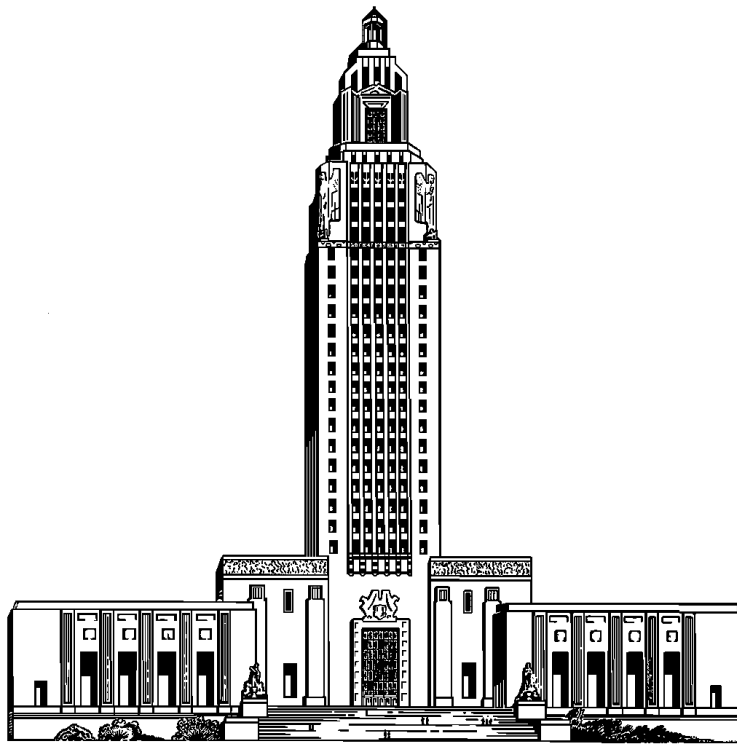


# HIGHLIGHTS

of the  
**2014 Regular Session**  
of the  
**Louisiana Legislature**



**Prepared by:**  
**House Legislative Services**  
**June, 2014**

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# ADMINISTRATION OF CRIMINAL JUSTICE

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## NEW CRIMES

### **HB 150 by Gisclair** (*Last Action – Sent to Governor*)

Amends careless operation of a motor vehicle to provide that when commission of the offense causes the death of a human being because of falling asleep, the operator shall be ordered to serve 250 hours of court-approved community service and the operator's driver's license may be suspended for a period of two years.

### **HB 1077 by LeBas** (*Last Action – Sent to Governor*)

Creates the crime of battery of emergency room personnel, emergency services personnel, or a healthcare professional, and provides criminal penalties for commission of the offense. Further, amends the present law crime of obstructing a fireman to include emergency services personnel. Provides for a definition of "emergency room personnel", "emergency services personnel", and "healthcare professional".

## WEAPONS AND FIREARMS

### **HB 17 by Lopinto** (*Last Action – Act No. 141*)

Changes the elements of the crime of illegal possession of stolen firearms to include any misappropriation and not only robbery or theft. Further provides that it shall be an affirmative defense to a prosecution for illegal possession of stolen firearms that the offender had no knowledge that the firearm was the subject of any form of misappropriation.

### **HB 72 by Lopinto** (*Last Action – Act No. 147*)

Creates an exception to the crime of possession of a firearm on premises of an alcoholic beverage outlet for certain law enforcement officers, auxiliary and retired law enforcement officers, judges, and other enumerated individuals if those individuals are P.O.S.T. certified. Creates an exception for concealed handgun permit holders when the possession occurs on the premises of restaurants

## Administration of Criminal Justice

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which serve alcohol.

### **SB 651 by Allain** *(Last Action – Sent to Governor)*

Creates an exception to the crime of illegal carrying of weapons for a member or officer of the legislature if the legislator or officer is P.O.S.T. qualified annually in the use of firearms and has proof on his person of such certification and valid identification showing proof of his status as a legislator or officer of the legislature. Prohibits the carrying of weapons in the state capitol building by active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state, and traffic courts, members and officers of the legislature, constables, coroners, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, and justices of the peace.

### **SB 361 by Riser** *(Last Action – Sent to Governor)*

Authorizes the carrying of concealed firearms by qualified law enforcement officers and retired law enforcement officers in any place open to the public, subject to the rules and regulations or policies of the agency or office employing the officer or from which the officer retired. The officer must be carrying the identification required by his office, and a qualified retired law enforcement officer must have been commissioned by the agency or office from which he retired.

## DWI

### **HB 511 by M. Guillory** *(Last Action – Act No. 175)*

For purposes of determining whether a defendant has a prior conviction for operating a vehicle while intoxicated, removes convictions of vehicular homicide and first degree vehicular negligent injuring from the 10-year cleansing period provided for in present law so that a conviction for either of these offenses shall count as a prior conviction regardless of the date of conviction relative to the current offense.

### **SB 277 by Perry** *(Last Action – Act No. 385)*

Provides relative to the crime of operating a motor vehicle while intoxicated, substantially reorganizes the provisions of this criminal offense, and amends certain provisions relative to the sentencing for persons convicted of operating a motor vehicle while intoxicated.

### **SB 293 by Martiny** *(Last Action – Act No. 386)*

For purposes of determining whether a defendant has a prior conviction for operating a vehicle while intoxicated, provides that periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for a DWI offense, or periods of



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## Administration of Criminal Justice

time during which an offender was incarcerated in this or any other state for any offense, shall be excluded in computing the 10-year cleansing period provided for in present law.

### DOMESTIC VIOLENCE

#### **HB 747 by Moreno** (*Last Action – Act No. 194*)

Designates certain offenses involving domestic abuse as a "crime of violence", increases penalties for certain offenses of domestic abuse battery, and provides specific standards for the treatment of persons who commit domestic abuse.

#### **HB 750 by Moreno** (*Last Action – Act No. 317*)

Provides relative to the process by which protective orders are issued, transmitted, and entered into the Louisiana Protective Order Registry, and provides relative to the duties of law enforcement in enforcing such orders and when responding to a domestic dispute.

#### **HB 753 by Moreno** (*Last Action – Act No. 195*)

Prohibits persons subject to a protective order relative to domestic abuse from possessing a firearm for the duration of the order, and criminalizes the possession of a firearm or concealed weapon by a person who is convicted of domestic abuse battery.

#### **HB 1142 by Burrell** (*Last Action – Act No. 318*)

Requires a contradictory bail hearing for any felony offense committed against a family or household member, requires the court to issue a protective order if, as a condition of bail, the offender is ordered to refrain from contacting or going near the victim, and further allows the court to keep the domestic abuser in jail under certain circumstances.

### CONTROLLED DANGEROUS SUBSTANCES

#### **SB 87 by Claitor** (*Last Action – Act No. 368*)

Increases penalties for the minimum term of imprisonment from five years to 10 years for the manufacture, distribution, or possession with intent to distribute a Schedule I narcotic drug.

Provides penalties for the first offense of manufacturing, distributing, or possessing with intent to distribute heroin of imprisonment at hard labor for not less than 10 nor more than 50 years, with at least 10 years to be served without benefit of probation or suspension of sentence. Authorizes a fine of not more than \$50,000.

Upon conviction of a second or subsequent offense, the offender shall be sentenced to a term of

## Administration of Criminal Justice

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imprisonment at hard labor for not less than 10 nor more than 99 years, with at least 10 years to be served without benefit of probation or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

### **HB 212 by LeBas** (*Last Action – Act No. 40*)

Adds certain substances to Schedules II, III, and IV of the Uniform Controlled Dangerous Substances Law.

### **HB 229 by Mack** (*Last Action – Act No. 43*)

Adds nine substances to Schedule I of the Uniform Controlled Dangerous Substances Law.

## GAMING

### **HB 293 by Adams** (*Last Action – Act No. 233*)

Creates the crime of gambling by electronic sweepstakes device.

Defines gambling by electronic sweepstakes device as the intentional conducting of, or directly assisting in the conducting of, as a business any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit, through the operation of an electronic gaming machine or device that does or purports to do either of the following:

- (1) Conduct a sweepstakes through the use of a simulated gambling device, including the entry process or the revealing of a prize.
- (2) Promote a sweepstakes that is conducted through the use of a simulated gambling device, including the entry process or the revealing of a prize.

Provides penalties of a fine of not more than \$20,000, imprisonment with or without hard labor for not more than five years, or both.

## SENTENCING

### **HB 1255 by K. Jackson** (*Last Action – Sent to Governor*)

Decreases the amount of time that must be served by a person convicted of a crime of violence before becoming parole eligible from 85% to 75% of the sentence imposed, and authorizes the granting of parole by majority vote for persons convicted of a crime of violence when certain conditions are met. Provides that these provisions shall apply only to persons convicted on or after the effective date of proposed law.

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## Administration of Criminal Justice

Creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice and the Department of Public Safety and Corrections, and provides that any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

### CRIMINAL PROCEDURE

#### **HB 55 by Lopinto** (*Last Action – Act No. 145*)

Provides for a comprehensive re-write of the laws of Louisiana regarding expungement. Places expungement provisions within the Louisiana Criminal Code, and establishes uniform procedures, a uniform fee structure, and forms to be used in obtaining an expungement. Authorizes the expungement of certain felony convictions (excluding crimes of violence or sex offenses) following a 10-year cleansing period and certain misdemeanor convictions following a five-year cleansing period.

#### **HB 325 by Lopinto** (*Last Action – Act No. 163*)

Provides that the use of force is justified when committed by a person lawfully inside a dwelling, a place of business, or a motor vehicle when the conflict began, against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into such place, and the person using the force or violence reasonably believes that the use of force or violence is necessary to prevent the entry or to compel the intruder to leave the dwelling, place of business, or motor vehicle.

#### **HB 732 by K. Jackson** (*Last Action – Sent to Governor*)

Amends provisions of present law prohibiting the waiver of minimum mandatory sentences for crimes of violence or sex offenses, to authorize the waiver of minimum mandatory sentences for certain crimes of violence and to prohibit the waiver of domestic abuse battery, stalking, and feticide.

### MISCELLANEOUS

#### **HB 12 by Smith** (*Last Action – Failed to Pass/House*)

Would have repealed provisions of the crime against nature relative to consensual, uncompensated sexual activity between persons of the same sex which was held to be unconstitutional by the 5th Circuit Court of Appeals and the U.S. Supreme Court.

## **Administration of Criminal Justice**

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### **HB 278 by Havard** *(Last Action – Act No. 157)*

Adds "correctional facility employee" to the list of specific victims of the crime of first degree murder, and defines "correctional facility employee" as any employee of any jail, prison, or correctional facility that is not a "peace officer" as defined by present law.

### **HB 1025 by Abramson** *(Last Action – Enrolled)*

Criminalizes the purchasing of prostitution services, adds certain offenses involving commercial sexual exploitation to the definition of "racketeering activity", provides for an affirmative defense to prosecution for certain offenses committed by a victim of trafficking if the offense is committed as a direct result of being trafficked, authorizes the filing of a motion for new trial for such victims, provides for the confidentiality of the identity of victims of trafficking related offenses, and provides relative to the funding of services to trafficking victims and the establishment of law enforcement training.

# AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

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## RESEARCH AND PROMOTION BOARDS

### **HB 878 by LeBas** (*Last Action – Act No. 205*)

Removes all referenda for the imposition and extension of assessments on soybeans, wheat, corn, and grain sorghum. Clarifies the use of collected assessments in conducting research programs or promotional advertising. Eliminates the use of any funds to defray costs associated with referenda.

### **HB 886 by Montoucet** (*Last Action – Sent to Governor*)

Adds the following two members to the 13-member Louisiana Rice Research Board: 1) One member nominated by the Louisiana Independent Rice Producers Association, and 2) the commissioner or his designee. Sets the initial assessment amount at 3¢ per hundredweight on dry rough "paddy" rice and an additional assessment at 2¢ per hundredweight on dry rough "paddy" rice. Removes all referenda provisions for the imposition and extension of assessments. Provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund. Requires a two-thirds vote of the legislature to repeal the refund provision. Eliminates the use of funds to defray costs or referenda.

### **HB 1045 by LeBas** (*Last Action – Act No. 216*)

Adds the following two members to the nine-member Louisiana Rice Promotion Board: 1) One member appointed by the Louisiana Independent Rice Producers Association, and 2) the commissioner or his designee. Sets the assessment amount at 3¢ per hundredweight on dry rough "paddy" rice and 2.71¢ per hundredweight on rice sold on "green weight" basis. Removes all referenda provisions for the imposition and extension of assessments. Removes additional assessments on dry rough "paddy" rice and rice sold on "green weight" basis. Provides that a refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund. Requires a two-thirds vote of the legislature to repeal the refund provision. Eliminates the use of funds to defray the costs of referenda.

## **Agriculture, Forestry, Aquaculture & Rural Development** \_\_\_\_\_

### **HB 1056 by Lambert** (*Last Action – Act No. 219*)

Removes the requirement that members of the Louisiana Crawfish Promotion and Research Board be appointed for terms concurrent with that of the commissioner making the appointments. Eliminates the ability for board members to serve until their successors are appointed and sworn into office. Removes all referenda requirements for the imposition of assessments on artificial crawfish bait, on bags used to package live crawfish by certain weight, and on crawfish tail meat.

### **RAW MILK**

### **HB 1279 by Ortego** (*Last Action – In Senate Committee*)

Would have allowed for the sale of raw, unpasteurized milk from the farmer directly to the consumer. Would have established standards that must be met in order to qualify to sell such milk and provided for regulation and inspections by the Dept. of Agriculture and Forestry.

### **EXOTIC ANIMALS**

### **SB 119 by F. Thompson** (*Last Action – Act No. 110*)

Requires any owner or lessee of farms or preserves engaged in owning, raising, selling, or harvesting imported exotic deer, antelope, elk, farm-raised white tail deer, and other exotic cervidae, for any purpose, to apply to the commissioner of agriculture for a license. Removes the current farm or preserve fencing height requirement and authorizes the commissioner to adopt rules regarding fencing requirements for owners or breeders of imported exotic deer, elk, and antelope. Authorizes the commissioner to raise civil penalty amount from up to \$100 to up to \$1,000 per violation.

### **PRESCRIBED BURNS**

### **SB 664 by Cortez** (*Last Action – Enrolled*)

Provides that complaints by citizens regarding prescribed burns shall be made to the commissioner of agriculture, who shall investigate and may suspend or revoke his authorization issued to persons found to be in violation of the prescribed burn requirements or rules and regulations.

# APPROPRIATIONS

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## APPROPRIATION BILLS

### HB 1 by Fannin *(Last Action – Enrolled)*

| <b>GENERAL APPROPRIATION BILL</b> |                                      |                          |                        |
|-----------------------------------|--------------------------------------|--------------------------|------------------------|
|                                   | Existing Operating<br>Budget 12/1/14 | House Bill 1<br>Enrolled | Difference             |
| State General Fund                | \$7,798,457,206                      | \$8,245,618,369          | \$447,161,163          |
| Interagency Transfers             | \$1,684,051,888                      | \$1,117,177,112          | (\$566,874,776)        |
| Fees and Self-generated Rev.      | \$2,158,310,537                      | \$2,393,930,113          | \$235,619,576          |
| Statutory Dedications             | \$3,405,453,063                      | \$2,949,358,531          | (\$456,094,532)        |
| Interim Emergency Bd.             | \$852,108                            | \$0                      | (\$852,108)            |
| Federal Funds                     | \$10,389,986,862                     | \$9,923,539,765          | (\$466,447,097)        |
| <b>TOTAL</b>                      | <b>\$25,437,111,664</b>              | <b>\$24,629,623,890</b>  | <b>(\$807,487,774)</b> |

The Preamble to the General Appropriation Bill provides that the commissioner of administration shall make reductions of at least \$75,659,793 million in State General Fund from budget units within HB 1. Such adjustments shall include reductions based on a report on Governmental Efficiencies Management Report prepared by Alvarez and Marsal.

The following is a summary of department funding in the state budget.

## EXECUTIVE DEPARTMENT

|  |                 |
|--|-----------------|
| Total Funding                                | \$ 2.6 billion  |
| Executive Office of the Governor             | \$ 11.8 million |
| Office of Indian Affairs                     | \$ 1.3 million  |
| Office of the Inspector General              | \$ 2.0 million  |
| Mental Health Advocacy Service               | \$ 3.2 million  |
| Louisiana Tax Commission                     | \$ 4.2 million  |
| Office of Coastal Protection and Restoration | \$160.6 million |
| Department of Military Affairs               | \$ 78.7 million |
| Louisiana Public Defender Board              | \$ 33.8 million |

# Appropriations

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|  |                 |
|--|-----------------|
| Louisiana Stadium and Exposition District    | \$ 88.6 million |
| Louisiana Commission on Law Enforcement      | \$ 36.0 million |
| Louisiana State Racing Commission            | \$ 12.5 million |
| Office of Financial Institutions             | \$ 13.5 million |
| Division of Administration                   | \$831.5 million |
| Homeland Security and Emergency Preparedness | \$ 1.3 billion  |

In the above amounts, funding for disaster recovery efforts related to the hurricanes account for \$ 1.8 billion

Office of Elderly Affairs \$ 51.2 million  
In the above amount, funding for the various parish councils on aging and senior centers account for \$ 14.3 million

## VETERANS AFFAIRS

|   |                 |
|---|-----------------|
| Total funding   | \$ 60.6 million |
| Funding for all five state War Veterans Homes   | \$ 52.6 million |
| Funding for four (4) additional full time staff position and related funding at the new War Veterans cemetery in Slidell, La. opening June 12, 2014 | \$ 194,217      |

## DEPARTMENT OF JUSTICE/OFFICE OF THE ATTORNEY GENERAL

Total Funding \$ 60.8 million

## LIEUTENANT GOVERNOR

|  |                |
|--|----------------|
| Total Funding  | \$ 7.0 million |
| Funding for the Lieutenant Governor's Grants Program | \$ 5.5 million |
| Funding for Volunteer America                        | \$ 267,000     |

## CULTURE, RECREATION & TOURISM

|  |                 |
|--|-----------------|
| Total Funding                                      | \$ 90.7 million |
| Adds funding to the Office of the Secretary        | \$ 500,000      |
| Funding for the NOLA Motorsports Park for Indy Car | \$ 4,000,000    |
| Allocates funding for the State Arts Grant         | \$ 1,500,000    |
| State Aid to Public Libraries                      | \$ 1,400,000    |
| Provides funding for CODOFIL                       | \$ 450,000      |
| Provides funding for the Bayou Classic             | \$ 250,000      |
| Provides funding for the New Day Foundation        | \$ 100,000      |



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## Appropriations

### TREASURY

Total Funding \$ 12.4 million

### AGRICULTURE & FORESTRY

Total Funding \$ 76.9 million

Funding for the Agricultural and Environmental Sciences Program \$ 20.2 million

Funding for Animal Health and Food Safety Program \$ 11.7 million

Funding for the Agro-Consumer Services Program \$ 7.1 million

Funding for the Forestry Program \$ 16.0 million

### DEPARTMENT OF INSURANCE

Total Funding \$ 34.2 million

### ECONOMIC DEVELOPMENT

Total Funding \$ 42.7 million

Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1) \$ 1.3 million

Funding for advertising, promotion, and marketing related services \$ 4.9 million

Funding for state economic competitiveness bench marking, planning, and research initiatives \$ 1.4 million

Funding for the Fast Start Program \$ 9.8 million

### LOUISIANA WORKFORCE COMMISSION

Total Funding \$280.4 million

Provides funding for Vocational Rehabilitation \$ 30.1 million

Provides funding for small businesses and pre-employment training for workers through the Incumbent Worker Training Program \$ 26.4 million

### DEPARTMENT OF REVENUE

Total Funding \$105.7 million

Funding for revenue enhancement initiatives \$ 1.8 million

# Appropriations

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## TRANSPORTATION AND DEVELOPMENT

|  |                  |
|--|------------------|
| Total Funding  | \$ 569.2 million |
| Funding for the Operations Program for operation and maintenance of the state's highway system   | \$ 386.2 million |
| Funding for statewide contract maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping | \$ 22.5 million  |
| Funding for heavy equipment replacements in the District Operations Program utilized for highway maintenance   | \$ 22.4 million  |
| Funding for the Parish Road Program, the initial allocation of \$34 million is based on parish population and the balance is allocated based on parish road miles                                | \$ 38.4 million  |
| Funding for the Mass Transit Program, allocation is based on population and passenger counts   | \$ 5.0 million   |
| Funding for the Off-System Roads and Bridges Match Program, funding is used by local government entities to serve as match for federal aid to off-system railroad crossings and bridges          | \$ 3.0 million   |
| Funding for Motorist Assistance Patrols for highway assistance and clearing traffic congestion   | \$ 4.0 million   |

## PUBLIC SAFETY AND CORRECTIONS

### Public Safety Services

|   |                  |
|---|------------------|
| Total Funding   | \$ 444.0 million |
| Funding for a State Trooper cadet class                   | \$ 5.0 million   |
| Funding for a State Police Pay Raise                      | \$ 22.4 million  |
| Funding for the Acadiana Criminalistics Laboratory        | \$ 800,000       |
| Funding for State Fire Marshal life and safety inspectors | \$ 482,000       |

### Corrections Services

|   |                  |
|---|------------------|
| Total Funding   | \$ 532.5 million |
| Local Housing of Adult State Inmates                          | \$ 152.5 million |
| Adult Work Release Program                                    | \$ 19.0 million  |
| Local Reentry Services  | \$ 2.3 million   |
| Local Housing of state parolees awaiting a revocation hearing | \$ 7.0 million   |

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## Appropriations

### Youth Services

|  |                  |
|--|------------------|
| Total Funding  | \$ 117.5 million |
| Local Housing of Juvenile Offenders  | \$ 2.8 million   |
| Provides funding to maintain operation at the juvenile facilities<br>at North, Central/Southwest and Southeast Regions | \$ 68.6 million  |

### **HEALTH AND HOSPITALS**

|               |                |
|---------------|----------------|
| Total Funding | \$ 9.5 billion |
|---------------|----------------|

### Medicaid

|   |                |
|---|----------------|
| Total Funding   | \$ 8.1 billion |
| Including:  |                |
| Funding for Bayou Health payments                       | \$ 1.6 billion |
| Funding for the Louisiana Behavioral Health Partnership | \$ 454 million |
| Funding for utilization increases, including pharmacy   | \$ 94 million  |
| Funding for public/private partnerships                 | \$ 1.2 billion |

### Aging and Adult Services

|               |               |
|---------------|---------------|
| Total Funding | \$ 50 million |
|---------------|---------------|

### Public Health

|               |                |
|---------------|----------------|
| Total Funding | \$ 346 million |
|---------------|----------------|

### Behavioral Health

|               |                |
|---------------|----------------|
| Total Funding | \$ 225 million |
|---------------|----------------|

### Developmental Disabilities

|  |                |
|--|----------------|
| Total Funding  | \$ 154 million |
| Funding for the Louisiana Assistive Technology<br>Access Network | \$ 250,000     |

### Other Behavioral Health and Developmental Disabilities

|                           |                |
|---------------------------|----------------|
| Districts and Authorities |                |
| Total Funding             | \$ 202 million |

### Other DHH

|   |              |
|---|--------------|
| Funding for Individual and Family Support Program | \$ 1,085,000 |
| Funding for Families Helping Families Centers     | \$ 170,000   |

# Appropriations

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## CHILDREN AND FAMILY SERVICES

|  |                  |
|--|------------------|
| Total Funding  | \$ 778 million   |
| Temporary Assistance for Needy Families (TANF) Initiatives   |                  |
| Funding for FY 13-14   | \$ 100.4 million |
| Funding for FY 14-15   | \$ 102.7 million |
| FY 14-15 TANF Initiatives:   |                  |
| Community Supervision programs   | \$ 900,000       |
| Jobs for America's Graduates (JAGS)  | \$ 4.0 million   |
| Family Violence  | \$ 2.4 million   |
| CASA   | \$ 4.4 million   |
| Drug Courts  | \$ 6.0 million   |
| CPI/Family Services  | \$ 24.8 million  |
| Nurse Family Partnership   | \$ 3.2 million   |
| Homeless Initiative  | \$ 637,500       |
| Emergency Assistance   | \$ 13.4 million  |
| LA 4   | \$ 38.6 million  |
| Non-medical substance abuse assessment   | \$ 3.0 million   |
| Abortion Alternatives  | \$ 1.3 million   |
| Fatherhood Initiative  | \$ 49,900        |
| TOTAL  | \$ 102.7 million |
| Funding for the Child Welfare Program  | \$ 195.7 million |
| Funding for the Temporary Assistance to Needy Families (TANF) Program  | \$ 164.0 million |
| Funding for the Supplemental Nutrition Assistance (SNAP) Program   | \$ 139.2 million |
| Funding for the Support Enforcement Services (SES) Program   | \$ 99.9 million  |
| Funding for the Child Care Development Fund  | \$ 92.3 million  |
| Funding for the Disability Determination Services (DDS) Program  | \$ 51.7 million  |
| Funding for the Modernization Project to transform the service delivery of Children and Family Services to allow clients multiple ways to apply for assistance | \$ 31.3 million  |

## ENVIRONMENTAL QUALITY

|  |                  |
|--|------------------|
| Total Funding  | \$ 128.5 million |
| Funding for expenses related to the Deepwater Horizon event  | \$ 1.2 million   |
| Funding to the Rural Water Association to provide technical assistance to rural water systems throughout the state | \$ 500,000       |
| Funding for the Motor Fuels Underground Storage  |                  |

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## Appropriations

|   |                 |
|---|-----------------|
| Tank activity for clean-up of leaking underground storage tanks to response action contractors                                    | \$ 24.4 million |
| Funding for the Waste Tire Program for payments to processors for disposal of collected waste tires to authorized end use markets | \$ 11.2 million |
| Funding for the Hazardous Waste Site activity   | \$ 3.8 million  |

### NATURAL RESOURCES

|  |                 |
|--|-----------------|
| Total Funding                                  | \$ 81.0 million |
| Funding for the Technology Assessment Program  | \$ 4.0 million  |
| Funding for the Mineral Resources Program      | \$ 12.0 million |
| Funding for the Oil and Gas Regulatory Program | \$ 10.5 million |
| Funding for the Coastal Management Program     | \$ 7.5 million  |

### WILDLIFE AND FISHERIES

|  |                 |
|--|-----------------|
| Total Funding  | \$205.0 million |
| Federal funding for continued hurricane disaster relief  | \$ 45.0 million |
| Funds from British Petroleum for a seafood safety testing program  | \$ 4.6 million  |
| Funds from British Petroleum for a fisheries monitoring program  | \$ 4.0 million  |
| Funds for aquatic weed control (\$6.3 million from the Conservation Fund, \$1.1 million from federal funds, and \$500,000 from the Aquatic Plant Control Fund)                 | \$ 7.9 million  |
| Funds from the Conservation Fund and matching federal funds in the Wildlife Program for Wildlife Management Areas  | \$ 7.0 million  |
| Funds from the Artificial Reef Development Fund for expenditures related to the Wild Seafood Certification Program (\$1.5 million) and the Louisiana Creel Program (\$500,000) | \$ 2.0 million  |

### CIVIL SERVICE

|  |                 |
|--|-----------------|
| Total Funding  | \$ 18.9 million |
| Funding to State Civil Service to administer a comprehensive merit-based personnel management program to state agencies                | \$ 11.1 million |
| Funding for the operations of the State Examiner to administer the Municipal Fire and Police Civil Service System in 144 jurisdictions | \$ 2.1 million  |
| Funding to Ethics Administration to administer and enforce Ethics Reform   | \$ 4.4 million  |
| Funding for the operations of the State Police Commission  |                 |

# Appropriations

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|   |            |
|---|------------|
| to administer a separate merit system for the commissioned officers of Louisiana State Police           | \$ 467,373 |
| Funding to the Board of Tax Appeals to conduct hearings between taxpayers and the Department of Revenue | \$ 768,788 |

## ELEMENTARY AND SECONDARY EDUCATION

|                            |                |
|----------------------------|----------------|
| Minimum Foundation Program | \$ 3.6 billion |
|----------------------------|----------------|

The Legislature approved SCR No. 55 of the 2014 Regular Session, the FY 14-15 Minimum Foundation Program formula. SCR No. 55 provides a Base Per Pupil Amount of \$3,961, an increase of 2.75% over the FY 13-14 Base Per Pupil Amount of \$3,855. The Legislature appropriated \$3.6 billion for the FY 14-15 MFP – \$3.3 billion SGF and \$292 million Statutory Dedicated Funds.

New provisions contained in the FY 14-15 MFP formula are:

- 1) The Career Development Allocation providing \$4 million for materials, equipment, teacher credentialing and training for industry-based credentials;
- 2) The High Cost Services Assistance Allocation providing \$4 million (to be combined with \$4 million Federal Funds) for assistance to school systems and other public schools providing high-cost special education services for students with disabilities; and
- 3) The Supplemental Course Allocation providing \$7.6 million for Course Choice opportunities.

SCR No. 55 also contains the Traditional Weighted Categories:

- 1) At-Risk Weight of 22%
- 2) Career and Technical Education Weight of 6%
- 3) Special Education Weight of 150%
- 4) Gifted and Talented Weight of 60%
- 5) Economy of Scale Weight for school systems with student populations of 7,500 and less

### LA4

|   |               |
|---|---------------|
| The LA4 Early Childhood Program is appropriated \$75 million and currently serves up to 17,000 four-year olds | \$ 75 million |
|---|---------------|

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## Appropriations

### Student Scholarships for Educational Excellence Program (SSEEP)

The Student Scholarships for Educational Excellence Program will enter its third year of statewide scholarships with approximately 8,100 awards

\$ 46 million

### **SPECIAL SCHOOLS AND COMMISSIONS**

Total funding for the budget units in  
Special Schools and Commissions

\$ 91.7 million

### **HIGHER EDUCATION**

#### Total HIED Funding

\$ 2.63 billion

Represents an overall increase of \$821,547 compared to existing FY 13-14.

#### LaGRAD Act Tuition Increase After Amendments

\$ 83.6 million

#### Additional funding for Taylor Opportunity Program for Students (TOPS)

\$ 32.5 million

Taylor Opportunity Program for Students funding is appropriated at \$250 million (\$169.9 million State General Funds and \$141.7 million Statutory Dedications)

#### Workforce and Innovation for a Stronger Economy (WISE) Initiative

\$ 40 million

Funded with \$17 million recurring State General Fund, \$12 million nonrecurring Interagency Transfers from the Division of Administration's Community Development Block Grant Program, and \$11 million of nonrecurring HB 2 capital outlay funds for library and scientific acquisitions.

#### Competitive Core Growth Funds

\$ 6.1 million

State General Fund provided for institutions that have had rapid enrollment growth and are below other institutions' state implementation rate. Current distribution by the Board of Regents include Bossier Parish Community College (\$3,403,030), Delgado Community College (\$535,824), Fletcher Technical Community College (\$335,776), Nunez Community College (\$308,009), River Parishes

# Appropriations

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Community College (\$358,320), Sowela Technical Community College (\$1,090,030), and Northshore Technical Community College (\$69,011).

## Science, Technology, Engineering, and Technology (STEM)

Upgrade Fund \$ 2 million

Two million dollars of State General Fund provided to Grambling State University and Southern University; allocated \$150,000 to Southern University New Orleans, and \$150,000 to Southern University Shreveport.

## Additional State General Fund to the following institutions:

|                                       |                |
|---------------------------------------|----------------|
| Southern University A&M College       | \$ 2.4 million |
| Southern University Law Center        | \$ 1.5 million |
| Southern University New Orleans       | \$ 300,000     |
| Southern University Shreveport        | \$ 300,000     |
| LSU Health Sciences Center Shreveport | \$ 3,000,000   |

## **HEALTH CARE SERVICES DIVISION**

|  |                |
|--|----------------|
| Total Funding                                | \$ 131 million |
| Executive Administration and General Support | \$ 87 million  |
| Lallie Kemp Regional Medical Center          | \$ 44 million  |

Only \$3.86 million is State General Fund (Direct) for Lallie Kemp

## **OTHER REQUIREMENTS**

|   |                 |
|---|-----------------|
| Funding for local housing of state adult offenders and state juvenile offenders   | \$186.0 million |
| Funding for debt service payments for Corrections, Higher Education, Louisiana Economic Development, and the Division of Administration | \$179.1 million |
| Funding for supplemental pay to law enforcement personnel   | \$127.0 million |
| Funding for parish transportation to local government   | \$ 46.4 million |
| Funding for sales tax dedications to local government   | \$ 52.2 million |
| Funding to local governments from Video Draw Poker  | \$ 40.5 million |
| Funding for District Attorneys and Assistant District Attorneys   | \$ 33.2 million |
| Funding to local governments to aid in fire protection  | \$ 21.0 million |
| Funding to satisfy judgment in "Louisiana Probation and Parole Officers Association v. Louisiana State Legislature"                     | \$ 3.7 million  |
| Funding for consent judgments, stipulated judgments and settlements against the state   | \$ 8.5 million  |



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## Appropriations

|   |                 |
|---|-----------------|
| State Aid To Local Government Entities        | \$ 11.7 million |
| Agriculture and Forestry - Pass Through Funds | \$ 8.3 million  |

### **HB 262 by Fannin - Ancillary Appropriations** *(Last Action – Sent to Governor)*

The ancillary appropriation consists of 12 budget units from four different departments, which all assist their respective departments in achieving their goals through the provision of needed services. Includes the Office of Group Benefits and the Office of Risk Management. This year, the Office of Technology Services and the Division of Administrative Law were also added to the bill. Appropriates total funding of \$2.1 billion as follows: \$567 million through Interagency Transfers, \$1.4 billion from Fees and Self-Generated Revenues, and \$121 million from Statutory Dedications.

|  |                   |
|--|-------------------|
| Office of Group Benefits                     | \$1,355,059,715   |
| Office of Risk Management                    | 216,438,965       |
| Administrative Services                      | 6,896,466         |
| Louisiana Property Assistance Agency         | 6,206,330         |
| Louisiana Federal Property Assistance Agency | 3,261,854         |
| Office of Telecommunications Management      | 47,968,901        |
| Prison Enterprises                           | 35,003,206        |
| Office of Technology Services                | 280,025,000       |
| Division of Administrative Law               | 7,459,404         |
| Office of Aircraft Services                  | 2,116,258         |
| Clean Water State Revolving Fund             | 85,000,000        |
| Safe Drinking Water Revolving Loan Fund      | <u>34,000,000</u> |
| Total funding                                | \$2,079,436,009   |

### **HB 1194 by Kleckley - Legislative Expense Act** *(Last Action – Sent to the Governor)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$108.3 million in total funding, of which \$73.3 million is from the state general fund for FY 2014-2015 including the following:

|                                       |                  |
|---------------------------------------|------------------|
| House of Representatives              | \$28,998,300     |
| Senate                                | 21,764,498       |
| Legislative Auditor                   | 10,014,823       |
| Legislative Fiscal Office             | 2,886,664        |
| Louisiana State Law Institute         | 1,131,401        |
| Legislative Budgetary Control Council | <u>8,557,125</u> |
| Total state general fund              | \$73,352,811     |

# Appropriations

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## **HB 1095 by Fannin - Judicial Expense Act** *(Last Action – Sent to Governor)*

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

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

|     |  |                      |
|-----|--|----------------------|
| (1) | Louisiana Supreme Court                | \$82,787,292         |
| (2) | Courts of Appeal                       | 45,965,109           |
| (3) | District Courts                        | 35,910,700           |
| (4) | Criminal Court, Parish of Orleans      | 6,204,781            |
| (5) | Juvenile and Family Courts             | 2,498,613            |
| (6) | Other Courts (Required by Statute)     | 2,993,516            |
| (7) | Other Courts (Not Required by Statute) | 736,034              |
| (8) | Non-Judicial State Expenses            | <u>2,018,375</u>     |
|     | Total                                  | <u>\$179,114,420</u> |

Provides that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$3,116,190 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

## **HB 1095 by Fannin - Supplemental Appropriations** *(Last Action – Enrolled)*

Provides for net changes in general, ancillary, and capital outlay appropriations for Fiscal Year 2013-2014 as follows:

|                                |               |
|--------------------------------|---------------|
| State General Fund (Direct)    | \$1,753,045   |
| Interagency Transfers          | \$5,920,057   |
| Fees & Self-generated Revenues | \$44,133,312  |
| Statutory Dedications          | \$69,999,575  |
| Federal Funds                  | \$100,012,457 |

Appropriates \$181,042,275 out of the State General Fund from the FY 2012-2013 surplus and prior year surpluses from nonrecurring sources and \$25,000,000 out of Statutory Dedications from nonrecurring sources in FY 2013-2014. Appropriates \$6,000,000 out of Statutory Dedications from nonrecurring sources in FY 2014-2015. Provides for an extension of cooperative endeavor agreements for certain projects through June 30, 2015.

## SPECIAL FUNDS

### **HB 1026 by Fannin** *(Last Action – Enrolled)*

The "funds bill" provides for transfers between and deposits into treasury funds, and provides for the creation, repeal, and modification of special treasury funds.

The bill provides for the following transfers and dedications:

- \$208 million from various sources into the Overcollections Fund.
- \$44.4 million into the 2013 Amnesty Collections Fund from the Department of Revenue.
- \$29 million into the La. Mega-Project Development Fund.
- \$20 million from the La. Mega-Project Development Fund into the Rapid Response Fund.
- \$25 million of nonrecurring Overcollections Fund into the Budget Stabilization Fund.
- \$11 million of nonrecurring Overcollections Fund into the Workforce Innovation for a Stronger Economy Fund (WISE Fund).
- Hospital lease payments, GO Zone bond payments, and LA 1 toll revenues will now be deposited into the state general fund.

The bill also changes the requirements for deposits into the Budget Stabilization Fund. Currently, deposits of both nonrecurring revenue and mineral revenue into the fund are suspended until July 1, 2015. Beginning July 1, 2014, 25% of nonrecurring money and at least \$25 million per year from any source shall be deposited into the fund.

Additionally, 45% of the proceeds of the settlement of the state's economic damages lawsuit to recover economic damages sustained from the Deepwater Horizon explosion and oil spill (DWH litigation) shall be deposited into the Budget Stabilization Fund until it reaches its legal capacity. 10% of the proceeds, not to exceed \$10 million, shall be deposited into the Health Trust Fund, and 45% of the proceeds, not to exceed \$700 million, shall be deposited into the Medicaid Trust Fund for the Elderly. Any remaining proceeds shall be deposited into the newly created Deepwater Horizon Economic Damages Fund.

The bill also places additional restrictions on the use of the principal in the Medicaid Trust Fund for the Elderly. After July 1, 2014, principal in the fund cannot be appropriated unless authorized by a joint resolution approved by two-thirds of the elected members of each house.

The bill repeals two funds - the La. Filmmakers Grant Fund and the Small Business Surety Bond Fund - and creates four funds - the Deepwater Horizon Economic Damages Fund; the Competitive Core Growth Fund; the Science, Technology, Engineering, and Math (STEM) Upgrade Fund; and the Debt Recovery Fund.

The Competitive Core Growth Fund provides that, subject to appropriation, an amount equal to at least 15.25% of the amount deposited into the Workforce Innovation for a Stronger Economy Fund

## Appropriations

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(WISE Fund) shall be deposited into the fund to better align public higher education institution funding with institution costs. The STEM Upgrade Fund provides that, subject to appropriation, an amount equal to at least 5% of the amount deposited into the WISE Fund shall be deposited into the fund, with \$1 million from the fund to be appropriated for STEM upgrades at Southern University and \$1 million for STEM upgrades at Grambling State University. The Debt Recovery Fund provides for the deposit of monies from the collection of delinquent debt by the recently created office of debt recovery.

The bill makes changes relative to deposits and uses of the La. Buy Local Purchase Incentive Fund, the Shreveport Riverfront and Convention Center and Independence Stadium Fund, and the Rapid Response Fund.

**HB 148 by Champagne** (*Last Action – Finally passed Senate/Concurrence in Amendments Pending*)

The constitutional amendment which would have dedicated state revenues received from violations of federal and state environmental and water quality laws associated with the Deepwater Horizon oil spill of 2010 to the Coastal Protection and Restoration Fund for programs, projects, and activities within the coastal zone of Louisiana authorized by federal regulations adopted pursuant to the federal RESTORE Act of 2012.

**HB 1241 by Henry** (*Last Action – Senate Committee*)

The bill would have provided for the dedication of state revenues received from state's economic damages claims associated with the Deepwater Horizon oil spill of 2010 - 50% to the Budget Stabilization Fund until the fund reached its legal capacity and 50% to the Medicaid Trust Fund for the Elderly until the balance reached \$700 million. Further, the bill would have prohibited the use of the fund's principal unless authorized by a resolution approved by 2/3 vote of each house of the legislature.

Provisions of the bill were incorporated into HB 1026.

**HB 1033 by Kleckley** (*Last Action – Enrolled*)

The bill creates the Workforce and Innovation for a Stronger Economy (WISE) Fund for funding degree and certificate production and research priorities in high demand fields through programs offered by Louisiana's public higher education institutions to meet the state's current and future workforce and innovation needs. The WISE fund is distributed by the Board of Regents to institutions in accordance with a statewide workforce demand and gap analysis developed by the WISE Council. The institutions must certify private match to receive the funds.

### **PUBLIC CONTRACTS AND PROCUREMENT**

#### **HB 142 by Richard** *(Last Action – Enrolled)*

The bill establishes, for FY 2014-2015 through 2016-2017, a process that all contracts for professional, personal, and consulting services totaling \$40,000 or more per year which are funded solely with the State General Fund (Direct) or the Overcollections Fund and are for discretionary purposes are reported, reviewed, and approved by the Joint Legislative Committee on the Budget (JLCB). The bill also creates the Higher Education Financing Fund to be used for public higher education institutions and provides that funding for contracts not approved by the JLCB are deposited into the fund.

#### **HB 128 by Havard** *(Last Action – Senate Committee)*

The bill would have provided for the Privatization Review Act. State agencies would have had to follow certain procedures, give certain certifications, and seek legislative review and approval prior to entering into a privatization contract for services or before leasing or renting state property.

#### **SB 480 by Walsworth** *(Last Action – Enrolled)*

#### **HB 927 by T. Burns** *(Last Action – House Committee)*

These bills merge the laws regarding state contracting and procurement. Currently, there are two different chapters in law that govern the administration of professional, personal, consulting, or social services contracts and the administration of state purchasing, with two different offices performing the work. This bill proposes to combine the functions of the office of contractual review and the office of state purchasing into one office of state procurement.

#### **HB 437 by Fannin** *(Last Action – Sent to Governor)*

#### **HB 846 by Henry** *(Last Action – House Committee)*

HB 437 requires review and approval of the Joint Legislative Committee on the Budget (JLCB) of any request for proposals for professional, personal, consulting, or social services contracts of more than \$100 million and invalidates any professional, personal, consulting, or social service contract with a total maximum compensation of \$100 million entered into after August 1, 2014, unless it has been approved by the JLCB.

HB 846 would have required similar review and approval of the JLCB on contracts of more than \$25 million, including those entered into under the Louisiana Procurement Code.

# Appropriations

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**SB 481 by Donahue** (*Last Action – Enrolled*)

**HB 985 by T. Burns** (*Last Action – House Committee*)

These bills recreate the Office of Information Technology as the Office of Technology Services with the duty and responsibility of establishing and coordinating information technology systems across the executive branch of state government, including systems and services for telecommunications, networks, servers, software, infrastructure, platforms, desktop computing, geographic information, mobile devices, video, radio, and emerging technology.

## BUDGETARY CONTROLS

**HB 490 by Geymann** (*Last Action – Senate Committee*)

The Louisiana Constitution creates the Coastal Protection and Restoration Fund and provides that no appropriation shall be made from the fund that is inconsistent with the Coastal Protection Plan developed by the Coastal Protection and Restoration Authority.

The Louisiana Constitution also creates the Budget Stabilization Fund and provides that money in the fund shall not be available for appropriation or use except under specific conditions, including if there is a deficit in state funds.

This constitutional amendment would have prohibited the transfer or removal of monies from the Coastal Protection and Restoration Fund and the Budget Stabilization Fund for purposes other than those provided for by law.

## BUDGET FORMAT AND PROCESS

**HB 853 by Harris** (*Last Action – Enrolled*)

The bill replaces key performance data in HB 1 with expenditure information itemized by spending category as recommended in the supporting document. Key performance data may be found in the Executive Budget and all performance data will continue to be found in the Executive Budget supporting document.

**HB 444 by K. Jackson** (*Last Action – House Committee*)

Currently, the governor is required to submit the executive budget to the Joint Legislative Committee on the Budget (JLCB) 45 days prior to each regular session of the legislature. During the first year of the governor's term, the executive budget is required to be submitted 30 days prior to the regular session. This bill would have added a requirement that, except for the first year of each term, the governor provide an electronic copy of the executive budget to each member of the

legislature 14 days prior to the submission of the executive budget to the JLCB.

### TRANSPORTATION FUNDING

**HB 629 by St. Germain** *(Last Action – Conference Committee)*

**HB 884 by St. Germain** *(Last Action – Conference Committee)*

The constitutional amendment and enabling legislation would have provided funding for planning, design, construction, and maintenance connected with the state highway program and the capitalization of a state infrastructure bank through state income from mineral revenues.

Currently, mineral revenues in excess of a base amount (currently \$850 million) are to be deposited into the Budget Stabilization Fund until that fund reaches 4% of prior year net revenues. As passed by the House, these bills would have, for 10 years, deposited \$50 million of excess mineral revenues annually into the Transportation Trust Fund prior to deposits into the Budget Stabilization Fund.

As passed by the Senate, the bills would have changed the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Fund and created two accounts within the fund - the Budget Stabilization Account and the Transportation Stabilization Account. The bills would have limited the amount of excess mineral revenues deposited into the Budget Stabilization Account and provided for the amount of excess mineral revenues deposited into the Transportation Stabilization Account after the balance of the Budget Stabilization Account reached \$600 million.

**HB 979 by St. Germain** *(Last Action – Enrolled)*

**HB 628 by St. Germain** *(Last Action – Enrolled)*

HB 979 creates the Louisiana Transportation Infrastructure Bank to fund eligible transportation projects of public entities through the Louisiana Transportation Infrastructure Fund, a revolving loan fund also created in the bill, capitalized by federal grants, state funds, and other funds generated by the operation of the fund. The bill further provides for capitalization of the fund, including investment by the state treasurer as provided by law for the investment of other state funds and 7% of the remainder of avails deposited in the Transportation Infrastructure Trust Fund.

The Louisiana Constitution prohibits the funds, credit, property, or things of value of the state or any of its political subdivisions from being loaned, pledged, or donated to or for any person, association, or corporation, public or private, with certain exceptions. HB 628 is a constitutional amendment that adds an exception for the investment of public funds to capitalize the Louisiana Transportation Infrastructure Bank, and for the bank to loan, pledge, guarantee, or donate public funds for eligible transportation projects.

# CIVIL LAW AND PROCEDURE

## COMMITTEE CONTACTS

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Sherrill Roussel, Administrative Secretary . . . . . 225.342.5105; [roussels@legis.la.gov](mailto:roussels@legis.la.gov)

## SURROGACY CONTRACTS

### **HB 187 by Lopinto** (*Last Action – Vetoed*)

Would have prohibited genetic surrogacy contracts and certain gestational surrogacy contracts, would have provided for the enforceability of gestational surrogacy contracts in compliance with proposed law, and would have provided for data collection of certain information relative to gestational surrogacy contracts.

## JURY TRIALS

### **HB 917 by Garofalo** (*Last Action – House Calendar*)

Would have removed the cause of action threshold amount required to be entitled to a civil jury trial.

## ADOPTEE BIRTH CERTIFICATES

### **HB 1028 by Schexnayder** (*Last Action – Senate Committee*)

Would have provided an adoptee, age 25 and older, access to a noncertified copy of his original birth certificate upon consent of a birth parent, would have authorized a birth parent to file a contact preference form with the voluntary registry, would have required a birth parent to file an updated statement of family history in certain circumstances, and would have provided for a nationwide, public awareness campaign.

## INJUNCTIONS

### **HB 181 Gaines** (*Last Action – Senate Committee*)

### **SB 143 by Kostelka** (*Last Action – Sent to Governor*)

Provides procedures for the traversal of affidavits offered by a state department, board, or agency in opposition to the issuance of an injunction.

Requires the Joint Legislative Committee on the Budget (JLCB) to approve an affidavit offered by an officer, administrator, or head of a state department, board, or agency certifying that the expenditure of funds will have the effect of creating a deficit or will be in violation of the



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## Civil Law and Procedure

requirements placed upon the expenditure of such funds by the legislature.

Authorizes approval of the certification by the litigation subcommittee of the JLCB in lieu of the JLCB if the JLCB did not have a regularly scheduled meeting within 15 days of filing the affidavit.

Authorizes the court to determine the petition to be frivolous or without merit and deem the affidavit approved.

Requires the court to set the hearing on the injunction pursuant to present law, unless the court finds the petition frivolous or without merit, or unless the certification is approved by the JLCB or the litigation subcommittee.

Provides that the state department, board, or agency has the burden of proving by a preponderance of the evidence that the injunction sought would have the direct effect of creating a deficit within the agency or be in violation of the requirements placed upon the expenditure of the funds by the legislature, and authorizes an adverse party to traverse the facts alleged in the affidavits and to present evidence to controvert the affidavit.

Provides for application only to matters where the expenditure of public funds exceeds \$10 million, and becomes effective on August 1, 2015.

Repeals duplicate provisions in Title 13 relative to temporary restraining orders and injunctions.

### LEGACY LAWSUITS

#### **HB 854 by Garofalo** *(Last Action – Senate Committee)*

Would have provided for the referral to the Department of Natural Resources (DNR) for the development and approval of a feasible plan, would have prohibited the court from enjoining the department in its review, approval, or structuring of a plan prior to trial, and would have provided a rebuttable presumption that the plan developed and approved by DNR is the most feasible plan.

#### **SB 667 by Adley** *(Last Action – Sent to Governor)*

Provides that the party against whom the preliminary dismissal was granted is entitled to recover from the party who asserted the claim an award of reasonable attorney fees and costs, as may be determined by the court.

Provides that in all cases in which a party makes a limited admission, there is a rebuttable presumption that the plan approved or structured by the Department of Natural Resources, after consultation with the Department of Environmental Quality as appropriate, is the most feasible plan to evaluate or remediate to applicable regulatory standards the environmental damage for which responsibility is admitted. For cases tried by a jury, the court must instruct the jury regarding this

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presumption if so requested by a party.

Provides that only awards for additional remediation in excess of the requirements of the plan adopted by the court are not required to be paid into the registry of the court.

Defines "contamination" as the introduction or presence of substances or contaminants into a usable groundwater aquifer, an underground source of drinking water, or soil in such quantities as to render them unsuitable for their reasonably intended purposes.

Provides for remediation damages only for the following:

- (1) The cost of funding the feasible plan adopted by the court.
- (2) The cost of additional remediation if required by an express contractual provision providing for remediation to original condition or some other specific remediation standard.
- (3) The cost of evaluating, correcting, or repairing any environmental damage caused by unreasonable or excessive operations based on rules, regulations, lease terms, or standards applicable at the time of the activity under question, provided that such damage is not duplicative of other damages.
- (4) The cost of nonremediation damages.

Provides that the provisions of proposed law shall not be construed to alter the traditional burden of proof or to imply the existence of extent of damages in any action, nor will it affect an award of reasonable attorney fees or costs.

Provides that the provisions of proposed law shall not apply to any case in which the court, on or before May 15, 2014, has issued or signed an order setting the case for trial, regardless of whether such trial setting is continued.

### COASTAL USE PERMITS

**SB 469 by Allain** (*Last Action – Sent to Governor*)

Prohibits certain state or local governmental entities from having any right or cause of action relative to enforcement of coastal use permits and applies retroactively to the existing claims.

# COMMERCE

## COMMITTEE CONTACTS

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## BUILDING CODES

### **HB 1048 by Ponti** *(Last Action – Sent to Governor)*

Provides that the Louisiana State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code which is promulgated and amended by the state health officer acting through the office of public health of the Department of Health and Hospitals will be replaced, as of January 1, 2016, with the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing as promulgated by the Louisiana State Uniform Construction Code Council (LSUCCC).

Adds the state health officer or his designee as a member of the LSUCCC.

Creates the Plumbing Transition Commission which shall provide amendments to the LSUCCC to address issues which the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing do not cover, but the Louisiana State Plumbing Code does. Provides for membership of the commission, operational procedures of the commission, and for the termination of the commission on January 1, 2016.

Adds that the Senate Committee on Commerce, Consumer Protection, and International Affairs, House Committee on Commerce, Senate Committee on Health and Welfare, and House Committee on Health and Welfare have oversight of the initial adoption of the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing as to be promulgated by the LSUCCC.

Provides that in all cases of conflict between the state's Sanitary Code and the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC, the provisions of the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC shall apply.

Provides that the building official or his designee shall have the authority to enforce the plumbing provisions of the State Uniform Construction Code.

# Commerce

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## CORPORATIONS AND OTHER BUSINESS ENTITIES

### **HB 319 by Foil** (*Last Action – Sent to Governor*)

Enacts the "Business Corporations Law", modeled after the Model Business Corporations Act.

Provides for the conversion of domestic business entities and provides tax filing requirements for converting entities and derivative actions.

Provides for the continuation and updating of a professional or other license.

Provides for the confidentiality of electronic mail addresses and short message service numbers submitted to or captured by the secretary of state.

Provides for electronic notification of status changes when a filing has occurred that may remove a person's name from documents and records of an entity.

Provides for judicial review of the removal of officers, members, managers, and partners.

Authorizes the secretary of state to collect fees and documents permitted to be filed under the Business Corporation Law.

### **HB 621 by Abramson** (*Last action – Sent to Governor*)

Authorizes a duly appointed executor, administrator, or curator of the member of a limited liability company to act on behalf of the deceased or incompetent member.

## ENERGY ALTERNATIVES

### **HB 528 by Pierre** (*Last action - Subject to call - House floor*)

Would have required for contracts between property owners and third parties installing solar panels to minimally include the following: (1) Ownership terms; (2) The parties' obligations and rights pertaining to maintenance, repair, and replacement of the system; (3) The parties' obligations pertaining to insurance requirements including the type of insurance coverage required and the named insureds; (4) The processes and consequences regarding defaults and early termination of the contract; (5) The party or parties responsible for obtaining any required governmental approvals; (6) The party who will claim the tax credit.

Would have required for contracts between property owners and third parties installing certain solar energy systems to include two declarations designed for consumer information and protection.

**EQUAL HOUSING OPPORTUNITY ACT**

**HB 804 by Brossett** (*Last action - Pending House Commerce*)

**HB 871 by Smith** (*Last action - Involuntarily deferred in House Commerce*)

**SB 233 by Broome** (*Last action - Failed House final passage*)

Would have added new protected classes such as those based on sexual orientation, gender expression, or a person's arrest or conviction record to the Louisiana Equal Housing Opportunity Act, and would have protected victims of domestic abuse from housing discrimination.

**FINANCIAL TRANSACTIONS**

**HB 766 by Ponti** (*Last Action – Sent to Governor*)

Provides for changes relative to contracting, licensing, and record maintenance pursuant to the Louisiana Consumer Credit Law and the Louisiana Deferred Presentment and Small Loan Act.

Repeals provision of present law that provided that a consumer lender that does not have an office within this state who offers credit to Louisiana consumers through the mail or other means of interstate commerce is not required to be licensed by the Office of Financial Institutions (OFI). This change will provide OFI with the authority to license online and out-of-state consumer lenders who do business with Louisiana consumers.

Provides that any consumer credit transaction is null and void if made by an unlicensed entity, thereby making it unenforceable and uncollectible.

Provides for acceptable records to include physical reproductions and digital electronically imaged records and that these records can be delivered to OFI electronically or by an image disk, the method by which will be at the discretion of the commissioner of OFI.

Provides that consumers may enter into extended payment plans with makers of deferred presentment transactions and small loans, as both are defined in present law, upon notification by the consumer to the lender of his inability to pay prior to default on the transaction. Provides for terms and conditions of extended payment plan agreements.

**SB 299 by Morrish** (*Last Action – Conference Committee Report Rejected/Senate*)

Would have provided for the regulation of civil justice funding transactions made to consumers by civil justice funding companies.

The following terms would have been assigned the following meanings:

"Civil justice funding company": Person or entity that enters into a civil justice funding with a

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consumer. This term would not have included any of the following: (a) An immediate family member of the consumer; (b) A bank, lender, financing entity, or other special purpose entity that provided financing to a civil justice funding company or to which a civil justice funding company granted a security interest or transferred any rights or interest in a civil justice funding; (c) An attorney or accountant who provided services to a consumer.

"Civil justice funding transaction": a non-recourse transaction in which a civil justice funding company purchased and a consumer assigned to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer's legal claim.

"Consumer": A natural person who had a pending legal claim and who either: (a) Resided or was domiciled in Louisiana; (b) Had a legal claim in Louisiana.

Civil justice funding companies would have been required to register with the secretary of state. The registration would have been valid for two years and the registration would have been required to be renewed.

Would have provided requirements for civil justice funding contracts and that contracts would have been required to contain a written acknowledgment by the consumer's attorney in the legal claim. Would have further provided that if the acknowledgment was not completed and signed by the attorney retained by the consumer in the legal claim then the contract would have been null and void.

Civil justice funding companies would have been prohibited from engaging in certain activities and an attorney or law firm law firm retained by a consumer would have been prohibited from having a financial interest in the civil justice funding company offering a civil justice funding transaction to such consumer. Additionally, any attorney who had referred the consumer to his retained attorney would not have been permitted to have a financial interest in the civil justice funding company offering civil justice funding to such consumer.

The contracted amount that would have been paid to the civil justice funding company by the consumer would have been a predetermined amount based upon intervals of time from the funding date through the resolution date. It would not have been based on a percentage of the recovery from the legal claim.

All civil justice funding company contracts would have been required to contain a specified disclosure and such disclosure would have constituted material terms of the contract. Unless otherwise specified, the disclosure would have been required to be in bold typed print of not less than 12-point font and placed clearly and conspicuously within the contract.

The contingent right to receive an amount of the potential proceeds of a legal claim would have been assignable by the consumer and proposed law would not have been deemed to affect any attorney

lien or privilege arising under Louisiana law.

Would have provided that proposed law would not have been construed to cause any civil justice funding transaction to be deemed a loan or subject to any provisions of the Louisiana Consumer Credit Law.

Would have provided that any violation of proposed law would have constituted an unfair or deceptive trade act or practice for the purpose of the Unfair Trade Practices and Consumer Protection Law and that the attorney general could have sought reasonable costs, expenses, and fees if a person was found liable in an action by the attorney general.

Remedies and rights provided for in proposed law would have been in addition and would not have precluded any remedy otherwise available under law to a consumer.

## **PRIVACY PROTECTION**

### **HB 340 by James** *(Last Action - Act No. 165)*

Creates the Personal Online Account Privacy Protection Act and prohibits employers from requesting a person's online account access information as a condition of employment, and prohibits disciplinary action on behalf of the employer, both prior to and after the person's employment. Universities and colleges, academies, elementary and secondary schools, and other educational institutions are similarly prohibited regarding students and prospective students.

## **HUMAN REMAINS**

### **HB 466 by H. Burns** *(Last Action - Sent to Governor)*

Provides that a decedent may designate a specific person to control the interment of the decedent's remains, or the decedent may provide instructions for interment through a notarized declaration, and if the decedent has more than one notarized declaration of interment, the declaration dated last controls interment of the decedent's remains.

Further provides that if the decedent has one or more notarized declarations of interment, and the decedent executed a U.S. Department of Defense Form 93 (DD Form 93, Record of Emergency Data) and subsequently died in certain manners, the notarized declaration or the DD Form 93, whichever is dated last, controls interment of the decedent's remains.

# EDUCATION

## COMMITTEE CONTACTS

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## MINIMUM FOUNDATION PROGRAM (MFP) FORMULA

### SCR 55 by Appel (*Last Action – Adopted*)

Provides for legislative approval of the MFP formula for FY 2014-15 at a cost of \$3.595 billion. The formula includes the following changes:

- (1) Provides for a base per pupil funding amount of \$3,961, which represents a 2.75% increase. Deletes requirements that if no annual increase is provided in the formula and the formula previously adopted remains in effect, the State Board of Elementary and Secondary Education (BESE) must annually adjust the state and local per pupil amount with approval from the Joint Legislative Committee on the Budget (JLCB) and that if the JLCB does not approve the rate established by BESE, then an annual growth adjustment of 2.75% is automatically applied to the state and local base per pupil amount.
- (2) Retains the existing weights for add-on student units for at-risk and English language learner students (22%); for students with disabilities (150%); for gifted/talented students (60%); for career and technical education (6%); and for the economy of scale weight for school systems with certain student enrollment (20%).
- (3) Adds "Level Four-Supplementary Allocations" (currently there are three levels) to determine MFP funding allocations for city, parish, or other local public school systems or schools.
- (4) Retains provisions for continuing pay raises for certificated and non-certificated support workers, funding for foreign language associate teachers, hold harmless funding for certain school districts, and funding for increasing mandated costs in health insurance, retirement, and fuel.
- (5) Increases the supplemental allocation from BESE to local school systems that employ a Foreign Language Associate or a graduate of the Escadrille Louisiane program from \$20,000 to \$21,000 per teacher. Specifies that the additional \$1,000 is to be used toward the costs of VISA sponsorship.
- (6) Adds a career development allocation to be equal to 6% of the \$3,961 base per pupil amount



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or \$238 per qualifying course enrollment. Each school system is to receive a minimum amount of \$25,000 and other state-approved public schools with students enrolled in grades 9-12 will receive a minimum of \$10,000 per school. Projected cost is \$4 million.

- (7) Provides additional funds for students with disabilities. Provides that the total allocation for public school systems versus other public schools shall be proportional to the share of total qualifying applications submitted by public school systems versus other public schools. Projected cost is \$4 million.
- (8) Pursuant to current law Course Choice Program for public and nonpublic course choice providers, provides for the cost of secondary course choices specifically approved by BESE. The allocation for each public school system and other public school is \$26 per student enrolled in grades 7-12. Projected cost to MFP is \$7.6 million.
- (9) Retains the requirement that 70% of general fund expenditures must be in the areas of instruction and school administration at the school building level.
- (10) Deletes requirements that:
  - (a) Fifty percent of increased funds over the prior year shall be used to supplement full-time certificated salaries and retirement benefits for teachers in schools and school systems with an average teacher salary below the SREB average teacher salary and provides instead that if a local public school system or other public school has a net increase from 2013-2014 to 2014-2015 in its per student Level 1 and 2 State Cost Allocation, the local public school system or other public school shall be required to sustain the certificated classroom teacher pay raises provided by appropriation in 2013-2014. Further provides that if the local public school system or other public school has established plans to sustain or increase the teacher pay raises provided for by the 2013-2014 appropriation prior to the development of the 2014-2015 formula, then this provision shall not apply.
  - (b) The state Department of Education annually prepare and submit a MFP Accountability Report to the House and Senate education committees.
  - (c) School systems demonstrate that the funds generated through the various weight factors be expended for the specified purpose.

*(See Appropriations section for further details.)*

### **HCR 112 by Fannin** *(Last Action – Adopted)*

Requests the legislative auditor to conduct a performance audit of the methodology and processes utilized for the student counts used in the MFP formula, to determine if the methodology ensures accurate and consistent student counts and if counting and reporting processes follow the

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methodology and are efficient and effective, and to make recommendations for any changes he finds would provide for greater accuracy, efficiency, and consistency.

### **K-12 STANDARDS/ASSESSMENTS**

#### **HB 381 by Geymann** *(Last Action – House Committee)*

Would have created the Student Standards Commission to develop state standards for required subjects for public school students. Would have provided for implementation of the standards by BESE subject to legislative approval of the standards. Deleted requirements that the state Department of Education develop and implement the statewide content standards for required subjects and that the standards-based assessments in English language arts and math be based on nationally recognized content standards.

#### **HB 558 by Henry** *(Last Action – House Committee)*

Would have prohibited administration of the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments and any other similar assessments. Would have provided for continued administration of Louisiana Educational Assessment Program (LEAP) tests based on rigorous standards comparable to student achievement levels nationally.

*(Other legislation introduced relative to the implementation of CCSS and/or PARCC tests, none of which passed, included HBs 376, 377, 378, 379, & 380 by Geymann; HBs 554, 556, & 557 by Henry; HB 996 by Schroder; HB 163 by Henry Burns; HB 481 by Shadoin; HB 559 by Ivey; HCR 7 by Hensgens; SB 405 by Walsworth; SB 597 by Kostelka; SB 625 by F. Thompson; and SB 669 by Crowe)*

### **EARLY CHILDHOOD EDUCATION**

#### **HCR 61 by Leger** *(Last Action – Adopted)*

Requests that the State Board of Elementary and Secondary Education develop a statewide model for the funding and equitable distribution of public funds for quality early childhood care and education.

#### **HB 954 by Leger** *(Last Action – Sent to Governor)*

Revises various components of the Cecil J. Picard LA 4 Early Childhood Program, including those related to program funding, cost for students, student eligibility, program specifications, collaborations between school systems and nonschool system program providers, and requirements for the state Department of Education and the State Board of Elementary and Secondary Education with respect to the program.

### **SB 524 by Walsworth** *(Last Action – Enrolled)*

Provides for the licensure of day care centers by the state Department of Education (DOE) rather than the state Department of Children and Family Services (DCFS). Requires the State Board of Elementary and Secondary Education (BESE) to implement and DOE to administer a program of licensing for early learning centers, defined as child day care centers, Early Head Start Centers, Head Start Centers, or stand-alone prekindergarten programs not attached to a school. Requires BESE to establish the Advisory Council on Early Childhood Care and Education.

Requires, by July 1, 2015, the transfer of lead agency authority from DCFS to DOE for the Child Care and Development Fund (CCDF). Prior to this transfer, requires DCFS and DOE to enter into a cooperative endeavor agreement to ensure a coordinated and seamless transition. Upon this transfer, authorizes DOE to accept and direct the disbursement of federal funds apportioned to the state for use in connection with CCDF programs. Requires DOE to deposit the funds with the state treasurer who shall, subject to legislative appropriation, make disbursements upon DOE's recommendation.

### **SB 533 by LaFleur** *(Last Action – Sent to Governor)*

Provides for the establishment of a coordinated system for the enrollment of children in programs providing early childhood care and education services within a specified geographical area. Provides for coordinated activities with respect to informing families about local early childhood options, collecting family preferences, assessing demand, a common application process, eligibility criteria, waiting lists, and enrollment. Provides for the certification and funding of local early learning enrollment coordinators, which may be a state agency, public school, nonprofit or for-profit corporation with an educational or social services mission, Louisiana public postsecondary institution, nonprofit corporation established by a parish or municipality, or the state Department of Education.

## **SCHOOLS/CHOICE**

### **SB 179 by Morrish** *(Last Action – Sent to Governor)*

Relative to the Course Choice Program that provides for the authorization of public and nonpublic course providers, including online or which virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses for public school students, requires the state to disburse funds allocated, appropriated, or otherwise made available for the purposes of the program to local public school systems and other public schools. Provides that any such funds that are not committed for use by the system or school shall be subject to reallocation to another system or school for the purposes of the program. *(See prior summary of MFP formula (SCR 55) for further details on funding for the program.)*

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## **SB 61 by Nevers** *(Last Action – Sent to Governor)*

Permits parents of students enrolled in "D" and "F" public schools to enroll such students in "A", "B", or "C" public schools without regard to residence, school system geographic boundaries, or attendance zones. Provides that such a student shall be counted by the school system in which he enrolls for purposes of the MFP formula and any other available state or federal funding for which the student is eligible. Requires public school governing authorities to adopt policies for such student transfers.

## **SCHOOLS/TECHNOLOGY**

### **SB 622 by Appel** *(Last Action – Sent to Governor)*

Requires the state Department of Education to develop and implement a statewide educational technology plan for public schools to ensure that all classrooms have sufficient infrastructure and capacity, conduct a technology needs assessment of all schools and school systems, and evaluate the technology readiness status of all public schools.

## **SCHOOL SYSTEMS/GOVERNANCE**

### **SB 636 by White** *(Last Action – Failed to Pass/House)*

Would have provided for the governance and administration of large school systems and would have:

- Specified intent to provide for increased authority to school principals, significant parental involvement, and strict accountability standards for schools.
- Defined a large school system as the school system with the largest student enrollment in a parish with a population exceeding 440,000 persons and at least three public school systems.
- Key bill provisions would have:

Given the school board oversight and approval of specified duties of the superintendent including: Adoption of a school system budget, but not any individual school budget; oversight of expenditures, excluding those in an individual school budget; allocation of funds for retiree legacy costs, construction, maintenance, and repair of immovable property, bonded indebtedness, and system costs; allocation of system funds to individual schools on a per-pupil basis, in accord with the MFP and as school board determines equitable, with consideration for special student populations; construction and major repairs.

Required the school system annually to retain revenue for payment of specified expenses and up to 4½% of the total per pupil amount for each student to expend for school system costs.

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Provided for the superintendent to enter into contracts with each school principal for independent operating management authority for each school. Would have provided that each principal is accountable for achieving performance goals established in such contracts, including goals in such areas as student performance, attendance, promotion, graduation rates, sound financial operation, and school governance, leadership, and management. Provides that contracts set principals' salary. Permits contract termination for failure to meet performance goals and for willful neglect of duty, incompetency, dishonesty, or immorality. Would have provided that the superintendent hires and reviews principal performance and removes principals and reconstitutes schools that do not meet state minimum accountability system benchmarks and performance goals established for principals.

Provided for the superintendent to provide for a common enrollment system and establish at least five community-based enrollment zones approved by the school board. Would have required that the enrollment system provide for student choice, priority of schools for a student within the enrollment zone in which he resides, and access to schools across zones, including magnet schools/programs and special education schools/programs/services.

Required the superintendent, if requested by a principal, to provide support services for the school pursuant to written agreements with the principal for such services.

Provided that the principal is the school's chief executive officer with responsibilities including among others: development of a school budget to submit to the superintendent; school operations, including resource management and procurement; personnel management, with employment-related decisions based upon performance, effectiveness, and qualifications; student discipline; daily school schedule; school curriculum and instruction methods, materials, and support.

Provided for advisory community school councils for each enrollment zone and for a community academic coordinator for each council.

Provided for the superintendent to complete an implementation plan not later than August 1, 2015, with full implementation not later than July 1, 2017.

### **HB 1177 by Carter** *(Last Action – House Committee)*

HB 1177 is very similar to SB 636. Differences between HB 1177 with proposed committee amendments and SB 636 include:

HB 1177 would have: provided for retention of 3% instead of 4½% of the total per pupil amount for each student to expend for school system costs; required the superintendent to provide support and operations services for schools on a charge-back basis, unless the principal opted out of the school system providing such services; required the superintendent to make certain reports to the school board and to provide administrative guidelines to principals; provided different listing of principals'

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duties; and included provisions for principals to work collaboratively.

### STUDENTS/DIPLOMAS

#### **HB 944 by Fannin** (*Last Action – Sent to Governor*)

Relative to the High School Career Option Program, provides that a career diploma issued to a student be recognized by all Louisiana public postsecondary education institutions and that except for specified student testing purposes, a career diploma be given the same status and recognition for purposes of calculations of the school and district accountability system as is given a regular, standard diploma. Revises current law career major course requirements, which include an academic core of courses and a career and technical sequence of courses. Requires the completion of a regionally designed series of career and technical education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. Requires students pursuing a career diploma to take the ACT and allows them to take the WorkKeys test. Requires BESE to develop a system of equivalent scores for the ACT and the WorkKeys test and count a student's highest score for purposes of the school and district accountability system.

#### **HB 1015 by Schroder** (*Last Action – Enrolled*)

Provides for determinations of grade level promotion and graduation requirements for certain students with exceptionalities by their Individualized Education Program (IEP) teams. Provides for alternative pathways to promotion and graduation determination by a student's IEP team under certain circumstances. Requires BESE to make available a list of appropriate assessments and guidance for optional use by IEP teams in making such determinations. Provides for involvement by IEP teams in the development and review of Individual Graduation Plans for students with exceptionalities. Provides that students with exceptionalities be afforded the same opportunities to pursue a high school diploma and to exit with all course credits, honors, and financial awards as other students. Specifies that such students are not guaranteed a diploma and have to meet either the standard requirements or those established by his IEP team to be awarded a diploma. Provides that a student with an exceptionality who successfully completes the requirements of his IEP shall be issued a high school diploma.

### STUDENT DATA/PRIVACY

#### **HB 1076 by Schroder** (*Last Action – Sent to Governor*)

Prohibits the collection of certain student information by local public school systems and charter schools unless the information is voluntarily disclosed by the parent or legal guardian. Prohibits (beginning June 1, 2015) local school system and charter school officials and employees from sharing personally identifiable student information with specified exceptions. Prohibits those with access to personally identifiable student information from selling, transferring, sharing, or processing any student data for use in commercial advertising or marketing, or any other commercial

purpose, unless otherwise stipulated in a contract for services. Prohibits access to public school computer systems where student information is stored with certain exceptions. Provides penalties for violations including imprisonment and monetary fines.

Requires public school governing authorities, with the permission of a student's parent or legal guardian, to collect specified personally identifiable information for students in grades eight through 12 which shall be disclosed, upon request, only to a Louisiana postsecondary educational institution and the office of student financial assistance, solely for the purposes of processing college admission applications and for state and federal financial aid and related grant program reporting.

Requires the state Department of Education to develop a system of unique student identification numbers and requires local public school boards to assign such numbers to every student not later than June 1, 2015. Provides that such numbers shall not include or be based on social security numbers.

### **HB 1283 by Ivey** *(Last Action – Sent to Governor)*

Requires the state Department of Education and each local education agency that has a website to post specified information (including the recipient of the information and the intended use of the information) regarding agreements providing for the transfer of personally identifiable student information. Requires that the websites also contain information on a process by which parents of students attending public schools may register a complaint related to the unauthorized transfer of personally identifiable student information.

## **TEACHERS/TENURE**

### **HB 1277 by Thompson** *(Last Action – Sent to Governor)*

Provides that a teacher who receives a final performance rating of "ineffective" shall immediately lose tenure upon exhaustion of the grievance procedure established pursuant to current law, unless the "ineffective" rating is reversed and provides that such rating shall constitute sufficient grounds for disciplinary action. Authorizes a school superintendent to take disciplinary action against a nontenured teacher. Requires the superintendent to notify the teacher in writing of his final decision and provides that the teacher may seek summary review in a district court.

Provides for the disciplining of a tenured teacher by the school superintendent or his designee. Authorizes the superintendent to take interim disciplinary action including placing the teacher on administrative leave. Permits a teacher to request a hearing before a disciplinary hearing officer, and if the teacher fails to timely request a hearing, the interim disciplinary action becomes final.

Provides for the appointment of "disciplinary hearing officers" by school superintendents from lists approved by local school boards or BESE. Provides for qualifications of such hearing officers and for procedures to be adopted by local school boards to govern the conduct of the hearings.

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

### **SB 126 by Nevers** *(Last Action – Sent to Governor)*

Expands the TOPS-Tech Early Start program to allow this award to fund certain technical and applied courses at not only public but nonpublic postsecondary education institutions and such courses provided by certain training providers recognized by the Louisiana Workforce Commission and selected and approved by the State Board of Elementary and Secondary Education. Also revises the high school core curricula options in specified subjects for TOPS (art) and TOPS-Tech (art and science).

## **POSTSECONDARY EDUCATION**

### **SB 62 by Appel** *(Last Action – Sent to Governor)*

Requires the Board of Regents, in collaboration with specified others, to provide for a common application for Louisiana residents and nonresidents to use when applying to any public college or university in the state for undergraduate study. Authorizes certain nonpublic colleges and universities to use the application.

### **SB 177 by Appel** *(Last Action – Sent to Governor)*

Subjects powers of public postsecondary education management boards to receive, spend, and allocate monies to the funding formula adopted by the Board of Regents and, unless otherwise provided in an appropriations bill, the board's budget recommendations. Authorizes the management boards to redirect up to five percent of the specified formula allocation for each institution to address issues that might arise during the budget allocation process and authorizes redirection of an amount greater than five percent of such allocation in the event of a natural disaster or other emergency situation.

### **SB 337 by Appel** *(Last Action – Sent to Governor)*

Requires the commissioner of higher education and the president of each public postsecondary education system to jointly develop an outcomes-based funding formula that ensures the equitable allocation of state funds to public postsecondary education institutions, considers costs, places emphasis on student and institutional outcomes, and aligns with the state's economic development and workforce needs. Requires the formula to consider the role, scope, and mission of each institution and establish a set of outcomes to be measured for each. Requires the commissioner to submit the proposed formula and recommendations for related policy and statutory changes to the Board of Regents for consideration and approval by December 31, 2015, and requires formula implementation by the beginning of FY 2016-17.



## HEALTH AND WELFARE

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### MEDICAID EXPANSION AND OTHER HEALTHCARE REFORM

In a 2012 ruling, a majority of the Supreme Court of the United States held that the mandatory expansion of eligibility for the Medicaid program as provided in the Affordable Care Act (ACA) is unconstitutionally coercive. While expansion of Medicaid to cover adults with incomes up to 138% of the federal poverty level remains in federal law, participation by states in the expansion is voluntary. Legislators filed numerous bills and resolutions in the 2014 RS relative to Medicaid expansion and to the ACA in general, with the number of instruments intended to cause Louisiana's participation in Medicaid expansion roughly balanced with the number seeking to limit the effects of the ACA through restrictions on enforcement of the law in this state. No instrument relative to Medicaid expansion or limiting the effect of the ACA was finally passed.

A unique measure among Medicaid expansion bills was one that had originally required participation in the expansion, was overhauled in a Senate committee, and reported by substitute as a proposal to enact Governor Jindal's "America Next" healthcare plan, which has been billed as a conservative alternative to the ACA.

#### **SB 682 by Nevers** (*Last Action – Sent to Governor*)

A substitute for Sen. Nevers's SB 107 providing for the state's participation in Medicaid expansion, SB 682 instead provides for enactment of the "Louisiana First America Next Freedom and Empowerment Plan." The plan set forth in the bill is identical to one proposed by Governor Jindal through America Next, a national association that he chairs. The plan is essentially an outline calling for lower healthcare costs through greater tax equity, an innovative, cost-effective Louisiana health insurance plan, health savings accounts, wellness incentives, elimination of fraud, and price and quality transparency; for protecting vulnerable Louisiana citizens through guaranteed access for persons with pre-existing conditions, premium supports, Medicaid reforms, and life protections which would seek to strengthen conscience protections for businesses and medical providers; and for portability of coverage and enhanced consumer choice. SB 682 does not address how the plan will be implemented, instead directing the state's Department of Health and Hospitals to come up with implementation and financing details, which would be subject to approval by the Joint Legislative Committee on the Budget. Legislators were unable to discern the costs and other fiscal considerations associated with Louisiana First America Next, instead relying on a Fiscal Note on the bill indicating that the net fiscal impact to implement the bill's provisions is indeterminable; but

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that any expansion of coverage to uninsured individuals is anticipated to increase programmatic expenditures of DHH in future fiscal years.

### **MEDICAID EXPANSION**

#### **HB 174 by Brossett** *(Last Action – House Committee)*

Constitutional amendment to cause the state's participation in Medicaid expansion.

#### **HB 261 by Dixon** *(Last Action – House Committee)*

#### **HB 536 by Smith** *(Last Action – House Committee)*

#### **HB 759 by Norton** *(Last Action – House Committee)*

#### **SB 107 by Nevers** *(Last Action – Senate Committee)*

With slight variations and distinguishing language and program names, the above bills all provided for the state's participation in Medicaid expansion.

#### **HCR 1 by Edwards** *(Last Action – House Committee)*

Would have amended state administrative rules to raise income eligibility limits for Medicaid, thereby causing the state's participation in Medicaid expansion.

### **OTHER HEALTHCARE REFORM**

#### **HB 240 by Smith** *(Last Action – House Committee)*

#### **SB 77 by Nevers** *(Last Action – Senate Committee)*

Identical constitutional amendments to require that every legal resident of Louisiana who was employed for the previous calendar year for at least 1,000 hours and whose income is below 100% of the federal poverty level be provided the opportunity by the state to participate in a program that provides health insurance with essential health benefits.

#### **HB 290 by Smith** *(Last Action – House Committee)*

#### **SB 96 by Nevers** *(Last Action – Senate Committee)*

Identical constitutional amendments to require the Department of Health and Hospitals to administer a state program which makes available to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level access to health insurance with essential health benefits. The instruments required DHH to make all necessary Medicaid state plan amendments or waiver applications to the federal government in order to access all federal funding available for the provision of healthcare services, including but not limited to funds available through the ACA; and

that if total funding to operate the program is comprised of less than 90% federal funds, as currently provided in the ACA, the legislature would have the authority to discontinue the program.

**HB 335 by Richard** *(Last Action – House Committee)*

**HB 719 by Hollis** *(Last Action – House Committee)*

**HB 877 by Hollis** *(Last Action – House Committee)*

Would have prohibited agencies, officers, and employees of this state, acting on behalf of the state, from engaging in any activity that aids in the enforcement of provisions of the ACA that exceed the authority of the United States Constitution. HB 719 contained only this prohibition, and provided that the prohibition terminate at the end of calendar year 2016. HB 335 and HB 877 contained no such termination provision, and featured an additional requirement that the La. Attorney General, whenever he has reasonable cause to believe that a person or business in this state is being harmed by implementation of ACA and that proceedings would be in the public interest, bring an action in the name of the state against the person or entity causing the harm.

**HB 889 by Hollis** *(Last Action – House Committee)*

Would have established a special fund in the state treasury to support efforts to educate Louisiana citizens on ways to opt out of the ACA.

**HB 1041 by Hollis** *(Last Action – House Committee)*

Would have created the La. Healthcare Freedom Legal Fund to be used by the Department of Justice to defend the state's healthcare policy decisions regarding implementation, enforcement, and alternatives to the ACA.

**HB 1090 by Hollis** *(Last Action – House Committee)*

Would have provided for Louisiana's participation in the Interstate Health Care Compact as a state-driven alternative to the ACA in participating states.

**HCR 38 by Hollis** *(Last Action – House Committee)*

Would have urged the state's congressional delegation to support a national moratorium on the ACA.

**HCR 106 by Norton** *(Last Action – Failed to Pass/Senate)*

Would have acknowledged milestones in U.S. healthcare reform reached since enactment of the ACA.

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## TELEHEALTH ACCESS

### **HB 1280 by Simon** *(Last Action – Sent to Governor)*

This bill defines the term "telehealth" in Louisiana law to mean health care that is delivered through information and communication technologies when a patient and a healthcare provider are located in different places, and expands access to such services by authorizing each board, commission, and agency that regulates the practice of a healthcare provider to promulgate any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the respective professions under their purview. HB 1280 also provides greater access to physician services through an expanded definition of telemedicine (a form of telehealth limited, by definition, to physicians). The telehealth bill keeps all current healthcare providers within their existing scope of practice, and intends to expand the means by which providers can deliver those health treatments and services that they are authorized to perform presently through enhanced use of telehealth technology.

### **HCR 88 by Simon** *(Last Action – Adopted)*

A companion to HB 1280, HCR 88 creates a 24-member Task Force on Telehealth Access to engage in continuous study of advancements in telehealth technologies. HCR 88 directs the task force to report periodically to the governor and the legislature on findings concerning best practices in telehealth, advances in technology, and federal policies and regulations affecting telehealth.

## PERSONS WITH DISABILITIES

### **HB 63 by Leger** *(Last Action – Sent to Governor)*

Makes comprehensive revisions throughout state statutes and codes to change terms referring to persons with disabilities. The bill deletes and makes substitutions for terms that have become obsolete, or are now seen as derogatory or offensive. Noteworthy examples of terms that the bill deletes from state law are "retarded," "feeble-minded," and "handicapped." The bill institutes the term "intellectual disability" for the condition formerly known as "mental retardation," consistent with the guidelines of the modern clinical diagnostic manual published by the American Psychiatric Association. The bill also institutes "person-first" language, which puts the person before the disability. For example, someone that the law formerly referred to as a "handicapped person" will now be referred to as a "person with a disability".

### **HB 833 by Foil** *(Last Action – Act No. 93)*

**HB 833** establishes the ABLE Account savings program to assist individuals and families in saving private funds for the purpose of supporting persons with disabilities in endeavors to maintain health,

independence, and quality of life. The program is modeled after - and is contingent upon the passage of - federal legislation known as the Achieving a Better Life Experience ("ABLE") Act, which would create ABLE Accounts as tax-advantaged savings accounts under Section 529 of the federal Internal Revenue Code, similar to the START Saving Program, Louisiana's current "529 plan" that facilitates savings for college education.

**SB 432 by Buffington** *(Last Action – Sent to Governor)*

Changes the heading of a chapter of law from "Louisiana White Cane Law" to "Rights of Persons with Disabilities" in order to more accurately reflect the substance of the law, and strengthens rights and protections for persons who rely on a service dog for assistance. Also updates the definition of "service dog" to include a dog that is specially trained to assist persons, including but not limited to veterans, with traumatic brain injury or post traumatic stress disorder.

### **BASIC ASSISTANCE FOR CHILDREN AND FAMILIES**

**HB 249 by Price** *(Last Action – Sent to Governor)*

Requires the Department of Children and Family Services, or any successor as the state's administrator of the Child Care and Development Fund (CCDF) program, to ensure that services to homeless families are included within the CCDF state plan submitted to the federal program administrator (Administration for Children and Families).

**HB 464 by Broadwater** *(Last Action – Sent to Governor)*

Establishes a pilot program in Tangipahoa Parish in which non-working able-bodied adults without dependents would have to participate in education or workforce training programs in order to continue receiving SNAP (formerly known as "food stamp") benefits beyond a minimum three-month period provided in federal law. Louisiana currently has a statewide waiver to that federal law in effect which allows non-working able-bodied adults without dependents to receive SNAP benefits for an unlimited duration. The pilot program provided for in HB 464 is contingent upon DCFS submitting, and the federal SNAP administrator approving, cancellation of this waiver in Tangipahoa Parish.

**HB 1176 by Broadwater** *(Last Action – Sent to Governor)*

Enacts a prohibition against cash benefits of the Temporary Assistance for Needy Families (TANF) program (formerly the Aid to Families with Dependent Children program) being spent at certain establishments and on certain items. Prohibited locations and uses include liquor stores, gaming establishments, lottery tickets, adult entertainment, adult bookstores, tattoos and piercings, tobacco products, nail salons, jewelry stores, amusement rides and attractions, bail bond companies, bars, cruise ships, and psychics.

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### COTTAGE FOOD LAW

**HB 1270 by Simon** *(Last Action – Sent to Governor)*

**HB 216 by Schroder** *(Last Action – Conference Committee)*

**HB 294 by S. Bishop** *(Last Action – Sent to Governor)*

The section of statute referred to as Louisiana's "Cottage Food Law", R.S. 40:4.9, exempts from the state Sanitary Code and all other state codes, laws, and regulations providing requirements for commercial food preparation the preparation of certain foods produced in the home for sale if the preparer's gross annual sales are less than \$20,000. Prior to the 2014 Regular Session, the cottage food exemption applied to preparation of jellies, preserves, jams, honey, honeycomb products, cakes, and cookies in the home for sale. HB 1270 retained those foods within the exemption, and extended the exemption to breads, pies, candies, dried mixes, pickles and other acidified foods, sauces, syrups, and spices. The bill creates new requirements that foods produced in the home for sale bear a label which indicates that the food was not produced in a licensed or regulated facility, and that producers must possess state and local sales tax certificates in order to sell the foods. The bill superseded HB 216 by Schroder and HB 294 by S. Bishop which addressed pies and cane syrup, respectively.

### SMOKING

**HB 168 by Hoffmann** *(Last Action – Sent to Governor)*

Effective January 1, 2015, will ban smoking within 25 feet of public entrances and wheelchair ramps of state-owned office buildings.

### ABORTION AND OTHER "RIGHT TO LIFE" ISSUES

**HB 305 by Hoffmann** *(Last Action – Sent to Governor)*

Prohibits employees of and representatives acting on behalf of organizations that perform elective abortions, and employees and representatives of affiliates of such organizations, from presenting or otherwise delivering any instruction or program on any health topic, including but not limited to human sexuality or family planning, to students at a public elementary or secondary school, or at a charter school that receives state funding. Also prohibits such persons from providing any materials or media regarding human sexuality or family planning for distribution or viewing at a public elementary or secondary school, or of a charter school that receives state funding, regardless of the topic or viewpoint of such materials or media, if the materials or media are created by or bear the identifying mark of an abortion provider or its affiliate.

### **HB 388 by K. Jackson** *(Last Action – Sent to Governor)*

Requires that physicians who perform abortions have active admitting privileges at a hospital located not further than 30 miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological healthcare services. Also requires that such physicians provide a pregnant woman, before an abortion is performed or induced, with a telephone number by which the woman may reach the physician, or other healthcare personnel employed by the physician or facility at which the abortion was performed or induced, who has 24 hours per day access to her medical records; and that the physician also provide to the woman the name and telephone number of the hospital nearest to her home at which an emergency arising from the abortion would be treated.

### **HB 1262 by Ivey** *(Last Action – Sent to Governor)*

HB 1262 requires that at least 24 hours prior to undergoing an elective abortion, except in the case of a medical emergency, the woman or minor female considering abortion be given brochures or other printed materials on psychological impacts of abortion, illegal coercion, abuse, and human trafficking as specified in the bill. HB 1262 also stipulates that provision of these materials is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed as otherwise required by law.

### **HB 1274 by Badon** *(Last Action – Sent to Governor)*

Requires ambiguities in the provisions of law regarding declarations concerning life-sustaining procedures and physician orders for scope of treatment to be interpreted to preserve the life of an unborn child if the qualified patient is pregnant and an obstetrician who examines the woman determines that the probable postfertilization age of the unborn child is twenty or more weeks and the pregnant woman's life can reasonably be maintained in such a way as to permit the continuing development and live birth of the unborn child. The bill requires that the determination be communicated to the relevant classes of family members and persons authorized by law to make a declaration for a qualified patient who has not previously made a declaration.

## **HEALTH PROFESSIONALS' SCOPE OF PRACTICE**

### **HB 1065 by Pope** *(Last Action – Sent to Governor)*

Under HB 1065, Louisiana will join Oklahoma and Kentucky in expanding the scope of practice of optometrists to allow those professionals to perform ophthalmic surgery procedures previously performed by ophthalmologists exclusively. The authorized surgeries include three types of laser treatments, but specifically exclude LASIK, PRK, and other forms of refractive surgery.

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### **SB 600 by Mills** *(Last Action – Sent to Governor)*

Revises a law passed in 2012 authorizing pharmacists to administer pneumococcal (pneumonia) vaccine and zoster (shingles) vaccine in health professional shortage areas to lift the restriction on types of authorized vaccinations to only those two; and to lift the requirement that the vaccines be administered by pharmacists exclusively in those specified geographical areas. SB 600 establishes new law providing that a pharmacist may administer to an individual age 17 or older an immunization or a vaccine without a patient-specific prescription or medical order if the immunization or vaccine is administered in conformance with the immunization administration protocol set forth by the U.S. Centers for Disease Control and Prevention.

### **MISCELLANEOUS HEALTH INITIATIVES**

### **HB 746 by Moreno** *(Last Action – Act No. 193)*

Prohibits a tanning facility from allowing any person under 18 years of age to use any tanning equipment. HB 746 also requires a sign to be placed at the entrance of the tanning facility with the following statement: "LOUISIANA LAW PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM USING ANY TANNING FACILITY EQUIPMENT WHICH EMITS ULTRAVIOLET LIGHT FOR THE PURPOSE OF SKIN TANNING".

### **HB 754 by Moreno** *(Last Action – Sent to Governor)*

### **SB 422 by Broome** *(Last Action – Act No. 392)*

HB 754 authorizes a first responder to receive a prescription for naloxone or another opioid antagonist and administer it to any individual who is undergoing or who is believed to be undergoing an opioid-related drug overdose. SB 422 authorizes first responders to administer an opiate antagonist without prescription. Both bills require a first responder, before administering an opioid antagonist, to complete the training necessary to safely and properly administer an opioid antagonist and provide civil immunity for any first responder administering an opioid antagonist unless the damage or injury was caused by willful or wanton misconduct or gross negligence.



# HOUSE AND GOVERNMENTAL AFFAIRS

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## CAMPAIGN FINANCE

### **HB265 by Miller** (*Last Action – Sent to Governor*)

Prohibits the use of campaign funds to purchase immovable property or a motor vehicle.

### **HB 695 by Burns** (*Last Action – Sent to Governor*)

Authorizes the Supervisory Committee on Campaign Finance Disclosure or its staff to request clarification or additional information from a candidate, political committee, or other person required to file reports pursuant to the Campaign Finance Disclosure Act regarding any information disclosed on a report or required to be disclosed on a report.

## ETHICS

### **HB277 by Geymann** (*Last Action – Senate Committee*)

Would have provided additional ethical standards for members and former members of the State Board of Elementary and Secondary Education, the state superintendent of education and the former state superintendent of education, immediate family members of such persons, and specified related legal entities by prohibiting specified conflicts of interest involving payments from certain nonpublic sources; by prohibiting specified participation in certain transactions; by prohibiting contractual arrangements, transactions, and assistance involving the State Board of Elementary and Secondary Education and the Department of Education; and by providing additional post public service restrictions.

### **HB452 by Talbot** (*Last Action – House Committee*)

Would have prohibited a public servant in state government from using or obligating the funds or assets of his governmental entity to urge the passage or defeat of any matter pending before the legislature or any local governing authority. Would have prohibited a public servant from using or obligating the funds or assets of his governmental entity to or for promoting, achieving, establishing, or restoring a favorable relationship with the public related to the image of or advocacy of any

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agency or public servant. Would have specifically provided that nothing in the proposal shall be construed to prohibit the preparation, presentation, and dissemination of factual information or the preparation, presentation, and dissemination of information that is specifically authorized or required by law.

### **HB500 by Berthelot** (*Last Action – Act No. 172*)

Provides an ethics exception to allow a public servant employed by a prekindergarten, kindergarten, elementary, or secondary school to accept a gift from or on behalf of a student or former student when the value of the gift does not exceed \$25 and the aggregate value of all gifts from or on behalf of any one person does not exceed \$75 in a calendar year.

## **VOTER REGISTRATION**

### **HB 501 by Wesley Bishop** (*Last Action – Act No. 173*)

Provides that each application to obtain a driver's license issued by the Dept. of Public Safety and Corrections made by an applicant who is 16 years old shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application.

## **EXECUTIVE BRANCH REORGANIZATION**

### **HB 341 by Harrison** (*Last Action – Enrolled*)

The Constitution of Louisiana (Art. IV, §1) limits the number of executive branch departments to 20. Act No. 384 of the 2013 Regular Session created the Dept. of Elderly Affairs and provided it would become effective when an existing department was abolished or the constitution was amended to permit an additional department.

HB 341 is a proposed constitutional amendment that would increase the maximum number of departments to 21. Provides that the amendment will be effective no sooner than June 12, 2015, and when funding is provided by the legislature. Provides that the department created by the amendment shall be able to use federal funding under Title 19. Provides that no department in the executive branch may be created that has the powers, duties, and functions to perform or administer programs or services which are historically performed or administered by any other agency, office, or department of the state.

### **HB 342 by Harrison** (*Last Action – Senate Calendar*)

HB 342 is a proposed constitutional amendment that would have created a Dept. of Elderly Affairs (DEA) in the constitution and would have specified that the DEA would not be subject to the constitutional 20-department limit on the number of executive branch departments. Would have

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provided for the DEA to be responsible for meeting the needs of La. residents age 60 years or older and for planning, monitoring, coordinating, and delivering services for which licensure or certification is not required to the state's elderly. Would have excepted services provided to veterans from the La. Dept. of Veterans Affairs. Would have provided that any services and programs licensed or certified by the Dept. of Health and Hospitals (DHH) would remain with DHH. Also would have prohibited appropriation of funds for such functions to any other unit of the executive branch of state government and provided that any funds appropriated for functions for which the department was responsible would be deemed appropriated to the department, except as provided by law. Also would have provided that funds appropriated to parish councils on aging that have a nationally accredited senior center within that parish would be allocated to both entities on a per capita basis.

Would have provided that provisions of Act No. 384 of the 2013 Regular Session that created the Dept. of Elderly Affairs in statutory law would become effective on July 1, 2015, if the constitutional amendment were ratified by the voters.

Would have provided that the proposed constitutional amendment in HB 341 (see above) would not be submitted to the voters.

### **HB 1256 by Harrison** (*Last Action – Senate Committee*)

Would have created the Dept. of Health and Hospitals and Children and Family Services, abolished the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS), and provided for health and hospitals services and children and family services as separate, independent entities in the new department as the successors of DHH and DCFS respectively. Would have provided the same components for health and hospitals services as present law provides for DHH and the same components for children and family services as the present law provides for DCFS. Would have provided for health and hospitals services and children and family services to each be headed by a deputy secretary. Would have made appointment of a department secretary permissive and limited the department secretary's powers by grants of authority to the deputy secretaries. Would have otherwise provided for transfer of powers and functions from DHH to health and hospitals services and from DCFS to children and family services and from the abolished departments' secretaries to the new deputy secretaries.

Would have provided, since it would have the effect of abolishing one of the 20 departments in the executive branch of state government, that in accordance with provisions of Act No. 384 of the 2013 RS establishing and providing for the Dept. of Elderly Affairs (DEA), the DEA would become effective on the bill's effective date (Aug. 1, 2014).

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## LEGISLATIVE AFFAIRS-TULANE SCHOLARSHIPS

### **SB1 by Claitor** (*Last Action – House Committee*)

Act No. 43 of 1884 provides for each legislator to nominate one student to receive free tuition to Tulane University. SB 1 would have prohibited a legislator from nominating a member of his immediate family. Would have provided that no La. elected official and no member of the immediate family of a statewide elected official or a U.S. congressman or senator would be eligible for a scholarship. Would have authorized a legislator to establish his own selection criteria and directly nominate a student or request Tulane to award the scholarship on his behalf through an open competition in accordance with eligibility criteria established by the university. Would have provided that if possible the scholarship be awarded to a student who resides in the legislator's district and provided, if there is no qualified student from a legislator's district, that an otherwise qualified student be selected, based on demonstrated need, from Louisiana residents accepted for admission to Tulane. Would have provided that utilizing open competition, the legislator agrees to allow the university to award his scholarship to the same student every year until the student graduates, or until the legislator's term ends or he leaves office. Would have required scholarship information to be published on the legislature's website and Tulane's website, including on Tulane's website the name and city of residence of each scholarship recipient; the name and district number of the nominating legislator, and the name of the elected official to whom the recipient is related, if any. Would have prohibited publication of information in violation of state or federal law, including the Federal Educational Rights and Privacy Act.

### **HB307 by Ritchie** (*Last Action – Failed to Pass/House*)

HB 307, also relative to the Tulane scholarships, would have authorized a legislator to nominate a student for a scholarship or request Tulane to award a scholarship on his behalf through an open competition according to eligibility criteria established by Tulane. Would have required each nominee to: meet eligibility and program requirements established by Tulane, be a La. resident, not be a member of the legislator's immediate family member, not be a La. state or local elected official or a U.S. congressman or senator. Would have prohibited nominating a student if the student or a member of the student's immediate family made a campaign contribution to the nominating legislator during the legislator's then current term or during any reporting period for the primary or general election of the legislator to his then current term, unless the contribution is returned to the contributor before the nomination is made and would have required a legislator to submit a signed statement with the nomination certifying compliance. Also would have required a legislator to return a contribution that would have prevented a nomination if he learns of it after the nomination is made.

Would have prohibited continuing the scholarship beyond the time remaining in the legislator's term, except would have required that a scholarship in effect when a legislator's term expires or he vacates his office continue for the remainder of the academic year for which it was awarded unless vacated for other causes. Would have required publication on each legislator's website of information about

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the Tulane scholarship program, including the individual legislator's selection process and would have required Tulane to publish specified information about the scholarship program, including each recipient's name and parish of residence, name and district number of each recipient's nominating legislator, and if the recipient is an immediate family member of an elected official, the name of and the office held by any such elected official as provided by the scholarship recipient. Also would have prohibited publication of any information in violation of any state or federal law, including the Family Educational Rights and Privacy Act.

# INSURANCE

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## PROPERTY INSURANCE

### **HB 909 by Leopold** *(Last Action – Sent to Governor)*

Enacts the Property Insurance Clarity Act, requiring insurers issuing homeowners' policies in this state to provide certain policy and premium information to the public. Specifically requires the report of data on direct incurred losses, number of policies in force, and direct earned premiums to the commissioner of insurance. Further requires the commissioner to aggregate and publish such information on the Department of Insurance's website. Provides for a sunset date of May 1, 2017.

### **HB 1060 by Thierry** *(Last Action – Sent to Governor)*

Specifies that two or more claims must be made within three consecutive years in a five year period preceding the policy renewal date in order for an insurer to have the ability to cancel a homeowner's policy in force three or more years. Also provides certain requirements for withdrawal of an insurer from the state's homeowners' insurance market.

### **HB 470 by Harrison** *(Last Action – House Committee)*

Would have required insurers admitted to write homeowners' policies in the state to provide coverage on any residential structure which had been constructed or retrofitted to comply with the Uniform Construction Code.

## HEALTH INSURANCE

### **HB 764 by Pearson** *(Last Action – Sent to Governor)*

Provides for the licensing of health insurance navigators and registration of non-navigator personnel, who assist individuals enrolling with a health insurance exchange, by the commissioner of insurance.

### **SB 57 by Broome** *(Last Action – Sent to Governor)*

Mandates inclusion of lymphedema treatment as an option in health insurance coverage.

### **SB 165 by Murray** *(Last Action – Sent to Governor)*

Provides relative to insurers utilizing prescription drug specialty tiers to limit any required co-payment or coinsurance applicable to drugs on such tier to an amount not to exceed \$150 per month for each drug up to a 30-day supply of any single drug, subject to certain co-payment, deductible, or maximum out-of-pocket limits. Further requires such an insurer to implement an exceptions process allowing enrollees to request an exception to the formulary and be subject to the health plan internal review process and the state external review process. Exempts the Office of Group Benefits.

### **SB 169 by Long** *(Last Action – Sent to Governor)*

Provides relative to the Louisiana Life and Health Insurance Guaranty Association (LLHIGA), particularly the manner of its coverage of structured settlement annuities. Also makes LLHIGA legislation consistent with the National Association of Insurance Commissioners (NAIC) Model Act and makes LLHIGA uniform with other state guaranty funds when necessary in multi-state matters.

### **SB 178 by Morrish** *(Last Action – Act No. 20)*

Authorizes healthcare sharing ministries, defined as faith-based, nonprofit, tax-exempt organizations that limit participants to those who are of a similar faith and act as facilitators between participants who have financial or medical needs and participants who have the ability to provide financial or medical assistance by providing amounts that participants may contribute without assumption of risk or the promise to pay by the participants or the ministry. Exempts such ministries from all provisions of the Insurance Code except under certain specific circumstances.

### **SB 403 by Mills** *(Last Action – Sent to Governor)*

Prohibits insurers from refusing the receipt of third-party payments of health insurance premiums made from or pursuant to certain funds or grants established by any of the following: the Ryan White HIV/AIDS Program; Indian tribes, tribal organizations, or urban Indian organizations; state or federal government programs; and the American Kidney Fund.

### **SB 554 by G. Smith** *(Last Action – Sent to Governor)*

Authorizes the commissioner of insurance to review health insurance rates of health benefit plans providing coverage in the small group and individual markets. Specifically provides for: report to and filing of rates with the Department of Insurance (DOI); limitations on the frequency of rate increases; establishment by each insurer of a single, separate, and distinct statewide risk pool in the small group market, the individual market, and student health plans, as applicable; and limitation of variations in premiums based only on certain factors, excluding the health status of an individual. Also requires that any rate filing that meets or exceeds a specific federal review threshold (currently set at 10%) be published on the DOI website, have a 30-day public comment period, and require posting of a notice of final determination on the DOI website. Further provides for enforcement by

## Insurance

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the commissioner of insurance, including the authority to grant transitional relief.

### **HB 895 by Fannin** (*Last Action – House Committee*)

Provided relative to balance billing by prohibiting an out-of-network healthcare provider, who receives directly from a health insurer payment of the same amount the out-of-network provider would have received if in-network, from seeking payment of the remaining balance from the patient.

## MISCELLANEOUS

### **HB 1195 by Lorusso** (*Last Action – Sent to Governor*)

Provides relative to unfair trade practices in the business of insurance by clarifying that an insurer may not attempt to enforce provisions in a sales agreement with a non-captive producer that would prohibit the producer from providing customers information on products from other insurers or limit the number of other insurance companies a non-captive producer may represent; allows the commissioner of insurance to issue regulations governing the replacement of limited benefit insurance policies; requires insurers to include a notice to insureds that defense costs are included within the limit of liability.

### **SB 254 by Morrish** (*Last Action – Act No. 117*)

Provides for limited lines travel insurance, to cover: interruption or cancellation of a trip or event; loss of baggage or personal effects; damages to accommodations or rental vehicles; and sickness, accident, disability, or death occurring during travel.



# JUDICIARY

## COMMITTEE CONTACTS

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## JUDGES

### **HB 96 by Edwards** *(Last Action – Filed with Secretary of State)*

Removes the mandatory retirement age of 70 years for judges. Provides for submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

### **SB 216 by Murray** *(Last Action – Failed to Pass/House)*

Would have required that the legislature provide by law the procedures for filling a vacancy in the office of judge, which would have included a determination of whether the vacant judicial office should be maintained, abolished, or transferred to another court of equivalent jurisdiction.

Would have provided that until a vacancy in the office of a judge is filled, abolished, or transferred, the supreme court would have appointed a person meeting the qualifications for the office, other than domicile, to serve at its pleasure, and that the appointee would have been ineligible as a candidate at an election to fill the judicial office.

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

Would have provided for submission of the amendment to the voters at the statewide election to be held on Nov. 4, 2014.

### **SB 217 by Murray** *(Last Action – House Calendar)*

Would have required that a vacancy in the office of a judge be filled in accordance with the provisions of Article V, Section 22(B) of the Louisiana Constitution.

# Judiciary

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## ALCOHOLIC BEVERAGES

### **HB 471 by Hunter** (*Last Action – Failed to Pass/House*)

Would have added the sale or distribution of any adulterated confectionery or ice cream to the definition of "liquor retailer" for low and high alcoholic content beverages and would have added ice cream for inclusion in the term "food products".

Would have prohibited the selling or serving of certain confectionery or ice cream products to any person under the legal age to purchase alcoholic beverages on licensed premises. Would have required certain notification regarding the sale to minors. Would have provided for penalties for anyone who violated those provisions.

Would have expanded the prohibition and penalties to ice cream that contains more than one-half of one percent alcohol for confectionery and ice cream that is sold or offered for sale in this state.

Would have required labeling on the product and posting of a sign providing notification that it is unlawful to sell such products to any person under the legal age for purchasing alcoholic beverages.

### **HB 1036 by Arnold** (*Last Action – Enrolled*)

Authorizes the holder of a Special Event permit to provide sampling of beer, wine, or other spirits on the premises.

Requires alcoholic beverages of high alcoholic content that are given away for advertising or any other purpose to be taxed.

Authorizes any person or dealer to donate alcoholic beverages to a licensed Type A special event or an unlicensed civic, religious, or charitable organization subject to the payment of any applicable excise taxes, and creates three types of temporary retail permits for purposes of selling, offering for sale, or serving alcoholic beverages with certain restrictions.

Prohibits the commissioner from issuing a temporary retail permit to any alcoholic beverage manufacturer, wholesale dealer, or homebrewer, or to any association with a membership that is primarily comprised of alcoholic beverage manufacturers, wholesale dealers, or homebrewers.

Requires the commissioner to issue a three-day homebrew permit to any retail dealer qualified for on premise consumption authorizing the retail dealer to allow a person to bring homebrew alcoholic beverages on his licensed premises for certain purposes, and prohibits the assessment of a general admission fee or other type of fee or charge in connection with the homebrew permit.

Prohibits the person or association making the homebrew from receiving any compensation or thing of value other than certain awards.

Provides for the definition of "homebrew". Excludes any holder of a Type A or Type B temporary alcoholic beverage permit from the definition of "vendor".

### COURTS

#### **HB 569 by Stokes** *(Last Action – Enrolled)*

Authorizes the judges of any judicial district court, by majority vote of the judges sitting en banc, to designate a human trafficking court as an authorized division or section and requires all offenses involving commercial sexual exploitation to be transferred to the human trafficking section of the court.

Authorizes the presiding judge of the human trafficking court to be trained in issues of human trafficking and the support services available to victims.

Provides that if it is determined by a judge after a contradictory hearing that a case involves a victim in need of services, the victim may be mandated to attend appropriate human trafficking support services, and requires that the victim shall be considered for a non-criminal disposition or dismissal of the case upon compliance with mandated support services and consent of the district attorney.

## LABOR AND INDUSTRIAL RELATIONS

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### DISCRIMINATION IN EMPLOYMENT

#### **HB 658 by Norton** *(Last Action – House Committee)*

Would have extended the Louisiana Equal Pay for Women Act, which provides for pay equity for women who are employed in state government, to all women in the state.

#### **HB 956 by Stokes** *(Last Action- Senate Committee)*

Would have prohibited intentional discrimination in employment on the basis of sex. The bill would have made it unlawful for an employer to intentionally pay wages to an employee of one sex at a rate that is less than that paid to an employee of the opposite sex when job performance requires equal skill, effort, and responsibility, performed under similar working conditions.

### LABOR ORGANIZATIONS

#### **HB 451 by Seabaugh and HB 1059 by Talbot** *(Last Action – House Committee)*

Would have removed the authority for public employees to have union dues withheld as authorized payroll deductions.

### MINIMUM WAGE

#### **HB 356 by Dixon** *(Last Action- House Committee)*

Would have established a state minimum wage at \$8.25 beginning July 1, 2015, with an increase to \$9.00 the next year and annual increases thereafter based on the Consumer Price Index.

#### **HB 382 by Brossett** *(Last Action- House Committee)*

Would have established a state minimum wage at \$10.10, effective January 1, 2015 and provided an annual increase based on the Consumer Price Index. HB 382 would have also required that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the state minimum wage.

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## Labor & Industrial Relations

### **HB 589 by Dixon** *(Last Action- House Committee)*

HB 589 was a constitutional amendment that would have established a state minimum wage that is five cents higher than the federal minimum wage if passed by the legislature and approved by the voters of the state.

### **HB 644 by Hunter** *(Last Action- House Committee)*

Would have removed the prohibition against local governmental entities setting a local minimum wage rate.

### **HB 645 by Hunter** *(Last Action- House Committee)*

Would have established a state minimum wage that was the same as the federal minimum wage required by the Fair Labor and Standards Act. The bill would have also required that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the state minimum wage.

### **HB 646 by Hunter** *(Last Action- House Committee)*

Would have established a state minimum wage and set it at \$8.25 per hour for businesses that have 249,999 or fewer employees and \$8.50 per hour for businesses with 250,000 or more employees. The bill would have also required that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the state minimum wage.

### **HB 675 by Hunter** *(Last Action- House Committee)*

### **HB 676 by Hunter** *(Last Action- House Committee)*

### **HB 677 by Hunter** *(Last Action- House Committee)*

Representative Hunter introduced three bills that would have established a local minimum wage for the city of Monroe, the city of West Monroe, and the parish of Ouachita, respectively. The bills would have established a local minimum wage and set it at \$7.25 per hour effective January 1, 2015 with an increase to \$8.25 the next year. The bills would have also required that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the state minimum wage.

### **HB 969 by Hunter** *(Last Action- House Committee)*

Would have codified the federal executive order that requires a minimum wage of \$10.10 per hour for federal contractors and subcontractors effective January 1, 2015, with an increase annually as determined by the Consumer Price Index. The bill would have required that tipped employees earn \$4.90 per hour beginning January 1, 2015, with an increase of 70% or \$0.95 annually, whichever

## Labor & Industrial Relations

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is lesser, until it reaches an amount equal to 70% of the annual federal minimum wage required for federal contractors and subcontractors. HB 969 would have further required that when tipped workers do not earn the required amount between the base pay and tips, the employer shall pay the difference.

### **HCR 188 by Dixon** (*Last Action- House Committee*)

Would have urged and requested that the Louisiana Association of Business and Industry, the AFL-CIO, the Louisiana Budget Project, the Workplace Justice Project, and the Louisiana Workforce Commission to form a Minimum Wage Task Force to study the impact of raising the minimum wage in Louisiana.

## **WORKERS' COMPENSATION**

### **HB 1069 by Broadwater** (*Last Action – Senate Calendar*)

Would have provided for the calculation of average weekly wage for variable wage employment contracts for professional athletes depending on how the professional athlete was being compensated at the time of injury.

### **SB 627 by Murray** (*Last Action – House Committee*)

Would have exempted home improvement contractors who meet all of the following criteria from the requirement to carry workers' compensation coverage:

- (1) Have no employees and employs no independent contractors or subcontractors.
- (2) Is not an officer or principal of any corporation, or a member or manager of any limited liability company, or a partner of any partnership or a principal of any firm engaged in home improvement contracting that employs independent contractors or subcontractors or that has any employees other than the home improvement contractor himself.
- (3) The licensed home improvement contractor has chosen to be exempt from workers' compensation coverage.

## **LOUISIANA WORKFORCE COMMISSION**

### **HB 164 by Dixon** (*Last Action – Act No. 32*)

Recreated the Louisiana Workforce Commission and all of the entities created under it by law.

## MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

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### LOCAL TAXES

#### **HB 111 by Leger** *(Last Action – Enrolled)*

A proposed constitutional amendment to increase from 5 mills to 10 mills the maximum tax rates that are applicable to additional property taxes that the governing authority of Orleans Parish is authorized to levy for fire protection and for police protection. Adds a requirement for voter approval of a tax increase pursuant to the proposed constitutional amendment.

#### **HB 1083 by Badon** *(Last Action – House Calendar)*

Would have authorized the governing authority of the city of New Orleans, subject to voter approval, to levy and collect an additional hotel occupancy tax at a rate not to exceed 1.75%. Would have provided that the tax proceeds be used for such lawful purposes as determined by the governing authority of the city of New Orleans.

#### **HB 1210 by Moreno** *(Last Action – House Committee)*

Would have authorized the governing authority of Orleans Parish, subject to voter approval, to levy a tax of not more than 75¢ per standard retail pack or package upon the sale at retail of "tobacco products" in the parish. Would have defined "tobacco products" as cigars, cigarettes, and smoking and smokeless tobacco. Would have provided that the tax proceeds be used for such lawful purposes as determined by the parish governing authority, including the funding of a portion of the avails of the tax into bonds in the manner provided by law.

### PROPERTY

#### **HB 489 by Wesley Bishop** *(Last Action – Enrolled)*

#### **HB 1001 by Wesley Bishop** *(Last Action – Sent to Governor)*

HB 489 is a proposed constitutional amendment that authorizes the governing authority of the city of New Orleans to sell, at a price set by the legislature, property located in the Lower Ninth Ward of the city of New Orleans to qualified purchasers as provided by law.

HB 1001 is contingent on voter approval of HB 489. It requires the city of New Orleans to sell, for

## **Municipal, Parochial & Cultural Affairs** ---

\$100 per parcel, vacant lots that are located in the Lower Ninth Ward, were acquired through the La. Road Home program, and are either owned by the New Orleans Redevelopment Authority or the authority has been tasked with management and disposition of the property. Provides for qualified purchasers of such lots and the order in which lots are to be made available to various classes of potential purchasers.

### **MUNICIPAL INCORPORATION**

#### **HB 768 by Price** *(Last Action – Senate Calendar)*

Would have required inhabitants of an unincorporated area to propose incorporation by petition for an incorporation election and would have required the secretary of state to provide a form for the petition. Would have required, prior to the collection of signatures, submission of the proposed petition to the secretary of state for certification that the petition met all legal requirements. Would have required the secretary of state to endorse the fact and the date of filing. Would have set a time limit, from the date of endorsement, to collect the requisite number of signatures based upon the number of qualified electors residing in the unincorporated area. Would have prohibited petitioners from proposing incorporation of the area for two years if they failed to get secretary of state's approval of the petition after two attempts.

#### **SB 674 by Nevers** *(Last Action – House Calendar)*

Would have provided for a moratorium on municipal incorporations from Jan. 1, 2014, through Dec. 31, 2015. However, SB 674 would have provided that, if prior to Jan. 1, 2014, the residents of an unincorporated area initiated a petition for incorporation and no election for the incorporation was held on or before Nov. 4, 2014, then the petition for incorporation would be suspended during the moratorium and could only be continued on or after Jan. 1, 2016. Any petition suspended as a result of the moratorium would be subject to the provisions governing municipal incorporation in effect when the moratorium ended. If an election for the incorporation was not held on or before Nov. 4, 2014, due to a court order or court action, the petition for incorporation would not be suspended during the moratorium. However, no signatures could be collected for the petition after July 23, 2014.

### **OFFICIAL PROCEEDINGS AND LEGAL ADVERTISEMENTS**

#### **HB 787 by Arnold** *(Last Action – Act No. 197)*

Authorizes the selection of a daily newspaper with a general paid circulation to run judicial advertisements and legal notices in the parishes of Jefferson and Orleans if the newspaper has maintained a public business office in Orleans Parish for eight consecutive months prior to Jan. 1, 2014. Further authorizes the selection of any newspaper that qualifies to publish such notices and



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## **Municipal, Parochial & Cultural Affairs**

advertisements to be selected as the official journal of political subdivisions in the parishes of Jefferson and Orleans.

### **CULTURAL AFFAIRS**

#### **HB 503 by Carmody** *(Last Action – House Calendar)*

Would have provided for the recognition and acknowledgment, by the legislature, of the state motto as found in the state pledge of allegiance: " A state, under God, united in purpose and ideals, confident that justice shall prevail for all of those abiding here." Would have designated the Holy Bible as the official state book.

# NATURAL RESOURCES AND ENVIRONMENT

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## FISHING

### **HB 523 by Lambert** *(Last Action – Sent to Governor)*

Until July 1, 2016, authorizes a possession limit of three times the daily take limit for largemouth bass and spotted bass taken south of U.S. Hwy. 90. The fisherman must show a landing receipt from a public boat launch that demonstrates that the fisherman was actively on the water or at a remote camp two days or more. Provides certain restrictions on how the fish are to be kept. Provides that the fish be in the possession of only the person who took the fish.

### **HB 1082 by Stuart Bishop** *(Last Action – Sent to Governor)*

Provides for a fee of \$7.50, in addition to the regular \$5.50 cost, for residents purchasing a saltwater license between June 1, 2014, and May 31, 2018, with the additional revenues credited to the Saltwater Fish Research and Conservation Fund. Provides that the revenues deposited into the fund be used by the office of fisheries for data collection and management of recreational saltwater fish species. Effective June 1, 2014.

## SOLUTION MINING AND STORAGE CAVERNS

### **SB 585 by Mills** *(Last Action – Sent to Governor)*

Requires public hearings before a permit is issued to drill or operate a new solution-mined cavern or expand or convert an existing solution-mined cavern in Iberia Parish. Requires the commissioner of conservation to promulgate rules for the public hearing. Requires public notice on three separate days within a period of 30 days prior to the public hearing.

Requires the applicant, at least 30 days prior to the public hearing, to submit a report to the commissioner of conservation, the Iberia Parish governing authority, and Save Lake Peigneur, Inc. The report is to provide a baseline analysis of groundwater in the area of a permitted activity including both the water level and salt content; a plan for monitoring the groundwater in the area for levels and salt during the activity permitted; a geologic analysis of the integrity of the salt dome; and the results of an analysis of testing that attempts to determine the source and composition of the foaming or bubbling appearing in Lake Peigneur.

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## Natural Resources & Environment

Prohibits the issuance of permits in Iberia Parish prior to Jan. 31, 2016, and provides that the public hearing and report requirements are not applicable to any activity or operation related to safety, maintenance, inspection, testing, or regulatory compliance.

**SB 209 by Ward** (*Last Action – Sent to Governor*)

Requires permits for solution mining injection wells and solution mined caverns to provide for reimbursement to owners of noncommercial residential property for mandatory or forced evacuation for greater than 180 days due to violations of laws, rules, or orders providing for solution mining injection wells and solution mined caverns.

Authorizes the Dept. of Natural Resources to adopt rules and regulations providing for the collection of reimbursement for reasonable and extraordinary costs from responding to or mitigating a disaster or emergency due to such violations of laws, rules, or orders.

### COASTAL LITIGATION

**SB 469 by Allain** (*Last Action – Sent to Governor*)

Limits the state or local governmental entities that may have, or may pursue, any right or cause of action arising from any activity subject to permitting under state coastal use permits or certain federal statutes in the coastal area, or arising from or related to any use or activity with a direct and significant impact on coastal waters, regardless of the date such use or activity occurred. Such state or local governmental entities are limited to the secretary of the Dept. of Natural Resources, the attorney general, an appropriate district attorney, or a local government with an approved coastal plan.

Requires any monies received by any state or local government from such causes of action to be used for integrated coastal protection, including coastal restoration, hurricane protection and improving the resiliency of the coastal area.

Provides for applicability to all claims existing or actions pending on the Act's effective date and all claims arising or actions filed on or after that date.

### EXOTIC ANIMALS

**SB 250 by WARD** (*Last Action – Sent to Governor*)

Defines "previous ownership" to include persons who obtained their animal by lawful means and continuously possessed their animal since August 15, 2006, for owners of big cats for which the Dept. of Wildlife and Fisheries is required to provide rules and regulations.

# RETIREMENT

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## FUNDING AND DEBT

### **HB 1225 by Robideaux** (*Last Action – Act No. 399*)

Modifies how excess investment returns are used in the four state retirement systems. Requires increased amounts of excess investment returns to be applied to the outstanding debt of each system. Further ties the frequency and maximum amount of future permanent benefit increases (also known as COLAs) to the funded ratio of the system.

### **HB 80 by Miller** (*Last Action – House Committee*)

Would have provided limitations on the percentage of public retirement system, plan, or fund money that may be invested in certain types of assets—would have restricted to 20% the maximum amount of system funds that could be invested in alternative investments; would have required a minimum of 15% of system funds to be invested in fixed income assets; would have required any equities invested in to be publicly traded. Further would have prohibited the direct ownership of real property by a public retirement system unless the property was purchased for use as an office building for the system.

### **HB 86 by Ivey** (*Last Action – House Committee*)

Would have required state retirement systems to apply certain amounts of excess investment returns to the payment of system debt and would have increased the threshold above which system funds are earmarked for payment of COLAs. Would have required amounts above the system's assumed rate of return and below 10% to be used to pay the oldest debt of the system. Further would have changed the threshold above which excess returns are credited to the system experience account to an actuarial rate of 10%.

### **HB 42 by Pearson** (*Last Action – Act No. 23*)

### **SB 14 by Guillory** (*Last Action – Sent to Governor*)

HB 42 and SB 14 work in tandem to consolidate the outstanding debt of the Louisiana School Employees' Retirement System (LSERS) and reamortize it so that it is on a level payment schedule. Excess funds remaining in the LSERS experience account *after* payment of the 1.5% COLA on July 1, 2014, will be swept and held in a side account. These funds will be used to offset any increase in the employer contribution rate for the next five years resulting from the consolidation of the

system's debt.

### **COST-OF-LIVING ADJUSTMENTS (COLAS)**

**SBs 16, 18, 19, and 21 by Guillory** (*Last Action – Act Nos. 101-104, respectively*)

Grants a 1.5% permanent benefit increase (also known as a COLA) payable July 1, 2014, to all eligible retirees and beneficiaries of each of the four state retirement systems.

### **MEMBERSHIP**

**HB 25 by Talbot** (*Last Action – House Calendar*)

**HB 45 by Seabaugh** (*Last Action – Failed to Pass/House*)

Would have prevented certain non-public employers from enrolling employees hired on or after September 1, 2014, in either the Louisiana State Employees' Retirement System or the Teachers' Retirement System of Louisiana.

**HB 1278 by Pearson** (*Last Action – Enrolled*)

Places new hires of the Port of New Orleans Harbor Police Dept. in the Louisiana State Employees' Retirement System (LASERS) Hazardous Duty Services Plan effective July 1, 2014. Further abolishes the Harbor Police Retirement System as a stand-alone system effective July 1, 2015, and merges it into LASERS as a subplan *if* the cooperative endeavor agreement executed by the Port, LASERS, and the retirement system is approved by the Public Retirement Systems' Actuarial Committee.

**HB 38 by Pearson** (*Last Action – Act No. 226*)

Establishes new retirement eligibility for non-hazardous duty state employees first hired on or after July 1, 2015. Provides that such members are eligible for retirement at age 62 after five years of service. Retains eligibility at any age for an actuarially reduced retirement after 20 years of service, though the reduction would be taken from age 62 for these new hires.

### **CONTRIBUTIONS**

**HB 6 by Pearson** (*Last Action – Sent to Governor*)

Establishes a minimum employer contribution rate for the Optional Retirement Plan (ORP) in the Teachers' Retirement System of Louisiana. The ORP is an optional 401-(k) retirement plan for higher education employees. The bill authorizes each higher education board created by the

## Retirement

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constitution to establish by resolution the contribution rate it will remit to TRSL for its ORP participants. From July 1, 2014, through June 30, 2018, the portion of such contribution that will be credited to a participant's account shall be set equal to or greater than the normal cost of the regular retirement plan. Beginning July 1, 2018, such amount shall be at least 6.2% of pay.

# TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

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## SPEED TRAPS

### **HB 1250 by Seabaugh** *(Last Action – House Committee)*

Would have mandated the town of Washington in St. Landry Parish to place signs on I-49 North and South before the Washington exit that read "Slow Down Speed Trap Area".

### **HB 961 by Pylant** *(Last Action – Failed to Pass/House)*

### **HB 962 by Barrow** *(Last Action – House Committee)*

Would have mandated that municipalities that derive over half of their revenue from traffic enforcement label themselves as "Speed Traps".

### **HB 1233 by Seabaugh** *(Last Action – Failed to Pass/House)*

Would have prohibited municipalities from issuing traffic citations on interstates unless at least one linear mile in each direction of the interstate is included within the city limits.

## TRAFFIC CAMERAS

### **HB 499 by Arnold** *(Last Action – House Committee)*

### **HB 631 by Arnold** *(Last Action – House Committee)*

### **HB 801 by Arnold** *(Last Action – Failed to Pass/House)*

### **HB 859 by Arnold** *(Last Action – House Calendar/Subject to Call)*

Would have limited or prohibited the use of traffic cameras by parishes and municipalities. Provided that no parish or municipality could use traffic cameras to issue citations unless a majority of the registered voters residing in the parish or municipality approved the use of such devices at an election held for that purpose.

# Transportation, Highways & Public Works

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## TRANSPORTATION OF DOGS

### **HB 1091 by Willmott** *(Last Action – Sent to Governor)*

Prohibits the transportation of dogs in the bed of trucks on interstate roadways unless the dogs are humanely secured and safely crated.

## AUTOMOBILE INSURANCE

### **HB 872 by Ivey** *(Last Action – Conference Committee Report Adopted)*

Increases the penalties and suspension periods for operating a motor vehicle in the state of Louisiana without automobile insurance and for making a false presentation or claim of having insurance. Dedicates the additional revenue from the increase in penalties to the Insurance Verification System Fund, the office of state police, and public safety and law enforcement.

## DRIVER'S LICENSES

### **HB 907 by St. Germain** *(Last Action – Sent to Governor)*

Requires the issuance of driver's licenses and special identification cards that are compliant with the standards of the REAL ID Act of 2005 that do not include facial recognition software or programs, or the sharing of digital photos with any entity using a facial recognition program.

Authorizes an applicant to elect to apply for a license or identification card that either complies with the standards of REAL ID or does not comply. If a person has elected not to apply for a REAL ID compliant license or special identification card, the department shall not require the applicant to comply with any of the REAL ID requirements and shall not scan or maintain a copy of the applicant's documents proving his identity upon renewal.

Requires each applicant be given a complete description of the REAL ID compliant driver's license, including the fact that he is not required to accept the "gold star" or the REAL ID compliant license or identification card. Each applicant shall certify in writing that he has been given information related to the issuance of the REAL ID compliant license or special identification card.

No document provided by a person who applies for a driver's license or special identification card shall be released to anyone without the written permission of that person or without a warrant issued, and violations of such shall result in a fine of not more than \$10,000 and six months in jail.



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## Transportation, Highways & Public Works

### **HB 1020 by Harrison** *(Last Action – Sent to Governor)*

Requires that if a law enforcement officer determines that an operator's driving privileges are suspended or revoked, and the vehicle is registered in the state in the operator's name, the officer shall remove the license plate and issue the operator a notice of suspension or revocation.

There is a 10-day period from the notice of suspension or revocation to comply with the law, including the payment of fees and penalties. If the operator fails to comply within the ten days, the office of motor vehicles shall destroy the license plate.

Provides for a procedure to obtain a hardship license plate.

### **HB 285 by St. Germain** *(Last Action – Sent to Governor)*

Prohibits the issuance of a driver's license or learner's permit to a minor for the operation of a motor vehicle unless, at the time of application, documentation is presented to the department that the minor is enrolled and is attending a school.

### **HB 1252 by Foil** *(Last Action – Sent to Governor)*

### **SB 582 by Claitor** *(Last Action – Sent to Governor)*

Extends the period for driver's license renewal from four years to six years, and adjusts the fees and handling charges to account for the longer renewal period.

## INFRASTRUCTURE BANK

### **HB 979 by St. Germain** *(Last Action – Sent to Governor)*

Creates the Louisiana Transportation Infrastructure Bank as an agency of the state, to fund or assist in funding "eligible transportation projects" of public entities through a revolving loan fund.

Authorizes the bank to review, accept, or deny all loan applications made by any public entity, but requires that all projects have prior approval of the Dept. of Transportation and Development.

## CELL PHONE USE

### **HB 370 by J. Thompson** *(Last Action – Sent to Governor)*

Prohibits the operation of wireless telecommunications devices (cellular telephones) while traveling through a school zone during posted hours. "Operation" includes engaging in a call, accessing, reading, or posting to a social networking site, and writing, sending or reading text-based

## **Transportation, Highways & Public Works** ---

communication.

Excludes from the prohibition citizens band radios, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, and electronic devices with a push-to-talk function.

The prohibition does not apply to reporting a traffic collision, medical emergency or serious road hazard, reporting a situation in which the person believes his personal safety is in jeopardy, reporting or averting the perpetration or potential perpetration of a criminal act against the driver or another person, operating a wireless telecommunications device while the motor vehicle is lawfully parked, and using a wireless telecommunications device in an official capacity as an operator of an authorized emergency vehicle.

Provides for fines of not more than \$175 for a first violation, and not more than \$500 for each subsequent violation. If a person is involved in a collision at the time of the violation, the fine shall be equal to double the amount of the standard fine, and the law enforcement officer investigating the collision shall indicate on the accident report that the person was using a wireless telecommunications device at the time of the collision.

# WAYS AND MEANS

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## AD VALOREM TAX

### **HB 1050 by Chaney** (*Last Action - Sent to the Governor*)

Deletes the requirement that the ad valorem property tax exemption for "agricultural machinery and other implements used exclusively for agricultural purposes" applies only to machinery and implements used on agricultural lands owned or leased by the person claiming the exemption.

### **HB 488 by Berthelot** (*Last Action - Enrolled*)

Allows an authorized agent of the tax collector to sell the property of a delinquent taxpayer and provides that the authorized agent's fee shall be included in the costs the collector may recover on the sale of the property. However, the fee of an authorized agent shall not exceed the maximum amount set in statute that may be charged on the date of delinquency. Clarifies that use of an authorized agent does not relieve the tax collector of any duties and responsibilities he has to the delinquent taxpayer. (November 4, 2014, ballot.)

### **SB 99 by Riser** (*Last Action - Act No. 135*)

Revises the method for determining the fair market value of bank stock for purposes of ad valorem taxation by requiring that negative earnings be included in the valuation.

## ASSESSORS

### **HB 586 by Thibaut** (*Last Action - Act No. 186*)

Changes the retiree eligibility requirements with respect to payment by an assessor's office of the insurance premium costs for group life, dental, health, and other insurance for retirees of that office in the following parishes: Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, Franklin, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, and West Feliciana.

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Eligibility for a retiree elected, appointed, or hired before Aug. 1, 2014, requires at least 20 years of service and eligibility for normal retirement benefits from the Assessors' Retirement Fund. Eligibility for retirees elected, appointed, or hired on or after Aug. 1, 2014, requires at least 20 years of service credit, at least 12 years of which shall have been earned at the assessor's office from which the person retires, and eligibility for normal retirement benefits from the Assessors' Retirement Fund.

For Acadia Parish only, changes the retiree eligibility requirements with respect to payment by the assessor's office of the insurance premium costs for group life, dental, health, and other insurance for retirees of that office. Eligibility for a retiree elected, appointed, or hired before Aug. 1, 2014, requires at least 20 years of service credit and eligibility for normal retirement benefits from the Assessors' Retirement Fund. Eligibility for a retiree elected, appointed, or hired on or after Aug. 1, 2014, requires at least 20 years of service credit, at least 12 years of which shall have been earned at the Acadia Parish assessor's office, and eligibility for normal retirement benefits from the Assessors' Retirement Fund.

For East Carroll and Richland Parishes only, changes the retiree eligibility requirements with respect to payment by the assessors' offices of the insurance premium costs for group life, dental, health, and other insurance for retirees of that office. Eligibility for a retiree elected, appointed, or hired on or after Aug. 1, 2014, requires at least 20 years of service credit, 12 years of which shall have been earned at the assessor's office from which the person retires, and eligibility for normal retirement benefits from the Assessors' Retirement Fund.

### **BONDS**

#### **HB 788 by Leger** *(Last Action - Sent to Governor)*

Authorizes the Phase V Convention Center Expansion Project for the Ernest N. Morial-New Orleans Exhibition Hall Authority, to include a joint venture between the authority and a private entity for a tourism development plan to enhance the New Orleans Convention Center and install basic infrastructure.

The authority may issue nontraditional tax-exempt bonds and other obligations to finance expansion projects, and to provide for additional bond capacity. The restriction on expenditures, contracts, and debt issuance for hotel projects is removed.

### **DEPARTMENT OF REVENUE**

#### **HB 663 by Robideaux** *(Last Action - Enrolled)*

With respect to the implementation of the tax amnesty program for 2014 and 2015, provides relative

to the taxes that the amnesty program shall apply to.

Changes the waiver of the penalties and interest for the 2014 and 2015 amnesty programs to the following:

- (1) Waiver of all of the penalties and 50% of the interest owed if amnesty is approved during the 2014 amnesty period.
- (2) Waiver of 33% of penalties and 17% of interest owed if amnesty is approved during the 2015 amnesty period.

Requires the doubling of penalties for certain taxpayers who fail to submit an amnesty application before the end of the applicable amnesty period.

Prohibits the department from accepting tax credits as payment of any tax, interest, penalty, or fee as a result of participation in the amnesty program.

Authorizes installment agreements for the payment of delinquent taxes, interest, penalties, and fees. Further provides for requirements relative to down payment amounts, the timing of the payments to the department, and for the forfeiture of monies paid if the taxpayer fails to fulfill his obligation under the agreement.

Includes, without limitation, marketing, advertising, and public information services within the amnesty program administration service costs for which the secretary shall retain from monies collected from the amnesty program and for which the department may acquire using the emergency procurement process.

Prohibits, after conclusion of the amnesty period in 2015, DOR from implementing a new amnesty program before Jan. 1, 2025.

Provides for the disposition of the proceeds of the amnesty collections in FY 2014-2015 as follows: the first \$100 M shall be deposited into the 2013 Amnesty Collection Fund to be appropriated for any public purpose; the next \$4 M shall be appropriated to the Dept. of Economic Development to be allocated to the La. Regional Leadership Council to be used for regional economic and workforce development; the remaining monies shall be credited to the 2013 Amnesty Collection Fund to be appropriated for any public purpose.

### **HB 236 by Broadwater** *(Last Action - Enrolled)*

Adds to the collection remedies of the office of debt recovery, the authority to withhold, offset, levy, garnish, or seize payments of progressive slot machine annuities and cash gaming winnings and to assume the obligation of payment of certain services in order to collect delinquent debt. Further

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provides that the withholding, offset, levy, garnishment, or seizure of these annuities, cash winnings, or lottery payments shall not be conducted until a single-point inquiry system which allows for searches of one or more real-time databases containing debt information is available to gaming entities.

Authorizes the office of debt recovery to enter into a memorandum of understanding with the La. Casino Association on behalf of its member casinos to facilitate the development and implementation of a single-point inquiry system.

Clarifies that the offset of gaming winnings by the office of debt recovery shall not prohibit the withholding, offset, levy, garnishment, or seizure of progressive slot machine annuities, cash gaming winnings, and payments of lottery prizes currently conducted from continuing until the single-point inquiry system is created.

Extends the authority of a gaming entity to deduct an administrative fee from each payment of progressive slot machine annuities or cash gaming winnings pursuant to a request by the office of debt recovery. However, the gaming entity shall not withhold more than one administrative fee on such annuities or cash winnings.

Extends the civil or criminal immunity of the La. Gaming Control Board or any licensed or permitted gaming entity for the disclosure of certain information or from claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings when the disclosure of information or withholding of such annuities or winnings is done pursuant to a request by the office of debt recovery.

Prohibits the office of debt recovery's claim relative to the offset or withholding of payments from progressive slot machine annuities, cash gaming winnings, and lottery prizes from priming the Dept. of Children and Family Services' claim for payments of these winnings.

## INDIVIDUAL INCOME TAX

### **HB 436 by Fannin** (*Last Action - Sent to Governor*)

Makes permanent, the authorization for the Dept. of Revenue to pay refunds of overpayments by debit cards, as well as the authority for taxpayer selection of the method of payment of their individual income tax refund by either check, direct deposit, or debit card. Adds requirement that in cases where the taxpayer does not choose a particular method of payment on their individual income tax return the payment shall be made by check.

### **HB 912 by Barrow** *(Last Action - Sent to Governor)*

Requires that debit cards issued by the Dept. of Revenue to pay refunds of overpayments of individual income tax shall be active no less than 12 months.

### **MISCELLANEOUS**

### **HB 863 by Danahay** *(Last Action - Sent to Governor)*

Changes various provisions governing the membership, jurisdiction, appeals, and procedures of the Board of Tax Appeals ("board").

#### General Provisions

Transfers the board from the Executive Dept. to the Dept. of State Civil Service and creates a Local Tax Division within the board.

Expands the jurisdiction of the board to include disputes between taxpayers or dealers and local sales and use tax collectors.

Changes the jurisdiction for appellate review of decision of the board from a district court to a court of appeal.

Establishes an annual dedication of certain state sales tax revenues for support of the board, and limits the use of certain self-generated revenues to support of the Local Tax Division.

#### Membership

Changes board membership requirements, dates for appointments, and terms of membership. One member to be appointed on or before Aug. 1, 2014, and the other two on or before Sept. 1, 2014. The member to be appointed Aug. 1, 2014, shall be the hearing judge for the Local Tax Division, and shall be selected from a list of nominees which is provided to the governor by the newly created Local Tax Division Nominating Committee. The committee is composed of representatives of various local government and business interests.

Authorizes the governor to reappoint existing board members without confirmation by the Senate, and provides for transitions regarding existing board members.

#### Administration and changes specific to disputes over local taxes

Establishes the hearing venues for matters involving the state, local taxing authorities, and combinations thereof. Also provides for conditions and limitations on the consolidation of cases by

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the board, particularly with respect to cases involving local collectors.

Establishes procedures for the adjudication of matters concerning redetermination of an assessments, consideration of a payment under protest petition, determination of an overpayment, jeopardy assessments, and appeals of a denial of or inaction on a refund claim.

Eliminates arbitration as a remedy in disputes over assessments.

Establishes transitional provisions regarding appeals of judgments of the board and the disposition of cases pending before arbitration panels, district courts, and the board.

### **HB 798 by Stokes** (*Last Action - Act No. 198*)

Changes various provisions governing the assessment and collection of taxes, fees, and penalties by the secretary of the Dept. of Revenue ("secretary") and the adjudication of same by the Board of Tax Appeals ("board").

#### Dept. of Revenue

Regarding the secretary's authority to waive certain amounts of various taxes, fees, and penalties, the maximum amount which may be waived is increased from \$5,000 to \$25,000.

Authorizes the secretary to waive certain liens, privileges, and mortgages.

Changes requirements for the filing of La. corporation income tax returns when there are I.R.S. adjustments to or an extension of time for the filing of a federal tax return.

Changes the method of delivery for notification by the secretary of the Dept. of Revenue to a taxpayer regarding an offset to his tax refund from certified mail to mail.

Changes the authorization for the secretary to undertake tax collection by expedited summary court proceeding by restricting such authorization to matters involving a final assessment for an amount that is shown on the face of a tax return, bankruptcy or receivership, jeopardy assessment, a business against which a rule to cease business has been brought, and failure to file a return or remit income taxes withheld from employee wages.

#### Board of Tax Appeals

Changes various provisions governing the board's authority to compel discovery and the exposure of certain board documents to the public records law.

Authorizes the board and the secretary to enter into an agreement for an annual interagency transfer



of funds to the board as payment in lieu of filing fees owed by the secretary.

Changes the jurisdiction for appellate review of a decision of the board from a district court to a court of appeal. Provides an exception to the requirement to post a bond for cases involving taxes paid under protest.

Changes a variety of deadlines for the filing of appeals and the time line for a decision of the board to become final. A decision becomes final: if it is not appealed within 30 days, or, if it is timely appealed, then the decision of the appellate court is final under the same rules and timing as is provided for in civil matters under the Code of Civil Procedure.

### **SALES TAX**

#### **SB 51 by Martiny** (*Last Action - Act No. 106*)

Removes the authority of the Louisiana Tax Free Shopping Program to charge participating retailers a membership fee.

### **SEVERANCE TAX**

#### **HB 712 by Greene** (*Last Action - Sent to Governor*)

Requires the Dept. of Revenue to pay interest on refunds for overpayments of severance taxes to operators whose wells qualify for the severance tax suspension on new horizontal wells or deep wells at the following rates:

- (1) If the refund is paid within 180 days of the filing of a claim for refund or an amended return with all supporting documentation, interest on the refund shall be paid at the U.S. Treasury Yield Curve Constant Maturity 6-Month Treasury rate on the first business day of October of the preceding year.
- (2) If the refund is paid after 180 days from the filing of the claim, interest shall be paid at the U.S. Treasury-based rate for the first 180 days, and the judicial rate of interest for any period of time after 180 days in accordance with the provisions of current law.

### **TAX INCENTIVES**

#### **HB 824 by Leger** (*Last Action - Sent to Governor*)

Changes the fee amount for applications for the income tax credit for eligible costs and expenses incurred during the rehabilitation of historic structures located in a downtown development or a

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cultural district from \$250 per application to an amount to be determined by rule promulgated by the Dept. of Culture, Recreation, and Tourism in accordance with the Administrative Procedure Act (APA).

Changes legislative oversight authority of the Dept. of Culture, Recreation, and Tourism rules promulgated regarding the amount of the tax credit application fee to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. rules promulgated.

Adds requirement for the payment of a tax credit transfer processing fee as part of the notification to the Dept. of Revenue relative to the transfer of a tax credit. The Dept. of Revenue is authorized to establish the amount of the fee by rule promulgated in accordance with the APA.

### **SB 543 by Donahue** *(Last Action - Sent to Governor)*

Requires the Revenue Estimating Conference ("REC") to prepare an annual forecast of incentive expenditures. The forecast shall be for the amount of payments from and reductions of current tax collections to be granted by certain, specific incentive programs. The incentive expenditure forecast shall 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 which are available for appropriation.

The incentive expenditure forecast shall form the basis of the statement of incentive expenditures required to be included in the executive budget. Such incentive expenditures shall not be included as, nor counted towards the operating expenses of, the relevant department, agency, or authority.

## CAPITAL OUTLAY

### **SB 91 by Brown** *(Last Action - Sent to Governor)*

Adds an exception to the November 1st deadline for submission of capital outlay requests when a project is located in a designated disaster area, there is a public need for the project because of a national or state declared disaster, and the project has been approved by the Joint Legislative Committee on Capital Outlay, which approval may occur after February 1<sup>st</sup> and which project may have a total project cost of \$1 million or more.

Adds a definition for "designated disaster area" and "public need" for purposes of the exception to the November 1<sup>st</sup> deadline for submission of capital outlay requests.

### **SB 321 by Riser** *(Last Action - Sent to Governor)*

Increases the dollar amount of projects exempt from the capital outlay bill that are for minor repairs, renovation, or construction of buildings or other facilities or the purchase of land, buildings, or other facilities from less than or equal to \$500,000 to less than or equal to \$1 million. Also adds projects

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for state colleges, universities, or higher education facilities to this exemption when the project includes a short term loan not to exceed one year payable from fees and self-generated revenues.

**HB 2 by Robideaux** *(Last Action - Sent to Governor)*

**HB 3 by Robideaux** *(Last Action - Sent to Governor)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year improvement program.

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| <b>HB 2 - CAPITAL OUTLAY</b>  |                        |
|---|------------------------|
| <b>MEANS OF FINANCING</b>   | <b>AMOUNT</b>          |
| FEES & SELF GENERATED CASH  | \$112,642,000          |
| FEDERAL FUNDS (excluding FEDERAL-TTF)                               | \$106,957,022          |
| TRANSPORTATION TRUST FUND (TTF) - FEDERAL                           | \$693,515,000          |
| TRANSPORTATION TRUST FUND (TTF) - REGULAR                           | \$94,734,140           |
| STATE GENERAL FUND (NON-RECURRING REVENUES)                         | \$0                    |
| STATE GENERAL FUND (DIRECT)   | \$0                    |
| INTER-AGENCY TRANSFER   | \$417,841,541          |
| MISC STATUTORY DEDICATIONS  | \$53,153,456           |
| COASTAL PROTECTION & RESTORATION FUND                               | \$277,821,418          |
| REAPPROPRIATED CASH   | \$13,622,939           |
| <b>SUB-TOTAL CASH</b>   | <b>\$1,770,287,516</b> |
| REVENUE BONDS   | \$185,875,000          |
| <b>SUB-TOTAL CASH &amp; REVENUE BONDS</b>                           | <b>\$1,956,162,516</b> |
| GENERAL OBLIGATION BONDS  |                        |
| PRIORITY 1  | \$1,548,376,100        |
| PRIORITY 2  | \$445,355,800          |
| PRIORITY 3  | \$0                    |
| PRIORITY 4  | \$0                    |
| <b>SUB-TOTAL PRIORITIES 1-4</b>                                     | <b>\$1,993,731,900</b> |
| PRIORITY 5  | \$1,943,550,000        |
| <b>SUB-TOTAL GENERAL OBLIGATION BONDS</b>                           | <b>\$3,937,281,900</b> |
| <b>BONDS NRP (Reallocated bond proceeds)</b>                        | <b>\$66,740,048</b>    |
| <b>TOTAL OF HB 2</b>  | <b>\$5,960,184,464</b> |
|   |                        |
| Cash Line of Credit Capacity Limit                                  | \$1,605,035,000        |
| Cash Line of Credit commitment for Priority 1 projects              | (\$1,548,376,100)      |
| <b>Cash Line of Credit Capacity amount available for Priority 2</b> | <b>\$56,658,900</b>    |

# House Legislative Services

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