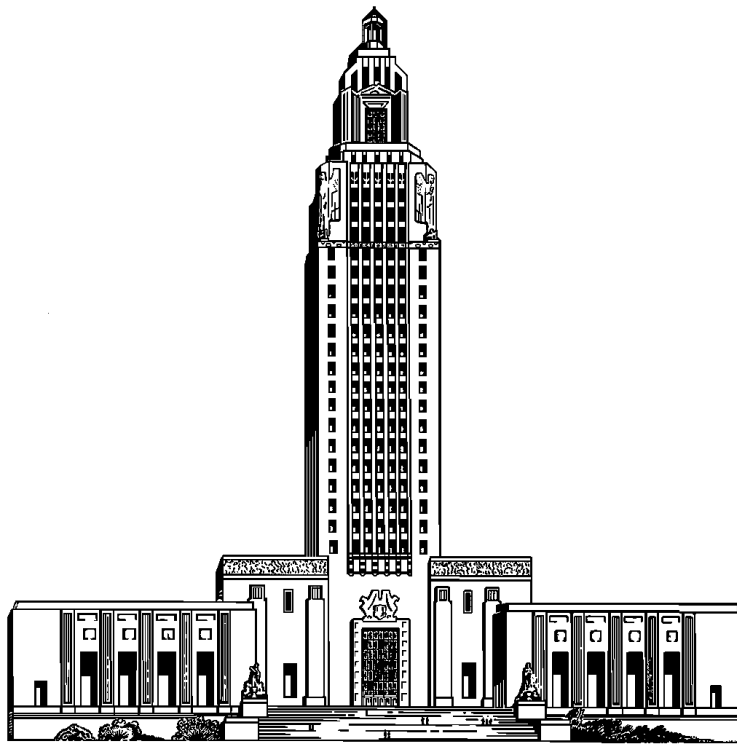


HIGHLIGHTS

of the
2015 Regular Session
of the
Louisiana Legislature



Prepared by:
House Legislative Services
July, 2015

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FIREARMS

HB 57 by Honore (*Last Action – Act No. 176*)

HB 67 by Cox (*Last Action – Act No. 288*)

Provides exceptions to the crime of illegal carrying of weapons for the legislative auditor, designated investigative auditors, retired district attorneys, and retired assistant district attorneys when they are qualified in the use of firearms by P.O.S.T.

HB 86 by Norton (*Last Action – House Committee*)

Would have created the crime of unlawfully supplying a child 12 years of age or younger with an Uzi submachine gun.

CONTROLLED SUBSTANCES

HB 149 by Badon (*Last Action – Act No. 295*)

SB 241 by Morrell (*Last Action – House Committee*)

Revises penalties for possession of marijuana. Provides for a breakdown of offenses for less than 14 grams and 14 grams or more. In both cases, provides misdemeanor penalties for first time convictions.

For offenses where the amount of marijuana possessed is 14 grams or less, provides penalties of a fine up to \$300, imprisonment in parish jail for not more than 15 days, or both.

For offenses where the amount of marijuana possessed is more than 14 grams, provides penalties of a fine up to \$500, imprisonment in the parish jail for not more than six months, or both.

Creates an offense for possession of marijuana in an amount of 2.5 pounds or more, but less than 60 pounds. This offense is a felony with penalties of imprisonment at hard labor for not less than two years, nor more than 10 years, and a fine of not less than \$10,000 nor more than \$30,000.

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Reduces the criminal penalties for second and subsequent convictions of possession of marijuana.

HB 72 by Mack (*Last Action – Act No. 373*)

Adds additional synthetic cannabinoids to Schedule I controlled dangerous substances.

Creates exceptions to the crimes of unlawful production, manufacturing, distribution, or possession of prohibited and hallucinogenic plant products for dietary supplements.

CRIMINAL PROCEDURE

HB 161 by T. Landry (*Last Action – Act No. 299*)

Provides that an offender may have more than one technical parole violation, and establishes penalties for second, third, and subsequent technical parole violations.

JUVENILE PROCEDURE

HB 82 by Chaney (*Last Action – House Committee*)

Would have provided that if a child is ordered to pay restitution as a condition of probation for the commission of a delinquent act and the child cannot personally make payment, the parents, tutor, guardian, or legal custodian of the child shall be liable for payment of the restitution. Would have authorized the court to waive payment of the restitution, or any part thereof, upon a finding of good cause.

HCR 117 by Chaney (*Last Action – Adopted*)

Directs the Children's Code Committee of the La. State Law Institute to study the issue of restitution in delinquency cases and to report its findings, including any recommendations for legislative changes, to the La. Legislature prior to the convening of the 2016 Regular Session

HCR 73 by Leger (*Last Action – Adopted*)

Requests the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include 17-year-olds.

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SEX OFFENSES

HB 139 by Hodges (*Last Action – Act No. 184*)

SB 117 by G. Smith (*Last Action – Act No. 256*)

Changes the name of "simple rape" to "third degree rape", "forcible rape" to "second degree rape", and "aggravated rape" to "first degree rape". Provides that any reference to the crime of "aggravated rape" is the same as a reference to the crime of "first degree rape", any reference to the crime of "forcible rape" is the same as a reference to the crime of "second degree rape", and any reference to the crime of "simple rape" is the same as a reference to the crime of "third degree rape".

Provides that any act in violation of the provisions of any rape statute (aggravated rape, forcible rape, or simple rape) committed on or after August 1, 2015, shall be referred to using the following new terminology: "first degree rape", "second degree rape", or "third degree rape", respectively.

Amends provisions in the Children's Code, the Code of Criminal Procedure, the Code of Evidence, and Titles 13, 14, 15, 40, and 48 of the La. R.S. of 1950 regarding juvenile court jurisdiction, procedure, and disposition, criminal procedure, criminal sentencing, sex offender registration and notification, diminution of sentence, parole, inmate participation in work-release programs, court costs, and medical testing to reflect this change in terminology.

Provides that this change in terminology does not alleviate any person arrested, convicted, or adjudicated delinquent of aggravated rape, forcible rape, or simple rape prior to the effective date of this change from any requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication.

SB 117 by G. Smith (*Last Action – Act No. 256*)

With regard to simple or third degree rape:

- (1) Amends the offense to provide that simple rape is a rape committed when the victim, whether male or female, submits under the belief that the person committing the act is someone known to the victim, other than the offender.
- (2) Expands the offense to provide that simple rape is committed when the offender acts without the consent of the victim.
- (3) Amends the penalties to require any term of imprisonment to be served at hard labor.

With regard to the crime of sexual battery:

- (1) Removes, as an element of the offense, the provision regarding consensual acts committed upon a victim who is not the spouse of the offender and who is under 15 years of age and at

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least three years younger than the offender.

- (2) Retains the provision which provides that sexual battery can occur when the victim has not yet attained the age of 15 and is at least three years younger than the offender.
- (3) Adds that the prohibited touching can occur directly or through clothing.

Creates the crime of misdemeanor sexual battery and does all of the following:

- (1) Defines the crime as the intentional touching of the breasts or buttocks of the victim by the offender, or of the offender by the victim, using any instrumentality or any part of the body of the offender, directly or through clothing, when the offender acts without the consent of the victim.
- (2) Provides penalties of a fine up to \$1,000, imprisonment for up to six months, or both.
- (3) Provides that the offender shall not be eligible to have his conviction set aside or prosecution dismissed.
- (4) Provides that the offender shall not be subject to any provisions of law that are applicable to sex offenders, including but not limited to any provision that requires registration of the offender or notice to the public.

NEW CRIMES

HB 153 by T. Burns (*Last Action – Act No. 187*)

Creates the crime of unlawful distribution of material harmful to minors through the internet, providing that any person or entity in La. that publishes material harmful to minors on the internet shall, prior to permitting access to such material, require any person attempting to access such material to acknowledge that the person is 18 years of age or older. Provides for penalties of a fine up to \$10,000.

Provides that if the person seeking to access such material is under the age of 18 and falsely acknowledges that he is 18 years of age or older, the person or entity in La. that publishes material harmful to minors on the internet and who complies with the requirements set forth in this new law shall not be held liable for this offense.

Provides certain exceptions for internet service providers, interactive computer service providers, and radio or television broadcast licensees of the Federal Communications Commission and for material that is bona fide news or public interest broadcast, website, video, report, or event. Provides that the provisions of this law do not affect the rights of any news-gathering organization.

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HB 489 by Stokes (*Last Action – Act No. 231*)

Creates the crime of nonconsensual disclosure of a private image and provides that a person commits this offense when all of the following occur:

- (1) The person intentionally discloses an image of another person who is 17 years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part.
- (2) The person obtained the image under circumstances in which a reasonable person would know or understand that the image was to remain private.
- (3) The person knew or should have known that the person in the image has not consented to the disclosure of the image.
- (4) The person has the intent to harass or cause emotional distress to the person in the image, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image.

Provides penalties that include a fine of up to \$10,000, imprisonment for up to two years, or both.

Provides that disclosure of the image under any of the following circumstances does not constitute commission of the offense:

- (1) When the disclosure is made by any criminal justice agency for the purpose of a lawful criminal investigation.
- (2) When the disclosure is made for the purpose of, or in connection with, the reporting of unlawful conduct to law enforcement or a criminal justice agency.
- (3) When the person depicted in the image voluntarily or knowingly exposed his or her intimate parts in a public setting.
- (4) When the image is related to a matter of public interest, public concern, or related to a public figure who is intimately involved in the resolution of important public questions, or by reason of his fame shapes events in areas of concern to society.

Provides that this law shall not be construed to impose liability on providers of any of the following services for content provided by another person: interactive computer service, information service, or telecommunications service which shall have the same meaning as in federal law (47 U.S.C. 153 and 230).

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DOMESTIC VIOLENCE

HB 722 by Billiot (*Last Action – Act No. 85*)

Regarding the Domestic Abuse Assistance Act:

- (1) Clarifies that domestic abuse may include a non-physical offense as defined in the Criminal Code.
- (2) Adds dating partners as possible victims of domestic abuse and provides that the term "dating partners" shall have the same meaning as provided in the Protection From Dating Violence Act (R.S. 46:2151 et seq.).
- (3) Requires a court to consider any and all past history of abuse, or threats thereof, in determining the level of danger during a proceeding for a temporary restraining order, and provides that there is no requirement that the abuse itself be recent, immediate, or present.
- (4) Allows a court to grant a protective order or approve a consent agreement to cease the threat of domestic abuse.

Provides that the duties of law enforcement officers relative to situations in which a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order shall also apply for violations of orders or injunctions issued to protect a victim of stalking pursuant to the Protection from Stalking Act (R.S. 46:2171 et seq.).

HB 841 by Lopinto (*Last Action – Act No. 439*)

Amends "Gwen's Law" to provide as follows:

- (1) Authorizes, instead of requires, a contradictory bail hearing when a defendant is in custody charged with the commission of domestic abuse battery, violation of a protective order, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's household member, family member, or dating partner.
- (2) Requires any contradictory hearing in this regard to be held within five days from the date of determination of probable cause, exclusive of weekends and holidays, to determine conditions of bail or whether the defendant should be held without bail pending trial. If the court decides not to hold a contradictory hearing, it shall notify the prosecuting attorney prior to setting bail.
- (3) Following a contradictory hearing and based upon the judge's or magistrate's review of certain factors, authorizes the judge or magistrate to order that the defendant be held without

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bail pending trial upon proof by clear and convincing evidence that the defendant may flee or that the defendant poses an imminent danger to any other person or the community.

- (4) In making this determination or in determining the conditions of bail, requires the court to consider the criminal history of the defendant; any potential threat or danger the defendant poses to the victim, the family of the victim, or to any member of the public, especially children; and documented history or records (including sworn affidavits, police reports, or medical records) of substance abuse by the defendant, threats of suicide by the defendant, the defendant's use of force or threats of use of force against any victim, strangulation, forced sex, or controlling the activities of any victim by the defendant, and threats to kill.
- (5) If the judge or magistrate determines that the defendant shall be released on bail, requires the judge or magistrate to comply with the provisions of law regarding release on bail for a defendant charged with stalking or an offense against the defendant's family or household member or dating partner, as applicable.
- (6) Requires the court to consider the possibility of requiring the defendant to be placed under active electronic monitoring and house arrest.

HB 842 by Moreno (*Last Action – Act No. 440*)

Expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members as possible victims. Defines "family member" and amends the definition of "household member" for the crimes of domestic abuse battery and domestic abuse aggravated assault.

Amends the definition of "court-monitored domestic abuse intervention program" to require that the 26 in-person sessions occur over a minimum of 26 weeks.

Expands the crime of stalking to specifically include written threats.

Relative to the crime of violation of protective orders:

- (1) Increases the maximum term of imprisonment from six months to two years for a third or subsequent conviction for an offense that does not involve a battery or crime of violence against the person protected by the protective order. Further provides that the sentence shall be served with or without hard labor.
- (2) Increases the maximum term of imprisonment from six months to two years and increases the minimum mandatory sentence from 14 days to 30 days for a second conviction that involves a battery or crime of violence against the person protected by the protective order. Further provides that the sentence shall be served with or without hard labor.

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- (4) Amends all references of "court-approved domestic abuse counseling program" to provide that the offender shall participate in a "court-monitored domestic abuse intervention program" as defined in the crime of domestic abuse battery.

Expands the prohibition on the possession of firearms for the duration of a permanent injunction or protective order to any person against whom a protective order or permanent injunction was issued pursuant to a court-approved consent agreement, pursuant to the Protection from Stalking Act, or as a condition of release on bail for an offense against a family or household member or dating partner.

Requires the La. Bureau of Criminal Identification and Information to obtain and file the name, fingerprints, description photographs, and any other pertinent identifying data of any person who has been arrested, or has been issued a summons and subsequently convicted, for a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against any family member or household member.

When instituting the prosecution of an offense involving the use of force or a deadly weapon against any family member or household member, requires the prosecutor to include the following information in the indictment, information, or affidavit: date of the offense and the state identification number of the defendant if one has been assigned to the defendant for this offense or for any prior offenses. Provides that the failure to comply with these provisions shall not constitute grounds for a motion to quash.

SB 27 by Broome (*Last Action – Act No. 151*)

Prohibits the expungement of records of all misdemeanor and felony convictions of domestic abuse battery regardless of whether the conviction was set aside or dismissed.

MISCELLANEOUS

SB 36 by Amedee (*Last Action – Act No. 242*)

Creates the Protection for Victims of Sexual Assault Act within the Protection from Family Violence Act and does all of the following:

- (1) Provides that victims of "sexual assault", defined as any nonconsensual sexual contact including but not limited to any act of obscenity or any act for which an offender is required to register as a sex offender, are eligible to receive all services, benefits, and other forms of assistance provided to victims of domestic abuse, dating violence, human trafficking, and stalking under the Protection from Family Violence Act.
- (2) Provides that a showing by a sexual assault victim that he or she is or has been a victim of sexual assault shall constitute good cause for purposes of obtaining a temporary restraining

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order in an ex parte proceeding.

- (3) Authorizes "sexual assault advocates", as defined by proposed law, to provide clerical assistance to sexual assault victims in making an application for a protective order.
- (4) Provides relative to the disclosure of privileged communications and records relating to privileged communications maintained by a sexual assault center, and defines "privileged communications" and "sexual assault center".

If an order is issued against a defendant as part of a bail restriction for the purpose of preventing sexual assault, this new law requires the judge to prepare a Uniform Abuse Prevention Order and the clerk of the issuing court to transmit the order to the La. Protective Order Registry. Provides that if an order is issued against a defendant as part of a bail restriction for the purpose of preventing sexual assault, the court may order that the defendant be prevented from possessing a firearm for the duration of the order.

Provides that willful disobedience of temporary restraining orders or protective orders issued pursuant to the Protection for Victims of Sexual Assault Act shall constitute the crime of violation of protective orders.

Expands the authority of hearing officers to authorize the officer to hear and make recommendations on all protective orders filed in accordance with the Protection from Stalking Act (R.S. 46:2171 et seq.) and the Protection for Victims of Sexual Assault Act (R.S. 46:2181 et seq.).

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

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BOARDS AND COMMISSIONS

HB 269 by Anders (*Last Action – Act No. 198*)

Grants any department, board, or commission authorized under the Dept. of Agriculture and Forestry the authority to deny, revoke, or not renew a license, permit, certification, registration, or certificate if the applicant owes fees, fines, taxes, deficiency assessments, or civil penalties.

HB 310 by Mack (*Last Action – Act No. 318*)

Adds persons, including out-of-state distributors, who label, sell, offer, or handle for sale in, or distribute for sale in La., agricultural, vegetable, or flower seeds or other propagating stock of one pound or more in weight within La. to the list of persons who are required to register in La. with the La. Agricultural Chemistry and Seed Commission as seed dealers. Increases the seed dealer license fee from \$100 to \$200.

HB 760 by Fannin (*Last Action – Act No. 428*)

Restructures the makeup of the Louisiana Beef Industry Council from an 11-member board to a nine-member board as follows: (1) three cattle producer members appointed by the La. Cattlemen's Association, (2) two representatives of the La. Livestock Auction Markets Association, (3) three cattle producer representatives appointed by the La. Farm Bureau Federation, and (4) one cattle producer member appointed by the Cattle Producers of La. Staggers the initial appointments to the board in one, two, and three-year terms with all subsequent appointments being three-year terms. Prohibits more than two consecutive terms. Specifies that the initial appointments commence on August 17, 2016.

Removes the 50¢ state assessment on each head of cattle sold within the state and any references to the state assessment in present law.

———— Agriculture, Forestry, Aquaculture & Rural Development

SCHOOLS

HB 275 by Guinn *(Last Action – Act No. 311)*

Prohibits the application of any herbicide, rodenticide, insecticide, or restricted use pesticide in pre-kindergarten classes unless applied by a certified commercial applicator. Requires each city, parish, or other local public school board to submit a single comprehensive integrated pest management plan for all schools under its jurisdiction.

HB 730 by Woodruff *(Last Action – House Committee)*

Would have created the "Louisiana Farm to School Act" for local farmers to provide food to public schools. It would have mandated the Dept. of Agriculture and Forestry to establish and maintain a publically available database containing information about farmers interested in providing schools with locally produced or harvested food and information about schools interested in purchasing locally produced and harvested food. Defined "local" to mean grown, harvested, and distributed within 400 miles of the school or within the state of Louisiana.

It would have authorized the Dept. of Education and any other governing authority of a child nutrition program to use simplified acquisition procedures for small purchases up to the federal small purchase threshold. It would have required the superintendent or his designee to determine the lowest responsive and responsible bidder and to report purchases under this program to the school governing authority in a public meeting.

ANIMALS

HB 358 by Schroder *(Last Action – Act No. 216)*

Grants the state veterinarian the ability to quarantine any animal used for research until the disease has abated. Requires the state veterinarian to consult with federal officials and agencies before the order is given, and mandates that the order to quarantine is based upon an epidemiological evaluation of the current risk of introduction or spread of disease.

HB 847 by Carmody *(Last Action – Act No. 365)*

Requires an applicant applying for an initial or renewal kennel license to provide their Class A or Class B animal dealer's license number issued by the U.S. Dept. of Agriculture, their sales tax identification number, or the reason why the applicant is not required to have either to the governing body of the parish or municipality that issues the initial or renewal license.

Agriculture, Forestry, Aquaculture & Rural Development _____

URBAN AGRICULTURE INCENTIVE ZONE

HB 761 by Woodruff *(Last Action – Act No. 429)*

Establishes the ability for urban areas with a population of at least 45,000 people to create urban agriculture incentive zones. Requires qualifying political subdivisions that want to establish urban agriculture incentive zones to have a public hearing and establish by ordinance an urban agriculture incentive zone within its boundaries for the purposes of entering into enforceable contracts with landowners, on a voluntary basis, for the use of vacant, unimproved, or blighted lands for agricultural use.

It allows any political subdivision that has established an urban agriculture incentive zone to adopt rules and regulations consistent with zoning and other relevant ordinances or local laws for the implementation and administration of the urban agriculture incentive zone and the contracts related thereto. Allows a political subdivision to impose a fee upon contracting landowners for the reasonable costs of implementation and administering contracts. Requires the political subdivision to impose a fee and guidelines related to cancellation of any contract prior to the expiration of the contract.

It mandates that each contract include certain information relative to contract term, property size, commercial or noncommercial status, a dwelling prohibition, and cancellation fee.

Allows the landowner under contract to have the land subject to the contract taxed as bona fide agricultural land instead of residential or commercial property.

DRONES

SB 183 by Thompson *(Last Action – Act No. 166)*

Regulates unmanned aerial systems in agricultural commercial operations. Authorizes the commissioner of the Dept. of Agriculture and Forestry to adopt rules for the regulation of unmanned aerial systems used in the course of commercial agricultural operations.

Requires each person operating an unmanned aerial system for commercial agricultural operation to obtain a license from the Dept. of Agriculture and Forestry upon meeting the following requirements: (1) submit a written application to the department as provided by the commissioner and (2) prior to applying for a license, the applicant must complete an agricultural education and safety training course administered by the La. cooperative extension service and comply with any other licensing requirements established by the commissioner. Mandates that each unmanned aerial system operated in the course of a commercial agricultural operation register with the department and that the license is only valid for three years, but may be renewed for additional three-year periods in accordance with rules adopted by the commissioner.

APPROPRIATIONS

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APPROPRIATION BILLS

HB 1 by Fannin (*Last Action – Act No. 16; Five line item vetoes*)

[Veto Message](#)

GENERAL APPROPRIATION BILL			
	Existing Operating Budget 12/1/15	House Bill 1 Enrolled	Difference
State General Fund	\$8,299,155,544	\$8,369,595,745	\$70,440,201
Interagency Transfers	\$1,223,002,455	\$1,220,608,543	(\$2,393,912)
Fees and Self-generated Rev.	\$2,406,425,787	\$2,185,599,378	(\$220,826,409)
Statutory Dedications	\$3,174,483,097	\$2,951,335,631	(\$223,147,466)
Interim Emergency Bd.	\$243,452	\$0	(\$243,452)
Federal Funds	\$9,969,121,482	\$9,739,833,725	(\$229,287,757)
TOTAL	\$25,072,431,817	\$24,466,973,022	(\$605,458,795)

The Preamble to the General Appropriation Bill provides that supplementary budget recommendations (which total \$747 million) shall become effective in the event that HB Nos. 119, 218, 402, 445, 466, 549, 555, 624, 629, 635, 779, 805, 829, or 833 or House Concurrent Resolution Nos. 8 or 15 of the 2015 Regular Session of the Louisiana Legislature is enacted into law or the official forecast for Fiscal Year 2015-2016 is revised to incorporate additional State General Fund (Direct) revenues above the May 14, 2015, official forecast of revenues available for appropriation. In the event that the official forecast of revenues available for appropriation are insufficient to fully fund all supplementary items, these supplementary items shall be reduced on a pro rata basis.

The Preamble also provides that the commissioner of administration shall make reductions of at least \$18.8 million in SGF from budget units within HB 1. Such adjustments shall include \$10 million from the total dollar value of contracts, \$4.8 million based on historical spending patterns (excluding DHH and Higher Education), and \$4 million from funded vacant positions (excluding DHH and Higher Education).

Appropriations

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

EXECUTIVE DEPARTMENT

Total Funding	\$	2.3 billion
Executive Office of the Governor	\$	9.9 million
Office of Indian Affairs	\$	1.3 million
Office of the Inspector General	\$	1.9 million
Mental Health Advocacy Service	\$	3.4 million
Louisiana Tax Commission	\$	4.3 million
Division of Administration	\$	478.2 million
Office of Coastal Protection and Restoration	\$	157.4 million
Homeland Security and Emergency Preparedness	\$	1.3 billion
Department of Military Affairs	\$	105.5 million
Louisiana Public Defender Board	\$	33.4 million
Louisiana Stadium and Exposition District	\$	88.0 million
Louisiana Commission on Law Enforcement	\$	32.6 million
Office of Elderly Affairs	\$	44.4 million
Louisiana State Racing Commission	\$	12.5 million
Office of Financial Institutions	\$	13.3 million

In the figures above, funding for disaster recovery efforts account for \$ 1.6 billion

In the figures above, funding for various parish councils on aging and senior centers account for \$ 9.8 million

VETERANS AFFAIRS

Total Funding	\$	62.0 million
Funding for all five state War Veterans Homes	\$	53.7 million
Funding for startup operating costs associated with the new Northeast LA cemetery in Rayville, LA scheduled to open January 2016	\$	152,483

SECRETARY OF STATE

Total Funding	\$	81.6 million
Provides funding for Presidential Preference Primary	\$	3.3 million
Supplementary Funding:		
Provides funding for Voter Outreach Services	\$	355,585

Appropriations

Provides funding for Registrar of Voters vacancies	\$	997,000
Provides funding for Museums and Other Operations	\$	1.7 million
DEPARTMENT OF JUSTICE/OFFICE OF THE ATTORNEY GENERAL		
Total Funding	\$	70 million
LIEUTENANT GOVERNOR		
Total Funding	\$	7.1 million
Funding for the Lieutenant Governor's Grants Program	\$	5.7 million
CULTURE, RECREATION & TOURISM		
Total Funding	\$	89.0 million
Includes Supplementary Funding of	\$	7.8 million
Funding for the NOLA Motorsports Park for Indy Car	\$	150,000
Allocates funding for the State Arts Grant	\$	1,500,000
State Aid to Public Libraries	\$	300,000
Provides funding for CODOFIL	\$	300,000
Provides funding for the Bayou Classic	\$	250,000
STATE TREASURER		
Total Funding	\$	10.4 million
Funding for the Administrative Program	\$	4.4 million
Funding for the Financial Accountability and Control Program	\$	3.5 million
Funding for the Debt Management Program	\$	1.1 million
Funding for the Investment Management Program	\$	1.4 million
PUBLIC SERVICE COMMISSION		
Total Funding	\$	8.9 million
AGRICULTURE & FORESTRY		
Total Funding	\$	75.5 million
Includes Supplementary Funding of	\$	3.9 million
Funding for the Agricultural and Environmental Sciences Program	\$	19.9 million
Funding for Animal Health and Food Safety Program	\$	10.7 million
Funding for the Agro-Consumer Services Program	\$	7.0 million
Funding for the Forestry Program	\$	14.2 million

Appropriations

DEPARTMENT OF INSURANCE

Total Funding \$ 30.6 million

ECONOMIC DEVELOPMENT

Total Funding \$ 40 million

Funding for the Office of the Secretary \$ 19.7 million

Funding for the Office of Business Development \$ 20.3 million

Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1) \$ 1.4 million

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

Funding for state economic competitiveness bench marking, planning, and research initiatives \$ 1.7 million

Funding for the FastStart workforce development program \$ 9.6 million

TRANSPORTATION AND DEVELOPMENT

Total Funding (Operations) \$ 575.7 million

Funding for the Operations Program for operation and maintenance of the state's highway system \$ 389.4 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 \$ 25.8 million

Funding for heavy equipment replacements in the Operations Program utilized for highway maintenance \$ 22.2 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

PUBLIC SAFETY AND CORRECTIONS

Total Funding \$ 1.073 billion

Public Safety Services

Total Funding \$ 446.4 million

Funding for a State Trooper cadet class \$ 5.0 million

Funding for a State Police Pay Raise \$ 35.0 million

Appropriations

Corrections Services

Total Funding	\$	508.6 million
Local Housing of Adult State Inmates	\$	125.8 million
Adult Work Release Program	\$	19.3 million
Local Reentry Services	\$	9.2 million
Local Housing of state parolees awaiting a revocation hearing	\$	7.0 million

Youth Services

Total Funding	\$	115.2 million
Local Housing of Juvenile Offenders	\$	2.8 million
Provides funding to open the Acadiana Center for Youth	\$	3.5 million

HEALTH AND HOSPITALS

Total Funding	\$	9.7 billion
Includes Supplementary Funding of	\$	258 million

Medicaid

Total Funding	\$	8.4 billion
Including:		
Funding for Bayou Health payments	\$	3.3 billion
Funding for home and community based waivers	\$	581 million
Funding for the Louisiana Behavioral Health Partnership	\$	432 million
Funding for public/private partnerships	\$	1.3 billion

Aging and Adult Services

Total Funding	\$	48 million
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Public Health

Total Funding	\$	324 million
CDBG for Federally Qualified Health Centers	\$	6 million

Behavioral Health

Total Funding	\$	224 million
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Developmental Disabilities

Total Funding	\$	143 million
Funding for the Louisiana Assistive Technology		
Access Network	\$	250,000
Early Steps	\$	500,000

Districts and Authorities

Total Funding	\$	189 million
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Appropriations

Other DHH

Funding for Families Helping Families Centers \$ 170,000

HEALTH CARE SERVICES DIVISION

Total Funding \$ 79.6 million

Includes Supplementary Funding of \$ 6.3 million

Funding for legacy costs for the hospitals from the public-private partnerships \$ 31.1 million

CHILDREN AND FAMILY SERVICES

Total Funding \$ 717.5 million

Temporary Assistance for Needy Families (TANF) Initiatives

Funding for FY 14-15 \$ 106.0 million

Funding for FY 15-16 \$ 108.9 million

FY15-16 TANF Initiatives:

Community Supervision programs \$ 810,000

Jobs for America's Graduates (JAGS) \$ 2.7 million

Family Violence \$ 2.4 million

CASA \$ 4.0 million

Drug Courts \$ 5.4 million

CPI/Family Services \$ 12.2 million

Nurse Family Partnership \$ 2.9 million

Homeless Initiative \$ 637,500

Emergency Assistance \$ 6.4 million

LA 4 \$ 67.5 million

Non-medical substance abuse assessment \$ 2.8 million

Abortion Alternatives \$ 1.3 million

Fatherhood Initiative \$ 49,900

TOTAL \$ 108.9 million

Funding for the Child Welfare Program \$ 233.3 million

Funding for the Temporary Assistance to Needy Families (TANF) Program \$ 147.6 million

Funding for the Supplemental Nutrition Assistance Program (SNAP) \$ 108.9 million

Funding for the Child Support Enforcement Services Program \$ 70.5 million

Funding for the Disability Determination Services Program \$ 45.2 million

Funding for the Transformation Project to transform the service delivery of Children and Family Services to allow clients multiple ways to apply for assistance \$ 21.5 million

Appropriations

NATURAL RESOURCES

Total Funding	\$	72.8 million
Funding for the Oil and Gas Regulatory Program	\$	20 million
Funding for the Mineral Resources Management Program	\$	11.5 million
Funding for the Coastal Management Program	\$	8.1 million
Funding for the Oilfield Site Restoration projects	\$	7.6 million
Funding for Energy Efficiency projects	\$	9.6 million

DEPARTMENT OF REVENUE

Total Funding	\$	96.1 million
Office of Charitable Gaming program initiatives	\$	450,000

ENVIRONMENTAL QUALITY

Total Funding	\$	114.7 million
Funding to the Rural Water Association to provide technical assistance to rural water systems throughout the state	\$	460,700
Funding for the Motor Fuels Underground Storage Tank activity to reimburse Response Action Contractors of eligible leaking underground storage tanks	\$	17.2 million
Funding for the Waste Tire Program for payments to permitted processors for proper disposal of collected waste tires to authorized end use markets	\$	9.6 million
Funding for the Hazardous Waste Site activity	\$	1.4 million

LOUISIANA WORKFORCE COMMISSION

Total Funding	\$	286.9 million
Provides funding for Vocational Rehabilitation	\$	35.5 million
Provides funding for small businesses and pre-employment training for workers through the Incumbent Worker Training Program	\$	26.7 million

WILDLIFE AND FISHERIES

Total Funding	\$	175.0 million
Federal Funding for wildlife restoration research	\$	15.0 million
Funds from British Petroleum for a fisheries monitoring program	\$	4.2 million
Funds for aquatic weed control (\$6.0 million from the Conservation Fund, \$1.5 million from Federal Funds, and \$400,000 from the Aquatic Plant Control Fund)	\$	7.9 million

Appropriations

Funds from the Conservation Fund and matching Federal Funds in the Wildlife Program for Wildlife Management Areas	\$	5.0 million
Funds from the Saltwater Fish Research Conservation Fund (\$7.50 saltwater fishing license increase) for research related to saltwater fish species	\$	2.0 million

CIVIL SERVICE

Total Funding	\$	20 million
Funding to State Civil Service to administer a comprehensive merit-based personnel management program to state agencies	\$	11.9 million
Funding for the operations of the State Examiner to administer the Municipal Fire and Police Civil Service System for 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 to administer a separate merit system for the commissioned officers of Louisiana State Police	\$	504,332
Funding to the Board of Tax Appeals to conduct hearings between taxpayers and the Department of Revenue	\$	926,013

HIGHER EDUCATION

Total Funding	\$	2.63 billion
Includes Supplementary Funding of	\$	604 million

The supplementary funding includes \$574 of base funding to restore cuts and additional funding for Health Sciences Center Shreveport (\$31,100,000), La Community and Technical Colleges Board of Supervisors (\$5,000,000), Southern Board of Supervisors (\$4,500,000), Pennington (\$4,000,000), Health Sciences Center Shreveport Legacy Costs (\$3,760,000), Supervisors (\$5,000,000), Southern Board of Supervisors (\$4,500,000), Pennington (\$4,000,000), Health Sciences Center New Orleans (\$2,990,000), and Grambling (\$2,000,000).

Funding for legacy costs from the public/private partnerships equals \$19.6 million of which \$3.76 million is supplementary funding.

The total funding for Higher Education represents an overall increase of \$9,966,881 compared to Existing FY 14-15.

Funding for LaGRAD Act tuition increase after amendments	\$	36.5 million
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Appropriations

Funding for the Taylor Opportunity Program for Students \$ 34.3 million
funding is appropriated at \$284 million (\$219 million
State General Funds and \$65 million Statutory Dedications).

Budget Authority for the Workforce and Innovation for a
Stronger Economy (WISE) Initiative from Interagency
Transfers (IAT) from the Division of Administration's
Community Development Block Grant Program. \$ 24 million

There are no State General Funds appropriated for the WISE Program. The \$24 million represents \$12 million of new IAT budget authority and \$12 million of residual budget authority from the current fiscal year.

SPECIAL SCHOOLS AND COMMISSIONS

Total Funding \$ 90.9 million

ELEMENTARY AND SECONDARY EDUCATION

Total Funding \$ 5.3 billion

Includes Supplementary Funding for the MFP of \$ 18.8 million

Minimum Foundation Program \$ 3.6 billion

The Legislature failed to approve HCR No. 18 of the 2015 Regular Session. Therefore, the FY 15-16 Minimum Foundation Program will revert to SCR No. 55 of the 2014 Regular Session, the last formula adopted by BESE and approved by the Legislature. SCR No. 55 provides a Base Per Pupil Amount of \$3,961 for a total enrollment of 690,841 students.

The Legislature appropriated \$3.6 billion for the FY 15-16 MFP – \$3.4 billion SGF and \$267 million Statutory Dedicated Funds. The additional \$84.8 million for FY 15-16 includes the following:

- \$40.5 million for student growth
- \$5.4 million for High Cost Services providing high-cost special education services for students with disabilities
- \$2.6 million for Supplemental Course Allocation providing funds for dual enrollment courses
- \$36.2 million to sustain teacher pay raises provided in FY 13-14

LA4

The LA4 Early Childhood Program is appropriated \$76.9 million
and currently serves approximately 16,300 four-year-olds \$ 76.9 million

Appropriations

Student Scholarships for Educational Excellence Program (SSEEP)

The Student Scholarships for Educational Excellence Program will enter its fourth year of statewide scholarships at standstill funding

\$ 42.1 million

OTHER REQUIREMENTS

Total Funding \$ 779.3 million

Funding for local housing of state adult offenders and state juvenile offenders \$ 164.0 million

Funding for debt service payments for Corrections, Higher Education, Louisiana Economic Development, and the Division of Administration \$ 206.2 million

Funding for supplemental pay to law enforcement personnel \$ 124.0 million

Funding for parish transportation to local government \$ 46.4 million

Funding for sales tax dedications to local government \$ 44.8 million

Provides funding to local government from Video Draw Poker \$ 44.3 million

Funding for District Attorneys and Assistant District Attorneys \$ 33.2 million

State Aid To Local Government Entities \$ 10.9 million

Agriculture and Forestry - Pass Through Funds \$ 9.2 million

No funding for judgments \$ 0.0 million

HB 663 by Fannin - Ancillary Appropriations *(Last Action – Act No. 46)*

The Ancillary Appropriations Bill consists of 12 budget units from five different departments, which assist state agencies in achieving their goals through the provision of needed services. 90% of the bill's total funding is for three agencies - the Office of Group Benefits, the Office of Technology Services, and the Office of Risk Management. This year, the Office of State Procurement and Office of State Human Capital Management were also added to the bill. The bill appropriates total funding of \$2.2 billion as follows: \$554 million through Interagency Transfers, \$1.5 billion from Fees and Self-Generated Revenues, and \$121 million from Statutory Dedications. Appropriations to the budget units are as follows:

Office of Group Benefits \$ 1,461,073,794

Office of Risk Management \$ 187,560,093

Louisiana Property Assistance Agency \$ 5,981,970

Louisiana Federal Property Assistance Agency \$ 3,180,338

Prison Enterprises \$ 34,579,048

Office of Technology Services \$ 315,944,706

Division of Administrative Law \$ 7,362,594

Office of State Procurement \$ 9,500,022

Appropriations

Office of State Human Capital Management	\$ 24,993,755
Office of Aircraft Services	\$ 1,972,078
Clean Water State Revolving Fund	\$ 85,000,000
Safe Drinking Water Revolving Loan Fund	<u>\$ 34,000,000</u>
Total funding	\$ 2,171,148,398

HB 791 by Kleckley - Legislative Expense Act (*Last Action – Act No. 76*)

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$73,352,811 from the state general fund for FY 2015-2016 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	<u>\$ 73,352,811</u>

HB 801 by Fannin - Judicial Expense Act (*Last Action – Act No. 66*)

Appropriates funds for FY 2015-2016 for the ordinary operating expenses of the judicial branch of government with total funding of \$179,603,192 from the following sources: \$159,838,908 out of the State General Fund (Direct); \$9,392,850 through interagency transfers from the Dept. of Children and Family Services; and, \$10,371,434 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

Louisiana Supreme Court	\$ 83,871,836
Courts of Appeal	\$ 46,577,636
District Courts	\$ 37,451,14
Criminal Court, Parish of Orleans	\$ 6,374,57
Juvenile and Family Courts	\$ 2,553,44
Other Courts (Required by Statute)	\$ 3,062,05
Other Courts (Not Required by Statute)	\$ 743,487
Non-Judicial State Expenses	<u>\$ 2,029,839</u>
TOTAL	<u>\$ 182,664,006</u>

Appropriations

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

HB 800 by Fannin - Supplemental Appropriations *(Last Action – Act No. 56)*

Provides for net changes in general, ancillary, and capital outlay appropriations for Fiscal Year 2014-2015 as follows:

State General Fund (Direct)	\$	88,705,499
Interagency Transfers	\$	1,179,304
Fees & Self-generated Revenues	\$	30,688,793
Statutory Dedications	(\$	14,524,243)
Federal Funds	(\$	34,316,164)

Note: Decreases are noted with parentheses "(").

Appropriates \$133,883,673 out of the State General Fund from the FY 2013-2014 surplus.

Provides for an extension of cooperative endeavor agreements for certain projects through December 31, 2015, and June 30, 2016.

SPECIAL FUNDS

HB 566 by Fannin *(Last Action – Act No. 121)*

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:

- \$121 million from various sources into the Overcollections Fund.
- \$25.9 million from the La. Lottery Corp. into the Lottery Proceeds Fund.
- \$28.5 million from various funds into the State General Fund.
- \$44.6 million of nonrecurring revenues from the FY 2013-2014 surplus into the Budget Stabilization Fund.
- \$2.5 million from the La. Fire Marshal Fund and \$3.5 million from the Video Draw Poker Device Fund into the State General Fund.
- \$2.5 million from the Department of Justice Legal Support Fund into the New Orleans Public Safety Fund.
- \$200 thousand from the State General Fund into the Louisiana Emergency Response Network Fund.

Appropriations

- Transfers of monies between funds in the Department of Public Service.

The bill creates the New Orleans Public Safety Fund and the Sickle Cell Fund as special treasury funds.

The bill makes changes relative to deposits and uses of the Rapid Response Fund, the Insurance Verification System Fund, and the Debt Recovery Fund.

HB 523 by Schroder (*Last Action – House Committee*)

HB 762 by Talbot (*Last Action – House Committee*)

The total budget for Fiscal Year 2015-2016 is \$28.5 billion. There are approximately 300 constitutional and statutorily dedicated funds with appropriations of approximately \$3.6 billion. There are also \$6 billion of additional funding mandates that require the total budget to be spent in a specific way.

HB 523 would have eliminated certain *constitutional* dedications and funding mandates. The bill would have directed the revenues previously going to the dedications to the State General Fund.

HB 762 would have eliminated certain *Statutory* Dedications and directed the revenues previously going to the dedications to the State General Fund.

HB 386 by Leger (*Last Action – Act No. 396*)

Current law provides for the deposit of state revenues into the Deepwater Horizon Economic Damages Collection Fund from the state's economic damages claims associated with the Deepwater Horizon oil spill of 2010 once deposits are made to the Budget Stabilization Fund, the Medicaid Trust Fund for the Elderly, and the Health Trust Fund.

This bill dedicates interest earned on deposits in the Deepwater Horizon Economic Damages Collection Fund to the Board of Regents, to be distributed to the state's postsecondary institutions according to the funding formula and to independent institutions of higher learning in the state for educating Louisiana residents.

PUBLIC CONTRACTS AND PROCUREMENT

HB 30 by Richard (*Last Action – Act No. 87*)

The bill establishes, for FY 2015-2016 through 2017-2018, 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

Appropriations

(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 137 by Havard (*Last Action – Vetoed by Governor*)



[Veto Message](#)

The bill creates the Privatization Review Act. State agencies have 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.

HB 376 by Harris (*Last Action – Act No. 395*)

The bill requires a process for state agencies to notify the Board of Regents of federal grants that the agency is administering prior to initiating a request for proposals for a contract that will be funded only with federal dollars. The Board of Regents will develop a procedure for notifying public and private higher education institutions in the state of contract opportunities and determine if the contract services can be performed by employees or students of the higher education institutions.

BUDGETARY CONTROLS

HB 617 by Jim Morris (*Last Action – House Committee*)

In an effort to address "fund sweeps", in which monies from one fund are transferred to another fund, this constitutional amendment would have prohibited the transfer or removal of monies from any fund for purposes other than those provided for by constitutional or statutory law.

HB 562 by Havard (*Last Action – Senate Committee*)

This bill would have required the Revenue Estimating Conference (REC) to designate any state general fund (direct) in excess of 90% of the prior year's highest actual price per barrel of oil used in the forecast as restricted. Any proposals by the governor to appropriate the restricted revenue would have to have been itemized and projected separate and apart from the recommendations in the Executive Budget.

HB 571 by Lambert (*Last Action – House Committee*)

This bill would have restricted Executive Budget recommendations and appropriations by the legislature to 98% of the official forecast of recurring State General Fund (Direct).

SB 51 by Crowe (*Last Action – House Committee*)

SB 63 by Crowe (*Last Action – House Committee*)

Currently, the constitution and statutes provide for a procedure to eliminate a projected deficit including the transfer of up to 5% of the amount appropriated from State General Fund and dedicated funds. This constitutional amendment and enabling legislation would have allowed such transfer in the event of a decrease in federal revenues.

BUDGET FORMAT AND PROCESS

HB 500 by Geymann (*Last Action – House Committee*)

This bill would have provided a procedure for the House of Representatives to recommend a state operating budget in addition to and separate from the operating budget recommended by the governor. Standing committees of the House of Representatives would have met to discuss the budget requests submitted by each budget unit and recommended a funding level to the House Committee on Appropriations. The recommendations of the standing committees would have been incorporated into the Appropriations Committee recommendation of the Executive Budget. The House Committee on Appropriations also would have caused to be introduced an Appropriations Committee recommended appropriation bill in conformity with the Appropriations Committee recommendation of the Executive Budget.

HB 646 by Harrison (*Last Action – Senate Committee*)

SB 222 by Donahue (*Last Action – Act No. 169*)

HB 758 by Jay Morris (*Last Action – Failed to Pass/House*)

These bills provide for procedures to forecast tax expenditures.

HB 646 and SB 222 define "incentive expenditures" as reductions and payments from tax collections related to a specific list of tax expenditures (exemptions, credits, rebates, etc.). The bills require the Revenue Estimating Conference (REC) to establish a forecast of each of the incentive expenditures named in the bill beginning in Fiscal Year 2016-2017.

HB 758 would have defined "tax expenditure program" as any tax credit or rebate authorized in law. The bill would have required the departments that grant or administer each tax credit or rebate to provide monthly reports to REC regarding the estimated expenditures of each tax credit or rebate. The bill would also have required the Executive Budget and the General Appropriation Bill to contain an appropriation for each tax expenditure program.

Appropriations

TRANSPORTATION FUNDING

SB 122 by Adley (*Last Action – Act No. 257*)

SB 221 by Adley (*Last Action – Act No. 275*)

Mineral revenues in excess of a base amount (currently \$850 million) are deposited into the Budget Stabilization Fund until that fund reaches 4% of prior year state revenues. SB 122 increases the base amount to \$950 million and SB 221 provides for the deposit of the additional mineral revenues, not to exceed \$100 million, that are available from the increase in the base into the Transportation Trust Fund. The bill provides for specific transportation related uses for the money that is deposited as a result of the bill, including for the Louisiana Transportation Infrastructure Bank, and specifies that the money cannot be used by the office of state police.

HB 80 by Carmody (*Last Action – Senate Committee*)

HB 81 by Carmody (*Last Action – House Committee*)

Both bills would have created the Better Highways and Higher Education Fund and deposited revenues into the fund to be used for transportation and higher education.

HB 80 would have deposited into the fund any taxes collected by the state as a result of any changes in federal law that require out of state vendors to collect and remit state sales tax on internet, mail order, or other sales into the state.

HB 81 would have increased the base amount after which funds are deposited into the Budget Stabilization fund to \$940 million and deposited the additional mineral revenues into the fund.

SB 202 by Adley (*Last Action – Act No. 473*)

SB 259 by Adley (*Last Action – Act No. 465*)

Constitutional amendment and enabling legislation that change the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Fund and creates two accounts within the fund - the Budget Stabilization Account and the Transportation Stabilization Account. The bills limit the amount of excess mineral revenues deposited into the Budget Stabilization Account and provide for the amount of excess mineral revenues deposited into the Transportation Stabilization Account after the balance of the Budget Stabilization Account reaches \$500 million.

HB 767 by St. Germain (*Last Action – Act No. 431*)

HB 618 by St. Germain (*Last Action – Act No. 471*)

HB 767 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, with investments from federal grants, state funds, and other funds

Appropriations

generated by the operation of the fund. The bill further provides for deposits into the fund, including investment by the state treasurer of other state funds and 7% of the collections from certain motor vehicle taxes.

The Louisiana Constitution prohibits the state or any of its political subdivisions from subscribing or purchasing the stock of a corporation or association or any private enterprise, with certain exceptions. HB 618 is a **constitutional amendment** that adds an exception for the investment of public funds into the Louisiana Transportation Infrastructure Bank.

HB 208 by Terry Landry (*Last Action – Act No. 380*)

The constitution limits the amount of state generated tax deposits into the Transportation Trust Fund (the TTF) that can be appropriated to ports, the Parish Transportation Fund, the statewide flood-control program, and the office of state police for traffic control purposes to 20% annually. This bill applies the 20% limitation to monies deposited into the TTF from all sources, including taxes, penalties, fees, and interest.

The office of state police appropriation from the TTF was originally proposed to be \$65 million for Fiscal Year 2015-2016. This bill limits the appropriation for Fiscal Year 2015-2016 to state police out of the TTF to \$45 million and limits the executive budget recommendation and appropriation by the legislature from the TTF to the office of state police as follows:

- \$20 million for Fiscal Year 2016-2017
- \$10 million for Fiscal Year 2017-2018 and each fiscal year after

HB 525 by Lambert (*Last Action – House Committee*)

HB 634 by Lambert (*Last Action – House Committee*)

Mineral revenues in excess of a base amount (currently \$850 million) are deposited into the Budget Stabilization Fund until that fund reaches 4% of prior year state revenues. This constitutional amendment and enabling legislation would have deposited mineral revenues over the base amount into the Transportation Trust Fund if the Budget Stabilization Fund had reached the limit of 4% of prior year state revenues.

HOSPITAL FUNDING

HCR 75 by Kleckley (*Last Action – Adopted*)

The resolution established the first hospital stabilization formula that is authorized by Article 7, Section 10.13 of the Constitution of Louisiana including an assessment, reimbursement enhancements, and a base reimbursement level.

Appropriations

The resolution authorizes the Department of Health and Hospitals to levy and collect a fee for hospitals if the following occur:

- (1) Implementation of the reimbursement enhancements from the payment for health care services through the implementation of Medicaid expansion on or before April 1, 2016.
- (2) The applicable federal financial participation for newly eligible Medicaid recipients under Medicaid expansion is less than 100%.
- (3) Approval from the Joint Legislative Committee on the Budget of the proposed assessment, including a list of each hospital that will be assessed.

The resolution also provides for reimbursement enhancements from the payment for health care services through the implementation of Medicaid expansion and the payment of hospital inpatient and outpatient reimbursement rates which were in effect on certain specified dates if there are adequate savings generated from the implementation of Medicaid expansion and funds are appropriated in the budget.

Finally, the resolution provides for a hospital base reimbursement level based on rates in effect on June 30, 2013, and provides for exceptions to the rates used to define and establish the base reimbursement level.

GAMING REVENUES

HB 143 by Moreno (*Last Action – Act No. 186*)

The bill provides for the deposit of winnings that are not claimed by the winner after a certain period of time from live horse racing, the land-based casino, riverboat gaming and slot machine gaming into the Crime Victims Reparations Fund. The unclaimed gaming monies that are deposited into the fund will be used for the payment of costs associated with health care services of victims of sexually-oriented criminal offenses.

HB 459 by Moreno (*Last Action – House Committee*)

The bill would have deposited \$2.5 million of the remaining balance of unclaimed lottery prize money at the end of each fiscal year into the New Orleans Public Safety Fund that is created in the bill. The money in the fund would have been used by the office of state police for public safety services in the French Quarter area of the city of New Orleans.

HB 566 also created and deposited monies into the New Orleans Public Safety Fund.

OFFICE OF GROUP BENEFITS

HB 370 by Broadwater (*Last Action – Vetoed by Governor*)



[Veto Message](#)

The bill provides for procedures relating to the review and approval of the premium rates established by the Office of Group Benefits. The bill requires an actuarial study of the program and a premium rate recommendation at least annually and each time rate changes are planned mid-year. The bill establishes the Group Benefits Actuarial Committee and requires the committee to review the rate recommendation and authorizes the committee to approve, modify, or reject the recommendation. The Office of Group Benefits implements the premium rates approved by the committee. The committee is comprised of the commissioner of insurance, the state treasurer, and the legislative auditor.

The bill also defines a benefit plan and specifies that the benefit plans established by the Office of Group Benefits are subject to promulgation in accordance with the Administrative Procedure Act. The premium rates that are established are not subject to rule promulgation.

SB 260 by Broome (*Last Action – Act No. 146*)

The bill provides for a process for the Group Benefits Policy and Planning Board to review and recommend the benefit plans, including the proposed rate structure, offered by the Office of Group Benefits. The bill changes the membership of the Group Benefits Policy and Planning Board. The bill also establishes a Group Benefits Estimating Conference to provide information to the Office of Group Benefits and the Policy and Planning Board, related to the premium rates.

The bill also requires the review and approval by the House Committee on Appropriations and the Senate Committee on Finance of certain contracts entered into by the Office of Group Benefits and the approval of the benefit plans offered by the office.

CIVIL LAW AND PROCEDURE

COMMITTEE CONTACTS

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LIABILITY

HB 497 by Henry (*Last Action – Act No. 337*)

Provides for an award of court costs and reasonable attorney fees in actions for injury caused by an act of terror, and provides that such an action shall be subject to a liberative prescriptive period of two years.

LEGACY

SB 79 by Allain (*Last Action – Act No. 448*)

Provides the procedures for mediation relating to actions for the remediation of oilfield sites. Provides that upon any party's motion, the court shall enter an order compelling the parties to enter nonbinding mediation, and that absent an agreement of the parties on the payment of the costs of mediation, the party moving for the mediation shall be responsible for the costs of mediation.

MARRIAGE

HB 707 by M. Johnson (*Last Action – House Committee*)

Would have created the Marriage and Conscience Act, which would have barred the state from revoking the licenses of, or refusing to contract with, businesses or people who opposed same-sex marriage. Would have also protected tax statuses of groups which supported marriage only between a man and a woman. While the bill failed to pass the Civil Law and Procedure Committee, the Governor issued an executive order to “prevent the state from discriminating against persons with deeply held religious beliefs that marriage is between one man and one woman”. (See Executive Order No. BJ-2015-8)

HB 836 by Hodges (*Last Action – Act No. 436*)

Provides a statutory form for marriage license applications which must be sworn to and signed by both parties before a notary public, deputy clerk, or deputy registrar, but provides exceptions, including an exception for members of the armed forces of the United States.

Requires certain documentation such as a social security number, a valid and unexpired passport,

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or an unexpired visa accompanied by a Form I-94 issued by the United States, and provides additional procedures, exceptions, and requirements for acquiring a marriage license.

DOMESTIC VIOLENCE

HB 539 by James (*Last Action - Act No. 221*)

Provides for the granting of divorce on the petition of a spouse upon proof that during the marriage, the other spouse physically or sexually abused the spouse seeking divorce or a child of one of the spouses. Also provides for the granting of divorce on the petition of a spouse upon proof that after a contradictory hearing, a protective order or injunction was issued during the marriage against the other spouse to protect from abuse.

Also permits the court to assess attorney fees and costs in the action for divorce granted for either of the above reasons.

SB 174 by Broome (*Last Action - Act No. 456*)

Provides certain accommodations upon reasonable documentation presented by domestic abuse victims who lease residential dwellings. Specifically, provides protection for lessees or household members who are victims of domestic abuse who wish to enter into, modify, or terminate a lease agreement, provided that certain qualifications are met.

FAMILY SUPPORT

HB 204 by Foil (*Last Action - Act No. 379*)

Provides for the extension of child support beyond the age of 22 years to unmarried children who are incapable of self-support and who require substantial care and personal supervision because of an intellectual or physical disability as long as the disability does not include substance abuse or addiction. Requires that the major child or his tutor obtain and submit to the Dept. of Children and Family Services (DCFS) a judgment ordering continuation of support for the child prior to the child reaching the age of majority if DCFS is to continue to provide support enforcement services.

HB 609 by Robert Johnson (*Last Action - Act No. 80*)

Amends the Uniform Interstate Family Support Act of 2008 to address the enforcement of American child support orders abroad, and provides that children residing in the United States receive the financial support due from parents, wherever the parents may reside. Specifically, the Act provides guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Hague Convention on the International Recovery of Child Support.

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AMUSEMENT/FIREWORKS

HB 298 by Burrell (*Last Action – Act No. 67*)

Authorizes the sale of fireworks starting on June 16, rather than June 25, allowing consumers the opportunity to purchase fireworks in celebration of Juneteenth.

CEMETERY/BOARD

HB 365 by Jones (*Last Action - Act No. 73*)

Creates a process to clarify ambiguous ownership of interment spaces in a cemetery governed by the city of Franklin. Further authorizes the city of Franklin to sell and convey such interment spaces if no person files suit to claim ownership within 1 year from the date the city assumes full ownership.

HB 592 by Ritchie (*Last Action - Act No. 222*)

Increases regulatory rates and certain fees applicable to cemetery authorities. Creates an application process for a person or cemetery authority seeking an exempt certificate of authority and provides for a renewal process and applicable fees for such certificates.

COMMERCIAL REGULATIONS

SB 263 by Thompson (*Last Action - Act No. 466*)

Adds forestry equipment contracts or agreements to the applicability of present law, as they relate to written contracts or oral agreements of definite or indefinite duration between any person, firm, or corporation engaged in the business of selling, distributing, or retailing certain equipment, machinery, attachments, and repair parts for such equipment and any wholesaler, manufacturer, or distributor of such equipment and repair parts, where the retailer agrees with the wholesaler, manufacturer or distributor to maintain a stock of such parts, or complete equipment or machines, or attachments.

CONTRACTORS

SB 152 by Long (*Last Action - Act No. 161*)

Generally, moves the regulation of home service contract providers from the Louisiana Department of Insurance to the Louisiana secretary of state.

COSMETOLOGY

HB 711 by S. Bishop (*Last Action – Failed to Pass/House*)

Would have increased fees relative to the Louisiana Board of Cosmetology.

ENGINEERS

SB 156 by Martiny (*Last Action - House Committee*)

Rules adopted by the Louisiana Professional Engineers and Land Surveying Board ("board") authorize the board to waive the fundamentals of engineering examination for any applicant who has earned a doctoral degree in engineering from a college or university having an undergraduate accredited engineering curriculum.

SB 156 would have required the board to waive the fundamentals of engineering examination for an applicant who meets certain other criteria.

Would have required the board to adopt rules in accordance with the Administrative Procedure Act by January 1, 2016, relative to the criteria required to be met by applicants.

FINANCIAL INSTITUTIONS AND BANKING

HB 315 by Ponti (*Last Action – Failed to Pass/House*)

HB 316 by Ponti (*Last Action – Act No. 319*)

HB 317 by Ponti (*Last Action – Act No. 207*)

HB 318 by Ponti (*Last Action – Act No. 208*)

HB 354 by Ponti (*Last Action – Act No. 324*)

Increase the licensing fees applicable to money transmitters, lenders licensed to make consumer loans, pawnbrokers, mortgage lenders, mortgage brokers, mortgage servicers, and mortgage originators.

Would have also increased the licensing fees applicable to check-cashers, but HB 315 failed to pass.

Commerce

FIRE PROTECTION AND FIRE MARSHAL

HB 834 by Broadwater *(Last Action – Senate Committee)*

Would have enacted the "Fuel Tank Safety Act" . For certain fuel tanks, fuel tank installations, and fuel dispensing facilities, would have authorized the state fire marshal to supervise inspections, promulgate rules and regulations relative to the design and maintenance, and issue orders to enforce the repair or removal of such tanks and facilities.

Would have imposed restrictions on the owner of certain fuel tanks, fuel tank installations, or fuel dispensing facilities once issued an enforcement order by the state fire marshal or his representative.

MOTOR VEHICLES

HB 533 by Price *(Last Action – Act No. 119)*

Authorizes the Louisiana Used Motor Vehicle Commission ("commission") to revoke or suspend a license, issue a fine or penalty, or enjoin a used motor vehicle dealer, dealer of used parts or used accessories of motor vehicles, used motor vehicle auctioneer, or salesperson for the use of false, misleading, or unsubstantiated advertising when that advertising uses the words "certified" or "certification" or other similar terms without having proof of a certification process approved by the commission.

SB 243 by J. R. Smith *(Last Action – Act No. 170)*

Makes it a violation of law for a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof to authorize a person to perform warranty repairs, including emergency repairs, who is not a motor vehicle dealer, fleet owner, or an emergency services company or emergency services related company.

Allows a manufacturer to authorize a fleet owner, or an emergency services company or emergency services related company to perform warranty repairs, including emergency repairs. For certain repairs, SB 243 allows the manufacturer to authorize a fleet owner to perform warranty repairs if the manufacturer determines that the fleet owner has the same basic level of requirements for special tools, technician certification, and training.

Exempts manufacturers who authorize fleet owners whose commercial vehicles are used for the movement of property, freight, or goods in intrastate or interstate commerce from the requirements relative to requisite tools, certifications, training, and notification.

PUBLIC SERVICE COMMISSION

HB 534 by Bouie *(Last Action – House Committee)*

Would have transferred the authority to regulate cable and video service providers from the secretary of state to the Louisiana Public Service Commission ("commission").

Would have added a provision to allow the commission to adopt additional standards of customer service.

HB 786 by Leger *(Last Action – Failed to Pass/House)*

Would have increased certain fees relative to motor carriers and public utilities in the state of Louisiana.

REAL ESTATE

HB 611 by Pylant *(Last Action - Act No. 81)*

Prohibits net listing agreements between real estate brokers and sellers for the sale of residential real estate property, or for the sale of bona fide agricultural land, bona fide horticultural land, bona fide marsh land, and bona fide timberland.

Defines a "net listing agreement" as a listing agreement that authorizes a real estate broker to take as his commission the difference between the higher sale price at which the real estate property is sold and the stipulated net price agreed upon to be received by the seller.

TELECOMMUNICATIONS

SB 182 by F. Thompson *(Last Action – Act No. 165)*

Creates the "Kelsey Smith Act". Provides that when acting in the course and scope of his official duties, a law enforcement agency supervisor will have the authority to submit an electronic or other written request to a provider of commercial mobile services for device location information of a commercial mobile service device user if either of the following has occurred:

- (1) A call for emergency services initiated from device of the user.
- (2) An emergency situation that involves risk of death or serious bodily harm to the device user.

Provides that upon receipt of the request, the provider of commercial mobile services must disclose

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to the law enforcement agency the device location information.

Provides that when making the request, the law enforcement agency must search the National Crime Information Center system and similar databases to identify if the device user or the person initiating the call for an emergency situation involving the device user has any history of domestic violence or any court order restricting contact.

Prohibits device location information from being released by the law enforcement agency to a person who has a history of domestic violence, stalking, or court order restricting contact with the device user.

Provides for additional requirements for commercial mobile services. Also provides for penalties.

EDUCATION

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MINIMUM FOUNDATION PROGRAM (MFP) FORMULA

HCR 18 by Carter *(Last Action – Senate Committee)*

Would have provided for legislative approval of the minimum foundation program (MFP) formula for FY 2015-2016 including a 1.375% increase in the base per pupil amount from \$3,961 to \$4,015, with an estimated additional cost of approximately \$36 million and additional increases for high cost services for students with disabilities, career and technical courses, and the supplemental course program. The MFP formula adopted by the legislature in 2014 is in effect for FY 2015-2016. *(See Appropriations section for further details.)*

HCR 231 by Edwards *(Last Action – Enrolled)*

Requests that the State Board of Elementary and Secondary Education recognize and include increased per pupil funding to parish and city school systems, as appropriated in HB 1 of the 2015 Regular Session, as part of FY 2015-2016 base per pupil funding when developing and adopting a minimum foundation program (MFP) formula for FY 2016-2017 and to maintain at least this combined per pupil amount for FY 2016-2017 MFP formula.

K-12 STANDARDS/ASSESSMENTS

HB 373 by Geymann *(Last Action – Act No. 329)*

Provides for the review and development of a set of state content standards in English language arts and math by the State Board of Elementary and Secondary Education (BESE). Requires BESE to hold meetings for the standards' review and development in each La. congressional district and to promulgate the standards in accordance with the Administrative Procedure Act prior to implementation. Further requires the speaker of the House and the president of the Senate each to appoint one member to serve as a liaison to attend the meetings. Requires adoption of standards by March 4, 2016, and is generally inapplicable thereafter.

Education

HB 542 by Schroder (*Last Action – Act No. 342*)

Requires the state Dept. of Education to enter into a one-year contract for assessments for students in grades three through eight in English language arts and math for the 2015-2016 school year. Limits the amount of questions included in the selected assessments that can come from those developed by the Partnership for Assessment of Readiness for College and Careers consortium, or any other federally funded consortium of states. Prohibits the inclusion of any questions from those developed by a consortium of states predominantly funded by organizations primarily dedicated to political advocacy. Provides for requirements relative to assessment contractors and subcontractors. Specifies time lines for final determinations by the state chief procurement officer regarding the department's request for proposals to solicit a vendor for the assessments and the department's contract for the assessments. Provides that proposed law is null and void on and after July 1, 2016.

SB 43 by Appel (*Last Action – Act No. 245*)

Restates present law (Administrative Procedure Act (APA)) in the education statutes relative to the State Board of Elementary and Secondary Education (BESE) to require BESE to adopt rules in accordance with the APA for any program, statement, guideline, or requirement for conduct or action prescribed by the board, the state superintendent of education, and the state Dept. of Education. Further requires that a rule proposed by BESE for k-12 state content standards be submitted to the House and Senate education committees for review, in accordance with the APA. Provides that any approval or disapproval action by the legislature or the governor with regard to such a rule must apply to the rule in its entirety.

STUDENTS/SPECIAL EDUCATION

SB 267 by Claitor (*Last Action – Act No. 467*)

Requires charter schools to enroll students with exceptionalities (other than gifted and talented) proportionally to the percentage of such pupils enrolled in the local public school district, in the same manner as pupils eligible to participate in the federal free and reduced lunch program. Provides that charter schools will receive funding based upon the amount generated through the minimum foundation program (MFP) formula, including the special education weight, instead of receiving the district average per pupil amount.

STUDENTS/DATA PRIVACY

HB 718 by Schroder (*Last Action – Act No. 228*)

Relative to current law regarding the collection and sharing of personally identifiable student information, makes various changes relative to the following: (1) requirements for information on the transfer of personal student information to be made available to the public; (2) prohibitions, requirements, and exceptions with respect to certain contracts and access to student information

pursuant to such contracts; and (3) parental consent and required notification with respect to the withdrawal of such consent. Adds exceptions to the prohibition on the collection and sharing of student information and extends time lines relative to such prohibition and the assignment of student identification numbers.

TOPS (TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS)

Present law provides for the Taylor Opportunity Program for Students (TOPS) as a program of merit scholarships for students attending certain postsecondary education institutions who meet specific academic requirements and other qualifications. Relative to award amounts, present law provides:

- (1) Performance, Honors, and Opportunity awards: At public institutions, award amount equals actual cost of tuition. At institutions that are members of the La. Assoc. of Independent Colleges and Universities, award amount is weighted average of tuition amounts at public institutions.
- (2) TOPS-Tech award: At public institutions that do not offer an academic undergraduate degree at the baccalaureate level or higher to pursue permitted skill or occupational training, award amount equals actual cost of tuition. At other eligible institutions, award amount equals weighted average of tuition amounts at public institutions.

The following bills propose changes to present law with respect to TOPS:

HB 181 by Brown (*Last Action – Act No. 101*)

Present law requires that a TOPS recipient be a U.S. citizen; however, provides for exceptions. Proposed law provides an additional exception to the citizen requirement by allowing an eligible non-citizen student to receive an award if his parent is a non-citizen who is serving in or was honorably discharged from the U.S. armed forces.

HB 462 by Cox (*Last Action – Act No. 403*)

Present law provides curriculum requirements for high school career major programs for receipt of a career diploma. Requires students to complete at least two social studies credits and specifies course choices including Economics, AP Macroeconomics, or AP Microeconomics. Proposed law changes the social studies curriculum requirements to include Civics among the specified course choices and deletes Economics, AP Macroeconomics, or AP Microeconomics as possible choices.

Present law provides curriculum requirements for TOPS-Tech award eligibility. Proposed law revises these requirements to align the curriculum in all areas with that required for receipt of a career diploma.

Present law provides that a TOPS-Tech Early Start award may be used by students in the 11th and

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12th grades for any technical or applied course leading to an Industry-Based Certification, a Certificate of Applied Science, and a Certificate of Technical Sciences offered at a La. public or nonpublic postsecondary education institution or certain training providers. Provides eligibility requirements including scoring at least 15 on the English subsection and 15 on the mathematics subsection of the ACT PLAN assessment. Proposed law adds that a student also may be eligible if he attains such scores on the ACT or an equivalent concordant value of the SAT or attains a silver level score on the assessments of the ACT WorkKeys system.

HB 838 by Price (*Last Action – Act No. 230*)

Present law provides for the TOPS-Tech Award for students who enroll in certain colleges and universities to pursue skill or occupational training, including vocational or technical education certificates or diploma programs or nonacademic undergraduate degrees. Proposed law provides that students may only use a TOPS-Tech Award if enrolled in those associate's degree (nonacademic or academic) or shorter-term training and education programs that the Bd. of Regents and the La. Workforce Investment Council determine are aligned with state workforce priorities. However, an otherwise eligible student who had previously received an award and enrolled in such a program may continue to use the award if such board and council determine the program is no longer aligned with these priorities.



[Veto Message](#)

SB 48 by Donahue (*Last Action – Vetoed by Governor*)

Proposed law freezes TOPS award amounts at the 2015-16 levels, unless changed by the legislature by law.

POSTSECONDARY EDUCATION

HB 152 by Broadwater (*Last Action – Act No. 377*)

HB 168 by Carter (*Last Action – Senate Committee*)

Proposed law authorizes the public postsecondary education management boards to establish fees and adjust fee amounts at institutions under their respective management and supervision and further provides:

- (1) This authority shall apply for the 2015-16 and 2016-17 academic years only.
- (2) This authority specifically includes authority to impose per credit fees and differential fees for certain programs and to charge proportional amounts for part-time students and summer sessions.
- (3) Except for LSU Health Sciences Centers (LSUHSC), Univ. of La. at Monroe (ULM) pharmacy program, and Southern University Law Center (SULC), the revenue per full time equivalent (FTE) student from all tuition and fee amounts plus the revenue per FTE student from

appropriations shall not exceed the national average of such total amounts as reported by the National Center for Education Statistics (NCES) by Carnegie classification, which maximum amount may be annually adjusted based on the most recent funding statistics as reported by NCES and adjusted to the current fiscal year using the Higher Education Price Index.

- (4) The total of all tuition and fee amounts charged to a student enrolled in LSUHSC, ULM pharmacy program, and SULC shall not exceed the tuition and fees charged, as reported by NCES, of national peers selected by the institution, which maximum amount may be annually adjusted as provided for other institutions.

HB168 was similar in concept to proposed law in HB 152, except it would have been applicable only to tuition and fees for graduate, professional, and other postbaccalaureate programs.

HB 129 by Jefferson (*Last Action – Act No. 98*)

Present law grants to each management board the authority to establish tuition and mandatory attendance fee amounts applicable to nonresident students provided that the amount is at least equal to the average amount of tuition and fees applicable to nonresident students at Southern Regional Education Board (SREB) schools. Proposed law makes an exception to present law for public historically black colleges and universities (HBCUs), providing instead that the amount of tuition and fees applicable to nonresident undergraduate students must be at least equal to the amount paid by resident undergraduate students at the same institution. Exempts HBCUs from GRAD Act targets involving tuition for nonresident students.

POSTSECONDARY EDUCATION/CONSTITUTIONAL AMENDMENTS

Present constitution requires that all new fees or increases of existing fees imposed by the state or any board, department, or agency of the state be enacted by a 2/3 vote of the legislature. This provision applies to tuition and fees charged to students attending public institutions of postsecondary education. Present constitution provides for the management of these institutions by the LSU Board of Supervisors, the Southern Univ. Bd. of Supervisors, the Bd. of Supervisors for the Univ. of La. System, and the Bd. of Supervisors of Community and Technical Colleges.

The following bills proposed to amend present constitution as follows:

HB 61 by Carmody (*Last Action – Conference Committee*)

Proposed constitutional amendment would have exempted new or increased tuition and fees from the 2/3 voting requirement of the legislature. Would have retained the general authority of the management boards but specifically excluded from their constitutional authority the ability to establish or raise tuition and fees; instead, would have provided that such authority be provided in law. (Such law was proposed law in HB 66, which failed House final passage.)

Education

HB 62 by Foil (*Last Action – Senate Committee*)

Proposed constitutional amendment would have exempted new or increased fees, excluding tuition, from the 2/3 voting requirement of the legislature.

SB 155 by Donahue (*Last Action – Failed to Pass/House*)

Proposed constitutional amendment would have authorized, notwithstanding present constitution or present law to the contrary, each management board to establish tuition and mandatory fee amounts.

HEALTH AND WELFARE

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PRESCRIPTION DRUGS

HB 210 by Moreno (*Last Action – Act No. 192*)

Expanding upon the provisions of Act Nos. 253 and 392 of the 2014 Regular Session authorizing first responders to carry and administer to persons undergoing an opioid-related drug overdose the drug naloxone or another opioid antagonist, HB 210 authorizes any person to receive a prescription for those drugs and to administer them to individuals who are undergoing or believed to be undergoing an opioid-related drug overdose. HB 210 requires the party requesting the naloxone to complete training prior to receiving the prescription.

HB 319 by Simon (*Last Action – Act No. 391*)

HB 319, known informally as the "biosimilars bill," updates the La. Pharmacy Practice Act by adding new regulations for dispensing of biological products to patients by pharmacists. Biological products are medical products that are made from human, animal, or microorganism sources. Like traditional prescription drugs, most of these products are intended to treat diseases and medical conditions, and others are used to prevent or diagnose diseases. Common examples of biological products include vaccines, blood and blood products for transfusion, certain allergy shots, gene therapies, and cellular therapies. With certain limited exceptions, HB 319 requires the dispensing pharmacist or his designee, no later than five business days following the dispensing of a biological product, to communicate to the prescriber the specific product provided to the patient, including the name of the product and the manufacturer.

SB 143 by Mills (*Last Action – Act No. 261*)

SB 143, also known as the Alison Neustrom Act, amends existing provisions of law relative to the use of therapeutic marijuana by authorizing one production facility for this type of marijuana and not more than 10 distributing pharmacies for that drug to be located within Louisiana. SB 143 provides for regulation of the production of therapeutic marijuana through rules promulgated by the Department of Agriculture and Forestry and the regulation of the dispensing of therapeutic marijuana through rules promulgated by the La. Board of Pharmacy. SB 143 prohibits therapeutic marijuana from being dispensed in raw form, crude form, or any form suitable for smoking. The bill stipulates further that in any therapeutic marijuana produced in the state, the levels of the main

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psychoactive substance in the marijuana plant, tetrahydrocannabinol (known commonly by the abbreviation THC), are to be reduced to the lowest acceptable levels available through scientifically accepted methods.

MEDICAID EXPANSION

In a 2012 ruling, 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 unconstitutional, rendering Medicaid expansion optional for states. For the third consecutive legislative session since Medicaid expansion became optional, the legislature considered several measures to cause the state's participation in Medicaid expansion. As in each prior session, no Medicaid expansion measure achieved final passage; however, see HCR 75 in the Appropriations section. The measures included the following instruments:

HB 517 by Edwards (*Last Action – House Committee*)

SB 10 by Peterson (*Last Action – Senate Committee*)

These instruments would have proposed constitutional amendments providing for Medicaid expansion.

HB 560 by Norton (*Last Action – House Committee*)

SB 40 by Nevers (*Last Action – Senate Committee*)

These instruments would have provided for Medicaid expansion in statute.

HCR 3 by Edwards (*Last Action – House Committee*)

This instrument would have provided for Medicaid expansion through amendments to the state's administrative code.

ABORTION

HB 701 by Whitney (*Last Action – Senate Committee*)

HB 701 would have prohibited the performance of abortions, as well as "attempts to perform abortions", in cases when the abortion provider or anyone involved with the attempt to perform an abortion has knowledge that the woman is seeking the abortion because of the sex of the unborn child. The bill defined "attempt to perform an abortion" as doing or omitting to do anything that, under the circumstances as the actor believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in an abortion. The definition provided that a "substantial step" may include, without limitation, any of the following:

- (1) Agreeing with an individual to perform an abortion on that individual or on some other person, whether or not the term "abortion" is used in the agreement, and whether or not the agreement is contingent on another factor such as receipt of payment or a determination of pregnancy.
- (2) Scheduling or planning a time to perform an abortion on an individual, whether or not the term "abortion" is used, and whether or not the performance is contingent on another factor such as receipt of payment or a determination of pregnancy.

SR 151 by Morrell *(Last Action – Senate Committee)*

Filed in response to HB 701, SR 151 would have created a 10-member group to be known as the "Sex-Selection Abortion Task Force" to study and report to the legislature on means to ensure elimination of any gender-based discrimination, if any such discrimination occurs, in the performance of abortions in Louisiana.

HEALTH: CANCER

HB 186 by Montoucet *(Last Action – Act No. 378)*

HB 186, entitled the "Monica Landry Helo Early Detection Act", requires that in addition to any letters or reports to patients pursuant to screening mammograms as may be required by federal law, a notice concerning dense breast tissue be transmitted to all patients pursuant to those procedures. The notice, which was modeled after one established through a measure in Texas known as "Henda's Law", is specifically required to read as follows:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue. A summary of your mammography results will be sent to you, and a full mammography report will be sent to your physician and also to you. You should contact your physician if you have any questions or concerns regarding your summary or report of results."

The bill also requires that all healthcare facilities that perform screening mammograms or breast ultrasound examinations transmit the full mammography reports and full narrative radiology reports of ultrasound findings to patients in all cases after those procedures are performed.

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HEALTH: SMOKING

HB 158 by Hoffmann (*Last Action – Act No. 55*)

HB 158 requires the Department of Health and Hospitals (DHH) to establish and maintain on its website a link to the website of the judicially created Smoking Cessation Trust (www.SmokeFreeLA.org), along with summary information on programs and services offered by the trust. The bill also authorizes the secretary of DHH, at his or her discretion, to coordinate the programs of the office of public health, Bayou Health (the Medicaid managed care program), and any other departmental program with programs offered by the trust.

The Smoking Cessation Trust was formed pursuant to a landmark judgment in late 2011 in the class action lawsuit *Scott v. American Tobacco Co., Inc.*, which ordered certain tobacco companies to fund a statewide 10-year smoking cessation program in Louisiana, now operated by the trust, to be offered free of charge for the benefit of over 200,000 smokers in this state who started smoking prior to September 1, 1988 (the effective date of the Louisiana Products Liability Act), and comprise the *Scott* plaintiff class.

HCR 95 by Hoffmann (*Last Action – Adopted*)

HR 182 by Arnold (*Last Action – Adopted*)

HCR 95 recognizes and commends the Smoking Cessation Trust for its dedicated efforts to improve public health in Louisiana; and HR 182 proclaims the first week in November as "Krewe de Quit Week", a promotional event of the Smoking Cessation Trust which encourages smoking cessation.

HEALTH PROFESSIONS: PHYSICIANS

HB 843 by Hazel (*Last Action – Act No. 441*)

HB 843 requires the Louisiana State Board of Medical Examiners to adopt administrative rules no later than January 1, 2016, to provide for the investigation of complaints against physicians and adjudication of alleged violations by physicians in accordance with the minimum due process requirements of the Constitution of Louisiana and the Constitution of the United States of America and to address certain issues such as notice, discovery, and hearing procedure. HB 843 also increases the quorum for the seven-member board from three to four for all purposes including the holding of examinations, the granting of licenses and permits, rulemaking, and certain adjudication functions of the board.

HEALTH PROFESSIONS: CHIROPRACTIC

SB 56 by Dorsey-Colomb *(Last Action – House Committee)*

SB 56 would have made the most extensive changes to state law providing for the scope of practice of chiropractic, originally enacted in 1974, since the enactment of Act No. 990 of the 1997 Regular Session.

The major effect of SB 56 was to amend chiropractors' scope of practice to provide that a chiropractor may counsel and instruct patients regarding health, wellness, diet, and nutrition. The bill would also have authorized a chiropractor to order a wider range of diagnostic tests and procedures than are allowed presently.

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PUBLIC RECORDS

SB 190 by Claitor (*Last Action – Act No. 145*)

Relative to records of the office of the governor, removes provisions that provided that the Public Records Law did not apply to any records having been used, being in use, possessed, or retained for use by the governor in the usual course of the duties and business of his office that related to the deliberative process of the governor; intraoffice communications of the governor and his internal staff; the governor's security and schedule; or communications with or the security and schedule of the governor's spouse or child.

Expressly provides that records of the office of the governor (governor, his chief of staff, deputy chief of staff, and his executive counsel) are public records and subject to the Public Records Law. Provides that a record of the office of the governor relating to intraoffice communications of the governor and his internal staff (governor's chief of staff, deputy chief of staff, executive counsel, and director of policy) may be privileged from disclosure, but this privilege does not apply to any record of the office of the governor pertaining to any money, asset, or item of economic value to the state, or any financial transactions in the control of or handled by or through the governor or office of the governor.

Provides that any record of the office of the governor pertaining to the schedule of the governor or that of his spouse or child that contains security details that if made public may impair the safety of the governor or his spouse or child may be held confidential for a period not to exceed seven days following the scheduled event. Further provides that the governor may keep a record concerning a meeting or event that he attends and transportation related thereto privileged for a period not to exceed seven days after the occurrence of the meeting or event.

Provides that the governor or his internal staff are to preserve all records and at the conclusion of his term of office, the governor is to transfer all such records to the custody of the archives division of the secretary of state. Provides that any exemption lapses eight years after the creation of the record to which the exemption is applicable and after the lapse of eight years, the records of the office of the governor, as maintained by the state archivist and deposited with the state archives program are public record.

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Effective at noon on January 11, 2016, and further specifies that these new provisions of law are to be given prospective application only and that any record having been used, being in use, possessed, or retained for use by the governor in the usual course of the duties and business of his office prior to noon on January 11, 2016, shall be subject to the law as it existed prior to such time.

ELECTIONS

HB 591 by Broadwater *(Last Action – Act No. 410)*

Moves the primary election date one week earlier for all regularly scheduled primary elections (except congressional primary elections and the presidential preference primary); moves the general election date one week later in certain municipal and ward elections; moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary); and provides a specified period for each election during which a candidate may voluntarily withdraw.

Becomes effective on January 1, 2016.

JUDICIAL REDISTRICTING

HB 76 by A. Williams *(Last Action – Act No. 374)*

Relative to the election of judges to the City Court of Baton Rouge, changes the composition of the existing election sections (election section one and election section two). Provides that two judges (divisions "B" and "D") shall be elected from election section one and two judges (divisions "A" and "E") shall be elected from election section two. Further, provides that one judge (division "C"), formerly elected from election section two, shall be elected from the entire territorial area of the city of Baton Rouge at large.

HB 122 by Ponti *(Last Action – Senate Committee)*

Would have removed the existing election sections and provided that all five judges of the City Court of Baton Rouge be elected at large.

LEGISLATIVE AFFAIRS

HB 169 by Henry *(Last Action – Senate Committee)*

Would have required all state entities, officials, and employees to provide information deemed necessary to perform legislative functions and duties, including confidential and privileged information, to the legislature upon request. Provided exceptions for certain judicial data, protected health information, protected taxpayer information, specified private data, identifying information regarding a minor, information the release of which triggered specified federal sanctions, certain

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investigative information, and proprietary and trade secret information.

HOUSE RULES

HR 110 by T. Burns *(Last Action – Adopted)*

Changes the membership of the House Committee on Appropriations. Provides for 17 appointed members, instead of 18, and for eight elected members, instead of seven. For the eight elected members, provides that one is elected from each of the State Board of Elementary and Secondary Education districts, instead of one from each congressional district. Amends provisions relative to the procedures for election to provide for the creation and use of a system to allow each member-elect to electronically vote and return his ballot.

ETHICS

SB 86 by Perry *(Last Action – Act No. 449)*

The ethics code generally prohibits a member of the immediate family of an agency head from being employed in his agency. However, there is an exception that allows a local school board to employ a member of the immediate family of a board member or of the superintendent as a classroom teacher if the family member is certified to teach. Disclosure and recusal are required.

SB 86 adds to the exception an immediate family member who is temporarily authorized to teach while pursuing certification.

There is a second exception that allows an immediate family member employed as a classroom teacher pursuant to the first exception to be promoted to an administrative position if the family member has the appropriate qualifications and certifications for the position. Requires recusal of the board member or disqualification of the superintendent, as applicable, for any action involving the promotion or assignment of job location of such family member. The exception is limited to parishes with a population of 26,000 or less.

SB 86 removes the population restriction from the promotion exception to make it applicable statewide.

SB 87 by Perry *(Last Action – Act No. 450)*

The ethics code requires certain board and commission members to file a financial disclosure statement with the Board of Ethics each year during which the person holds public office or position and the year following the termination of the holding of such office. The statement must include certain personal and financial information for the entire preceding calendar year, except as specifically excepted.

House & Governmental Affairs

SB 87 exempts from this requirement members of a board or commission that does not have the authority to expend, disburse, or invest more than \$50,000 of funds in a fiscal year and whose members are not eligible to receive any compensation, per diem, or reimbursement of expenses for service on the board or commission.

The ethics code prohibits a former member of a board or commission for a period of two years following the termination of his public service on the board or commission from contracting with, being employed in any capacity by, or being appointed to any position by the board or commission.

SB 87 provides an exception, effective until July 1, 2017, to allow a former member of the board of commissioners of the East Union Parish Hospital Service District or a legal entity owned by the former member to enter into a contract with, or under the supervision or jurisdiction of, the board of commissioners of the East Union Parish Hospital Service District or Union General Hospital and to receive compensation under the contract.

INSURANCE

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AUTOMOBILE INSURANCE

HB 337 by Cromer *(Last Action – House Committee)*

Would have prohibited the use of non-original equipment manufacturer, also referred to as non-OEM, aftermarket parts at the direction of an insurer in the repair of a motor vehicle when such parts affect the safe operation of the vehicle or otherwise endanger the health, safety, and welfare of the public.

SB 172 by Morrish *(Last Action – Act No. 266)*

Requires transportation network companies, such as Uber and Lyft, to provide \$1 million in motor vehicle liability insurance on their drivers' vehicles from the time an agreement is reached between the driver and a passenger until the passenger departs at his destination. Further requires the driver to have \$50,000 per person/\$100,000 per accident in motor vehicle liability insurance when he is driving in his vehicle with the network app activated but there is no agreement with a passenger.

DEPARTMENT OF INSURANCE

HB 511 by Seabaugh *(Last Action – Act No. 340)*

Allows the commissioner of insurance to employ staff counsel of the Department of Insurance or special counsel to provide representation in matters related to the rehabilitation, liquidation, or conservation of insurers in receivership when the assets of the insurer's estate are less than \$1 million, with the attorney general providing representation when the assets of the insurer's estate equal or exceed \$1 million. Further allows the commissioner to distribute any surplus in the estate of an insolvent insurer, after all claims have been paid, subject to approval by the court.

SB 216 by Morrish *(Last Action – Act No. 274)*

Provides for the reorganization of the Louisiana Department of Insurance. Also provides that with respect to state fiscal year 2014-2015, the Louisiana Insurance Guaranty Association is authorized to make a one-time transfer to the state general fund of the amount of such excess as determined by its board of directors.

JUDICIARY

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ALCOHOLIC BEVERAGES

HB 233 by Adams (*Last Action - Act No. 382*)

Establishes a microdistiller permit of \$1,000 and authorizes the holder of a Retailers Class A permit to obtain the microdistiller permit. Provides for the requirements and procedures regarding the permit, selling, distilling, and bottling operations of the manufactured beverages.

JUDGES

HB 293 by Barras (*Last Action – House Committee*)

Would have required the supreme court, courts of appeal, district courts, family courts, and juvenile courts to report to the judicial administrator of the supreme court certain information as it relates to any contracts for goods or services.

Would have required the judicial administrator of the supreme court to collect and analyze the contract information and publish it on a website established no later than January 1, 2016, for access and viewing by the public.

HB 294 by S. Bishop (*Last Action – House Committee*)

Would have required all elected judges and justices of the peace to file a financial statement to disclose information as it relates to sources of income, immovable property, investment securities, movable property, and liabilities, both secured and unsecured, by May 15th of each year during their terms of office and the year following the expiration of the term with the judicial administrator for the La. Supreme Court.

Would have provided for all related procedures for filing and failing to file financial statements.

Would have required the judicial administrator to maintain a website to allow public access for review of filed disclosure reports and the list of those persons who fail to file a statement, fail to timely file a statement, omit information from a statement, or provide inaccurate information in a statement.

Judiciary

Would have authorized the judges to be governed by the proposed law rather than the code of judicial conduct as it relates to financial disclosure statements.

HR 127 by S. Bishop *(Last Action – Adopted)*

Requests the Louisiana Supreme Court to allow the public to review personal financial disclosure reports of judges filed with the office of the judicial administrator by making the reports available for viewing on the internet.

HB 350 by Landry *(Last Action – Act No. 71)*

Exempts persons who are serving or are already elected to serve as constable or justice of the peace on August 15, 2006, from all age requirements to serve or run for their offices in the future.

HB 698 by Abramson *(Last Action – House Committee)*

Would have required the Judicial Budgetary Control Board, or a judicial body designated by the supreme court, to develop an annual financial report to communicate expenditures, revenues, and employee positions for the judiciary for the last fiscal year concluded and to make the report available on the supreme court website on the same day that requires the judicial appropriation bill to be submitted to the legislature.

Would have required the financial report to apply to each level of court, including the supreme court, the intermediate courts of appeal, the district courts, and family and juvenile courts.

LAW ENFORCEMENT

HB 183 by Honore *(Last Action – House Committee)*

Would have created the "Peace Officer Citizens and Protection Act" which would have required law enforcement officers to wear body cameras and would have provided for the policies and procedures regarding use of the cameras.

HCR 180 by Honore *(Last Action – Adopted)*

Creates the Louisiana Law Enforcement Body Camera Implementation Task Force to study and make recommendations regarding the requirements for implementation and development of best procedures for the use of body cameras, and provides for a written report of its recommendations and findings not later than 60 days prior to the 2016 Regular Session.

PUBLIC DEFENDERS**HB 605 by Seabaugh** *(Last Action – House Committee)*

Would have established the Committee for the Provision of Indigent Defender Services in Capital Cases, the membership, duties, powers, and responsibilities of the committee.

Would have required the committee to study and develop a master plan for the establishment, implementation, administration, and oversight of a statewide system for providing indigent defender services in capital cases in all courts of this state.

HCR 196 by Seabaugh *(Last Action – Adopted)*

Directs the creation of an Indigent Defense Review Committee, within the La. Commission on Law Enforcement and Criminal Justice, to study the caseload standards and guidelines of the La. Public Defender Board in relation to the constitutionally required standards of indigent criminal defense matters and the fiscal priorities and composition and structure of the board.

SEXUAL ASSAULT VICTIMS**HB 835 by Moreno** *(Last Action – Act No. 229)*

Requires the coroner or his designee to examine victims of any sexually-oriented criminal offense and removes the requirement that the case be under police investigation. Authorizes the coroner to select a hospital or healthcare provider as the lead entity for sexual assault exams in the regional plan.

Expands the definition of a "forensic medical examination" to mean an examination of a victim of a sexually-oriented criminal offense by a healthcare provider for the purpose of gathering and preserving evidence of a sexual assault for use in court.

Requires all licensed hospitals and healthcare providers to adhere to certain procedures in the event that a person presents or is presented for treatment as a victim of a sexually-oriented criminal offense.

Prohibits a hospital or healthcare provider from directly billing a victim for services rendered in conducting a forensic medical examination or for any healthcare services rendered to a victim as a result of the sexually-oriented criminal offense, and authorizes the healthcare provider to submit a claim for healthcare services rendered in conducting a forensic medical exam for a victim of a sexually-oriented offense to a victim's health insurance issuer, with the remaining non-covered expenses submitted to the Crime Victims Reparations (CVR) Board for reimbursement not to exceed

Judiciary

\$1,000, the Louisiana Medicaid, Medicare, or Tricare programs for an enrolled victim, or the CVR Board at the rate as promulgated by the board for healthcare services rendered not to exceed \$1,000.

Requires DHH to make available to hospitals and healthcare providers a pamphlet containing an explanation of the billing process for services rendered in conducting a forensic medical examination and healthcare services rendered to a victim of a sexually-oriented criminal offense, and further requires the hospital or healthcare provider to provide a copy of the pamphlet to any person presented for treatment as a victim of a sexually-oriented crime.

Requires denial, suspension, or revocation of license by the appropriate licensing board or commission for failure to comply with the proposed standards.

Expands the minimum period of preservation of tests or procedures, or both, and samples that may serve as potential evidence to a period of at least one year and that any evidence collected be assigned a code number and code records be maintained for a period of one year from the date the victim is presented for treatment.

Requires DHH, through the medical directors of each of its nine regional health service districts, to coordinate an annual sexual assault response plan for each district and submit a proposed plan for review by the secretary of DHH no later than November 1st of each year with the proposed plan to become effective February 1st of the following year.

Expands the definition of "claimant" to include a healthcare provider who provides services associated with a forensic medical examination for purposes of submitting an application to the CVR Board for reimbursement or reparations for treatment and services for a victim of a sexually-oriented criminal offense.

Excludes victims of a sexual offense from reporting such crimes to law enforcement for purposes of filing a valid application for reparations.

Requires the board to promulgate rules and regulations relative to guidelines for the costs and expenses associated with forensic medical examinations and to provide a cap of \$1,000 for each examination.

Allows proposed law to apply to any victim of a sexually-oriented criminal offense that occurred on or after January 13, 2015.

SB 248 by Morrell (*Last Action – Act No. 463*)

Requires each criminal justice agency, including college and university campus police departments, to report certain information relative to sexually-oriented criminal offenses for the preceding calendar year no later than February 15th of each year to the Commission on Law Enforcement and the Administration of Criminal Justice.

Requires each crime laboratory to report the number of sexual assault collection kits in its backlog for the prior calendar year no later than February 15th to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice who in turn shall transmit the information reported to the chairman of the Senate Committee on Judiciary B and the chairman of the House Committee on Judiciary by March 1st of each year.

LABOR AND INDUSTRIAL RELATIONS

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DISCRIMINATION IN EMPLOYMENT

HB 87 by Norton (*Last Action – House Committee*)

HB 182 by Cox (*Last Action – House Committee*)

SB 219 by Murray (*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 provide pay equity for all workers in the state.

HCR 169 by Cox (*Last Action – Adopted*)

Urges the Louisiana Workforce Commission to create a poster and make it available to employers and chambers of commerce to ably inform employees of their rights and the procedures to remedy any violation of those rights regarding gender discrimination by pay disparity.

MINIMUM WAGE

HB 677 by Hunter (*Last Action – House Committee*)

Would have removed the prohibition against local governmental entities setting a local minimum wage rate and would have established a state minimum wage that was the same as the federal minimum wage required by the Fair Labor and Standards Act. HB 677 would have also raised the minimum direct wage paid to tipped employees to \$5.25 effective January 1, 2016, with an increase to \$7.25 effective January 1, 2017. Would have also required that the employers of tipped employees make up the difference between the state minimum wage and the tipped employee minimum direct wage per hour paid to the employee plus any tips received.

LABOR ORGANIZATIONS

HB 418 by S. Bishop (*Last Action – House Calendar*)

Would have removed the authority for public employees, firefighters, and law enforcement officers to have union dues withheld as authorized payroll deductions.

EMPLOYEE BENEFITS

SB 81 by Peterson *(Last Action – Senate Committee)*

Would have required employers to provide paid or unpaid sick leave, depending on the number of employees. Would have provided for an accrual rate and guidelines about when and for what sick leave may have been utilized. Would have provided how benefits would have been carried over yearly and whether they could be collected upon separation of employment, or in instances of separation of employment and subsequent re-employment.

SB 84 by Peterson *(Last Action – Senate Committee)*

Would have created the "Louisiana Family and Medical Leave Benefits Act" (La. FMLA) to require employers to provide FMLA insurance benefits to an employee for the following circumstances: the employee is caring for a new child, a family member with a serious health condition, or a military service member who is the employee's next-of-kin; the employee has a serious health condition; or the employee has a "qualifying exigency" arising out of the deployment of a family member.

SB 84 would have provided the procedure for the collection of and the payment of benefits as well as the eligibility requirements for participation in the program.

LOUISIANA WORKFORCE COMMISSION

HB 741 by A. Williams *(Last Action – Act No. 426)*

Updates Louisiana law to conform with recent changes in federal law. The Workforce Investment Innovation and Opportunity Act of 2014 supersedes the Workforce Investment Act of 1998 upon which many workforce development efforts are based. HB 741 changes requirements and language as required by the new federal law. Specifically, the Workforce Investment Innovation and Opportunity Act changes the name of the workforce investment boards to workforce development boards and also changes the number of members on the Workforce Investment Council pursuant to the Act's requirements.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

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MUNICIPAL INCORPORATION

HB 235 by Arnold (*Last Action - Senate Committee*)

A proposed constitutional amendment which would have authorized the legislature to provide, by local law, for the incorporation of any area located within a single parish and to change the boundaries of any municipality affected by the incorporation. Would have also removed the homestead exemption from general city taxes from property located in Orleans Parish.

HB 744 by Arnold (*Last Action - Senate Committee*)

Would have provided for the incorporation of the 15th ward of Orleans Parish as a municipality within the parish and for the governance of the newly created municipality. Would have also changed the boundaries of the city of New Orleans.

MUNICIPAL ANNEXATION

HB 577 by Katrina Jackson (*Last Action - Vetoed by Governor*)



[Veto Message](#)

Relative to enlarging the boundaries of a municipality to include territory within which all of the land is owned by a state agency, political subdivision, or public body, specifies that only the state agency, political subdivision, or public body that owns the land subject to such a municipal annexation may challenge or otherwise seek to invalidate an ordinance to enlarge the boundaries of the municipality.

FIREMEN

HB 356 by Pylant (*Last Action - Act No. 325*)

Relative to wages, hours, sick leave, and vacation for firemen and other employees of fire departments, adds persons employed for fire investigation, fire protection, fire record clerk, and emergency duties and services to the definition of "fireman". Also adds persons employed to provide fire training to firemen.

Municipal, Parochial & Cultural Affairs

LOCAL FINANCE

HB 528 by Leger *(Last Action - Act No. 408)*

Authorizes the city of New Orleans to establish a municipal revenue amnesty program to provide for the waiver of interest, collection costs, and penalties owed to the city on delinquent fines, fees, and assessments. Authorizes the city to allow the New Orleans Sewerage and Water Board and other political subdivisions to participate in the program once every eight calendar years. Authorizes the city to issue Request for Proposals (RFPs) in order to procure a third-party contractor to manage the program.

CULTURAL AFFAIRS

SB 153 by Martiny *(Last Action - Act No. 263)*

Relative to the board of directors of the La. State Museum, requires that members of the board have experience in business administration, historic preservation, museum sciences, facility management, community advocacy, or other pertinent disciplines. Makes various changes with respect to nominations for appointment to the board and provides that board members serve four-year staggered terms rather than terms concurrent with the Lt. governor. Requires the board to assist the secretary of the Dept. of Culture, Recreation and Tourism and the assistant secretary of the office of state museum in establishing fiscal policies. Provides an exception to the Ethics Code relative to certain compensation or benefits provided to the director of the museum.

NATURAL RESOURCES AND ENVIRONMENT

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CRAB GEAR LICENSE FEES

HB 198 by St. Germain (*Last Action – Act No. 303*)

Increases the resident crab trap gear license fee from \$35 per year to \$50 per year for any number of crab traps and increases the dedications from that fee to the Derelict Crab Trap Removal Program and the Crab Promotion and Marketing Account from \$5 per license to \$10 per license.

Increases the nonresident crab trap gear license fee from \$140 per year to \$200 per year for any number of crab traps and increases the dedications from that fee to the Derelict Crab Trap Removal Program and the Crab Promotion and Marketing Account from \$20 per license to \$40 per license.

OYSTERS

HB 579 by Garofalo (*Last Action – Act No. 343*)

Beginning January 1, 2016, increases the rental rate for oyster leases from \$2 to \$3 per acre per year and dedicates the revenues from oyster lease rental payments to the Public Oyster Seed Ground Development Account.

HCR 104 by Dove (*Last Action – Conference Committee*)

Would have created an Oyster Lease Moratorium Lifting Committee to study various issues related to lifting the 13-year-old oyster lease moratorium. Required a report to be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than February 1, 2016, and required the report to include specific proposed legislation and any regulations that may be needed for implementation of the recommendations of the committee.

CRAWFISH

HB 438 by Lambert (*Last Action – House Committee*)

Would have prohibited the sale or attempted sale, marketing, or purchase for sale of live crawfish for direct human consumption that are smaller than 3-1/2 inches from the tip of the rostrum to the

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rear edge of the carapace. Provides that any crawfish smaller than that can only be sold for peelers or for use as bait. Allows a five percent variance of undersized crawfish in each sack.

HCR 138 by Lambert *(Last Action – House Committee)*

Would have created a Louisiana Crawfish Industry Study Committee to examine issues, laws, regulations, and practices surrounding the wild-caught and farm-raised crawfish industries and report by March 1, 2016, to the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources and the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

HCR 140 by Lambert *(Last Action – Senate Committee)*

Would have requested the Dept. of Wildlife and Fisheries to examine the issue of a wild-caught crawfish fishing season and report findings to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by February 15, 2016.

HOG HUNTING

HB 51 by Howard *(Last Action – House Committee)*

Would have authorized the secretary of the Dept. of Wildlife and Fisheries to enter cooperative endeavor agreements with landowners to share the cost of a bounty on feral hogs. The department would have matched the landowner's bounty up to \$2.50 per feral hog towards the total bounty offered.

HB 167 by Burford *(Last Action – Senate Committee)*

Would have limited the taking of outlaw quadrupeds, nutria, and beaver on private property at night to the time period from February 1 through November 1. Would have prohibited any person who has a conviction for prohibited night hunting from being eligible to hunt outlaw quadrupeds, nutria, or beaver at night.

HB 288 by Thibaut *(Last Action – House Committee)*

Would have defined "feral hogs" and prohibited the importation of live feral hogs and the release of live feral hogs into the wild. Would have required a permit issued by the Dept. of Wildlife and Fisheries to transport a feral hog.

Natural Resources & Environment

HB 306 by Jackson (*Last Action – House Calendar*)

Would have required the Wildlife and Fisheries Commission to develop a lifetime license for taking feral hogs.

SB 212 by Ward (*Last Action – Act No. 273*)

Authorizes bowhunters to carry any caliber firearm on their person while hunting with a bow.

FEE INCREASES – OFFICE OF CONSERVATION

HB 784 by Dove (*Last Action – Act No. 362*)

Increase fees and creates new fees on oil, gas, and pipeline operators that raises \$5.5 million annually for the office of conservation.

RETIREMENT

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COST-OF-LIVING ADJUSTMENT (COLA)

HB 42 by Jones (*Last Action – Vetoed by Governor*)



[Veto Message](#)

Grants a permanent benefit increase (also known as a COLA) payable July 1, 2015, to all retirees and beneficiaries of each of the four state retirement systems who would otherwise be eligible for a COLA pursuant to present law governing experience accounts. The amount of the COLA is determined by the funded ratio of the system to which the retiree or beneficiary belongs: for the La. State Employees' Retirement System and the Teachers' Retirement System of La. the amount is 1.5%; for the La. School Employees' Retirement System and the La. State Police Retirement System the amount is 2%. Retirees and beneficiaries of the La. State Police Retirement System age 65 and older receive an additional 2% increase. The bill also makes structural changes to the retirement systems, such as decreasing the amount of time over which debts of the system are paid and establishing the sequence of credits and debits into and out of the experience accounts.

TEACHER RETIRE-REHIRE

SB 20 by Long (*Last Action – Act No. 149*)

Expands the pool of eligible Teachers' Retirement System retirees who may return to work and collect their full benefit check while reemployed to include any member who retired on or before June 30, 2010, educational diagnosticians, school counselors, and school social workers.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

COMMITTEE CONTACTS

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MOTOR VEHICLES

HB 490 by Willmott (*Last Action – Act No. 115*)

Prohibits the driver of any vehicle, other than an authorized vehicle, to drive through or use any improved opening or crossover on any interstate highway.

HB 737 by Ortego (*Last Action – Senate Committee*)

Would have provided for the ownership, disclosure, dissemination, retrieval, and retention of data located on recording devices in motor vehicles.

SB 250 by Johns (*Last Action – Vetoed by Governor*)



[Veto Message](#)

Creates the Statewide Motor Vehicle Theft and Uninsured Motorist Identification Pilot Program which will utilize an automatic license plate recognition system to identify uninsured motorists and stolen vehicles.

Authorizes the sheriff's office in each parish of the state, in cooperation with that parish's district attorney's office, to participate in the program by entering into an agreement to participate with appropriate agencies and other entities in each jurisdiction.

The automatic license plate recognition system may be used as follows:

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

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any applicable law.

Provides that a central database for the collection, storage, and dissemination of data captured by an automatic license plate recognition system is to be established and operated by the participating law enforcement agencies, which database must be located in a secure area.

Provides that data collected or retained through the use of an automated license plate recognition system cannot be used by any individual or agency for purposes other than law enforcement.

Further provides that any and all data collected, retained, or shared through the use of an automated license plate recognition system, except data retained as evidence of a violation of compulsory motor vehicle insurance law or a felony shall be exempt from disclosure under the Public Records Law.

Requires the Dept. of Public Safety and Corrections to submit a written report concerning the program to the Senate and House Select Committees on Homeland Security on or before January 15, 2016, and annually thereafter.

Terminates the pilot program on January 1, 2021.

OFF-ROAD VEHICLES

HB 248 by Lambert (*Last Action – Act No. 308*)

Prohibits the operation of golf carts on public roads, except as follows: (1) the operation of golf carts on parish and municipal roads if designated by a parish or municipal government and (2) golf carts used to cross public roads where there is a golf course constructed on both sides of the public road if the Dept. of Transportation and Development issued a permit for the crossing.

HB 581 by Armes (*Last Action – Act No. 122*)

Prohibits the operation of utility terrain vehicles (UTVs) on public roads, except as follows: (1) the operation of UTVs on parish and municipal roads if designated by a parish or municipal government for use by a UTV and (2) UTVs used to cross any divided highway, highway, roadway, or street where the posted speed exceeds 35 miles per hour at an intersection.

MOTOR VEHICLE INSPECTIONS

HB 564 by Burford (*Last Action – Senate Committee*)

Would have required persons operating motor vehicle inspection stations to offer certificates of

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inspection that would be valid for five years for motor vehicles that were seven model years old or newer.

Would have exempted tandem axle trailers from motor vehicle inspection unless they were used in commerce and subject to Federal Motor Carrier Safety Administration regulations.

HB 593 by Landry, T. (*Last Action – Act No. 344*)

Authorizes the Dept. of Public Safety and Corrections (DPS&C), public safety service, subject to an appropriation of funds for such purpose, to develop a system of electronic filing of inspection information and print-on-demand motor vehicle inspection certificates (system).

Establishes the following minimum requirements for such system:

- (1) The system shall interface with DPS&C's vehicle registration system and update vehicle records with each inspection.
- (2) The print-on-demand feature of the system shall print a new inspection certificate after the station has verified through an electronic interface that the vehicle complies with all inspection requirements and the appropriate fee has been collected.
- (3) The print-on-demand inspection certificate shall contain information and security features as necessary to deter unofficial or fraudulent stickers, or to prevent the placement of the certificate on a vehicle other than the vehicle inspected.
- (4) A mechanism for the submission of the state's portion of the inspection fee; such as, electronic funds transfer, making the state's payment processing system available to the station, or other such methods as DPS&C may deem appropriate.

Requires the following as minimum requirements for any request for proposal for such system:

- (1) The station shall contract with the DPS&C's vendor for the acquisition of any hardware, software, or supplies necessary to implement the system, and connect to the system. DPS&C shall approve the form of the contract. Such contract shall be subject to the vendor's contract with the state and shall be governed by the laws of Louisiana.
- (2) The vendor's system shall not retain or capture personal identifying information either from the DPS&C's system or from data entered at the inspection station.

Specifies that two years after implementation of the system the DPS&C may establish a system of administrative fines to be assessed against the registered owner of any vehicle if the vehicle record shows a lapse of a valid inspection sticker for a period of more than 60 days. Specifies that the fines

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established cannot exceed twice the amount of the fee for the inspection certificate for a particular vehicle.

Provides that the office of motor vehicles shall not distribute motor vehicle inspection stickers to each district office throughout the state or make such stickers available for purchase when the system is implemented.

Exempts tandem axle trailers from motor vehicle inspection unless they are used in commerce and are subject to Federal Motor Carrier Safety Administration regulations.

DRIVER'S LICENSES

HB 37 by Brown (*Last Action – Act No. 369*)

Authorizes a blood type designation to be included on the back of a person's driver's license or special identification card. Specifies that no action taken by any person with regard to any driver's license or identification card displaying a blood type shall create a warranty of the reliability or accuracy of the document or electronic image or create any liability on the part of the state or any agency of the state.

Authorizes a person in grade eight to participate in driver education.

Authorizes a person 70 years old or older, who is medically diagnosed with a disability that precludes renewal of their Class "D" or "E" driver's license in person, to renew their license by mail. If the person is 70 years old or older, requires a sworn affidavit by a physician certifying such person possesses all cognitive functions reasonably necessary to be a prudent driver.

PUBLIC TAG AGENTS

HB 445 by Mack (*Last Action – Act No. 110*)

Increases the fees which may be charged by the Dept. of Public Safety and Corrections, the commissioner of the office of motor vehicles (OMV), for each certificate of title from \$18.50 to \$68.50 and for each salvage title from \$18.50 to \$68.50.

Prohibits persons, natural or juridical, from collecting registration license taxes except public license tag agents, auto title companies, financial institutions, licensed new or used car dealers, recreational product dealers, state departments, offices or entities, and those included in the public tag agent system.

Requires each public license tag agent other than a municipal governing authority to execute a good

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and sufficient surety bond with a surety company qualified to do business in Louisiana as surety, in a sum of \$100,000 should the public tag agent have only one office in this state and in a sum of \$125,000 should the public tag agent have more than one office in this state.

Authorizes OMV to deny a contract to any person, natural or juridical, seeking to be a public tag agent if that person has been found to be in violation of any rule or regulation promulgated by OMV, subject to administrative hearing, pertaining to the issuance of a motor vehicle title, registration, or driver's license within the two-year period prior to the date of application.

Authorizes OMV to suspend, revoke, cancel, or impose other restrictions on any public tag agent contract for a number of causes relative to the duties of public tag agents.

Provides that OMV may issue an order to any person engaged in any activity, conduct, or practice constituting a violation of law relating to public tag agent contracts or any rules or regulations adopted pursuant to law, directing such person to cease and desist from such activity, conduct, or practice. If such person does not cease and desist the proscribed activity, conduct, or practice within 10 days from service of such cease and desist order by certified mail, OMV may cause to issue a writ of injunction enjoining such person from engaging in any activity, conduct, or practice proscribed by law relating to public tag agents, or any rules or regulations adopted pursuant thereto.

Provides that upon a proper showing by OMV that such person has engaged or is engaged in any activity, conduct, or practice proscribed law relating to public tag agent contracts or any rules or regulations adopted pursuant thereto, the court shall issue a temporary restraining order restraining the person from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall issue after hearing, commanding the cessation of the unlawful activity, conduct, or practice complained of, all without the necessity of OMV having to give bond as usually required in such cases. Provides that the trial of the proceeding by injunction shall be a summary proceeding, and shall be tried by the judge alone without a jury.

Provides that a public tag agent with an existing contract with the Dept. of Public Safety and Corrections, OMV, as of August 1, 2015, shall not be required to obtain a surety bond in the new amounts required until the renewal date of the contract. Thereafter, all public tag agents shall be required to obtain surety bonds in the amounts required by the provisions of proposed law.

Effective July 1, 2015.

TRANSPORTATION FUNDING

HB 208 by Landry, T. (*Last Action – Act No. 380*)

La. Const. Article VII, §27 establishes the Transportation Trust Fund (TTF) and provides that

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"monies in the transportation trust fund shall be appropriated or dedicated solely and exclusively for the costs for and associated with construction and maintenance of the roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program or its successor, ports, airports, transit, state police for traffic control purposes, and the Parish Transportation Fund or its successor."

The present constitution further provides that "state generated tax monies appropriated for ports, Parish Transportation Fund, or its successor, and the Statewide Flood-Control Program, or its successor, and state police for traffic control purposes shall not exceed 20% annually of the state generated tax revenues in the trust fund." (La. Const. Art. VII, §27(B))

The bill provides that appropriations by the legislature of monies out of the TTF to the Dept. of Public Safety and Corrections, office of state police, shall not exceed \$45 million for Fiscal Year 2015-2016, \$20 million for Fiscal Year 2016-2017, and \$10 million for Fiscal Year 2017-2018 and each fiscal year thereafter.

In addition, the bill provides: (1) In any given fiscal year, monies appropriated for ports, the Parish Transportation Fund, or its successor, and the Statewide Flood-Control Program, or its successor, and state police out of the TTF shall not exceed 20% annually of the monies deposited in the TTF from any source, including but not limited to state generated tax monies, fees, penalties, or earnings realized on the investment of monies in the TTF deposited in and credited to the TTF; and, (2) The Dept. of Public Safety and Corrections, office of state police, shall not utilize more than \$45 million of the TTF monies in FY 2015-2016, \$20 million of the TTF monies in FY 2016-2017, and \$10 million of the TTF monies in FY 2017-2018 and each fiscal year thereafter.

In addition, each year, the governor is required by law to prepare an executive budget with recommendations for appropriations. This bill provides that executive budget recommendations for appropriations of any monies out of the TTF to the Dept. of Public Safety and Corrections, office of state police, shall not exceed \$25 million for FY 2016-2017 and \$10 million for FY 2017-2018 and each fiscal year thereafter.

HB 645 by Connick *(Last Action – Act No. 348)*

Requires the Dept. of Transportation and Development to use toll credits earned from the Crescent City Connection Bridge in New Orleans for the Crescent City Connection Bridge itself, the Westbank Expressway or its approaches, the La. Hwy. 23 bridge and tunnel replacement project, the Fourth Street extension, or any combination thereof, and for no other purpose.

HB 618 by St. Germain *(Last Action – Act No. 471)*

Present constitution prohibits the loan, pledge, or donation of funds, credit, property, or things of value of the state. (La. Const. Art. VII, §14(A))

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Adds an exception for the investment of public funds to capitalize a state infrastructure bank to be utilized solely for transportation projects.

Provides for submission of the proposed **constitutional amendment** to the voters at the statewide election to be held on October 24, 2015.

HB 767 by St. Germain (*Last Action – Act No. 431*)

Creates the La. State Transportation Infrastructure Bank and the La. State Transportation Infrastructure Fund. These entities would be placed in the Dept. of the Treasury and operated by a board of directors chaired by the state treasurer. Subject to Bond Commission approval, the board through cooperative endeavor agreements, could offer loans or other financial assistance to municipalities, parishes, publically operated ports, harbors or terminal districts, airports, ferries, and transit systems for eligible transportation projects that are first approved by the Dept. of Transportation and Development. The "bank" would work very much like a revolving loan fund.

HB 777 by St. Germain (*Last Action – House Calendar*)

Would have called for a 10¢ increase in the state gas tax for 10 years. An increase of 10¢ in the existing 20¢ state gas tax would have raised an additional \$300 million a year. This additional revenue would have been placed in the Transportation Trust Fund. Monies in the Transportation Trust Fund are "appropriated or dedicated solely and exclusively for the costs for and associated with construction and maintenance of the roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program or its successor, ports, airports, transit, state police for traffic control purposes, and the Parish Transportation Fund or its successor." (La. Const. Art. VII, §27(B))

HB 778 by St. Germain (*Last Action – Failed to Pass/House*)

Would have implemented a 1¢ sales tax for 10 years and dedicated revenues generated to 16 specific new infrastructure projects in economic development corridors across the state. Projects would have included adding new lanes to existing highways to address capacity needs, building new bridges, and upgrading existing highways. A portion of the tax collected each year would have been appropriated to the La. State Transportation Infrastructure Bank, created by HB 767 of the 2015 Regular Session. If implemented, this tax would have generated approximately \$792 million a year.

SB 122 by Adley (*Last Action – Act No. 257*)

Up to \$850 million per year in mineral revenues may be used to support the state operating budget. This is known as the "base" and this amount may be increased every 10 years by a law enacted by two-thirds vote of the legislature.

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The amount of any such increase is limited to an amount equal to 50% in the aggregate of the increase in the consumer price index for the immediately preceding 10 years.

The base was last increased in 2004 from \$750 to \$850 million.

This bill increases the amount of mineral revenues that may be used to support the state operating budget from \$850 million to \$950 million.

Effective upon signature of the governor or lapse of time for gubernatorial action.

SB 221 by Adley (*Last Action – Act No. 275*)

Present law has a scheduled phase-in of state motor vehicle sales tax collections from the state general fund to the Transportation Trust Fund (TTF) and the Transportation Mobility Fund.

The phase-in is set to happen when the official revenue forecast exceeds the forecast for Fiscal Year 2008-2009. This is often called the "trigger". The "trigger" has not been reached yet so none of these dollars have flowed to transportation funds.

This bill removes the "trigger" but allows for the state general fund to retain most of these dollars in exchange of giving up to \$100 million for transportation funds, but removes the Transportation Mobility Fund.

With this bill, beginning in 2017-2018, an amount equal to an increase in general fund revenues which the Revenue Estimating Conference recognizes as being attributable to the provisions of the Act which originated as SB 122 of the 2015 Regular Session (increasing the "base") but not more than \$100 million per fiscal year, would be deposited into transportation related funds.

The first \$70 million would be deposited into the TTF and be used exclusively for state highway pavement and bridge sustainability projects in accordance with Dept. of Transportation and Development definitions of such projects.

After that, 93% of the remaining monies would be deposited into TTF to be used for capacity projects, the port construction and development priority program, and highway priority projects for pavement and bridge sustainability in accordance with Dept. of Transportation and Development definitions of such projects.

Seven percent of the remaining monies would go to the La. State Transportation Infrastructure Fund created pursuant to HB 767 of the 2015 Regular Session, with a secondary recipient being the port construction and development priority program projects should HB 767 of the 2015 Regular Session fail to become law.

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None of these dollars could be appropriated to the office of state police.

The effectiveness of this bill is contingent upon SB 122 of the 2015 Regular Session, the "base" bill, becoming law.

SB 202 by Adley (*Last Action – Act No. 473*)

The constitution provides that after satisfaction of the allocations to the Conservation Fund, the La. Education Quality Trust Fund, and parish governments, and after the "base" has been allotted for use in the operating budget, remaining mineral revenues ("excess mineral revenues") are deposited into the Budget Stabilization Fund.

This bill proposes a **constitutional amendment** of La. Const. Article VII, Sections 10.3 and 27, to rename the Budget Stabilization Fund the Budget and Transportation Stabilization Trust in the constitution. Two subfunds would be set up in this trust: the Budget Stabilization Subfund and the Transportation Stabilization Subfund.

Mineral revenues in excess of the base would be deposited into the Budget Stabilization Subfund until the subfund reached and maintained \$500 million.

Once the Budget Stabilization Subfund balance equaled \$500 million, the remaining excess mineral revenues would flow to the Transportation Stabilization Subfund.

Monies in the Transportation Stabilization Subfund would only be used for planning, design, construction, and maintenance connected with the state highway system provided that 20% would have to be used for the La. Intermodal Connector Program within the Dept. of Transportation and Development.

Additionally, this amendment would allow the "base" to be increased every five years rather than 10 years but still only by a law enacted by two-thirds vote of the legislature.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on October 24, 2015.

SB 271 by White (*Last Action – Act No. 147*)

Establishes an equivalency for the special fuels tax with the gasoline tax on motor vehicles that operate on the highways using liquefied natural gas, liquefied petroleum gas, or compressed natural gas and eliminates the current decal system. This is not a new tax. The bill simply provides a different collection method of the current special fuels tax when these fuels are used in motor vehicles on the highways of the state. The bill also reduces vendor compensation for timely remittance of motor fuel taxes from 1% to .33%. The Legislative Fiscal Office estimates the

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changes provided for in this bill could increase revenues to the Transportation Trust Fund by about \$6 million annually.

PRIORITY PROGRAMS

HB 742 by Leger (*Last Action – Act No. 355*)

Beginning March 14, 2016, provides that the legislature declares it to be in the public interest that a prioritization process for construction be utilized to develop a Highway Priority Program (program) that accomplishes certain goals.

Requires that projects to be included in the program be selected utilizing a process based on an objective analysis that considers a list of factors relative to the cost of the project and anticipated revenues to be appropriated by the legislature (selection factors).

Specifies that prior to selecting a project for inclusion in the program based on the selection factors, the Dept. of Transportation and Development shall screen all projects submitted for inclusion in the program to determine whether they are consistent with the most recent Statewide Transportation Plan and warrant inclusion in the program.

The Dept. of Transportation and Development is to initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before June 6, 2016. The Dept. of Transportation and Development is then to evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis.

Beginning in 2018, the Dept. of Transportation and Development is to report the results of these biennial evaluations to the legislature and make them available to the public on the department's website when the Dept. of Transportation and Development presents a proposed program of construction to the Joint Highway Priority Construction Committee as required by law beginning with the program presented for Fiscal Year 2017-2018.

SB 71 by Erdey (*Last Action – Act No. 28*)

Requires the inclusion of both positive and negative impacts of a proposed flood control project on surrounding parishes to be included in the application for a flood-control project under the Statewide Flood Control Program.

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LEVEE DISTRICTS AND LEVEE AND DRAINAGE DISTRICTS

HB 709 by Harrison (*Last Action – Act No. 423*)

Increases the authorized per diem rate of members and board of commissioners of levee districts and levee and drainage districts from the federal per diem rates to 75% of the federal per diem rates. Requires the board of commissioners to give at least two weeks notice to the public of its intent to vote on whether or not to fix the per diem of its members above \$75.

Increases the per diem rate of the board of commissioners of the Amite River Basin Drainage and Water Conservation District to 75% of the federal per diem rates. Requires the board of commissioners to give at least two weeks notice to the public of its intent to vote on whether or not to fix the per diem of its members above \$60.

PUBLIC BID LAW

HB 314 by Pierre (*Last Action – Senate Committee*)

Would have provided a contracted rate of compensation for excess contractor services performed pursuant to public contracts entered into by political subdivisions.

HB 622 by Pierre (*Last Action – House Committee*)

Current law requires political subdivisions to award public works contracts solely on the basis of the lowest responsive bidder. Additionally, current law authorizes the Dept. of Transportation and Development to award public works contracts on the basis of construction time and life cycle cost, in addition to bid cost.

Would have authorized the city of Lafayette, the parish of Lafayette, and the Lafayette City-Parish Consolidated Government to award public works contracts on the basis of construction time and life cycle cost, in addition to bid cost, in the same manner as the La. Dept. of Transportation and Development.

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AD VALOREM TAX

HB 360 by Chaney *(Last Action - Act No. 470)*

Proposed **constitutional amendment** that specifies that the ad valorem property tax exemption for public lands and property is not applicable to property owned by another state or by a political subdivision of another state.

CAPITAL OUTLAY

HB 2 by Robideaux *(Last Action - Act No. 26)*

HB 3 by Robideaux *(Last Action - Act No. 36)*

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

HB 2 - CAPITAL OUTLAY	
MEANS OF FINANCING	AMOUNT
FEES & SELF GENERATED CASH	\$156,477,000
FEDERAL FUNDS (excluding FEDERAL-TTF)	\$233,476,143
TRANSPORTATION TRUST FUND (TTF) - FEDERAL	\$559,414,090
TRANSPORTATION TRUST FUND (TTF) - REGULAR	\$114,326,858
STATE GENERAL FUND (NON-RECURRING REVENUES)	\$0
STATE GENERAL FUND (DIRECT)	\$0
INTER-AGENCY TRANSFER	\$27,600,012
MISC STATUTORY DEDICATIONS	\$78,015,996
COASTAL PROTECTION & RESTORATION FUND	\$42,155,620
REAPPROPRIATED CASH	\$12,741,200
SUB-TOTAL CASH	\$1,224,206,919

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REVENUE BONDS	\$216,560,000
SUB-TOTAL CASH & REVENUE BONDS	\$1,440,766,919
GENERAL OBLIGATION BONDS	
PRIORITY 1	\$1,434,220,500
PRIORITY 2	\$391,399,657
PRIORITY 3	\$800,000
PRIORITY 4	\$0
SUB-TOTAL PRIORITIES 1-4	\$1,826,420,157
PRIORITY 5	\$2,080,284,000
SUB-TOTAL GENERAL OBLIGATION BONDS	\$3,906,704,157
BONDS NRP (Reallocated bond proceeds)	\$58,246,959
TOTAL OF HB 2	\$5,405,718,035
Cash Line of Credit Capacity Limit	\$1,440,055,000
Cash Line of Credit commitment for Priority 1 projects	(\$1,434,220,500)
Cash Line of Credit Capacity amount available for Priority 2	\$5,834,500

HB 495 by Talbot *(Last Action – Senate Committee)*

Would have required the Joint Legislative Committee on Capital Outlay (JLCCO) to approve nonstate entity line of credit recommendations prior to the division of administration submitting the list to the State Bond Commission (SBC) for funding.

Would have required the commissioner to submit the list of recommendations to the JLCCO no less than 15 days prior to the meeting date of the SBC in which the lines of credit are to be considered for funding. The JLCCO would have made final recommendations by approving the list, rejecting any project on the list, or making any other changes to the list. Only nonstate entity projects approved from the JLCCO could be submitted to the SBC for consideration of funding.

HB 212 by Jay Morris *(Last Action – Senate Committee)*

Would have required the Joint Legislative Committee on Capital Outlay (JLCCO) to approve state and nonstate entity line of credit recommendations prior to the division of administration submitting the list to the State Bond Commission for funding.

Would have required the commissioner to submit the list of recommendations to the JLCCO no less

than 30 days prior to the meeting date of the SBC in which the lines of credit are to be considered for funding.

HB 211 by Jay Morris (*Last Action – Senate Committee*)

Would have changed the membership of the Joint Legislative Committee on Capital Outlay (JLCCO) by adding two additional members of the House and two additional members of the Senate elected by their respective bodies to serve on the committee from each congressional district. Would have also changed the membership of the JLCCO by requiring the chairmen of the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committees to be members of the JLCCO rather than the entire membership of those committees and would have required the four members appointed to the JLCCO by the Speaker of the House and four members appointed by the President of the Senate to be made from the membership of those committee respectively.

Would have prohibited an elected member to the JLCCO from serving on either the House Ways and Means Committee or the Senate Revenue and Fiscal Affairs Committee.

HR 117 by Talbot (*Last Action – House Calendar*)

Would have provided that the motion for final passage, to concur in Senate amendments, or to adopt a conference committee report on the Capital Outlay Bill (HB2) is not in order unless the amount of new funding for the projects contained within HB2 is equal to or less than the amount of general obligation bond cash line of credit capacity plus 10% of the capacity.

SALES TAX

HCR 8 by Montoucet (*Last Action – Adopted*)

Suspends the exemption for business utilities as to the 0.97% state sale and use tax levy for sales of steam, water, electric power or energy, and natural gas beginning July 1, 2015, through the 60th day after final adjournment of the 2016 Regular Session

HB 555 by Fannin (*Last Action - Vetoed by Governor*)

HB 355 by Pugh (*Last Action - Senate floor*)



[Veto Message](#)

For purposes of Louisiana state and local sales and use taxes, defines a retail seller doing business in the state as a "dealer", and requires the dealer to collect the state and local sales and use taxes at the time of sale. This bill expands the definition of "dealer" to include a remote seller (internet, catalog, etc.), who meets specific criteria relative to their level of business activity in the state, contractual relationships with local representatives, and ownership structure. Requires the remote dealer to collect the existing additional 4% state sales and use tax only on sales involving a remote

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dealer. The state collects the tax and the proceeds are distributed to local governments that levy sales and use taxes. This tax is levied and paid in lieu of any local sales and use tax.

HB 471 by Stokes *(Last Action - Act No. 405)*

Establishes the Sales Tax Streamlining and Modernization Commission composed of 20 members to perform a comprehensive study of La.'s state and local sales tax systems, and to make recommendations to the La. Legislature regarding revision of practices, administrative procedure, statutory law, and La. constitution.

Requires the commission to meet monthly and to hold its first meeting no later than July 31, 2015.

TAX INCENTIVES

HB 218 by Broadwater *(Last Action – Act No. 103)*

Eliminates the three year carryback of the net operating loss deduction for purposes of calculating corporate income tax liability and increases the carryover period from 15 years to 20 years for any claim filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

Prohibits application to an amended return filed on or after July 1, 2015, relating to a net operating loss deduction properly claimed on an original return filed prior to July 1, 2015.

HB 402 by Stokes *(Last Action - Act No. 109)*

Revises the eligibility criteria for and maximum amount of the individual income tax credit for income taxes paid to another state. The credit is changed from any income taxes paid to any other state to income taxes paid to a state which offers a reciprocal credit for taxes paid to La. The maximum amount of the credit is changed from the amount of taxes paid to the other state to the amount of tax that would have been imposed by La. if the income had been earned in La. Further, disallows the credit for income taxes paid to a state that allows a nonresident a credit against the income taxes imposed by that state for taxes paid or payable to the state of residence.

Exceptions are made with respect to the claiming of this credit on an amended return, and on a return filed pursuant to an extension of time under certain specific circumstances.

HB 604 by Stokes *(Last Action - Act No. 412)*

SB 100 by Morrell *(Last Action - Act No. 141)*

Enacts procedures and authorizes fees regarding independent verification of qualified expenditures claimed for the entertainment industry tax credits and the research and development tax credit, all

administered by the Dept. of Economic Development.

For the research and development tax credit, the verification report is only required for qualification of expenditures of certain businesses that employ less than 50 persons and who are not participants in certain federal programs or a recipient of the federal research and development tax credit.

To receive a tax credit under these programs, an applicant must submit an audited cost report of expenditures to DED to be considered for the granting of tax credits based on "certification" of the expenditures for the tax credit. The procedure for the review of the cost report is changed from review by a certified public accountant (CPA) hired by the applicant to audit its cost report with the audit submitted to DED to review by a CPA or tax attorney (for the research and development tax credit only) hired by DED to review the applicant's cost report and issues an expenditure verification report to DED with respect to reported expenditures.

Authorizes DED to establish specific fee amounts for the preparation of an expenditure verification report. Fees may range from \$15,000 to \$25,000 for the motion picture investor, digital interactive media and software development, and research and development tax credits and from \$5,000 to \$15,000 for the sound recording investor and musical and theatrical production tax credits. An applicant seeking certification of expenditures for tax credits shall be responsible for and assessed the fee, as well as an up-front deposit of up to \$15,000.

HB 624 by Jackson (*Last Action – Act No. 123*)

Reduces the amount of the following corporate income tax exclusions and deductions by 28% for any claim filed on or after July 1, 2015, regardless of the taxable year to which the return relates:

- (1) R.S. 47:51 - Exclusion for funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system
- (2) R.S. 47:158 - Deduction for oil and gas depletion
- (3) R.S. 47:246 - Net operating loss deduction of a corporation
- (4) R.S. 47:287.71 - Exclusion for funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system
- (5) R.S. 47:287.73 - Deduction for expenses disallowed under I.R.C. Section 280C
- (6) R.S. 47:287.86 - Net operating loss deduction
- (7) R.S. 47:287.738 - Deduction for interest and dividend income included on the federal income tax return

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- (8) R.S. 47:287.745 - Deduction for oil and gas depletion
- (9) R.S. 51:3092 - Exemption from corporation income and franchise taxes for certain La. Community Development Financial Institutions

Prohibits application to an amended return filed on or after July 1, 2015, relating to an exclusion from taxable income or a claim for a deduction properly claimed on an original return filed prior to July 1, 2015.

Authorizes an exclusion or deduction for a taxpayer when the taxpayer has filed a return after July 1, 2015, for which a valid filing extension has been allowed prior to July 1, 2015, and any portion of an exclusion or deduction of the taxpayer has been disallowed. The exclusion or deduction authorized is equal to one-third of the disallowed portion to be taken on the taxpayer's return for each of the taxable years during calendar years 2017, 2018, and 2019.

Reductions in the amount of the deductions and exclusions shall become effective July 1, 2015, and shall remain effective through June 30, 2018.

HB 629 by Jackson (*Last Action – Act No. 125*)

Reduces the following income and corporation franchise tax credits by 28% for any claim filed on or after July 1, 2015, regardless of the taxable year to which the return relates:

- (1) R.S. 25:1226.4 - Atchafalaya Trace Heritage Area Development Zone tax credit
- (2) R.S. 47:34 - Corporation tax credit
- (3) R.S. 47:35 - Neighborhood assistance tax credit
- (4) R.S. 47:37 - Credit for contributions to educational institutions
- (5) R.S. 47:227 - Offset against tax; insurance premium
- (6) R.S. 47:265 - Credits arising from refunds by utilities
- (7) R.S. 47:287.664 - Credits arising from refunds by utilities
- (8) R.S. 47:287.748 - Corporation tax credit; re-entrant jobs credit
- (9) R.S. 47:287.749 - Jobs credit
- (10) R.S. 47:287.752 - Credit for employment of first-time nonviolent offenders

- (11) R.S. 47:287.753 - Neighborhood assistance tax credit
- (12) R.S. 47:287.755 - Credit for contributions to educational institutions
- (13) R.S. 47:287.758 - Credit for bone marrow donor expense
- (14) R.S. 47:287.759 - Credit for employee and dependent health insurance coverage
- (15) R.S. 47:297 - Reduction to tax due
- (16) R.S. 47:297.6 - Credit for rehabilitation of residential structures
- (17) R.S. 47:297.9 - Certain military service members and dependents hunting and fishing licenses
- (18) R.S. 47:6004 - Employer Credit
- (19) R.S. 47:6005 - Qualified new recycling manufacturing equipment and service contracts
- (20) R.S. 47:6008 - Credit for donations to assist playgrounds in economically depressed areas
- (21) R.S. 47:6009 - Louisiana Basic Skills Training Tax Credit
- (22) R.S. 47:6012 - Employer tax credits for donations of materials, equipment, advisors, or instructors
- (23) R.S. 47:6013 - Credit for donations to public schools
- (24) R.S. 47:6017 - Credit for expenses paid by economic development corporations
- (25) R.S. 47:6018 - Credit for purchasers from "PIE contractors"
- (26) R.S. 47:6020 - Angel Investor tax credit program
- (27) R.S. 47:6022 - Digital interactive media and software tax credit
- (28) R.S. 47:6023 Sound recording investor tax credit
- (29) R.S. 47:6025 - Credit for La. Citizens Property Insurance Corp. assessment
- (30) R.S. 47:6026 - Cane River heritage tax credit

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- (31) R.S. 47:6032 - Credit for certain milk producers
- (32) R.S. 47:6034 - Musical and theatrical production income tax credit
- (33) R.S. 47:6035 - Credit for conversion of vehicles to alternative fuel usage
- (34) R.S. 47:6037 - Credit for "green job industries"
- (35) R.S. 51:1807 - Incentives (Urban Revitalization)
- (36) R.S. 51:2354 - Technology commercialization credit
- (37) R.S. 51:2399.3 - Modernization tax credit

Reductions in the amount of the tax credits shall not apply to an amended return filed on or after July 1, 2015, but before June 30, 2018, relating to a credit properly claimed on an original return filed prior to July 1, 2015.

Authorizes a credit for a taxpayer when the taxpayer has filed a return after July 1, 2015, but before June 30, 2018, for which a valid filing extension has been allowed prior to July 1, 2015, and any portion of a credit of the taxpayer has been disallowed. The credit authorized is equal to one-third of the disallowed portion of the credit to be taken on the taxpayer's return for each of the taxable years during calendar years 2017, 2018, and 2019.

Reduction of credit amount effective July 1, 2015 through June 30, 2018.

HB 635 by Jackson (*Last Action – Act No. 126*)

Reduces the amount of the following rebates by 20%:

- (1) R.S. 51:1787 - La. Enterprise Zone Program (rebate not reduced; retail and restaurant eliminated from eligibility)
- (2) R.S. 51:2367 - La. Mega-Project Development
- (3) R.S. 51:2455 - Quality Jobs Program
- (4) R.S. 51:3114 - Corporate Headquarters Relocation Program
- (5) R.S. 51:3121 - Competitive Projects Payroll Incentive Program

Eliminates retail businesses and restaurants from eligibility requirements for enterprise zone

contracts to receive sales tax rebates and income tax credits.

Reduction of rebate amount effective July 1, 2015 through June 30, 2018.

Elimination of retail business and restaurants from eligibility for enterprise zone contracts effective July 1, 2015.

HB 678 by Stokes *(Last Action - Act No. 417)*

For purposes of the motion picture investor tax credit, establishes requirements for inclusion of La. promotional content or activity for state-certified productions eligible for the tax credit. If a state-certified production does not include a La. promotional graphic or an alternative marketing opportunity which has been approved by DED for that specific production, the tax credit shall be reduced from 30% to 25% of the base investment.

A "Louisiana promotional graphic" is defined as a graphic that promotes La. in the end credits before the below-the-line crew crawl for the life of the production and which includes a link to La. on the production's website and online promotions.

An "alternative marketing opportunity" is defined as an alternative marketing mechanism which has been approved by DED as an alternative to a La. promotional graphic for purposes of a production.

Requires DED to include information regarding the specific use and comparative value of the alternative marketing opportunities it has approved for productions in the most recently ended calendar year in its annual report.

HB 735 by Stokes *(Last Action - Act No. 425)*

For purposes of the motion picture investor tax credit, requires individual income tax withholding from any payments made to certain individuals for services rendered in association with a state-certified production in order for those payments to be eligible "production expenditures" which may qualify for certification for tax credits. Requires quarterly electronic filing as well as certain specific information relating to the nature of the payments.

Authorizes the Dept. of Revenue to collect a one-time fee of \$200 per production for purposes of administering the reporting provisions.

HB 748 by Stokes *(Last Action - Act No. 129)*

Numerous procedural changes to the motion picture investor tax credit program, including the addition of eligibility for online productions, and the changing of the program name. Adds specific new requirements with respect to final certifications of project expenditures for motion picture

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infrastructure investor tax credits.

Changes the name of the program from motion picture investor tax credit to motion picture production tax credit.

For purposes of the motion picture production tax credit, for productions granted an initial certification for their expenditures on or after Jan. 1, 2016, revises procedures and timing deadlines regarding both initial and final certifications of expenditures. Reduces the number of times at which expenditures can be certified for purposes of tax credits from two while production is ongoing to one after project completion. However, if at the time of application for initial certification, the production company notifies DED that post-production activities will occur in La., then a supplemental request for certification of expenditures may be submitted for consideration by DED, with the cost of any verification of expenditures to be paid by the production company.

No later than six months after expiration of the initial certification period for the applicable state-certified production, a production company applicant is required to submit to DED all requests and required documentation for final certification of all tax credits and any other claims to tax credits shall be deemed waived. Authorizes a motion picture production company to designate a bank or other lender as an irrevocable designee in the initial certification under certain circumstances.

For purposes of the motion picture infrastructure tax credit, requirements are established regarding submission and consideration of final audit reports for final certification of state-certified expenditures.

HB 779 by Ponti (*Last Action - Act No. 131*)

Revises the solar energy systems tax credit program in several respects. The amount of the tax credit is reduced for both purchased and leased systems. The maximum tax credit authorized for a system purchased for installation at one's home on or after July 1, 2015, and on or before January 1, 2018, is reduced from 50% of the first \$25,000 of system cost to the lesser of: \$10,000, 50% of the cost, or \$2.00 multiplied by the size of the system measured in DC watts. The maximum tax credit authorized for a system purchased and installed at a residence by a third party through a lease with the owner of the residence on or after July 1, 2015, and on or before January 1, 2018, is reduced from 38% of the first \$25,000 of the cost of a system which provides no more than 6 kilowatts of energy and costs no more than \$2 per watt to 38% of the first \$20,000 of system cost.

The annual amount of tax credits authorized for payment in FY15-16 and FY16-17 is capped at \$10 million for each FY for the total tax credits paid by the Dept. of Revenue for purchased systems, and \$10 million for each FY for the total tax credits paid by the Dept. of Revenue for leased systems. The total amount of tax credits authorized for payment of tax credits claimed on or after July 1, 2017, is \$5 million for purchased systems and \$5 million for leased systems. Further, no more than \$19 million may be paid in FY14-15 in tax credits for leased systems for any claim not paid as of

June 1, 2015.

With respect to the annual caps on the total amount of tax credits which may be allowed on tax returns per FY, the granting of credits shall be on a first-come, first-served basis. If the total amount of credits applied for exceeds the amount of tax credits authorized for that year, the excess shall be treated as having been applied for on the first day of the subsequent year. All requests received on the same business day shall be treated as received at the same time, and if the aggregate amount of the requests received on a single business day exceed the total amount of available tax credits, tax credits must be approved on a pro rata basis. Beginning in FY15-16, claims for credits shall be filed electronically.

Repeals the tax credit for solar thermal systems as well as the eligibility requirements for a solar energy system financed by a solar dealer or installer.

Authorizes the Dept. of Revenue to withhold the payment of a tax credit if there are existing federal or state tax liens, pending charges or investigations, or third party claims against the taxpayer or an affiliate of the taxpayer.

HB 805 by Adams (*Last Action – Act No. 133*)

Provides that the excess amount of the income or corporation franchise tax credit for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers and on natural gas held or consumed in providing natural gas storage services or operating natural gas storage facilities shall be 100% refundable to a taxpayer whose tax liability for ad valorem taxes paid to political subdivisions is less than \$10,000.

For taxpayers whose tax liability for ad valorem taxes paid to political subdivisions is \$10,000 or more, 75% of the amount of the excess credit shall be refunded to the taxpayer and 25% of the amount of the excess credit may be carried forward against subsequent income or corporation franchise tax liability for up to five years.

Changes the income and corporation franchise tax credit for certain taxpayers who employ 50 or more persons and claim a federal income tax credit for increasing research activities from a refundable credit to one in which credit amounts which exceed taxpayer liability may be carried forward against subsequent income or corporation franchise tax liability for up to five years.

Applicable to all claims for these tax credits on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates. However, these provisions shall not apply to an amended return filed on or after July 1, 2015, provided that these credits were properly claimed on an original return filed prior to July 1, 2015.

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HB 829 by Robideaux (*Last Action – Act No. 134*)

With respect to the motion picture investor tax credit, increases the amount of the tax credit for expenditures on payroll for La. residents from 5% to 10% and increases the income limitation from the salary of any person that exceeds \$1 million to the salary of any person that exceeds \$3 million.

For state-certified productions approved on or after July 1, 2015, and on or before June 30, 2018, the maximum amount of credits that may be certified for an single state-certified production shall not exceed \$30 million. The credit for these productions may be structured over two or more tax years as provided for in the initial certification letter.

Adds credits for the following:

- (1) If the total base investment is greater than \$50,000 but less than \$300,000, each state-certified production shall be allowed a credit of 30% of the total base investment made by that investor. However, a condition for earning this tax credit includes a requirement that no less than 90% of the total amount of the applicant's expenditures for above the line services shall be expended on La. residents and that 90% or more of the total number of jobs in the production shall be filled by La. residents. Failure to comply with these requirements shall void the certification and no tax credits shall be earned by the applicant.
- (2) If the total base investment is greater than \$300,000 and the state-certified production is based on a screenplay, the copyright or the right of use of the copyright of which, is owned or optioned to own for a minimum of 12 months prior to the production by a La. resident company or a La. company with its principal place of business in the state which employs a minimum of three full-time La. residents, each investor shall be allowed an additional tax credit of 15% of the base investment in the state-certified production.
- (3) To the extent that the base investment is expended on music, the sound recording copyright or musical copyright of which, is owned in whole or in part at no less than 25% by a La. resident or a La. company headquartered in the state with a majority ownership of La. residents, each investor shall be allowed an additional tax credit of 15% of the base investment.

Expands the definition of a "motion picture" to include nationally or internationally distributed feature-length film, video, television pilot, and television series made in La. and expands the term to include animated short films and documentaries made in La. for any online digital platform viewing approved by the office.

Adds eligibility for marketing and promotion expenses of the state-certified production; however, the amount of these expenses eligible for tax credits shall not exceed 15% of the total state-certified tax credits for the production. Further defines "marketing and promotion expenses" as expenditures

in this state directly relating to the development of advertising and marketing campaigns for a state-certified production, such as the creation of film trailers and posters. Marketing and promotion expenses must be included in and expended from the production budget and may not exceed \$1 million, or 15% of the total state-certified tax credits for the production, whichever is less.

Caps the aggregate amount of claims against income tax allowed on returns for tax credits or transfers of tax credits to the office at \$180 million each FY for FY15-16, FY16-17, and FY17-18. Claims for credits or transfers of tax credits to the office shall be allowed on a first-come-first-served basis. Any taxpayer whose claim for such tax credits or transfer to the office is disallowed may use the tax credits against state income tax due on a return filed in the next FY or may transfer tax credits to the office the next FY, and his claim or transfer shall have priority over other claims filed or transfers applied for after the date and time of his original claim or application for transfer. Beginning in FY18-19, the cap on the aggregate amount of tax credits that may be paid by the state or transferred to the state shall be inapplicable, inoperable, and of no effect.

Suspends authorization for the office to accept the transfer of motion picture investor tax credits from July 1, 2015, through June 30, 2016.

Effective July 1, 2015.

SEVERANCE TAX

HB 549 by Thibaut (*Last Action - Act No. 120*)

Revises the existing severance tax exemption for production from a horizontally drilled well or horizontally drilled recompletion well with applicability of the exemption dependent upon the price of oil or natural gas.

Changes the exemption for oil production occurring from horizontally drilled wells and recompletion wells commenced on or after July 1, 2015, from 100% to varying amounts based on the price of oil as determined by the Dept. of Natural Resources on July 1st of each year for the ensuing 12 months based on the average New York Mercantile Exchange prices per barrel from the previous 12 months, as follows:

- (1) No severance tax if the price of oil is at or below \$70 per barrel.
- (2) An 80% exemption if the price is above \$70 and at or below \$80 per barrel.
- (3) A 60% exemption if the price is above \$80 and at or below \$90 dollars per barrel.
- (4) A 40% exemption if the price is above \$90 and at or below \$100 per barrel.

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- (5) A 20% exemption if the price is above \$100 and at or below \$110 per barrel.
- (6) No exemption if the price of oil exceeds \$110 per barrel.

Changes the exemption for natural gas production occurring from horizontally drilled wells and recompletion wells commenced on or after July 1, 2015, from 100% to varying amounts based on the price of natural gas as determined by the Dept. of Natural Resources on July 1st of each year for the ensuing 12 months based on the average New York Mercantile Exchange prices per million BTU per month from the previous 12 months, as follows:

- (1) No severance tax if the price of natural gas is at or below \$4.50 per million BTU.
- (2) An 80% exemption if the price is above \$4.50 per million BTU and at or below \$5.50 per million BTU.
- (3) A 60% exemption if the price is above \$5.50 per million BTU and at or below \$6.00 per million BTU.
- (4) A 40% exemption if the price is above \$6.00 per million BTU and at or below \$6.50 per million BTU.
- (5) A 20% exemption if the price is above \$6.50 per million BTU and at or below \$7.00 per million BTU.
- (6) No exemption if the price of natural gas exceeds \$7.00 per million BTU.

TOBACCO TAX

HB 119 by Ritchie (*Last Action – Act No. 94*)

Levies an additional tax upon cigarettes equal to two and ten-twentieths of 1¢ per cigarette thereby increasing the total tax per pack of 20 cigarettes from 36¢ per pack to 86¢ per pack of 20 cigarettes.

Levies an excise tax equal to \$.05 per milliliter of nicotine liquid solution on vapor products and electronic cigarettes. Defines "vapor products" as any noncombustible product containing nicotine or other substances that employ a heating element or other mechanical means used to produce vapor from nicotine in a solution. Further provides that "vapor products" includes any electronic cigarette, cigar, or pipe and any vapor cartridge or other container of nicotine in a solution that is intended to be used with or in an electronic cigarette, cigar, or pipe.

Establishes the Tobacco Tax Medicaid Match Fund as a special fund in the state treasury and dedicates the avails of the additional tax imposed on cigarettes and the tax imposed on vapor

products into the fund to be appropriated to DHH for the medical assistance program administered by the state, also known as Medicaid.

Applies the increase in the tax on cigarettes to all cigarette products purchased by retail dealers and wholesale dealers on and after July 1, 2015, but exempts stamped products and unused tax stamps in the possession of wholesale dealers prior to July 1, 2015, from the tax increase.

Effective July 1, 2015.