Note on July 1<sup>st</sup> language:**

As indicated above, the cuts affecting the deductions and credits often is effective for "any return filed on or after July 1, 2015, regardless of the taxable year to which the



return relates." This clause has caused some comment. The best way to explain that language is to start with the "why?" first. Why was the July 1<sup>st</sup> provision necessary?

It is common knowledge that at the beginning of the 2015 Legislative Session there was a large budget deficit for the upcoming FY2015-2016. The thought was that the legislature could simply cut a credit, exemption or deduction and put in the usual provision: "This Act shall apply to tax years beginning on and after January 1, 2015." The annual Tax Exemption Budget issued by the Department of Revenue showed many large credits with a cost of over a hundred million per fiscal year. It was the general consensus that if a cut was made applicable to "tax years beginning on and after January 1, 2015," FY2015-2016 revenue would be increased substantially.

When the Department of Revenue and the Legislative Fiscal Office analyzed the tax year of the tax returns filed each fiscal year however, they found out that large companies and wealthier individuals, for a variety of reasons (i.e. a fiscal year which is not on a calendar year basis), did not immediately claim credits in the following fiscal year. If a credit was granted for tax returns filed for tax years beginning during 2015, the main fiscal effect of that credit was not felt in the FY2015-2016, but in the following FY2016-2017.

This meant that, if tax credits were reduced in the "usual way" - that is, "applying to tax years beginning on and after January 1, 2015", the state would not receive the full fiscal benefit of reducing the credit in FY2015-2016 (i.e. more revenue). The state might only receive as little as 10% of the

fiscal effect.

To get the full effect of cutting credits in FY2015-2016, the following provision was put in many of the tax credit, deduction and exemption reduction bills. The one from Rep. Katrina Jackson's 28% across-the-board cut in HB629 (HB624 has the same language) reads as follows:

Section 7.(A) Except as provided for in Subsection (B) of this Section, the provisions of . . . this Act shall apply to a claim for a credit on any return filed on or after July 1, 2015, . . . regardless of the taxable year to which the return relates.

What this means is that, even if a company or individual had a credit under the tax law prior to its change, they would lose a part of it.

There were two exceptions generally put into the law, one for amended returns and one for tax returns filed pursuant to an extension.

The "amended return exception" in HB629 reads:

The provisions of . . . this Act shall NOT apply to an amended return filed on or after July 1, 2015, . . . relating to a credit properly claimed on an original return filed prior to July 1, 2015.

If an original return properly claimed a full tax credit prior to July 1, 2015, the taxpayer would get that full credit even though his amended return is filed after July 1, 2015.

The "extension return exception" is more limited. In HB629, it reads:

If a return is filed after July 1, 2015 . . . for which a valid filing extension has been allowed prior to July 1, 2015, then any portion of the credit reduced by the provisions . . . of this Act shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for each of the taxable years beginning during calendar years 2017, 2018, and 2019.

If an extension to file a tax return was allowed prior to July 1, 2015 (extensions are allowed automatically, which many large taxpayers do because their returns are complicated), you ultimately will get the reduced portion of the credit, but not until your tax year beginning in 2017, and then only one-third in 2017, 2018, and 2019. In effect, the state will delay three years before it begins to honor the tax credit.



## Social Services

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### HEALTH CARE

**Senate Concurrent Resolution 21 by Senator Broome (Sent to Secretary of State)** requests the Capital Area Human Services District to develop and operate a crisis stabilization unit to serve the Capital Region and urges community leaders, local governments of the Capital Region, the state, and healthcare providers to collaborate to identify and develop a blended approach to finance services provided by the crisis stabilization unit to individuals without a pay or source or a means to pay for their mental health care. The goal is to stabilize the crisis and link the individual to ongoing care within the community.

**House Bill 261 by Representative Hodges (Act 310)** enacts the Quality Parenting for Children in Foster Care Act which recognizes the importance of normalizing the lives of children in foster care while ensuring their health and safety. This Act requires that foster care givers use the reasonable and prudent parent standard in determining whether to give permission for a foster child to participate in extracurricular, enrichment, cultural, social, or sporting activities.

### INTERNET ACCESS TO SOCIAL SERVICES

The major concern for this legislature session has been the large deficit in the state budget. The lack of available funding has

prompted the legislature to encourage more use of the internet to access social services. For example:

**Senate Bill 28 by Senator Brown (Act 239)** requires the governing authority of each public school to actively promote and provide information to students and parents on how to access the after-school online homework assistance services offered through the State Library of Louisiana and their local public library. Further provides that the appropriate link provided by the State Library of Louisiana shall be included in each school's student handbook and be posted on the home page of the website of each public school's governing authority and each public school that has a website. Requires each public school to post the information in a prominent location visible to all students on a daily basis. Also requires the state Dept. of Education to collaborate with the State Library of Louisiana to align and promote its after-school homework assistance services and programs related to elementary and secondary education.

**House Bill 158 by Representative Hoffman (Act 55)** requires the Dept. of Health and Hospitals to publish information on its website concerning services of the Smoking Cessation Trust, and requires the department to coordinate certain health programs with those offered by the trust. Further requires DHH to establish and maintain on its website a link to the website of the Smoking Cessation Trust.

**House Bill 498 by Representative Talbot (Act 338)** provides for the creation and maintenance of a useful and comprehensive health services information database that can be publicly accessed which provides for transparency in prices and care quality measures. Requires Dept. of Health and Hospitals to publish this data in a format that facilitates comparison of the data from hospitals and other licensed health facilities of this state to similar data for medical care rendered in other states, to the extent that such data is available.





## State Government

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### STATE CONTRACTS

The type and amount of state contracts as well as the use of state contracting continues to be a popular item for discussion and debate. For the fourth year in a row and after last year's veto, Representative Richard was back with a bill to cut the amount of money the state spends on professional, personal, and consulting service contracts. **House Bill 30 by Richard (Act 87)** provides for reporting by the Division of Administration to the Joint Legislative Committee on the Budget (JLCB) and review and approval by JLCB of all state contracts that: (1) are for professional, personal, and consulting services; (2) are valued at \$40,000 or more per year; (3) are funded solely with state general fund direct dollars or the Overcollections Fund dollars; and, (4) are for discretionary purposes. Provides that if within thirty days of receipt of the contract, the JLCB does not place the contract on its agenda, the contract will be deemed approved. If the contract is placed on the agenda for review, JLCB will have the option: (1) to approve the contract; or (2) to reject the contract. If JLCB rejects the contract, it shall: (1) notify the commissioner that the funding for the proposed contract is to be deposited into the newly created Higher Education Financing Fund; or (2) recommend revisions to the contract. If JLCB recommends revisions and the agency does not resubmit the contract to JLCB within thirty days of JLCB's recommendation, the contract will be deemed to be rejected. In addition, the commissioner

of administration is to report to JLCB on a quarterly basis the amount of funding appropriated for professional, personal and consulting service contracts that remains unexpended and unencumbered. While there are certain contracts excepted (i.e. contracts with state or local providers of indigent defender services, contracts of a district attorney who is providing services under the child support enforcement program, and certain secretary of state and DHH contracts), according to information provided by the division of administration, had this law been in place for FY 2014, it would have required that 125 contracts, valued at \$21.2 million, be subject to JLCB review and approval. If, for example, JLCB review and approval resulted in a 15% reduction in those contracts, approximately \$3.2 million would have been available to transfer into the fund for higher education expenditures.

A popular theme nationally and particularly with the current Administration has been to contract out "or privatize" public functions. Privatization is basically the use of private contractors to provide public services formerly preformed by state employees. With the recent growth in privatization at the state level, **HB 137 by Representative Harvard (Vetoed)** was introduced to review and evaluate whether the privatization of a particular service promotes best practices, would have ensured citizens receive high-quality public service at low cost and is overall in the best interest of Louisiana and its citizens. The proposed legislation would have

set up a review process that a state agency would have to comply with before entering a privatization contract. The proposed legislation would have provided that no state agency shall enter into a privatization contract unless the agency, in consultation with the Division of Administration (DOA), complies with certain requirements. Those requirements for service contracts included: (1) the agency preparing a written statement of services proposed to be privatized, including the quantity and standard of quality of such service; (2) the agency preparing a comprehensive written estimate of the costs of state employees providing services, including all direct and indirect costs; (3) after receiving bids, the agency preparing written analysis of the contract costs based upon the designated bids, specifically including transition costs and costs associated with monitoring and otherwise administering contract performance; and, (5) the head of state agency certifying in writing to the legislative auditor and appropriate standing committees various items relative to the contract. The requirements for lease agreements included: (1) the agency prepares a statement of the fair market rental of lease value of the state building or facility based upon documented comparables; (2) the agency publicly announces the availability of the building or facility for lease or rent; and (3) the agency certifies in writing to the legislative auditor and appropriate standing committees various items relative to the contract. This process was limited to privatization service contracts valued at \$5 million or more per year and private lease agreements valued at \$500,000 or more annually. Provided for the legislative auditor to review each contract and certify to the appropriate legislative standing committees no later than thirty days after receipt his opinion as to whether the agency complied with

proposed law and his independent review of relevant facts; appropriate legislative standing committees then had forty-five days to disapprove the contract. Provided for a post-privatization review process that included an analysis of the non governmental entity's compliance with the terms of contract, all complaints received and the response thereto and, in the event of a lease, a current analysis of the fair market rental or lease value of the state building or facility based upon documented comparables. In his veto message, the Governor stated that his interpretation of the bill's effect would be to "curb efforts to reduce the size of government and government spending."

## STATE RECORDS

Again this year, there was much discussion regarding the public's access to records of the office of the governor. **Senate Bill 190 by Senators Claitor and Adley (Act 145)** provides that, effective concurrent with the swearing in of the next governor, all records of the office of the governor shall be public records. Provides that records relating to the schedule of the governor or his spouse or child that contain security details may be considered confidential until seven days following the event. Provides that records related to interoffice communications of the governor and his internal staff (not to include employees of any other agency or department) may be privileged from disclosure; however, such records are to be preserved and at the conclusion of his term are to be transferred to the custody of the secretary of state. After eight years, all the records shall be public records.

**STATE EMPLOYEES**

Following up on 1992 legislation and a Civil Service Rule from 2001, **House Concurrent Resolution 44 by Representative Foil (Sent to Secretary of State)** urges and requests all agencies in the executive branch to develop and implement a crisis leave pool that would enable employees to donate leave which could be used by a colleague who cannot work due to a crisis situation and who have insufficient leave to cover the absence required by the crisis situation. To date, only thirteen of the state departments and the office of the lieutenant governor have adopted and implemented such a policy. This resolution also requires the Department of State Civil Service to report next January to the legislature on the status of the adoption of such a policy by state agencies.

**STATE BUILDINGS AND GROUNDS**

Consistent with our tradition of honoring public servants and activists by naming state buildings and grounds after them, there were two bills this session honoring two great Louisianans. Specifically, **Senate Bill 3 by Senator Alario, et al (Act 148)** names the office of motor vehicles located in Harvey after former Senator Chris Ullo and **Senate Bill 57 by Senator Dorsey, et al (Act 154)** authorizes the placement of a statute honoring Reverend Dr. T.J. Jemison in a the A.Z. Young Park in Baton Rouge.



## Transportation & Development

by: Sharon Lyles  
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Facing a \$1.6 billion dollar state budget deficit and with recommendations on how to increase funding for transportation recently reported by the Transportation Funding Task Force created by House Concurrent Resolution 166 by Representative St. Germain from the 2014 Regular Session, several instruments proposed both short and long term solutions, primarily aimed at restoring public "Trust" in the Transportation Trust Fund to stop the diversion of trust fund dollars to state police operations and accelerating motor vehicle sales tax dollars flowing to transportation.

The Department of Transportation and Development continues to report a \$12.5 billion dollar backlog of funding needs for highway projects. Created by constitutional amendment in 1990 the Transportation Trust Fund continues to be raided to fund other governmental functions, notably state police. TTF-Regular provides only about \$27million dollars in FY 14-15 to match federal funds for projects in the approved Highway Priority Program. At the same time, the Federal Highway Trust Fund is operating on a continuing resolution which expires in July 31, 2015, as Congress continues to delay enacting a multi-year transportation bill.

The department reports a need for a recurring \$70 million dollars annually in TTF-Regular funds to match federal-aid dollars while at the same time trust fund dollars are diverted to state police operations in amounts approaching \$70 million dollars.

**House Bill 208 by Representative Terry Landry (Act 380)** limits diversion of TTF dollars to state police operations. This bill limits use of TTF dollars for state police in FY 16 to \$45 million dollars, decreasing to no more than \$10 million dollars in FY 18 and thereafter.

To offset the loss of TTF funds, state police proposed amendments in the Senate to various house bills to increase fees for certain public safety services provided by the office of motor vehicles, as follows:

**House Bill 445 by Representative Mack (Act 110)** increases vehicle title fees by \$50 which the fiscal office estimates to generate \$59.8 million dollars annually.

**House Bill 448 by Representative Pugh (Act 111)** increases driving record fees by \$10 which the fiscal office estimates to generate \$21.8 million dollars annually.

**House Bill 638 by Representative Ivey (Act 414)** proposes changes to procedures to allow collection of some \$653 million dollars in uncollected outstanding fines and penalties imposed by the office of motor vehicles by the new Office of Debt Recovery.

However, the Senate Transportation Committee Amendment to House Bill 208 aimed at offsetting TTF dollars with these fees was removed by the Senate Finance Committee.



To secure \$70 million dollars long term in matching funds for the Highway Priority Program, **Senate Bill 122 by Senator Adley (Act 257)** raises the base of mineral revenue dollars retained by the state general fund from \$850 to \$950 million dollars and **Senate Bill 221 by Senator Adley (Act 275)** limits the dedication of motor vehicle sales tax dollars for transportation to \$100 million with the first \$70 million dollars, beginning in FY 17-18, dedicated to highway preservation projects and repeals the trigger in R.S. 48:77(C) that prevents the flow of revenues from the state sales tax on motor vehicles to transportation due to budgetary restraints. However, the fiscal office reports that mineral revenues are diminishing with the down turn in oil and gas prices.

**Senate Bill 202 by Senator Adley (Act 473)**(Constitutional Amendment) proposes to amend Article VII, Section 10(D)(2)(d), the introductory paragraph of 10.3(A)(3) and the introductory paragraph of 10.3(A)(2)(a) and (b), and 10.5(B) and to add Article VII, Section 10.3(A)(2)(c) to rename the current Budget Stabilization (Rainy Day) Fund as the Budget and Transportation Trust and to create two sub-funds for budget stabilization and transportation stabilization. The proposed constitutional amendment is to be submitted to voters at the statewide election on October 24, 2015. If approved, mineral revenues available for the Trust will flow first into the budget stabilization sub-fund until it reaches and maintains \$500 million dollars and then into the transportation stabilization sub-fund until the balance reaches and maintains \$500 million dollars. Once each sub-fund reaches \$500 million dollars, excess dollars flow into the state general fund. Additionally, the proposal would authorize the legislature to increase

the base amount of mineral revenues that flow into the state general fund before deposit into the Trust and its sub-funds every five years instead of every ten years.

**Senate Bill 259 by Senator Adley (Act 465)** is the statutory implementation of **Senate Bill 202** if approved by the voters.

**House Bill 618 by Representative St. Germain (Act 471)**(Constitutional Amendment) proposes to amend Article VII, Section 14(B) of the Constitution of Louisiana to create an exception to the prohibition of the loan, pledge, or donation of public funds to allow the treasurer to invest public funds in a state infrastructure bank solely for transportation projects, subject to voter approval at the statewide election to be held on October 24, 2015.

**House Bill 767 by Representative St. Germain (Act 431)** provides for creation of the Louisiana Transportation Infrastructure Bank as a state agency within the Department of Treasury and creates the Louisiana Infrastructure Fund for deposit of funds to provide low interest loans to local governmental entities for transportation projects which benefit the state highway system, subject to approval by the Department of Transportation and Development, the board created to administer the bank, and the State Bond Commission.

**Senate Bill 271 by Senator White (Act 147)** establishes for the special fuels tax an equivalency with the gasoline tax applicable to motor vehicles that operate on the highways using liquefied natural gas, liquefied petroleum gas, or compressed natural gas and eliminates the current decal system. This is not a new tax. The bill

simply provides a different collection method of the current special fuels tax when these fuels are used in motor vehicles on the highways of the state. The bill also reduces vendor compensation for timely remittance of motor fuel taxes from 1% to .33%. The fiscal office estimates this change to increase revenues to the TTF by about \$6 million dollars annually.

**House Bill 645 by Representative Connick (Act 348)** requires the department to use toll credits earned from construction of the Crescent City Connection Bridge in New Orleans for the Crescent City Connection Bridge itself, the Westbank Expressway or its approaches, the Louisiana Highway 23 bridge and tunnel replacement project, the Fourth Street extension, or any combination thereof, and for no other purpose.

#### Priority Programs

**House Bill 742 by Representative Leger (Act 355)** revises the requirements of the Highway Priority Program to require consistency with the Statewide Transportation Plan and to require the department to evaluate outcomes of the program and to submit its evaluation on a biennial basis. The department is to initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before March 14, 2016. The department is then to evaluate the actual outcomes of each program and establish revised prospective outcomes for each program on a biennial basis. Beginning in 2018, the department is to report the results of these biennial evaluations to the legislature and make them available to the public on the department's website when the department presents a proposed program

of construction to the Joint Highway Priority Construction Committee as required bylaw beginning with the program presented for Fiscal Year 2017-2018.

**Senate Bill 71 by Senator Erdey (Act 28)** requires the inclusion of both positive and negative impacts of a proposed flood control project on surrounding parishes to be included in the application for a flood control project.

At a joint meeting of the House and Senate committees on transportation, highways, and public works held on April 13, 2015, the following priority programs were approved:

2015-2016 Highway Priority Construction Program

2015-2016 Port Construction and Development Priority Program

2015-2016 Airport Construction and Development Priority Program

2015-2016 Statewide Flood Control Program

Appropriations for projects in the approved programs are in **House Bill 2 by Representative Robideaux (Act 26)**

#### Parish Transportation Fund

Schedule 20-903 in **House Bill 1 by Representative Fannin (Act 16)** appropriates \$46.4 million dollars from the Transportation Trust Fund to the Parish Transportation Fund (PTF). \$38.445 million dollars is distributed pursuant to formula directly by the treasurer to parish and municipal governments; \$4.955 million dollars is distributed by formula to the mass transit program; \$3 million dollars is appropriated as match to DOTD for the off system roads and bridges program. While the

Transportation Funding Task Force recommended reduction of appropriations from the TTF to the PTF, this recommendation was not proposed this Session. The Constitution requires that the PTF receive no less than one cent of gasoline and special fuels tax collections which is about \$30.2 million dollars. However, historically, the PTF has been appropriated an amount equal to approximately one and one-half cents.

#### Public Contracts

**Senate Bill 66 by Senator Gary Smith (Act 156)** extends authorization for use of design-build contracts for certain port projects for five years from December 31, 2015, to December 31, 2020.

**Senate Bill 151 by Senator Cortez (Act 29)** revises and clarifies requirements for payments to contractors, filing sworn statements of claims, and cancellation of department contracts.

**Senate Bill 159 by Senator Heitmeier (Act 30)** authorizes use of design-build contracts for new ferries across the Mississippi River and for bridge projects that replace tunnels.

**Senate Bill 162 by Senator Gary Smith (Act 163)** authorizes a pilot program to use construction management at risk limited to ten projects costing \$3 million dollars or more subject to approval of the House and Senate committees on transportation, highways, and public works.

#### Reorganization

**Senate Bills 161 by Senator Chabert**

**(Act 31)** consolidates the six divisions within the office of multimodal commerce into four divisions, as follows: (1) commercial trucking, (2) ports and waterways, (3) aviation, and (4) freight and passenger rail development. The Act also continues the Multimodal Commerce Advisory Commission, extends the time for development of an operational plan, provides for appointment of the new commissioner on January 12, 2016, and adds the commissioner to the Louisiana Board of International Commerce.

#### Highway and Bridge Designations

LA R.S. 48:192 (D) requires an Act of the Legislature to name any state highway. Several bills were filed this Session to designate state highways and bridges.

**House Bill 5 by Representative Cromer (Act 281)** renames Grantham College Road in Slidell as "Veteran's Memorial Lane".

**House Bill 28 by Representative Montoucet (Act 174)** designates portions of four state highways, as follows:

- (1) A portion of LA 91 in Acadia Parish is designated as 'Corporeal Matthew Thomas Richard Memorial Highway'.
- (2) A portion of LA 347 in St. Martin Parish is designated as "Albert 'Pyook' Berard Highway".
- (3) A portion of LA 35 in Acadia Parish is designated as "Veteran's Parkway".

- (4) A portion of US 190 in St. Landry Parish is designated as "Davina Chapman Memorial Highway".

**House Bill 36 by Representative Shadoin (Act 175)** designates the LA 2 bridge across Corney Bayou in Union Parish as the "Alvin Green Memorial Bridge".

**House Bill 128 by Representative Chaney (Act 183)** designates three highways and bridges, as follows:

- (1) The bridge on LA 2 between West Carroll and Morehouse Parishes is designated as the "World War I and World War II Veteran's Memorial Bridge".
- (2) The bridge on LA 2 between West Carroll and East Carroll Parishes is designated as the "Korean, Vietnam, and Desert Storm Veterans Memorial Bridge".
- (3) Designates a portion of LA 183 as the "James 'Terry' Watson Memorial Highway".

**House Bill 140 by Representative Patrick Jefferson, et al (Act 185)** designates the I-20 and LA149 interchange as the "State Representative Pinkie Wilkerson Memorial Interchange".

**House Bill 227 by Representative Jim Morris (Act 4)** designates a portion of I-49 in Caddo Parish in memory of Greg Wall, P.E.

**House Bill 420 by Representative Burns (Act 218)** designates three highways or bridges, as follows:

- (1) Designates a portion of LA 72 as "Private First Class Joshua C. Barrows Drive".
- (2) Designates a portion of US 80 as "Sergeant Craig Nelson Memorial Highway".
- (3) Designates approaches to the Richard S. Thompson Bridge in Boyce which crosses the Red River in Grant and Rapides Parishes on LA 8 as the "Nancy McLellan Claitor Approach".

**House Bill 674 by Representative Whitney (Act 8)** names the LA 24 bridge over Bayou Terrebonne the "Northpark Bridge".

**Senate Bill 4 by Senator Alario (Act 9)** names the new bridge across Caminada Pass in Jefferson Parish the "Andy P. Valence Memorial Bridge".

**Senate Bill 6 by Senator Perry (Act 10)** names a portion of US 167 as "Deputy Allen Bares, Jr. Memorial Parkway".

**Senate Bill 7 by Senator Guillory (Act 11)** provides three designations, as follows:

- (1) Designates the intersection of LA 182 and LA 358 in Opelousas as the "St. Landry Parish Memorial Intersection".
- (2) Designates the US 190 bridge in Krotz Springs as the "Frank and Sal Diesi Bridge".
- (3) Designates a portion of LA 182 as the "St. Landry Parish Veteran's Memorial Highway".

**Senate Bill 215 by Senator Walsworth (Act 33)** names the dam and spillway at Bayou D'Arbonne as the "T.T. Fields Dam and Spillway".

## MOTOR VEHICLES

### Driver's Licenses

**House Bill 37 by Representative Terry Brown (Act 369)** provides for the following:

- (1) allows a person the option to include his blood type designation on a driver's license.
- (2) allows a person in grade 8 who is within 90 days of his 15<sup>th</sup> birthday to participate in driver education.
- (3) authorizes a person 70 years old or older diagnosed with a medical disability to renew his driver's license by mail and requires submission of a sworn affidavit of a physician.

**House Bill 170 by Representative Hollis (Act 99)** reduces the amount of a surety bond required for driving schools from \$40 to \$20 thousand dollars.

**House Bill 499 by Representative Hill (Act 407)** requires issuance of a provisional Class "E" driver's license for one year to persons released after incarceration under certain conditions.

**Senate Bill 67 by Senator White (Act 27)** authorizes a law enforcement officer with only a Class "E" driver's license to operate equipment for emergency governmental functions.

### Military Honor License Plate

**House Bill 35 by Representative Hollis (Act 284)** creates a military honor plate for recipients of the 'Global War on Terrorism Expeditionary Medal'.

### Prestige License Plates

In 2002, the Louisiana Legislature attempted to deter the creation of prestige license plates by requiring a minimum of 1,000 applicants for such plates. Currently, Louisiana law creates some 223 prestige license plates. In 2015, several bills create special prestige license plates for a variety of causes, as follows:

**House Bill 417 by Representative Berthelot (Act 6)** creates a prestige plate for ALS.

**House Bill 699 by Representative Abramson (Act 226)** creates a prestige plate for the "300<sup>th</sup> Anniversary of the City of New Orleans".

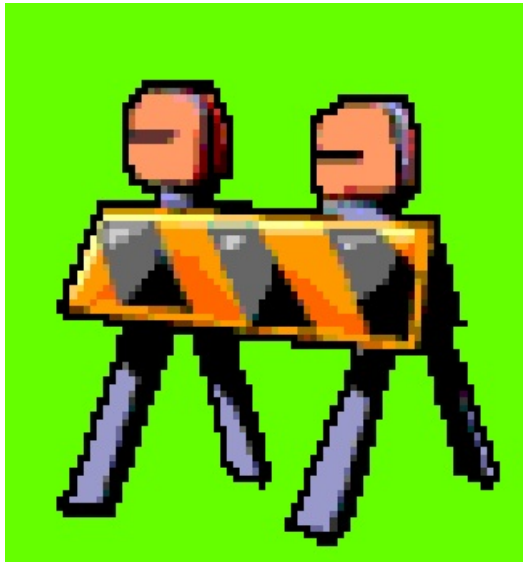
**Senate Bill 213 by Senator Walsworth (Act 32)** creates prestige plates for the "Eagle Scouts", the "Louisiana Licensed Professional Geoscientist", the Society of St. Vincent de Paul of Louisiana, and the Southern University and A & M Marching Band.

### Special Vehicles

**House Bill 248 by Representative Lambert (Act 308)** authorizes the operation of golf carts on certain highways under certain conditions.

**House Bill 490 by Representative Willmott (Act 115)** restricts the use of improved openings and crossovers or turnarounds on interstate highways to authorized emergency vehicles and towing and recovery vehicles directed by law enforcement.

**House Bill 581 by Representative Armes (Act 122)** authorizes the operation of "utility terrain vehicles" on certain roads under certain conditions.



## Wildlife & Fisheries

by: Michelle Johnson Broussard  
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The seafood industry was highly debated this year. The United States Court of International Trade ruled in early April 2015 that the trade practices of international shrimp exporters do not constitute unfairness because they have "filled a need" since the 2010 Deepwater Horizon oil spill disaster. However, the Coalition of Gulf Shrimp Industries, an industry advocacy group consisting of seafood producers throughout the Gulf Coast, indicates this ruling was only based on the period of the spill and immediately thereafter.

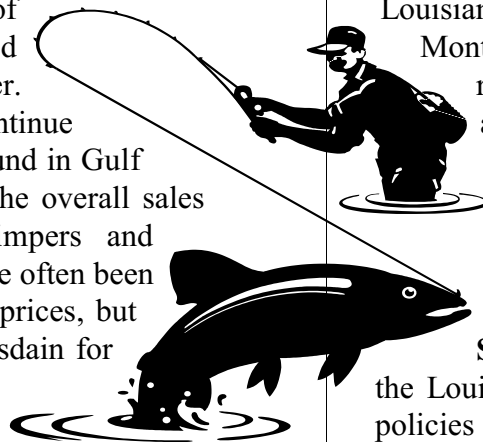
Detrimental effects continue to date, despite a rebound in Gulf Coast shrimping and the overall sales for local shrimp. Shrimpers and shrimp processors have often been at odds regarding low prices, but they share a mutual disdain for what they call unfair import practices that have galvanized the groups. The Louisiana Shrimp Associations indicate there has been friction between local shrimpers and processors with a problem that is not caused by local forces. State legislators and numerous municipalities empathize with the industry

**House Bill 668 by Representative Dorothy Sue Hill (Act 416)** was unanimously supported by both houses of the legislature. It repeals the prohibition on enforcement of the federal turtle excluder devices (TEDs) in shrimp net requirements.

This allows the Louisiana Department of Wildlife and Fisheries agents from enforcing federal TED regulations. The House concurred on a Senate amendment, which added a provision that strips tax credits, rebates or other incentives by the state to retailers who boycott or otherwise refuse to purchase shrimp caught in Louisiana waters. It was agreed that this change was required due to major retailers like Walmart and Costco having abided by a boycott of Louisiana shrimp, in part because the Monterey Bay's Seafood Watch program recommended seafood consumers avoid Louisiana shrimp because of sea turtle by catch.

**House Concurrent Resolution 225 by Representative Chris Leopold (Sent to Secretary of State)** memorializes Congress and the Louisiana delegation to work on adopting policies that will assist with the stability and visibility of the domestic shrimp industry, including support of the Imported Seafood Safety Standards Act.

**House Bill 579 by Representative Ray Garofalo (Act 343)** creates the Oyster Lease Moratorium Lifting Committee. The proposed eleven member committee is tasked to submit a report to the Legislature by February 2016 that includes proposed legislation and any procedures that may be needed to lift a current moratorium on new private oyster leases. This approval comes after the Legislative Auditor's performance



audit suggested a lift of the moratorium. The audit also suggests opening new acreage for private leases, likely take into account four proposed sediment diversion projects, that could increase the amount of fresh water in certain oyster harvesting areas. **House Bill 579** increases the oyster lease rate by 50%, raising the annual rate of one dollar per acre, and bringing in more than \$400,000 annually. The new law would also place the lease money, including approximately \$800,000 already generated from the two dollar per acre annual leases, into the state's Public Oyster Seed Ground Development Fund. This would aid in redeveloping oyster grounds that have suffered since the 2010 BP Deepwater Horizon oil spill. The established committee's duty is to develop specific recommendations addressing thirteen questions and concerns precipitated by a potential lifting of the moratorium or any other matters that two-thirds of the voting members of the committee choose to address that is germane to oyster leasing.

**Senate Resolution 173 by Senator Mike Walsworth (Sent to Secretary of State)** requests the Wildlife and Fisheries department and the Louisiana State Police to determine the benefits that are provided for enforcement agents and troopers who are injured or killed during the commission of their respective duties, and report findings to Senate Committee on Judiciary C.

**Senate Concurrent Resolution 66 by Senator Norby Chabert (Sent to Secretary of State)** memorializes Congress to take action against illegal, unreported, and unregulated fishing in Louisiana's sovereign waters by the passing H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.

**House Bill 198 by Representative Karen Gaudet St. Germain (Act 303)** increases the fees for participation in the commercial crab fishery.

**House Bill 283 by Representative Chris Leopold (Act 313)** places advertisements and sponsorship signs on immovable property, allows for improvements on said property, vehicles, vessels, and assets of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission.

**House Bill 46 by Representative Gene Reynolds (Act 44)** provides benefits for minor children of certain wildlife agents in the enforcement division of the Department of Wildlife and Fisheries to receive benefits in certain circumstances.

**House Concurrent Resolution 176 by Representative Ray Garofalo (Sent to Secretary of State)** commends the Coalition to Restore Coastal Louisiana on the success of the oyster shell recycling program.

The Louisiana Department of Wildlife and Fisheries announced the good news for Louisiana's black bear. The state mammal was on the brink of extinction for more than half a century ago, is now expected to be removed from the Endangered Species Act listing. The Department issued invitations to the legislature, where the United State Secretary of the Interior made the official announcement. Because Louisiana's black bear is still a teddy bear, the Department was more than pleased to have Theodore Roosevelt IV, Teddy Roosevelt's great grandson, in attendance for the de-listing announcement. De-listing the black bear is considered a successful priority, having been worked for the last seven years. The Louisiana



black bear is a symbol of what remains  
rightfully wild in the state.