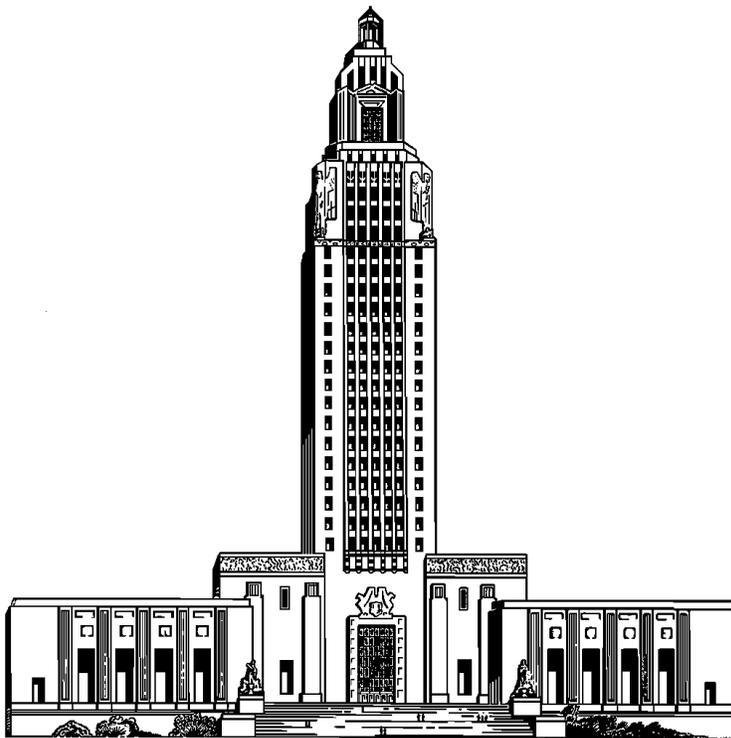


HIGHLIGHTS
of the
2008 First Extraordinary Session
2008 Second Extraordinary Session
and the
2008 Regular Session
of the
Louisiana Legislature



Prepared by:
House Legislative Services
June, 2008

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ADMINISTRATION OF CRIMINAL JUSTICE

NEW CRIMES

HB 96 by White (*Last Action – Act No. 6*)

Creates the crime of home invasion and defines it as the unauthorized entering of any inhabited dwelling or other structure belonging to another and used in whole or in part as a home or place of abode by a person, where a person is present, with the intent to use force or violence upon the person of another or to vandalize, deface, or damage the property of another. Provides penalties of a fine of not more than \$5,000 or imprisonment at hard labor for not less than five nor more than 25 years; at least five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Provides for increased penalties if there is present in the dwelling or structure any person who is under the age of 12 years, is 65 years of age or older, or has a developmental disability.

HB 137 by Hill (*Last Action – Act No. 253*)

Creates the crime of the manufacture, production, distribution, or possession of fraudulent documents for identification purposes. Provides penalties for possession of a fine of not more than \$500 or imprisonment for not more than six months, or both. Provides penalties for distributing, manufacturing, or producing a fraudulent document for identification purposes of a fine of not more than \$5,000 or imprisonment with or without hard labor for not more than three years, or both.

HB 726 by Hardy (*Last Action – Sent to Governor*)

Creates the crime of public display of a noose with the intent to intimidate and provides that it shall be unlawful for any person, with the intent to intimidate any person or group of persons, to etch, paint, draw, or otherwise place or display a hangman's noose on the property of another, a highway, or other public place. Provides penalties of a fine of not more than \$5,000 and imprisonment with or without hard labor for not more than one year, or both.

CRIMES AND CRIMINAL PROCEDURE

HB 110 by Champagne (*Last Action - Sent to Governor*)

Excludes persons convicted of armed robbery from being eligible for parole.

HB 268 by Elbert Guillory (*Last Action – Act No. 31*)

Modifies provisions of law regarding eligibility to participate in work release programs and provides that no inmate convicted of producing, manufacturing, distributing, or dispensing

Administration of Criminal Justice

or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II shall be prohibited from participation in the work release program.

HB 334 by Elbert Guillory *(Last Action – Act No. 106)*

Creates the inmate rehabilitation and workforce development program to be administered by DPS&C. Provides that DPS&C may enter into cooperative endeavors or contracts with the La. Dept. of Labor, the La. Dept. of Education, and the La. community and technical colleges, educational institutions, training facilities, and employers to provide the intensive training programs necessary for proper certification or licensing of skilled craftsmen and to provide substance abuse treatment and counseling or halfway housing to inmates who participate in the program. Provides that eligible inmates who have been admitted to the program shall participate in one-year intensive training in a selected craft. Upon completion of the program, the inmate shall qualify for any necessary examination to become a skilled craftsman. The inmate shall take any necessary examination for certification or licensing as a skilled craftsman and shall begin a one-year workforce development work release program. Upon completion of the program, the inmate shall be placed upon supervised parole for the remainder of his sentence.

HB 751 by Wooton *(Last Action - Act No. 157)*

Adds the crime of identity theft to the Louisiana Racketeering Act.

HB 770 by Greene *(Last Action - Act No. 25)*

Amends the crime of computer-aided solicitation of a minor to include those communications initiated online where subsequent communication occurs through any other form of communication.

HB 867 by Baldone *(Last Action - Sent to Governor)*

Amends the elements of the crime of computer-aided solicitation of a minor to apply to a person 17 years of age or older who communicates, through electronic textual communication, with a person under the age of 17, or reasonably believed to be under the age of 17, and who is at least two years younger, for the purpose of engaging in sexual conduct, a crime of violence, or with the intent to engage in sexual conduct in the presence of the victim.

HB 1007 by Cromer *(Last Action - Sent to Governor)*

Expands background checks for persons applying for a position with supervisory authority over children to include information on all arrests and convictions.

Administration of Criminal Justice

HB 1324 by Girod Jackson *(Last Action - Act No. 331)*

Redefines the crime of felony carnal knowledge to include a person 17 years of age or older who has sexual intercourse, with consent, with a person who is 13 years of age or older but less than 17 years, when the victim is not the spouse of the offender and the age difference is four years or greater.

Redefines the crime of misdemeanor carnal knowledge to include a person 17 years of age or older who has sexual intercourse, with consent, with a person who is 13 years of age or older but less than 17 years, when the victim is not the spouse of the offender and the age difference is greater than two years, but less than four years.

SEX OFFENDER REGISTRATION

HB 1373 by Baldone *(Last Action - Sent to Governor)*

Amends the sex offender registration and notification provisions, including the following:

- (1) Requires persons convicted of sexual battery, molestation of a juvenile, and aggravated incest, when the victim is under the age of 13, to register for life.
- (2) Requires persons convicted of a conspiracy to commit a sex offense, or those persons convicted of obscenity involving solicitation of a person under age 17, to register and provide community notification.
- (3) Requires preregistration with the DPS&C or the office of youth development prior to release from custody.
- (4) Requires the bureau to make a determination regarding the time period of registration for out-of-state offenders moving to Louisiana.
- (5) Requires offenders convicted of more than one sex offense to register for life.
- (6) Requires more frequent mail-in verifications, depending upon the type of offense committed.
- (7) Authorizes court to order an offender to register for life regardless of the type of offense involved if, after a contradictory hearing, the court finds that the offender poses a substantial risk of committing another sex offense or offense against a child.

Administration of Criminal Justice

FIREARMS AND WEAPONS

HB 199 by Wooton *(Last Action – House Calendar)*

Would have authorized the possession of a firearm on the campus of a college or university or a postsecondary vocational-technical school by a person issued a concealed handgun permit.

HB 68 by Richmond *(Last Action – House Committee)*

Would have banned the possession of assault weapons.

GAMING

HB 1131 by Wooton *(Last Action – Act No. 319)*

Authorizes alternative inspections for Louisiana riverboats by either a United States Coast Guard COI or a certificate of compliance utilizing a combination of applicable marine structural and life safety standards, the National Fire Protection Association Life Safety Code, and the International Building Code as adopted in the state of La. and as accepted by the La. Gaming Control Board, which are suitable to the vessel's location and configuration.

HB 247 by Wooton *(Last Action – Act No. 209)*

Provides that upon approval and licensure of a new truck stop facility, up to 25 video poker devices may be temporarily placed and operated for up to 90 calendar days after initial approval of the license. At the end of 90 days, the number of video draw poker devices placed at the qualified truck stop facility shall be based on the average monthly fuel sales. Monthly fuel sales shall be calculated quarterly for the first year of operation. For each calendar year thereafter, the number of video draw poker devices placed at the qualified truck stop facility shall be based upon the average monthly fuel sales calculated annually.

HB 280 by Wooton *(Last Action – Sent to Governor)*

Provides that an electronic video bingo machine shall not contain entertainment display features simulating slot reels or card games and creates exceptions.

HB 937 by St. Germain *(Last Action – Sent to Governor)*

Provides for the conducting of a local option election in Iberville Parish to authorize horse racing, pari-mutuel wagering, offtrack wagering, and slot machine gaming in Iberville Parish.

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

HB 1381 by Ritchie (*Last Action - Sent to Governor*)

Authorizes the secretary of the Dept. of Revenue to enter into a cooperative agreement with the Dept. of Agriculture and Forestry in order to facilitate the collection of timber severance taxes. Provides for the manner of collection, the timber severance tax, interest, penalties, and fees to be collected, costs associated with the collection, administrative fees, and any other terms and conditions necessary to promulgate the agreement.

Requires severance tax debtor to pay to the Dept. of Agriculture and Forestry a collection fee not to exceed fifteen percent of the total liability. Provides for the exchange of certain information between the two departments and provides for an exemption under the public records law.

HB 1270 by Perry (*Last Action - Act No. 382*)

Creates the Advanced Biofuel Industry Development Initiative to reduce the dependency on foreign oil and increase economic opportunities. Provides for a "fuel-to-pump" strategy set forth by certain feedstock criteria, use of small advanced biofuel manufacturing facility networks, and provides for market expansion.

Provides for pilot programs including a four-year trial availability of blended fuels of certain percentages, monitoring of pumps and other equipment for accurate measurement, and fuel sampling and a four-year trial period of hydrous ethanol blend usage in select vehicles. Provides state incentives for awarding demonstration grants to individuals who purchase biofuel variable blending pumps for specified research and to individuals who purchase vehicles which operate on biofuels for research purposes.

Prohibits the commissioner of administration from purchasing or leasing vehicles for state agencies that do not use certain alternative fuels. Adds hybrid vehicles as a choice for state purchase or lease and adds advanced biofuel to the list of alternative fuels for use in state vehicles. Allows a discount in the purchase price of certain ethanol blends for state agencies, educational institutions, or instrumentalities of the state.

SB 11 by Nick Gautreaux (*Last Action - Sent to Governor*)

The Louisiana Right to Farm Law protects agricultural operations from being deemed a nuisance in certain actions authorizing the suppression or regulation of public or private nuisances. Defines agricultural activities, the established date of operation, traditional farm practices, and expands the definition of agricultural operations.

Agriculture

Prohibits any agricultural operation from being deemed a nuisance in certain actions if the operation is conducted in accordance with accepted agricultural and traditional farm practices, has existed for one or more years, and the conditions or circumstances alleged to constitute a nuisance have existed unchanged since the established date of operation.

SB 133 by Donahue (*Last Action - Act No. 117*)

Requires the Louisiana Agricultural Finance Authority to comply with the state's public bid laws. Prevents the Dept. of Agriculture and Forestry from using rank-and-file employees to perform construction work.

SB 198 by Thompson (*Last Action - Sent to Governor*)

Provides for Louisiana's participation in the Interstate Pest Control Compact in order to complement the activities of other participating states with conditions of infestation and reinfestation. Creates the Pest Control Insurance Fund administered by a governing board and an appointed executive director and provides for duties and compensation. Provides for the acceptance of donations, grants of money, equipment, supplies, materials, or services from certain entities by the fund.

APPROPRIATIONS

2008 FIRST EXTRAORDINARY SESSION

BUDGETARY PROCEDURE

SB 37 by Chaisson *(Last Action – Act No. 20)*

Requires the commissioner of administration to establish, in consultation with the Joint Legislative Committee on the Budget, and maintain a web site to post reports of state spending, including expenditures and authorized positions contained in the General Appropriation Act and other acts, as well as salaries and compensation of statewide elected officials and cabinet-level positions. Additionally requires a monthly report of spending by each such budget unit.

Requires the secretary or executive head of each state office, department, board, commission, or institution to cooperate fully with the commissioner of administration. Requires that reports posted on the web site shall be complete and inclusive of all budget units no later than Jan. 1, 2009.

2008 SECOND EXTRAORDINARY SESSION

EXPENDITURE LIMIT

HCR 1 by Fannin *(Last Action – Enrolled)*

Directs the commissioner of administration to change the expenditure limit for FY 2007-2008 from \$11,599,764,443 to \$12,614,422,713. Specifically provides that this change shall not affect the FY 2008-2009 expenditure limit.

APPROPRIATION BILLS

HB 46 by Fannin - Supplemental Appropriations *(Last Action – Act No. 7)*

Provides for supplemental operating and capital outlay appropriations for FY 2007-2008. Increases appropriations from the State General Fund (Direct) by \$1,015,000,000.

SPECIAL FUNDS

HB 6 by Dove *(Last Action – Act No. 3)*

Deposits \$300 million of nonrecurring revenues out of the state general fund for FY 2006-2007 into the Coastal Protection and Restoration Fund.

Appropriations

SB 11 by Michot *(Last Action – Act No. 11)*

Directs the state treasurer beginning July 1, 2008, to deposit the following amounts of the tax on the sale, use, lease or rental, the distribution, the consumption, and the storage of motor vehicles:

- (1) For FY 2008-2009, 10% of collections.
- (2) For FY 2009-2010, 20% of collections.
- (3) For FY 2010-2011, 30% of collections.
- (4) For FY 2011-2012, 50% of collections.
- (5) For FY 2012-2013, 75% of collections.
- (6) For FY 2013-2014, 85% of collections.
- (7) For FY 2014-2015, and thereafter, 100% of collections.

Provides that the avails be deposited as follows:

- (1) 93% to the Transportation Trust Fund (TTF).
- (2) 7% to the Transportation Mobility Fund.

Monies deposited in the TTF are to be used as follows:

- (1) At least 30% for capacity projects.
- (2) 7% for port priority projects.
- (3) The remainder for priority projects.

If a deficit for the current fiscal year is projected due to a decrease in the official forecast of the Revenue Estimating Conference, the treasurer shall reduce the deposits by an amount equal to the deficit less the amount available for appropriation from the Budget Stabilization Fund (aka the Rainy Day Fund). Any reduction in deposits for any fiscal year shall be made on a pro rata basis.

Accelerates the collections allocations to the State Highway Improvement Fund, as follows:

- (1) For FY 2008-2009, from 50% to 75% of collections.
- (2) For FY 2009-2010, and thereafter, from 75% to 100% of collections.

INVESTMENT OF STATE FUNDS

HB 5 by Tucker *(Last Action – Act No. 2)*

Adds taxable and tax exempt bonds issued in 2006 by the La. Stadium and Exposition District to the list of authorized investments of state treasury funds. Requires that such investment be subject to a written directive of the governor and the approval of the Joint Legislative Committee on the Budget and the State Bond Commission. Additionally requires that the newly authorized investment shall be maintained in a separate sub-investment

Appropriations

account of the state general fund and not be included in the determination of the general fund's investment performance.

2008 REGULAR SESSION

APPROPRIATION BILLS

HB 1 by Fannin (*Last Action – Sent to Governor*)

The General Appropriation Bill totals \$29.8 billion, of which \$9 billion is State General Fund (Direct), and \$14.9 billion is Federal Funds. Approximately \$7.7 billion in Federal and other funds are related to hurricane-disaster relief and recovery efforts.

The following is a summary of major funding items in various areas of the state budget.

GENERAL GOVERNMENT

Additional funding and 4 positions to the Office of Homeland Security & Emergency Preparedness for the statewide interoperable communications system	\$	14.8 million
Additional funding and 1 position to the Division of Administration for implementation of a new statewide information system (total cost is projected to be \$125 million)	\$	18.6 million
Additional State Emergency Response Funds to the Military Dept. for National Guard troops for law enforcement assistance to the city of New Orleans from July to December	\$	10.4 million
Funding to the Office of Homeland Security and Emergency Preparedness for emergency generators at special medical needs shelters	\$	4.2 million
Funding to the Office of Homeland Security and Emergency Preparedness for a director of each parish office of Emergency Preparedness	\$	3.0 million
Additional funding in the Office of Elderly Affairs through various line-item amendments for parish councils on aging and senior centers	\$	2.1 million
Additional funding in the Office of Elderly Affairs to provide for an increase in the formula used to calculate funding for the parish councils on aging	\$	1.1 million
Additional federal funding to the LA Commission on Law Enforcement for an estimated increase in a Department of Justice grant which will provide for the New Orleans Family Justice Center	\$	1.0 million

Appropriations

Additional funding to Military Affairs for acquisitions and major repairs to buildings	\$	1.0 million
Additional funding to the Division of Administration for economic consultation on projects reviewed by the office	\$	550,000
Additional funding to the LA Commission on Law Enforcement for the incorporation of the Sex Offender Registry and Protective Order Registry into the LA Victim Notification System	\$	200,000
Additional funding for Veterans Affairs for acquisitions	\$	425,000
Additional federal funding for Veterans Affairs for increased costs of medical supplies for Medicare eligible veterans	\$	374,000
Additional federal funding for Northeast LA War Veterans Home for a professional services contract to provide rehabilitation services to veterans	\$	374,000
Additional funding for Veterans Affairs for a medal initiative program to award medals to veterans statewide for their military service	\$	250,000
Funding to implement the Help America Vote Act (HAVA) of 2002 through information technology projects, voter education efforts, and addressing voter accessibility issues	\$	14.1 million
Additional funding to New Orleans City Park for operational expenses	\$	1.7 million
State aid to local public libraries	\$	3.0 million
Funding and 13 positions to Ethics Administration for Ethics Reform	\$	1.6 million
Funding for special legislative projects	\$	21.5 million
Funding for debt service payment for Federal City	\$	8.3 million
Funding for an increase in per diem of \$1 per inmate for the housing of state inmates	\$	6.7 million
Funding for salary increases for Assistant District Attorneys	\$	3.0 million
Funding for the first debt service payment on the bonds issued to purchase the Steve Hoyle Rehabilitation Center in Tallulah	\$	2.6 million
Funding for the Local Housing of State Juvenile Offenders	\$	1.6 million
Funding and 5 positions for the Office of the Attorney General for the Identity Theft and Fraud Unit	\$	200,000
Additional funding for the Office of the Attorney General for the High Tech Crime Unit for the Internet Crimes Against Children Task Force	\$	338,503
Additional funding for the Office of the Attorney General for a pay increase for staff	\$	1.2 million
Additional federal funding for the Office of the Attorney General for the Criminal Division for forensic training for local law enforcement agencies	\$	200,000

Appropriations

ECONOMIC DEVELOPMENT

Support for the following sporting events:

1) Sugar Bowl	\$	2.8 million
2) Special Olympics	\$	100,000
3) Bayou Classic	\$	335,217
Governor's Rapid Response Program	\$	23.8 million
Economic Development Matching Grant Program	\$	6.0 million
Advertising, promotion, and marketing related services	\$	5.5 million
Northrop Grumman Ship System	\$	3.3 million
Louisiana Technology Park	\$	2.8 million
Bulk Rice Facility	\$	2.1 million
CG Railway	\$	1.8 million
Union Tank Car (\$1.1 million increase)	\$	5.0 million
Quick Start Initiative Program	\$	3.0 million
International Paper - Bastrop	\$	3.0 million
State Economic Competitiveness Benchmarking, Planning, and Research Initiative	\$	2.5 million
Project Specific Site Preparation and Evaluation	\$	2.0 million
Accent Corporate Center	\$	1.3 million
Broadway South Program	\$	1.5 million
Small Business Surety Bond Program	\$	5.9 million
Funding and 4 positions for the creation of the Workforce Commission in the Department of Labor	\$	4.2 million

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

Funding and 50 positions for the Office of State Police for a 50-member cadet class	\$	6.5 million
Federal funding for the Office of State Police for a community oriented policing services technology grant to purchase radios and highspeed technology equipment upgrades	\$	6.0 million
Additional funding for the Office of State Police for information technology projects including an electronic ticketing system, wireless mobile data terminals, and internet lines	\$	4.9 million
Additional funding for the Office of State Police for maintenance of the statewide interoperable communications system	\$	3.6 million
Additional funding for the Office of State Police for acquisitions and operating services at the LSP Crime Lab	\$	1.8 million
Additional funding for the Office of State Police for operational support	\$	1.0 million

Appropriations

Additional funding for the Office of State Police for expenses associated with the Air Support Unit	\$	857,000
Additional funding and 5 positions for the Office of State Police for operational expenses at the New Orleans Racetrack	\$	430,000
Additional funding and 4 positions for the State Fire Marshal to enforce the LA Industrialized Building Act	\$	394,000

Corrections Services

Local Housing of Adult State Inmates	\$	131.0 million
Adult Work Release Program	\$	22.0 million
Additional funding to increase the per diem rate paid to local authorities by \$1 from \$23.39 to \$24.39	\$	6.6 million
Additional funding for overtime payments for correctional security officers and health service workers	\$	13.3 million
Additional funding for acquisitions and major repairs	\$	5.8 million

Youth Services

Local Housing of Juvenile Offenders	\$	6.1 million
Additional funding for salary adjustments for correctional officers and probation and parole workers	\$	3.3 million
Additional funding for training services to be provided by the Missouri Youth Services Institute	\$	350,000

HEALTH AND HOSPITALS

Medicaid

Total Funding (\$1.94 billion SGF and Stat Ded)	\$	7.0 billion
Major adjustments include:		
Funding for the annualizations of new programs or increases that were effective in FY 07-08 (\$59 million SGF)	\$	179.8 million
New Waiver slots (\$23.7 million SGF and Stat Ded)	\$	84.0 million
Funding for extra checkwrite in FY 08-09 (\$21.5 million Stat Ded)	\$	76.0 million
Funding for the rebasing of nursing home rates and other improvements (\$19.5 million SGF and Stat Ded)	\$	65.0 million
Funding to increase reimbursement rates for the Dental/Early Periodic Screening, Diagnosis and Treatment Program (\$4.3 million SGF)	\$	15.0 million
Funding to provide health coverage to uninsured children from households with incomes from 200% to 250% of the federal poverty level (\$2 million SGF)	\$	10.0 million

Appropriations

Funding to improve access to primary health care services in the Greater New Orleans area (\$10 million FF)	\$	10.0 million
Funding for services provided at general acute care hospitals and inpatient psychiatric facilities located in the hurricane impacted areas (\$10 million FF)	\$	10.0 million
Funding for a provider service network (\$1.8 million SGF)	\$	5.8 million
Funding to provide multi-systemic therapy as a mental health rehabilitation service (\$1.3 million SGF)	\$	3.6 million
Funding to provide for pay for performance incentives to providers who meet or exceed various pre-established performance goals (\$0.8 million SGF)	\$	3 million
Funding to implement a Disease Management program that will include people that have been diagnosed with asthma, diabetes, and congestive heart failure (\$1.5 million SGF)	\$	2.5 million
Funding to increase reimbursement rates for home skilled nurse services (\$1.6 million SGF)	\$	1.6 million
Funding to implement an Administrative Services Organization to oversee all behavioral health services (0.8 million SGF)	\$	1.6 million
Funding to increase reimbursement rates for rotor wing ambulance services (0.7 million SGF)	\$	1.4 million
 <u>Mental Health and Addictive Disorders</u>		
Total Funding	\$	454.7 million
Major adjustments include:		
Funding for mental health services in New Orleans	\$	13.8 million
 <u>Public Health</u>		
Total Funding	\$	328.0 million
Major adjustments include:		
Funding for the Women, Infants and Children Program (WIC)	\$	8.6 million
Funding for the Nurse Family Partnership	\$	1.0 million
 <u>LSU Health Care Services Division (HCSD)</u>		
Total SGF funding	\$	1.8 million
Increased SGF for HCSD hospital operations	\$	14.65 million
Increased Medicaid reimbursement for hospital operations	\$	46.5 million
Increased Uncompensated Care Costs reimbursement for hospital operations	\$	9.0 million

Appropriations

SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives		
Funding for FY 07-08	\$	77.8 million
Funding for FY 08-09	\$	67.2 million
FY 08-09 TANF Initiatives:		
NonPublic Pre-K	\$	6.8 million
After School	\$	7.6 million
Jobs for America's Graduates (JAGS)	\$	1.4 million
General Education Development (GED) testing	\$	400,000
Truancy	\$	744,000
Microenterprise Development	\$	600,000
Teen Pregnancy	\$	4.4 million
Domestic Violence	\$	1.2 million
Community Response	\$	1.2 million
Individual Development Accounts	\$	1.0 million
Parenting and Fatherhood Initiatives	\$	1.2 million
CASA	\$	3.7 million
Drug Courts	\$	5.0 million
Child Abuse/Neglect	\$	16.0 million
Nurse Family Partnership	\$	2.7 million
Abortion Alternatives	\$	1.0 million
Head Start Initiatives	\$	2.4 million
Earned Income Tax Credit	\$	1.2 million
Freedom Schools	\$	3.3 million
Solutions to Poverty	\$	400,000
Homeless Initiative	\$	800,000
Non-medical substance abuse assessment	\$	4.2 million
TOTAL	\$	67.2 million

NATURAL RESOURCES

Additional funding for Wildlife and Fisheries to treat additional acres of aquatic vegetation and to develop research partnerships with universities to treat these invasive plants	\$	2.0 million
Additional funding for the Department of Transportation and Development to implement and match the 2009 Coastal Protection and Restoration Annual Plan	\$	2.1 million
Additional funding and 9 new positions to implement the 2009 Coastal Protection and Restoration Annual Plan in the Department of Natural Resources	\$	514,000

Appropriations

TRANSPORTATION AND DEVELOPMENT

Eliminates 50 vacancies to continue reducing the number of authorized positions at the Department of Transportation of Development in order to streamline operations and promote efficiencies.

Contract Maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping	\$	28.5 million
Heavy equipment replacement in the District Operations Program	\$	15.6 million
Intelligent Transportation System, providing motorist assistance patrols, cameras to monitor traffic, and traveler information systems including dynamic message signs	\$	9.6 million
The Parish Road Program is funded at the same level as FY 07-08	\$	40.0 million
The Mass Transit Program allocation is based on population and passenger count numbers prior to the hurricanes	\$	5.0 million

HIGHER EDUCATION \$ 2.9 billion

The total \$1.5 billion State General Fund appropriation for Higher Education represents a \$61.2 million (4.3%) increase over the FY 07-08 existing budget as of December 2007. Funding includes an additional \$35 million to ensure 100 percent formula funding for higher education institutions. Funding for hurricane recovery (\$22 million), the Community and Technical College Development Pool (\$5 million), and workforce training focused on construction trades, nursing, and allied health professions continues for FY 08-09.

\$11 million Interagency Transfers and \$51 million Federal Funds in LCTCS are being taken off-budget and will be accounted for as restricted funds for FY 08-09. This budget authority was originally provided to the LCTCS Board of Supervisors to budget funds when the agency was on the state accounting system. Now that LCTCS is off the state accounting system and uses its own accounting system, this budget authority is no longer needed.

ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program \$ 3.27 billion

The Legislature approved HCR No. 207 as the FY 08-09 MFP and appropriated \$3.27 billion – \$2.9 billion SGF and \$275 million Statutory Dedicated Funds. Certificated pay increases of \$1,019 are provided.

The MFP – HCR No. 207 – has significant features:

- 1) Base Per Pupil Amount of \$3,855
- 2) At-Risk Weight of 22%

Appropriations

- 3) Career and Technical Weight of 6% (previously the Voc Ed Weight)
- 4) Increase in Level 2 State Support to 34% of Level 1 Costs
- 5) Stipends for Foreign Associate Teachers
- 6) \$100 Mandated Costs Per Pupil Funding

SCHOOL SUPPORT SALARY SUPPLEMENT

School support personnel and nonpublic lunchroom workers
are provided a \$1,000 one-time salary supplement \$ 48.6 million

LA4

The LA4 Early Childhood Program is appropriated \$80 million
and currently serves up to 16,000 four-year olds \$ 80.0 million
Nonpublic Educational Assistance \$ 33.0 million

TOPS

The Tuition Opportunity Program for Students (TOPS) will provide
more than 43,000 awards valued at more than \$119 million for
FY 08-09 \$ 119.0 million

GO GRANTS

The GO GRANT is the need-based financial assistance program
budgeted in the Office of Student Financial Assistance for
FY 08-09 \$ 24.0 million

HB by 1109 Fannin - Ancillary Appropriations *(Last Action – Sent to Governor)*

Provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as auxiliary funds, internal service funds, or enterprise funds for working capital for certain state institutions, officials, and agencies. Includes the Office of Group Benefits and Office of Risk Management. Appropriates total funding of \$ 1,826,418,152 as follows: \$ 1,000,000 from State General Fund (Direct), \$ 297,869,369 through Interagency Transfers, \$ 93,193,780 from Statutory Dedications, and \$ 1,434,355,00 from Fees and Self-Generated Revenues. Additionally transfers \$ 21,613 from the State General Fund (Direct) into the Self-Insurance Fund.

HB 1294 by Tucker - Legislative Expenses *(Last Action – Sent to Governor)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$ 68,870,885 from the state general fund for FY 2008-2009 including the following:

House of Representatives \$ 28,380,235

Appropriations

Senate	\$ 19,369,036
Auditor	\$ 9,014,823
Legislative Fiscal Office	\$ 2,423,639
Louisiana State Law Institute	\$ 1,033,509
Legislative Budgetary Control Council	<u>\$ 8,649,643</u>
Total state general fund	\$ 68,870,885

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$ 16,995,023 from the fund, which is authorized to be used for expenses of the auditor's office.

Additionally appropriates \$500,000 to the Legislative Budgetary Control Council from the state general fund for the Louisiana Host Committee, LLC, to be used to defray the expenses for the 2008 annual conference in New Orleans or similar events hosted by the state.

Appropriates \$250,000 out of the Legislative Capitol Technology Enhancement Fund for audio and visual upgrades and technology enhancements.

Provides that legislative assistants who were employed on or before December 1, 2007, may retain the salary they were earning on December 1, 2007, through August 15, 2008, notwithstanding provisions of present law.

HB 1174 by Fannin - Judicial Expense Act *(Last Action – Sent to Governor)*

Appropriates funds for FY 2007-2008 for the ordinary operating expenses of the judicial branch of government with total funding of \$146,357,762 from the following sources: \$131,330,951 out of the State General Fund (Direct); \$6,936,000 through interagency transfers from the Department of Social Services; \$8,087,811 from statutory dedications out of the Judges' Supplemental Compensation Fund, the Trial Court Case Management Fund, and the Patients' Compensation Fund.

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

(1)	Louisiana Supreme Court	\$ 64,720,808
(2)	Courts of Appeal	40,329,998
(3)	District Courts	30,750,018
(4)	Criminal Court, Parish of Orleans	5,315,673
(5)	Juvenile and Family Courts	2,118,335
(6)	Other Courts (Required by Statute)	2,521,581
(7)	Other Courts (Not Required by Statute)	<u>601,349</u>
	TOTAL	<u>\$146,357,762</u>

Appropriations

Provides that appropriations out of the State General Fun (Direct) contained in this Act shall be reduced by the total amount of \$2,438,251 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the Louisiana Supreme Court.

HB 1287 by Fannin - Supplemental Appropriations *(Last Action – Sent to Governor)*

Provides for supplemental appropriations and adjustments to appropriations for FY 2007-2008 as follows: State General Fund (Direct) increases by \$178,887,874; Interagency Transfers decrease by \$41,556,289; Fees and Self-Generated Revenues decrease by \$28,069,072; Statutory Dedications decrease by \$78,445,662; Federal Funds decrease by \$78,195,662.

SPECIAL FUNDS

HB 926 by Fannin *(Last Action – Sent to Governor)*

Provides with respect to the use, deposit, and transfer of monies in a variety of special treasury funds. The Community Water Enrichment Fund and the Legislative Capitol Technology Enhancement Fund are established as special treasury funds. Provides for the annual deposit of \$10 million into the Capitol Technology Fund. Authorizes the Mega-Project Development Fund to be used for a one-time salary supplement as provided in the General Appropriation Act.

Transfers monies from the state general fund for FY 2007-2008 for deposit into the following special treasury funds:

Louisiana Medical Assistance Trust Fund	\$ 21,536,512
Mega-Project Development Fund	307,100,000
Self-Insurance Fund	8,793,500
N.O. Sports Franchise Assistance Fund	19,487,908
Waste Tire Management Fund	700,000
Community Water Enrichment Fund	10,000,000
2004 Overcollections Fund	121,645,970
Rapid Response Fund	42,100,000
Youthful Offenders Fund	2,998,184
Aquatic Plant Control Fund	2,000,000
Academic Improvement Fund	10,965,616
Legislative Capitol Technology Enhancement Fund	10,000,000
Self-Insurance Fund	335,000
La. Economic Development Fund	10,000,000
2004 Overcollections Fund	52,833,100
State Emergency Response Fund	25,833,100
Insure Louisiana Incentives Fund	100,000,000
Oilfield Site Restoration Fund	423,566

Appropriations

Transfers \$6,882,672 from the FEMA Reimbursement Fund into the 2004 Overcollections Fund.

Transfers \$4,500,000 from the Fire Marshal Fund into the 2004 Overcollections Fund.

Transfers \$3,000,000 from the Incentive Fund into the 2004 Overcollections Fund.

Transfers \$5,404,933 from the La. Economic Development Fund into the Rapid Response Fund.

Transfers \$5,000,000 from the La. Economic Development Fund into the Small Business Surety Bonding Fund.

HB 645 by Lambert (*Last Action – House Committee*)

SB 18 by Alario (*Last Action – House Committee*)

Would have dedicated 1/20th of one percent of the state sales and use tax to the Louisiana Wildlife and Fisheries Conservation Fund for conservation, protection, preservation, management, and replenishment of the state's natural resources and wildlife.

SUPPLEMENTAL PAY

SB 26 by Alario (*Last Action – Sent to Governor*)

Effective July 1, 2009, increases state supplemental pay from \$425 per month to \$500 per month for firemen, police officers, deputy sheriffs, and full-time deputy sheriffs employed as field representatives or process servers who have completed at least one year of service.

Increases state supplemental pay for harbor police officers, fireboat operators, and bridge police officers who have completed at least one year of service employed on a full-time basis by a port authority headquartered in a municipality with a population in excess of 450,000.

EXPENDITURE LIMIT

HB835 and HB882 by Geyman (*Last Action – Senate Committee*)

Would have provided that in any fiscal year in which the official forecast contained state general fund monies, the appropriation of which would exceed that year's expenditure limit, then a two-thirds vote of both houses would be required in order for those monies to be deposited or transferred into a dedicated fund.

Appropriations

LOUISIANA RECOVERY AUTHORITY/ROAD HOME

HB 622 by Tucker *(Last Action – Sent to Governor)*

Reduces the number of board members of the Louisiana Recovery Authority (LRA) board of directors from 33 to 17, 13 who serve at the governor's pleasure and four ex officio. Provides that of the 13 appointees, at least one be from each congressional district. Provides that members serve until statutory authority for the LRA ceases on July 1, 2010.

Broadens the scope of the LRA and authorizes the LRA to implement and provide certain services rather than serve merely as an advisory board. Authorizes the LRA to implement special programs including The Road Home Program, the Public Assistance Program, the Hazard Mitigation Program, and the Alternative Housing Pilot Program. Specifies that implementation shall be at the direction of the governor.

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

Would have granted property owners the authority to appeal a decision or ruling relative to The Road Home Program to the district court for a judicial review de novo. The authority to appeal would have been retroactive to the inception of The Road Home Program, and also for the remedial purpose of addressing any issue, action, or decision that has resulted in inconsistent results. Appeals of decisions should have been lodged within 180 days from the date the decision is postmarked or 90 days from the effective date of the Act.

SB 755 by Hebert *(Last Action – Sent to Governor)*

Adds requirements that housing assistance rendered by The Road Home Corporation and the Louisiana Land Trust be subject to the following:

- (1) Property owners cannot be required to sell property in excess of five acres used in farming operations immediately prior to Hurricanes Katrina or Rita
- (2) Individual cannot be required to sell property held with other family members that has been in the individual's family in excess of 20 years.

HB 910 by Tucker *(Last Action – Sent to Governor)*

Requires that the division of administration, office of community development, report monthly to the Legislative Audit Advisory Council with respect to payments, subcontractors, and performance by ICF Emergency Services under their contract to administer The Road Home Program.

GROUP BENEFITS

HB 900 by Fannin (*Last Action – House Committee*)

SB 601 by Michot (*Last Action – Sent to Governor*)

Establishes the Post Employment Benefits Trust Fund to provide benefits to or for retired state employees and their dependents eligible to participate in the Office of Group Benefits programs. Provides for the powers, duties, and functions of a board of trustees, including authority to request reports and authorize disbursements to pay the employer portion of the costs to provide post-employment benefits to or for employees retired from agencies, departments, boards, and commissions of the state.

CIVIL LAW AND PROCEDURE

COUNTERLETTERS

HCR 130 by Abramson (*Last Action – Enrolled*)

Requests the Louisiana State Law Institute to study and make recommendations on the revision of laws relative to the use and prohibition of counterletters.

HB 55 by Henry (*Last Action – Senate Committee*)

Would have prohibited the use of all counterletters as of Aug. 15, 2009, and would have provided that all counterletters executed prior thereto are governed by the law and disclosure requirements in effect prior to Aug. 15, 2009. (R.S. 9:2712)

Would have created an exception to the prohibition of the use of counterletters for leases pertaining to the exploration and development of hydrocarbon minerals.

SEIZURES/SALES

HB 11 by Hardy (*Last Action – House Committee*)

HB 372 by Chandler (*Last Action – House Committee*)

Would have increased the amount of the homestead exemption from seizure and sale from \$25,000 to \$100,000.

CIVIL/ACTIONS

HB 484 by Lorusso (*Last Action – House Committee*)

Would have enacted the Asbestos Claims Transparency Act and required the claimant to provide a list of all existing and anticipated claims against asbestos trusts and required the attorney to conduct a good faith investigation of all potential claims.

Would have required the claimant to produce all final executed proofs of claims and all documents and information relevant to claims asserted against the trust, including all affidavits, work history, depositions, trial testimony, and medical documentation.

Would have provided for the setting of trial dates upon certification of the completion of discovery and required a trust claim order listing all trust claims for that claimant at least 30 days before trial.

Would have provided a rebuttable presumption that the claimant would receive the compensation specified for his claimed disease or injury if a case proceeded to trial before the claimant received a decision from an asbestos trust.

Civil Law and Procedure

HB 1234 by Leger *(Last Action – Failed to Pass/House)*

Would have provided an additional cause of action for actual damages for the disclosure of personal information where a person or institution requires personal information to offer a for-pay service and through its negligence in maintaining that information, personal information is disclosed to unauthorized third parties.

Would have provided for the recovery of damages which would pay for the reasonable monitoring of the victim's credit for a period of five years from the date of the unauthorized disclosure.

HEALTH CARE

HB 895 by Greene *(Last Action – Senate Committee)*

Would have provided for the availability of a certificate of completion of health care records by the health care provider who has the records and would have prohibited the assessment of any additional charges unless ordered by the court.

HB 1230 by Barras *(Last Action – Sent to Governor)*

Authorizes delivery of the notice of a privilege in favor of a health care provider by facsimile transmission with proof of receipt of transmission, provided that if a signed receipt of the facsimile transmission is not obtained within seven days, notice shall be sent by certified mail, return receipt requested, with the costs of mailing being taxed as court costs.

TRANSFER ON DEATH - JOINT SECURITIES

HB 1371 By Pearson *(Last Action – Senate Committee)*

Would have provided that upon the death of a joint securities or brokerage account holder and with the authorization and direction of the surviving account holder, a broker or securities firm could sell or transfer securities held in the account registered as a community property account not to exceed 50% of the value of each security held in the joint securities account.

Civil Law and Procedure

CIVIL PROCEDURE

SB 308 by Donahue *(Last Action – Sent to Governor)*

Provides for a hearing upon motion of any party filed at least 60 days prior to trial to be held and ruled on at least 30 days before trial to present evidence on why an expert qualifies as an expert and why their methodologies are reliable.

Requires a judge, if the matter is taken under advisement, to provide findings of fact, conclusions of law, and written reasons no later than five days after the hearing for determining whether a person qualifies as a expert.

Authorizes that all or a portion of the costs, including expert witness fees and costs, incurred may, in the discretion of the court, be assessed to the non-prevailing party at the conclusion of the hearing on the motion.

MEDICAL MALPRACTICE

HB 70 by Cromer *(Last Action – Failed to Pass/House)*

Would have included in the definition of "malpractice" transporting and monitoring and would have added all legal responsibility of a health care provider arising from acts or omissions in the credentialing or re-credentialing of a health care provider.

Would have added to the definition of "health care" other patient-related services or professional services performed or furnished by a health care provider.

Would have defined "patient-related service" as any act or service rendered or which should have been rendered to a patient relating to supervision, assistance with daily living and hygiene, or risk of falling, unless generally available for coverage under commercial general liability insurance policies.

HB 887 by LaBruzzo *(Last Action – Senate Committee)*

Would have provided that a patient who is over 18 years of age, who is not a citizen of the U.S., and who is not lawfully admitted into the U.S., as verified by the U.S. Citizenship and Immigration Services or other appropriate federal agency or court, shall have no cause of action against a health care provider for any damages or injury resulting from malpractice other than a cause of action for future medical care as otherwise authorized by present law.

Civil Law and Procedure

HB 1186 by LaBruzzo *(Last Action – House Committee)*

Would have reduced malpractice claims for uninsured patients by an amount equal to the premiums the patient would have paid to be insured.

FAMILY LAW

HB 336 by Johnson *(Last Action – Failed to Pass/House)*

Would have changed the definition of shared custody to each parent having physical custody of the child no less than 48% and no more than 52% of the year.

HB 339 by Lopinto *(Last Action – Sent to Governor)*

In child support obligations, provides that special expenses intended to enhance the health, athletic, or social development of the child may be added to the basic child support obligation.

Provides that if the combined adjusted gross income of the parties exceeds the schedule, the court may place a portion of the obligation in a spendthrift trust for the child.

HB 341 by Johnson *(Last Action – Conference Committee)*

Would have provided for the determination of income for child support when the obligor has an ownership interest in a business. When income is concealed or underreported for the purpose of calculating child support, the court shall admit evidence of redirected income, deferred income, and the standard of living and assets of the obligor.

Would have provided that when an obligor has an ownership interest in a business, suitable documentation regarding income includes such items as income tax returns, K-1 and W-2 forms, 1099 forms, profit and loss statements, balance sheets, financial statements, tax reports, and bank account statements.

HB 494 by Hines *(Last Action – Sent to Governor)*

Provides a child support guideline schedule based on current economic and tax data.

Incorporates the current income tax withholding tables for the federal government, an adjustment for the differences between the income distribution in La. and the U.S., and the most recent economic estimates of child-rearing expenditures as a portion of household consumption from \$2,250 to \$30,000.

Civil Law and Procedure

Incorporates a dissolution factor which is a built-in reduction recognizing the obligor's additional expenditures for maintaining his household when the children are in his physical custody.

Extends the schedule from \$20,000 to \$30,000 per month.

HB 771 by Harrison (*Last Action – House Committee*)

Would have provided a rebuttable presumption of shared custody in all child custody cases, required each party to submit a parenting plan, and required the court to order custody to each party as equal as possible.

SB 161 by Jackson (*Last Action – Act No. 444*)

Provides that if the state, a political subdivision of the state, or the petitioner pays the initial costs of blood or tissue tests to determine paternity, then they may recover costs from an individual through an income assignment order only if he is found to be the father of the child.

Provides that prescription is interrupted by each payment of child support pursuant to a judgment ordering support, including payments made through income assignment orders, seizures, or tax intercepts.

Authorizes the court to impose a fine against the payor not to exceed the amount that should have been withheld or paid to the obligee.

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

Provides that when a spouse reserves property as his separate property by a declaration made in an authentic act or in an act under private signature duly acknowledged, a copy of the declaration shall be provided to the other spouse prior to the filing of the declaration.

SB 220 by Quinn (*Last Action – Act No. 408*)

Provides that in a proceeding for divorce or thereafter, a summary proceeding shall be undertaken by the court upon request of either party to allocate the use of community property, including monetary assets, bank accounts, savings plans, and other divisible movable property pending formal partition proceeding, pursuant to law.

SB 492 by Quinn (*Last Action – Sent to Governor*)

Provides that a child has a right to time with both parents and when a court-ordered schedule of visitation or custody has been entered, a parent shall exercise his rights to the child in

Civil Law and Procedure

accordance with the schedule unless good cause is shown. Neither parent shall interfere with the visitation or custody rights of the other unless good cause is shown.

Provides that if the action is for the failure to allow or exercise child visitation or custody pursuant to a court-ordered schedule, the offending party shall be held in contempt of court and the court shall award all costs for counseling for the child, a reasonable sum for any actual expenses incurred, a reasonable sum for a caretaker of the child, and all attorney fees and costs of the proceeding.

Provides that it shall be an affirmative defense to an action if the failure to allow or exercise child visitation was by mutual consent, beyond the control of the defendant, or other good cause shown.

Provides that a pattern of willful and intentional violation may be grounds to allow a party to move for a modification.

SB 758 by Broome *(Last Action – Sent to Governor)*

Requires a specific notice to be served with a petition for intrafamily adoption and summons on every parent whose parental rights may be terminated in connection with an intrafamily adoption proceeding detailing the rights of the natural parent. Notifies the parent of his right to hire an attorney and encourages him to do so and notifies the parent of the right to call witnesses and to cross-examine witnesses.

LIMITATION OF LIABILITY

HB 633 by Anders *(Last Action – Sent to Governor)*

Provides a limitation of liability for agritourism activities upon compliance with certain procedures and requirements, except if the agritourism professional does any of the following: (a) commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused injury, damage, or death to the participant; (b) intentionally injures the participant; or (c) owns, leases, rents, or otherwise is in lawful possession and control of the land or facility upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the farm agritourism professional and for which warning signs have not been conspicuously posted.

SB 301 by Chaisson *(Last Action – Sent to Governor)*

Provides that during a declared state of emergency, medical personnel who render or fail to render emergency care, health care services, or first aid, shall not be liable for any civil damages to patients as a result of an evacuation or treatment or failed evacuation or treatment

Civil Law and Procedure

conducted in accordance with disaster medicine protocol and at the direction of military or government authorities, unless the damage or injury was caused by willful misconduct.

SB 330 by Chaisson (*Last Action – Sent to Governor*)

Provides that medical personnel who, in good faith and regardless of compensation, render or fail to render emergency care, health care services, or first aid during a declared state of emergency, when the state of emergency affects the rendering of medical care, shall not be liable for any civil damages or injury as a result of any act or omission related to the rendering of or failure to render services, unless the damages or injury was caused by gross negligence or willful and wanton misconduct.

PROPERTY

SB295 by Murray (*Last Action – Filed with Secretary of State*)

Constitutional amendment to exempt property taken for the removal of a threat to public health or safety caused by the existing use or disuse of the property from the requirements to offer surplus property back to the original owner or to offer the surplus property at public sale.

COMMERCE

BUILDING CODE/FIRE SAFETY CODE

HB 920 by Fannin *(Last Action – Sent to Governor)*

Prohibits a building code enforcement officer, third-party provider, or third-party provider contracted by a jurisdiction from conducting plan review or inspections on a commercial or residential structure if he owns any interest in the legal entity that constructed the commercial or residential structure or receives any compensation from the legal entity other than the fees that are charged for plan review or inspections.

Prohibits the appointment of a building official or certified building inspector if he has any interest in any legal entity that performs commercial or residential construction within the jurisdiction in which he would be appointed.

Defines "residential accessory structure" and prohibits the enforcement of the portion of the state uniform construction code dealing with these structures. However, a municipality with a population in excess of 45,000 north of 110 mph wind line may enforce that portion dealing with residential accessory structures.

Provides for the issuance of a certificate of registration to an employee of the state or one of its political subdivisions who is a La. licensed architect or engineer without receiving certification by a recognized building code organization or testing agency.

HB 1159 by St. Germain *(Last Action – Sent to Governor)*

Requires all buildings which are six or more stories in height and constructed or substantially renovated after January 1, 2009, to have all of the keys for elevators that allow public access keyed so as to allow all elevators to operate in fire emergency situations with a single master elevator key.

Requires all existing buildings which are six or more stories in height to comply by January 1, 2012.

Requires master elevator keys to be marked "DO NOT DUPLICATE" and allows master keys to be issued only to elevator owners, owners' agents, elevator contractors, state-certified inspectors, state agency representatives, and the fire department in whose jurisdiction the building is located. Authorizes the state fire marshal to allow substitute emergency measures that will provide reasonable emergency elevator access if he finds that it is technically, financially, or physically impossible to bring a building into compliance with law.

Provides for penalties for noncompliance.

Commerce

Requires architects and builders to make every effort to use new technology and developments in keying systems which make it possible to convert existing equipment so as to provide efficient emergency elevator access.

HB 1308 by Ellington (*Last Action – Sent to Governor*)

Allows the office of state fire marshal to act as a third-party provider on commercial structures in parishes north of the 110 mph wind line with a population of less than 40,000.

COMMERCIAL REGULATION

HB 1027 by Lopinto (*Last Action – House Committee*)

HB 1029 by Ritchie (*Last Action – House Committee*)

SB 616 by Nevers (*Last Action – Failed to Pass/Senate*)

SB 654 by Nevers (*Last Action – Failed to Pass/Senate*)

Would have provided for licensure requirements and fees for electricians and HVACR-mechanics where the authority for licensure would have been under the La. State Plumbing Board. Would have provided that electricians and HVACR-mechanics be added as members of the La. State Plumbing Board.

FUNERALS AND FUNERAL HOMES

SB 339 by Thompson (*Last Action – Sent to Governor*)

Provides for the placement of a cemetery into receivership for rehabilitation if a cemetery meets one or more certain conditions, including being "insolvent". Authorizes the attorney general to apply to the district court for either an order appointing a receiver of the assets of the cemetery or an ex parte temporary restraining order to protect the assets and records of the cemetery.

Requires the court, upon receipt of a petition for a temporary restraining order which is verified by the attorney general, and after being satisfied that the interests of the public require the issuance of a temporary restraining order, to order that the cemetery assets be frozen and preserved or to order that certain documents held by the cemetery owner be preserved, or both.

Requires the court, upon receipt of a petition for the appointment of a receiver, to conduct a hearing on whether or not to appoint a receiver within twenty-four hours after service of the petition on the cemetery owner or licensee. Requires the court to serve the order on the cemetery authority if the court finds that it is in the best interest of the public that a receiver be appointed.

Authorizes the court to impound the property and business of the cemetery including but not limited to maps, books, papers, documents, computers, and records. Requires that a receiver appointed by the court take possession of the assets of the cemetery and be vested with the authority to administer, manage, and oversee all affairs of the cemetery.

Requires the receiver to hold or have the qualifications to hold a certificate of authority to operate a cemetery from the Louisiana Cemetery Board. Limits the appointment to one year with reappointment permissible. Requires any person appointed to make an accounting to and file a report with the court, the attorney general, and the board at least once each ninety days.

Provides that upon restoration of the cemetery to compliance with applicable law and rules, the court shall terminate the receivership. Provides that upon good cause shown, the court may terminate the receivership to allow for the sale of the cemetery to a qualified purchaser who will then complete the requirements for compliance with applicable law and rules.

Provides that if the owner of the cemetery cannot obtain a certificate of authority to operate the cemetery from the board, the cemetery property and assets shall be sold at a judicial sale.

Requires the court to include in the order of sale a provision for notice of the judicial sale to creditors and the filing of claims against the receivership. Provides that any remaining funds held by the cemetery or funds realized through the sale of the cemetery shall be used to satisfy receivers, consumers, and creditors.

Excludes a cemetery which is located in an area which is under a gubernatorially declared disaster pursuant to R.S. 29:724, while the executive order is in effect.

SB 806 by LaFleur *(Last Action – Sent to Governor)*

Defines "preneed funeral contract" and prohibits anyone from entering into such contract other than a duly licensed funeral establishment.

Provides that unless waived, any buyer of a preneed funeral contract may cancel that contract and receive a full refund of all monies connected with that contract at any time within ten days after the buyer signed the contract.

Provides that if any guaranteed funeral goods or services which were selected by the buyer in a preneed funeral contract are unavailable at the time of the death of the funeral recipient of that contract, the funeral establishment shall offer a similar casket or other funeral goods or services of equal quality, value and workmanship as the unavailable funeral goods or services.

Prohibits a funeral establishment from borrowing from, converting to another policy or surrendering any preneed insurance policy or annuity, or using or pledging any funds or

Commerce

insurance policy or annuity which is received in connection with any preneed funeral contract for any personal use other than those expressly authorized by that preneed funeral contract and the law. Further prohibits the comingling of funeral trust accounts.

Requires each funeral establishment to file an annual report of funeral trust accounts with the Louisiana State Board of Embalmers and Funeral Directors as a prerequisite for licensing as a funeral establishment.

Restricts a funeral establishment in certain situations from having access to or use of any of the funds in connection with a preneed funeral contract.

Provides that before obtaining or receiving payment for funeral goods and services rendered to the funeral recipient of any preneed funeral contract, the funeral establishment shall present a certified copy of the death certificate of the funeral recipient to the financial institution with whom the funeral trust account has been deposited, or the insurer of the preneed insurance policy or annuity which was used to fund that preneed funeral contract.

Sets forth the procedures for the provision of the funeral goods and services contained in the preneed funeral contract upon the death of the funeral recipient.

Provides for penalties.

PRIVATE SECURITY

HB 448 by Ponti (*Last Action – Act 212*)

Defines "security operations manager" as any individual whose duties include the scheduling and assignment of work shifts and duties, the hiring and firing of security guards under his administrative control, and any other general duties relating to security officer services. Requires security operations managers to apply with the Louisiana State Board of Private Security Examiners for a registration card. Requires the board to create a separate style of registration card for each class of registrant, security officer, or security operations manager to clearly indicate the extent of authority granted by possession of the registration card.

HB 449 by Ponti (*Last Action – Act 213*)

Prohibits the granting of a private security license if the applicant was convicted in any jurisdiction of any crime of violence or has been convicted in any jurisdiction of any other felony offense within ten years prior to the date of the application or if less than ten years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole for which a full pardon or similar relief has not been granted.

PUBLIC UTILITIES**HB 939 by Arnold** *(Last Action – Sent to Governor)*

Increases the salary of each commissioner of the Public Service Commission from \$45,000 to \$75,000.

SCHOOL BUS REPAIR**HB 197 by Edwards** *(Last Action – Sent to Governor)*

Permits warranty repair work, other than engine and transmission repair work, performed upon school buses to be done by a manufacturer or distributor authorized repair facility that is not a school bus dealer. Also allows a manufacturer of school buses licensed by the Louisiana Motor Vehicle Commission to authorize warranty and other repair or maintenance services to be performed at any location of a properly licensed motor vehicle dealer which holds a franchise from any affiliate or subsidiary of the school bus manufacturer.

TELECOMMUNICATIONS**HB 869 by Arnold** *(Last Action – House Committee)***HB 1009 by Ellington** *(Last Action – House Committee)***SB 807 by Duplessis** *(Last Action – Act No. 433)*

Creates the Consumer Choice for Television Act. Provides that any person or entity seeking to provide cable service or video service in the state file an application with the secretary of state for a fifteen-year renewable statewide franchise certificate. The application shall contain a list of municipalities and parishes to be served, in whole or part, by the applicant, which list shall be updated by the applicant prior to offering cable service or video service to an area within a previously undesignated local governmental subdivision.

Authorizes an incumbent provider of cable service or video service the option to terminate their existing franchises previously issued by a local governmental subdivision and may instead offer cable service or video service under the statewide franchise.

Provides the holder of a statewide franchise certificate may be required to pay a franchise fee at a percentage of the holder's gross revenues received from providing cable services or video services to subscribers located within the municipality or unincorporated areas of the parish and from certain types of advertising. However, such percentage shall not exceed the lesser of the incumbent cable service or video service provider's franchise fee imposed by a local governmental subdivision or 5% of the holder's gross revenues as defined by proposed law.

Commerce

Provides that a local governmental subdivision that has a home rule charter governed by Art. VI, §4 of the La. Constitution shall not be subject to the Act, but by local ordinance, may elect to be governed by the Act.

EDUCATION

(See the Appropriations section for more highlights relative to elementary, secondary, and postsecondary education, including funding to provide pay increases for public school teachers and salary supplements for school support personnel.)

MINIMUM FOUNDATION PROGRAM (MFP)

HCR 207 by Trahan *(Last Action – Enrolled)*

Provides for legislative approval of the formula for FY 2008-2009 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to city, parish, and other local public school systems (including the Recovery School District and two university laboratory schools) as developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on June 6, 2008. Formula implementation costs for FY 2008-2009 are \$3.215 billion.

Also, the formula:

- (1) Provides that for FY 2008-2009 only, Orleans, St. Bernard, and Plaquemines parishes shall receive a specified projected base student membership amount and that using the Oct. 1 student membership count, final allocations will be determined and adjustments to allocations will be made upward or downward depending on such student membership count.
- (2) Increases the weight for add-on student units for at-risk students from 0.21 to 0.22. Provides that BESE shall seek to increase the at-risk weight over four years by an appropriate amount annually until reaching a total at-risk weight of 0.40.
- (3) Changes the name of the Vocation Education course weight to the Career and Technical Education course weight and changes the weight from .05 to .06.
- (4) Increases the base per pupil funding amount from \$3,752 to \$3,855. (Retains provisions for subsequent annual adjustments in per pupil amount.)
- (5) Includes the 2007-2008 Certificated Personnel and Support Worker pay raises as a per pupil amount.
- (6) Continues the 10-year phase-out of hold harmless funding beginning with a 10% reduction of the revised "over funded" amount in FY 2007-2008 and provides that the annual 10% reduction amount will be redistributed in a per pupil amount to all non-hold harmless districts.

Education

- (7) Increases the per pupil funding amount for mandated costs involving health insurance, retirement, and fuel to \$100 for each student.
- (8) Provides that the local share allocation of funds for Type 2 charter schools authorized by BESE on or after July 1, 2008, will be funded with a transfer of the MFP monthly amount representing the local share allocation from the applicable local public school board.
- (9) Provides that the state maintain support of the Foreign Language Associate program at a maximum of 300 Foreign Language Associates employed in any given year and provides that these teachers shall be paid by the employing local school system or school the state average classroom teacher salary (without PIP) by years of experience and degree beginning with year three. Provides for installation incentives for first-year teachers and retention incentives for second- and third-year teachers.

SCHOOL CHOICE/VOUCHERS

HB 1347 by A. Badon (*Last Action – Sent to Governor*)

Creates the Student Scholarships for Educational Excellence Program to provide funds for eligible students to attend participating public and nonpublic schools. Defines "eligible student" as a student who resides within the geographic boundaries of a covered district, is a member of a family with a total income that does not exceed 250% of the current federal poverty guidelines, and who meets any one of three specified criteria relative to school enrollment. Defines "covered district" as a local public school system that has been found to be academically in crisis, has had schools transferred to the jurisdiction of the Recovery School District (RSD), and is located in a parish with a population of at least 475,000 persons and includes the RSD. Provides that for the 2008-2009 school year, students shall be eligible to receive their initial scholarships when entering kindergarten or when entering the first, second, or third grade if they attended public school in a covered district during the previous school year. Provides that students in grades four through 12 are eligible for scholarships as additional grade levels are added to the program. Requires participating nonpublic schools to ensure that scholarship recipients are administered all exams required pursuant to the state school and district accountability program. Provides for program administration by the state Dept. of Education and specifies that the total amount of state funds expended to implement the program for FY 2008-2009 shall not exceed \$10 million.

CURRICULUM

SB 733 by Nevers (*Last Action – Act No. 473*)

Creates the "La. Science Education Act" to provide for assistance to public elementary and secondary school teachers in promoting critical thinking skills, logical analysis, and open and objective discussion of scientific theories including evolution, the origins of life, global warming, and human cloning. Requires teachers to teach material presented in the standard textbook supplied by the school system and thereafter authorizes teachers to use textbooks and other instructional materials to help students understand, analyze, critique, and review scientific theories in an objective manner as permitted by the local school board unless otherwise prohibited by the State Board of Elementary and Secondary Education.

LA 4

SB 286 by Duplessis (*Last Action – Sent to Governor*)

Provides relative to the Cecil J. Picard LA 4 Early Childhood Program for four-year-old children in public schools. Beginning with the 2009-2010 school year, changes the family income eligibility criteria by which students qualify for program participation so that by the 2013-2014 school year and thereafter, LA 4 classes shall be provided at no cost, except for applicable lunch costs, to every eligible child without regard to family income level.

Requires each local school system to have a plan for providing LA 4 classes in collaboration with certain non-school system providers of early childhood education that meet specified standards. Also requires (with certain exceptions) participating school systems to use at least 10% of the LA 4 funding received each year in excess of the amount received during the 2008-2009 school year to provide LA 4 classes through collaborative agreements with such non-school system providers.

CHARTER SCHOOLS

HB 321 by Trahan (*Last Action – Act No. 350*)

Increases the maximum number of charter school proposals that can be entered into by all chartering authorities from 42 to 70.

HB 349 by Trahan (*Last Action – Act No. 202*)

Provides that an approved charter school (unless revoked) may be renewed for additional periods of not less than three nor more than 10 years (instead of for additional 10-year periods). Retains criteria and procedures for renewal.

Education

HB 1105 by Trahan *(Last Action – Sent to Governor)*

Permits, for the application period and first year of operation, a chartering authority to charge each school it authorizes a fee, not to exceed 2% of the total per pupil amount that is received by the school, for administrative overhead costs incurred by the chartering authority for considering the application, providing monitoring and oversight of the school, collecting and analyzing data of the school, and for reporting on school performance.

Provides that for a charter school's second year of operation and each year thereafter, the school and its chartering authority may negotiate a fee for such administrative overhead costs, not to exceed 3% of the total per pupil amount. Specifies that administrative overhead costs shall not include any cost incurred by the chartering authority to provide purchased services to the school.

Also provides that a charter school may contract with the chartering authority, or with the Recovery School District (RSD) for a Type 5 charter school, for the direct purchase of specific services in addition to those included in administrative overhead costs. Requires such services to be provided to the school at the actual costs incurred by the chartering authority or the RSD. Provides that the amount paid by a school for such purchased services shall be in accordance with a written agreement. Requires such agreement to be negotiated and executed prior to the beginning of each school year. Provides that absent such an agreement, the chartering authority or the RSD has no authority to withhold from the school any funds relative to providing such services.

Relative to funding for Type 2 charter schools, provides that any such school authorized by BESE after July 1, 2008, shall receive a per pupil amount each year as provided in the approved MFP formula.

STUDENT IMMUNIZATIONS

HB 178 by Gisclair *(Last Action – Act No. 342)*

Requires a student to provide evidence of current immunization against meningococcal disease as a condition of entry into sixth grade in public and nonpublic schools (or, if 11 years old and entering another grade, as a condition of entry into such grade). Requires the chief administrator at the school to be responsible for checking students' records to ensure enforcement. Also requires 11-year-old students in an approved home study program to provide evidence of current immunization against such disease to BESE. Provides exceptions.

HB 359 by LaFonta *(Last Action – Act No. 210)*

Requires city, parish, and other local public school boards that provide information about immunizations to provide to the parent or legal guardian of a student in grades six-12

information about the risks associated with human papillomavirus (HPV) and the availability, effectiveness, and known contraindications of immunization against it. Requires such information to describe the link between HPV and cervical cancer, how HPV is spread, and where a person may be immunized against it. Requires that information be updated annually if new HPV information is available. Requires that such information include a form on which a student's parent or legal guardian may grant written permission for the student to receive such information directly. Requires the Dept. of Health and Hospitals, in consultation with the state Dept. of Education, to establish rules and regulations.

HB 581 by Trahan (*Last Action – Act No. 152*)

Requires students entering the sixth grade, in addition to doing so upon entering a school for the first time, to present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases upon enrolling in school.

RECOVERY SCHOOL DISTRICT

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

Relative to the time period of jurisdiction of the Recovery School District (RSD) over a school transferred to it, provides that no later than six months prior to the expiration of the initial or subsequent transfer period, BESE shall conduct a public hearing within the jurisdiction of the local school board from which the school was transferred relative to whether the school should be continued in the recovery district or returned to the system. Provides that BESE, by a majority vote of its membership, may continue the school in the recovery district for additional periods of five years.

Also changes the date after which no school may be transferred to the district from Nov. 15, 2008, to Nov. 15, 2009.

SUNSET

HB 576 by Trahan (*Last Action – Act No. 83*)

Provides for the general re-creation of the Dept. of Education and its statutory entities, effective June 30, 2008, in accordance with the sunset law. Supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. July 1, 2011, is the new termination date, and termination would begin July 1, 2010, unless the department is again re-created.

Education

POSTSECONDARY EDUCATION/TUITION

HB 734 by Trahan *(Last Action – Sent to Governor)*

Authorizes the public postsecondary education management boards to establish tuition and mandatory fee amounts for resident students and to adjust such amounts at rates of increase of 3%, 4%, or 5% annually. The increase authorized for an institution is determined by comparing its current rates to those of peer institutions, as determined by the Bd. of Regents. Specifies that the authority to increase such amounts shall be applicable for the 2008-2009 through 2011-2012 academic years only and shall terminate June 30, 2012. Requires such boards to establish criteria for waivers of the increase in cases of financial hardship. Provides that beginning with the 2009-2010 academic year, this authority is subject to approval of the Joint Legislative Committee on the Budget.

HB 1145 by Foil *(Last Action – Sent to Governor)*

Authorizes the LSU Board of Supervisors to impose specific increases in tuition and nonresident attendance fee amounts for students in future entering classes (Fall 2008 through Fall 2010) at the Paul M. Hebert Law Center. Provides for proportional amounts for part-time students and for summer sessions.

HB 1314 by M. Jackson *(Last Action – Sent to Governor)*

Authorizes the Board of Supervisors of Southern University to impose specific increases in tuition for full-time resident and nonresident students entering classes at the law center (Fall 2008 through Fall 2010). Provides for proportional amounts for part-time students and for summer sessions. Retains present law prohibition on using proceeds from authorized tuition increases to pay salaries of law center administrators or other university or university system administrators.

DUAL ENROLLMENT

SB 482 by Cassidy *(Last Action – Act No. 460)*

Provides relative to the Bd. of Regents' dual enrollment program, which is a non-statutory program established by the Bd. and first funded by the legislature for FY 07-08 that provides an opportunity for high school students to earn postsecondary course credit while still in high school. Requires the Bd. to provide for the participation in the program of any student who is enrolled in a La. public high school, who is at least 15 years of age, who is in the 11th or 12th grade, and who meets other eligibility criteria as required by the Bd.

Provides also that a student who is enrolled in a nonpublic high school or is participating in a home study program and who meets the age, grade level, and other eligibility requirements

(other than being enrolled in the La. public school) shall be eligible to participate in the dual enrollment program. Specifies that no state funds shall be used to pay the tuition for such a student. Requires that the tuition amount for such a student shall be the same as is paid by the state on behalf of a student attending a public high school.

TOPS

HB 1075 by LaBruzzo *(Last Action – Sent to Governor)*

Relative to initial eligibility requirements for a TOPS award, provides that the waivers to specified academic requirements and the exceptions to La. residency requirements granted to a student who was attending an eligible high school at the time of Hurricanes Katrina or Rita, or both, and who was displaced (or had a parent or court-ordered guardian who was displaced as a La. resident) as a result of one or both of the disasters and who subsequently graduated during the 2005-2006 school year from an out-of-state high school that meets certain standards also shall apply to a student who was attending an eligible high school at the time of one or both of the storms and who was displaced (or had a parent or court-ordered guardian who was displaced as a La. resident) as a result thereof and who subsequently graduated during the 2006-2007, 2007-2008, or 2008-2009 school year, as applicable, from an out-of-state high school that meets the specified standards.

Also changes the name of the "La. Tuition Opportunity Program for Students" to the "La. Taylor Opportunity Program for Students".

HB 1278 by Waddell *(Last Action – Sent to Governor)*

Permits, effective with the 2009-2010 award year and thereafter, use of a TOPS-Tech Award at any school that has a valid and current certificate of registration issued by the State Bd. of Cosmetology and that is accredited by an accrediting organization recognized by the U.S. Dept. of Ed. and at any proprietary school that has a valid and current license issued by the Bd. of Regents and that is accredited by an accrediting organization recognized by the U.S. Dept. of Ed. (Note: A TOPS-Tech award may be used to pursue skill or occupational training as defined by the Bd. of Regents, including a vocational or technical education certificate or diploma program or a nonacademic undergraduate degree.)

HEALTH AND WELFARE

AUTISM

HB 670 by Williams (*Last Action – Act No. 154*)

Provides for a center of excellence for autism spectrum disorder to provide early diagnosis and intervention and individualized programs to citizens with autism and their caregivers and educators. Places the center under the office for citizens with developmental disabilities within the Department of Health and Hospitals. Empowers the center to receive any gifts, grants, donations, or any sum of money, property, aid, or assistance from any person, firm, or corporation upon the creation of a special fund by the legislature. Establishes the center's location as well as any facilities constructed as a part of the center in Caddo Parish.

CLONING

HB 370 by Henry (*Last Action – Sent to Governor*)

Prohibits the use of federal or state funds for human somatic cell nuclear transfer, or human cloning, except for research using embryonic stem cell lines approved for federal funding prior to August 9, 2001. Further specifies that provisions of proposed law shall not prohibit certain kinds of scientific research, including research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans.

HEALTH AND HOSPITALS

HB 808 by LaBruzzo (*Last Action – House Committee*)

Would have authorized parish governing authorities to contract with or create hospital service districts to operate the following state medical centers: Leonard J. Chabert Medical Center (Houma), Lallie Kemp Regional Medical Center (Independence), Bogalusa Medical Center, University Medical Center (Lafayette), E.A. Conway Medical Center (Monroe), and Huey P. Long Medical Center (Alexandria). Would have required the transferee authorities and districts to provide for the care of the indigent and uninsured population through the use of Medicaid dollars. Would have transferred use of medical center property owned by the LSU Board of Supervisors to authorities and districts. Would have transferred state employees to authorities and districts. *Note that a substitute bill would have removed E.A. Conway Medical Center (Monroe) from the option of being transferred and added W.O. Moss Medical Center (Lake Charles).

Health and Welfare

HB 861 by Hines *(Last Action – Act No. 163)*

Establishes the Umbilical Cord Blood Banking Program within the Department of Health and Hospitals to promote public awareness of the potential benefits of cord blood banking, to promote research into the uses of cord blood, and to facilitate predelivery arrangements for banking of cord blood donations. Further provides that subject to an appropriation from the legislature, the department shall establish a statewide toll-free telephone number to receive requests for information and to direct potential cord blood donors to available cord blood banks serving the area in which a potential donor resides.

HB 930 by Mills *(Last Action – Act No. 373)*

Provides relative to the governance, authority, and responsibilities of human services districts. Creates human services districts in areas not previously served by districts or authorities including the following: (1) Region 4 consisting of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion parishes; (2) Region 5 consisting of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis parishes; (3) Region 6 consisting of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn parishes; (4) Region 7 consisting of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster parishes. Conditions operation and management of existing and newly created districts upon execution of a contract with the Department of Health and Hospitals as well as compliance with accountability standards and, for newly created districts, with a readiness assessment to be conducted by the department. Authorizes the secretary of the department to issue sanctions including monetary penalties or suspension and termination of the contract for noncompliance with the terms of the contract between the department and the district. Provides for the provision of termination in the contract and the procedures for notifying the district of any deficiency and the consequences for failure to comply with a finding of deficiency by the department. Provides further that in the event of termination of the contract, the department shall assume the responsibility for providing services as well as the funds appropriated to the district until the district has met all compliance standards.

HB 1098 by Katz *(Last Action – Sent to Governor)*

Provides for one home- and community-based service provider license and uniform fees for personal care attendant services agencies, respite care services agencies, supervised independent living programs, adult day care agencies, and family support agencies. Deletes licensing and fee statutes for and reference to personal care attendant services agencies, respite care services agencies, supervised independent living programs, adult day care agencies, and family support agencies and adds in its place licensing and fee statutes for and reference to a home- and community-based service provider.

Health and Welfare

HB 1273 by Tucker *(Last Action – Pending House Concurrence)*

Directs the Department of Health and Hospitals to develop and implement mechanisms to lower the average per person cost for the Long-Term Personal Care Services program and the New Opportunities Waiver. Further provides for the convening of a stakeholder group to offer input on the selection and implementation of such mechanisms.

HB 1341 by Tucker *(Last Action – Act No. 333)*

Stipulates that a relative may not serve a recipient as a paid direct service worker unless the relative meets the criteria established by rule and has received a waiver issued by the secretary of the Department of Health and Hospitals stating that the relative is the best available appropriate direct service worker for the recipient receiving services.

HCR 155 by Mills *(Last Action – Enrolled)*

Urges and requests the Department of Health and Hospitals, in consultation with the Department of Public Safety and Corrections, to establish a committee to study the development and implementation of civil commitment procedures for the treatment of sexually violent predators and child sexual predators. Requires the Department of Health and Hospitals to determine if legislation is necessary to civilly commit sexually violent predators and child sexual predators and, if so determined, to propose legislation thirty days prior to the convening of the 2009 Regular Session.

SB 287 by Mount *(Last Action – Sent to Governor)*

Creates the Louisiana Health Care Consumers' Right to Know Act. Finds that consumers should have access to a meaningful comparison of costs for specific health care services and specific quality of care measures between and among medical facilities, health care providers, and health plans. Further provides for Internet publication of provider and health plan specific costs, as well as quality and performance data, for use by a consumer. Provides for the implementation of the initial phase of the Internet web site on or before April 30, 2009, subject to an appropriation from the legislature. Creates the Health Data Panel within the Department of Health and Hospitals to make recommendations to the secretary of the department relative to the implementation of the Act.

HOSPICES

SB 540 by Mount *(Last Action – Failed House Final Passage)*

Terminates the moratorium on licenses for new hospice facilities. Conditions the continued issuance of licenses for new hospice facilities on the survey of all hospice facilities by the Department of Health and Hospitals at least once a year.

Health and Welfare

MEDICAID

HB 362 by Geymann *(Last Action – House Committee)*

Would have directed the Department of Health and Hospitals to seek a waiver from the Centers for Medicare and Medicaid Services to exempt nursing facilities which are not enrolled in the Medicare or Medicaid programs from paying a health care provider fee.

HB 366 by Katz *(Last Action – Act No. 352)*

Authorizes the Department of Health and Hospitals to exercise its option under applicable federal statutes to extend an alternative benefits package or regular Medicaid benefits to independent foster care adolescents under the state Medicaid program. Further authorizes the department to choose whether participants receive regular or alternative benefits. Gives the department the authority to promulgate rules and regulations relative to the components of an alternative benefits package.

HB 799 by Baldone *(Last Action – Sent to Governor)*

Requires prostheses, orthoses, prosthetic services, and orthotic services which are purchased by a state agency to be provided by an accredited facility. Further stipulates that no reimbursements from the state Medicaid program shall be paid for prostheses, orthoses, prosthetic services, or orthotic services except to an accredited facility. Provides for penalties for an unaccredited facility, and for an individual who does not work for an accredited facility, which accept payment from a state agency for prostheses, orthoses, prosthetic services, or orthotic services. Also penalizes an unaccredited facility, and an individual who does not work for an accredited facility, which are reimbursed by the state Medicaid program for prostheses, orthoses, prosthetic services, or orthotic services.

MENTAL HEALTH

HB 653 by LaBruzzo *(Last Action – Act No. 153)*

Allows an actual examination of a patient for the purposes of the issuance of an emergency certificate conducted by a psychiatrist to be conducted by telemedicine utilizing video conferencing technology so long as a health care professional who can adequately and accurately assist with obtaining information is in the room at the time.

HB 737 by Katz *(Last Action – House Committee)*

Would have authorized the Department of Health and Hospitals and local governmental subdivisions to enter into contracts with private contractors to provide psychiatric forensic services to patients currently being treated in public facilities as funds are appropriated by the legislature. Would have provided for the financing, acquisition, designing, leasing,

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construction, and operation of any forensic facility. Would have provided further for the selection of the most qualified contractor who demonstrates that it has the qualifications, experience, and management of personnel necessary to carry out the terms of the contract, the financial strength to provide indemnification to the state in case of a finding of tortious conduct, past experience with similar contracts, and the ability to comply with mental health standards. Note that committee amendments would have limited the authority of the department to contract with a private contractor to finance, acquire, design, lease, construct, or operate a forensic facility of no more than 160 beds.

SB 228 by Heitmeier (*Last Action – Act No. 447*)

Provides that each human service district, authority, or region of the Department of Health and Hospitals shall develop a plan to: (1) operate a crisis network utilizing existing resources and coordinating interjurisdictional services to develop efficient and effective crisis response services to serve all individuals twenty-four hours a day, seven days a week; (2) provide skilled clinical interventions to help prevent suicides, homicides, unnecessary hospitalizations and arrests or detentions and to reduce dangerous or threatening situations involving individuals in need of behavioral health services; (3) respond quickly and effectively to community crisis situations.

NURSING HOMES

SB 249 by Mount (*Last Action – Act No. 187*)

Repeals the moratorium on the replacement of existing nursing facilities, provided that the replacement facility utilizes existing nursing beds.

SB 810 by Mount (*Last Action – Sent to Governor*)

Provides for specific training for employees of nursing homes, adult residential care providers, and adult residential care facilities for the care of residents afflicted with Alzheimer's disease or dementia.

PRESCRIPTIONS

HB 660 by Henry (*Last Action – House Committee*)

Would have prohibited a pharmacist from interchanging an anti-epileptic drug for the treatment of epilepsy without the prior notification of both the prescribing physician and patient.

Health and Welfare

PUBLIC HEALTH

HB 509 by Hines *(Last Action – House Committee)*

Would have required a food service establishment that sells food containing trans fat to disclose that fact on its menu, menu board, or other similar sign, along with a warning statement about the health risks associated with trans fat.

SB 312 by Mount *(Last Action – Sent to Governor)*

Requires public water systems with at least five thousand service connections to install and operate equipment to maintain optimal water fluoride levels, subject to an appropriation from the legislature. Provides for a procedure for public water systems to opt out of the water fluoridation.

SMOKING

HB 466 by Richard *(Last Action – Sent to Governor)*

Limits an exception to the La. Smokefree Air Act which allows smoking in designated rooms of nursing homes which permit smoking. Clarifies that the designated room cannot be the reception area, lobby, waiting room, dining room, or any other room or area defined as a public place under the La. Smokefree Air Act.

TELEMEDICINE

HB 1384 by Marchand *(Last Action – Sent to Governor)*

Provides for the licensure of physicians practicing telemedicine. Requires a license to practice telemedicine. Authorizes the Louisiana State Board of Medical Examiners (LSBME) to establish the criteria to issue a license. Defines telemedicine as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive video communications via video communications only. Excludes from the definition of telemedicine telephone conversations or electronic mail messages. Requires the presence of a licensed health care professional in the examination room at the time telemedicine services are being provided. Further requires the LSBME to establish what type of health care professional is appropriate under the circumstances.

HCR 70 by LaBruzzo *(Last Action – Filed with the Secretary of State)*

Changes administrative rules to authorize a physician to conduct a physical examination upon the initial admission of the patient by telemedicine utilizing videoconferencing

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technology, provided that a licensed health care professional shall be in the examination room with the patient at the time of the video conference.

HOUSE AND GOVERNMENTAL AFFAIRS

2008 FIRST EXTRAORDINARY SESSION

ETHICS

HB 1 by Tucker (*Last Action – Act No. 1*)

Requires certain public officials to file annual financial disclosure statements. Generally provides three levels of financial reporting, informally referred to as "tiers". Tier 1 applies to statewide elected officials, the secretary or chief executive of each department of state government, and certain other executive branch officials. Tier 2 applies to: (1) each member of the state legislature; (2) each person holding a public office who represents a voting district having a population of 5,000 or more persons; (3) each member of the Board of Ethics and the ethics administrator; (4) each member of the State Board of Elementary and Secondary Education; (5) each member of a state board or commission who receives a salary or other compensation for such public service of \$16,800 or more per year; and (6) each member of a state board or commission which has the authority to expend, disburse, or invest \$1,000,000 or more of funds in a fiscal year. Tier 3 covers each person holding a public office who represents a voting district having a population of fewer than 5,000 persons and each member of a state board or commission which has the authority to expend, disburse, or invest more than \$10,000 but less than \$1,000,000.

Requires a candidate to file a financial statement for the office for which he is running. The filing is due within 10 days of the time the person becomes a candidate, a status which may be assumed when the person takes certain actions, including accepting contributions, making expenditures, or qualifying for the election.

Provides for additional disclosure for members of the Board of Ethics.

The financial statements are public records subject to the public records law.

Provides per day late fines for failing to report or failing to accurately report required information, which may be imposed following a 14-day delinquency notice procedure. The Board of Ethics is required to post a list of delinquent filers. Also provides criminal penalties for certain knowing and willful failures.

Effective Jan. 1, 2009, except that the reporting requirement for Tier 3 becomes effective Jan. 1, 2010.

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HB 64 by Abramson (*Last Action – Senate Committee*)

Would have required disclosure by statewide elected officials, legislators, elected members of the State Board of Elementary and Secondary Education, and officials elected from voting districts with 5,000 persons or more of certain information regarding public employment or appointment of campaign employees, campaign contributors, and other contributors.

SB 1 by Chaisson (*Last Action – Act No. 2*)

Prohibits legislators, statewide elected officials, certain executive branch officials, the Board of Ethics, and the ethics administrator, along with spouses and certain legal entities of such officials, from entering into any contract with state government. Also prohibits immediate family members (other than spouses) of such officials and certain affiliated legal entities from entering into a contract with state government unless it is publicly bid or competitively negotiated through a request for proposal process in accordance with law. (*Prior law generally prohibited contracts with the public servant's agency.*) SB 1 also applies to former officials for a period of one year following termination of public service. Reporting of allowed contracts with state government is required annually by July 1.

A number of exceptions are provided, including actions taken to comply with state law, certain retail sales, public assistance benefits, admission fees for events open to the public, certain contracts for employment by a licensed health care professional, and agreements for the provision of services by state government provided on the same terms and conditions available to similarly situated persons. The law provides for completion of certain contracts and for renewal under certain conditions.

Subject to certain exceptions, also prohibits statewide elected officials, legislators, and certain executive branch officials from entering into certain disaster contracts funded with federal money appropriated by the state, and requires reporting of disaster contracts funded with federal money.

SB 3 by Chaisson (*Last Action – Act No. 19*)

Replaces the general exception to the ethics code which allowed elected officials to receive certain things of economic value related to cultural and sporting events with a new, more restrictive provision which allows an elected official to accept complimentary admission to certain events as follows:

- (1) A civic, nonprofit, educational, or political event if the elected official is a program honoree, a speech presenter, or a panel member.
- (2) A fishing trip, hunting trip, or golf outing if such trip or outing is associated with a candidate's, elected official's, or organization's fundraising event open to the general public

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and the elected official is a program honoree, a speech presenter, or a panel member at such event, trip, or outing.

Specifically prohibits admission to any professional, semiprofessional, or collegiate sporting event and any fishing trip, hunting trip, or golf outing except as allowed in (2) above.

SB 5 by Chaisson *(Last Action – Act No. 8)*

Requires an elected official to recuse himself from voting on a matter that would be a violation of ethics code provisions prohibiting participation in certain transactions which involve his governmental entity and in which he or an affiliated person or legal entity has a substantial economic interest. However, allows an elected official to participate in discussion and debate concerning the matter if he verbally discloses the nature of his conflict or potential conflict during such discussion and debate and prior to any vote taken on the matter.

SB 44 by Chaisson *(Last Action – House Committee)*

Would have prohibited a statewide elected official, legislator, or person holding one of certain enumerated offices or positions as the head of an executive branch department from receiving or agreeing to receive any thing of economic value for:

- (1) Assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies. This prohibition would have applied for one year following the termination of public service.
- (2) Assisting a person with the execution or funding of any judgment against the state when such official had been employed post-trial or post-appeal for the sole purpose of collecting said judgment.

Would have provided certain exceptions and reporting requirements.

HB 85 by Jones, Sam *(Last Action – House Calendar)*

Would have prohibited an elected official from appointing to any position on a board or commission a campaign contributor who made a contribution of \$1,000 or more.

LOBBYING

SB 8 by Chaisson *(Last Action – Act No. 9)*

Provides a limit on the value of food, drink, and refreshment certain persons are allowed to give to a public servant. Restricts the value of food, drink, or refreshment that a person may give to a public servant to no more than \$50 for a single event. Requires the Board of Ethics

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to adjust the \$50 limit in accordance with increases in the Consumer Price Index. Provides that the value of food, drink, or refreshment given at an event to which a group or organization of public servants is invited shall be determined by dividing the cost by the number of invitees. Further provides that the limitation does not apply to a gathering held in conjunction with a meeting of a national or regional organization or a meeting of a statewide organization of governmental officials or employees.

SB 11 by Chaisson (*Last Action – Act No. 13*)

Requires executive branch and legislative branch lobbyists to electronically register and report monthly lobbying expenditures on officials and employees and on an official's spouse and minor child. Requires a lobbyist to disclose any business relationship that the lobbyist or his employer (or principal) has or had with such an official or his spouse during the previous 12 months. Additionally requires a lobbyist to report lobbying income by ranges of value and to list each subject matter about which he lobbies.

Allows an immediate family member of a legislator to be a registered lobbyist if the person was a registered lobbyist for one year prior to becoming a family member of the legislator or one year prior to the initial election of the legislator. Prohibits such a lobbyist from lobbying the legislator or communicating with any public employee assigned to the district office of the legislator, any public employee whose primary duty is to assist the individual legislator, or, if the legislator is a chairman, any public employee assigned to his committee concerning any matter which may be the subject of action by the legislature.

Effective Jan. 1, 2009.

EDUCATION AND ENFORCEMENT

HB 6 by Tucker (*Last Action – Act No. 3*)

Requires each elected official to receive one hour of ethics education and training during each year of his term of office. Requires a newly elected official to receive at least one hour in the first 90 days of office. This is applicable to statewide elected officials, legislators, and public service commissioners now and will be applicable to all other elected officials beginning January, 2010. Beginning in 2009, requires each lobbyist to receive training on the lobbyist disclosure laws and the applicable provisions of the ethics code. Beginning in 2012, requires every public servant to receive at least one hour of ethics training during each year of public employment or service.

HB 29 by Tucker (*Last Action – Act No. 10*)

Requires that at least three of the governor's appointees to the Board of Ethics be attorneys with at least eight years of experience. Provides for resignation if eligibility requirements are not maintained. Also requires that the ethics board staff certify that each newly appointed

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ethics board member has completed a training program regarding the provisions of law under the jurisdiction of the board. Such certification is required before the new member can attend a meeting or participate as a member.

HB 33 by Peterson (*Last Action – Act No. 11*)

Requires persons designated by a state agency to provide ethics information to the public servants in that agency to have at least two hours of ethics education and training prior to being designated. Requires at least one of those designees in each state executive branch department to be an attorney.

HB 41 by Tucker (*Last Action – Act No. 23*)

Creates the Ethics Adjudicatory Board to conduct public hearings on those matters which the Board of Ethics, after an investigation, has determined should be adjudicated. The Ethics Adjudicatory Board is comprised of seven administrative law judges randomly selected by the director of the division of administrative law to serve one-year terms. Provides that the adjudicatory board sits in rotating, three-judge panels. Provides that if the adjudicatory panel determines that a violation has occurred, it also prescribes penalties or other sanctions. The law requires the Board of Ethics to issue a decision adopting the decision of the adjudicatory panel within 45 days.

PUBLIC RECORDS

SB 35 by Chaisson (*Last Action – Act No. 15*)

Prohibits a public servant or other person from transferring any thing of economic value or any asset, interest, or liability to any person or governmental entity for the purpose of circumventing any provision of the ethics code, unless the transfer is irrevocable. Specifies that a transfer shall not be irrevocable if there exists any legally enforceable agreement or authority which if exercised or enforced would require or authorize any asset, interest, or liability transferred by the public servant or other person to revert back to the public servant or other person.

HB 27 by Waddell (*Last Action – Senate Committee*)

Would have specified that the present law public records exemption for the governor applies only to the executive office of the governor (defined as the governor, his chief of staff, and his executive counsel) and would not apply to any agency or entity established, transferred, or placed within the office of the governor by law or executive order. Would have provided that the exemption would not prevent any person from inspecting or obtaining a reproduction of books, records, papers, accounts, or other documents pertaining to any money or any financial transactions in the control of or handled by or through the governor in accordance with present law relative to public records.

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PUBLIC OFFICIALS/PUBLIC EMPLOYEES

HB 8 by Tucker *(Last Action – Act No. 5)*

Protects from threats of discipline or reprisal a public employee who reports something that he believes indicates a violation of any law, order, rule, or regulation or any other alleged act of impropriety related to the scope or duties of public employment or public office.

HB 56 by Tucker *(Last Action – Act No. 12)*

Creates the office of the state inspector general in the executive branch of state government to examine and investigate waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and corruption in the executive branch. Requires the inspector general to receive certification as a Certified Inspector General from the Association of Inspectors General. Provides that the inspector general is appointed for a six-year term, subject to removal by the governor with concurrence of the legislature.

CAMPAIGN FINANCE

HB 7 by Tucker *(Last Action – Act No. 4)*

Limits contributions to a gubernatorial transition and inauguration from any one person to \$10,000.

HB 43 by Peterson *(Last Action – Senate Committee)*

Would have prohibited a candidate, political committee, or person who files reports under the Campaign Finance Disclosure Act, or any other person, from using campaign contributions, loans, or transfers of funds, to pay a fine, fee, or penalty imposed under the Code of Governmental Ethics.

HB 65 by Greene *(Last Action – Act No. 16)*

Requires each candidate for public office to certify that he does not owe any outstanding ethics fine, fee, or penalty at the time of filing his notice of candidacy. Requires the Board of Ethics to bring an action or join an action objecting to the candidacy of any person who falsely certifies such fact.

HB 73 by White *(Last Action – Act No. 17)*

Requires each person and political committee required to file campaign finance disclosure reports that receives contributions or loans in excess of \$50,000 in a calendar year or which makes expenditures in excess of \$50,000 in a calendar year, other than a candidate or an authorized political committee of a candidate or a political committee of a recognized

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political party, to file all reports required by the Campaign Finance Disclosure Act electronically.

HB 78 by Leger (*Last Action – Act No. 25*)

Relative to campaign finance reporting, makes requirement for electronic filing of contribution and expenditure reports applicable to a candidate for a major or district office; previously the requirement applied only to a candidate for statewide office. Also phases out the \$50,000 threshold on the requirement for electronic filing. From Jan. 1, 2010, until Dec. 31, 2011, the threshold is \$25,000; thereafter there is no such threshold.

HB 89 by Richard (*Last Action – Senate Committee*)

Would have provided that a fine, fee, or penalty assessed for a campaign finance violation could be paid only by the person against whom the fine, fee, or penalty was assessed and only with the personal funds of such person or with contributions. Would have prohibited a candidate, political committee, or person who files campaign finance disclosure reports, or any other person, from using campaign contributions, loans, or transfers of funds, to pay a fine, fee, or penalty imposed under the Code of Governmental Ethics.

SB 29 by Marionneaux (*Last Action – Act No. 26*)

Defines all 26 U.S.C.A. §527(e)(1) organizations as "political committees" for purposes of the Campaign Finance Disclosure Act and requires such organizations to file the same reports as required for political committees regarding contributors, the amount of contributions, and expenditures. Also requires §527 organizations to file reports during the period beginning at midnight of the 20th day prior to an election and extending through midnight of election day containing the full name and address of each person from whom the political organization has received and accepted a contribution or to whom such organization has made an expenditure during such period in excess of \$250 within 48 hours of such contribution or expenditure.

SB 47 by Adley (*Last Action – Act No. 27*)

Requires each person, other than a candidate or political committee, who makes an expenditure for purposes of canvassing to submit in writing to the candidate or political committee on whose behalf such expenditure was made the name, address, and the last four digits of the social security number of each individual to whom such an expenditure was made. Provides that it is a felony for any person to commit an intentional violation of the requirement, subject to a fine of not more than twice the amount of such expenditure or compensation or imprisonment, with or without hard labor, for not more than five years, or both.

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2008 REGULAR SESSION

LEGISLATIVE AFFAIRS

SB 672 by Duplessis *(Last Action – Sent to Governor)*

Raises the base salary of legislators from \$16,800 to \$37,500. Provides that the base salary for the chairmen of the Senate Finance Committee, the Senate Revenue and Fiscal Affairs Committee, the House Committee on Ways and Means, and the House Committee on Appropriations and for the speaker pro tempore and the president pro tempore is \$54,750. Provides that the base salary for the speaker and the president is \$71,250. Provides for an annual increase based on the Consumer Price Index for all urban consumers.

HB 183 by Lorusso *(Last Action – Sent to Governor)*

Proposed constitutional amendment to require the legislature to provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the United States. Provides for the submission of the proposed amendment to the electors at the statewide election to be held on Nov. 4, 2008.

SB 164 by Lorusso *(Last Action – Sent to Governor)*

Provides for the designation of a temporary successor for a legislator who is ordered to active duty in the armed services for a period of 180 days or more. Provides for qualifications, limitations, and procedures. Becomes effective if and when the Act which originated as House Bill No. 183 becomes effective.

HB 1063 by Tucker *(Last Action – Sent to Governor)*

Provides for the Legislative Budgetary Control Council to provide for a salary schedule for legislative assistants, and provides that when the council establishes the schedule, it shall provide for an increase over the existing schedule. Provides that until the council establishes the schedule, the existing schedule remains in place. Requires the council to provide a detailed mechanism to factor in other governmental experience into the number of years of experience of a legislative assistant for determining that legislative assistant's salary. Provides that no legislative assistant shall be paid a salary that exceeds the base salary established by the council plus the equivalent of one step for each year of his employment as a legislative assistant. Provides that a legislative assistant who receives 60% of the amount available to employ the assistant is eligible for benefits.

Additionally removes the duty of the Legislative Audit Advisory Council to fix the salary of the legislative actuary and provides instead that the legislative auditor shall fix the salary and

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establish the duties and functions of the legislative actuary and any other personnel necessary to perform the functions related to the provision of actuarial notes.

ELECTIONS (GENERAL)

HB 790 by Foil (*Last Action – Act No. 134*)

Removes from the Election Code a July proposition election date. Retains all other dates on which bond, tax, and other proposition elections may be held, including the spring primary and general elections and the fall primary and general elections.

HB 960 by Gallot (*Last Action – Act No. 135*)

Reauthorizes the secretary of state to establish a program for the conduct of early voting (prior authorization for a pilot program expired on Jan. 1, 2008; this reauthorization is for a permanent program). Provides that the secretary of state shall select locations for the program based on feasibility, accessibility, and the number of registered voters. Requires registrars of voters and clerks of court in each parish selected for the program to assist the secretary of state as necessary to implement the program in those parishes. Requires the secretary of state to include the locations selected for the program in the details submitted to the House and Senate governmental affairs committees for approval, which details shall also include each change to the program. Requires the secretary of state to provide a written review of the program to the governmental affairs committees by March 1 of each year.

HB 1122 by B. Badon (*Last Action – Act No. 167*)

Requires each registrar of voters office to remain open until 6:00 p.m., rather than 4:30 p.m., during the early voting period. Additionally provides that election expenses incurred by a registrar of voters and his permanent employees in the performance of election duties and responsibilities associated with early voting during the extended hours of operation provided for by the Act shall be paid by the state from funds appropriated to the secretary of state for that purpose.

SB 115 by Martiny (*Last Action – Sent to Governor*)

Provides relative to nominating petitions which may be filed in lieu of qualifying fees with a notice of candidacy. Present law provides for the number of signatures required on a nominating petition; the number varies from 50 for a candidate for municipal office in a municipality with a population of 5,000 or less to 5,000 signatures for a candidate for statewide office. SB 115 requires 25 signatures if qualifying has been reopened due to the death of a candidate. SB 115 also provides that under such circumstances, the nominating petition shall be submitted during the reopened qualifying period.

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ELECTION OFFENSES

HB 1044 by Abramson *(Last Action – Sent to Governor)*

Requires certain identification of the sources of telephone campaign communications and certain prior approvals of such calls. Prohibits any person from making any telephone call or automated call expressly advocating support or opposition of a candidate, or elected public official, or ballot proposition or causing any such call to be made unless the call identifies the source of the call. Provides that the above requirements for identification of calls shall not apply to: (1) any call in which the individual making the call is not being paid and the individuals participating in the call knew each other prior to the call and (2) any call conducted to collect information, including message testing, or to poll respondents concerning a candidate, elected public official, or ballot proposition, which is a part of a series of fewer than 1,500 completed like calls of more than two minutes average duration.

Prohibits making any telephone call or automated call or causing a call to be made that states or implies that the caller represents any candidate, political committee, or any other person or organization unless the candidate, political committee, person, or organization so represented has given specific written approval to the person paying for the call to make such representation. Requires the person who pays for any call subject to HB 1044 to maintain records of all such calls and a copy of all such written approvals. Also requires that he file a copy of such approval with the secretary of state before the calls commence.

Prohibits making any telephone call or automated call supporting or opposing a candidate, or causing such a call to be made, with the knowledge and cooperation of a candidate or a political committee of a candidate, unless the person has received the prior written approval of such candidate or committee. Requires that the candidate file a copy of each such written approval with the secretary of state prior to the time the calls commence. Allows approvals for calls to be filed with the secretary of state by facsimile transmission as long as within two days, exclusive of legal holidays, the original approvals are forwarded by U.S. mail to the secretary of state.

Provides that violations shall be punished by a civil fine not to exceed \$2,500. Provides that upon a second or subsequent violation, the penalty shall be a civil fine not to exceed \$5,000.

HB 1198 by T. Burns *(Last Action – Sent to Governor)*

Prohibits certain false statements by candidates; push polling that contains any false statement, question, information, or insinuation; and, with intent to influence an election, knowingly authorizing or approving a call or causing a call to be made that will include or be transmitted with deceptive caller identification information. Applies to candidates and elections for public office, including state, parish, municipal, ward, district, and federal office, except president or vice president of the U.S., presidential elector, delegate to a political party convention, or political party office.

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Provisions are made part of the Code of Governmental Ethics and subject to its enforcement provisions, and violations are subject to its applicable penalties. Provides that no fine shall be imposed for any violation occurring prior to Jan. 1, 2009.

ETHICS (GENERAL)

SB 53 by Shaw *(Last Action – Sent to Governor)*

Provides that the Board of Ethics shall not accept, consider, nor investigate any complaint that does not contain information identifying the complainant, including the complainant's name and contact information. However, provides that this prohibition shall not be construed or interpreted to limit the ability of the board by two-thirds majority vote to consider any matter it has reason to believe may be a violation of any law within its jurisdiction.

SB 56 by Michot *(Last Action – Sent to Governor)*

Permits an appointed board or commission member to recuse himself from voting on a matter in which he or certain related persons have a substantial economic interest. Prohibits an appointed board or commission member who recuses himself from participating in discussion and debate concerning the matter to be voted on. Additionally, removes recusal provisions applicable to specific boards and commissions.

SB 499 by Crowe *(Last Action – Sent to Governor)*

Redefines the term "lobbyist" for purposes of lobbying the legislature as any person who is employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the principal duties of such employment or engagement or any person who acts in a representative capacity and makes an expenditure. Defines "principal duty" as any duty which is expected to account for 20% or more of a person's time in fulfilling the terms of his engagement or any duty which is expected to account for 20% or more of a person's time in any given year in performing the responsibilities of his employment; further redefines "lobbying" or "to lobby" for such purpose. Excludes from the definition of "lobbyist" any person who does not make any direct act or have any direct communication with a legislator for the purpose of influencing the passage or defeat of legislation. Further, excludes from the application of the provisions relative to lobbying the legislature, an elected official or any designee of the elected official when such designee is a public employee and when such elected official or public employee is acting in the performance of his official public duties.

Redefines "lobbyist" for purposes of lobbying the executive branch as any person who acts in a representative capacity and makes an expenditure. Provides relative to the exclusion of public officials and their designees from the application of laws relative to lobbying the executive branch that the exclusion only applies to an elected or appointed public official or

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any designee of such an official when such designee is a public employee and when such elected or appointed official or public employee is acting in the performance of his official public duties.

SB 769 by Chaisson (*Last Action – Sent to Governor*)

See also

HB 678 by Greene (*Last Action – Senate Calendar*)

HB 911 by Gallot (*Last Action – Senate Calendar*)

HB 1002 by Gallot (*Last Action – Senate Calendar*)

HB 1175 by Montoucet (*Last Action – Sent to Governor*)

HB 947 by Hutter (*Last Action – Vetoed*)

Relative to the ban on contracts with state government, rewords and reclassifies certain exceptions from "not prohibited" to "not contracts". Removes the exception for agreements for the provision of goods or services by state government. Removes certain redundant exceptions for completion of certain contracts and an exception for actions taken to comply with a state law, rule, or regulation. Provides that an annual report of allowed contracts be filed on May 15 of each year, complete for the preceding calendar year, but that the first report is due by May 15, 2009, complete for Mar. 3, 2008, through Dec. 31, 2009.

Relative to the \$50 cap on food and drink, clarifies when a person is "invited" to mean invited, whether formally or informally, and which is communicated in any manner or form. Defines "event" for the purposes of this provision to be an activity, occasion, reception, meal, or meeting at a given place and time. Further, exempts from the \$50 cap the participation of a public servant of a postsecondary education institution at an event held for the purpose of soliciting donations or contributions of private funds for the benefit of that public servant's agency.

Relative to complimentary admission, allows a public servant to accept complimentary admission to a civic, nonprofit, educational, or political event when the public servant is a program honoree, is a speech presenter, or is a panel member. Further authorizes a public servant to accept complimentary admission to a fundraising event for a candidate or political party. Retains provisions that the exceptions do not apply to admission to any professional, semi-professional, or collegiate sporting event.

Authorizes public servants to accept admission, lodging, and travel to and from certain education or professional development seminars or conferences under certain circumstances. Requires a public servant who accepts such admission, lodging, and travel to file an affidavit with the Board of Ethics within 60 days which discloses specified information about the acceptance.

Relative to the ethics exception which allows an immediate family member of a legislator to be a registered legislative lobbyist, applies the exception to an immediate family member

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of a legislator if the immediate family member was a registered lobbyist for at least one year prior to Jan. 1, 2009.

Authorizes the continued employment of an immediate family member of a legislator as a legislative assistant and the participation of the legislator in transactions relative to such employment if the assistant was employed as a legislative assistant by that legislator for at least one year before becoming his immediate family member.

Relative to gubernatorial transitions, requires the reporting of expenditures and an annual report until all contributions for the transition have been expended.

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

Adds deputy secretaries, undersecretaries, and assistant secretaries, or equivalent positions, of state agencies to present law prohibitions against and limitations on contracting with state government (R.S. 42:1113). Also adds the following to such prohibitions and limitations: the assistant commissioner for management and finance, the deputy commissioner, the confidential assistant, and each assistant commissioner of the Dept. of Agriculture and Forestry; the superintendent of education, the deputy superintendent of education, the deputy superintendent for management and finance, and each assistant superintendent of the Dept. of Education; the chief deputy commissioner, each deputy commissioner, the assistant commissioner, and the executive counsel of the Dept. of Insurance; the first assistant attorney general of the Dept. of Justice; the deputy secretary of the Dept. of State, the deputy secretary for the office of the Uniform Commercial Code, and the deputy secretary for the office of GeauxBiz or his successor; and each deputy state treasurer and each assistant state treasurer of the Dept. of the Treasury. Provides that present law prohibitions and limitations regarding contracting with state government do not apply to the spouses and other immediate family members of deputy secretaries, undersecretaries, and assistant secretaries, or equivalent positions of certain state agencies.

HB 80 by Lopinto (*Last Action – Act No. 245*)

Provides that ministerial transactions are not included within the present law prohibition against an elected official receiving or agreeing to receive a thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies unless he files a sworn statement. Defines a ministerial transaction as a transaction that involves routine, administrative communications intended to obtain service, information, or assistance from a public employee whose duties are established in plain and unmistakable terms by law, rule, or regulation.

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HB 278 by St. Germain (*Last Action – Vetoed*)

Would have provided that the present law \$50 limit on food, drink, and refreshment that may be given to a public servant at a single event does not apply to events related to recruitment, fundraising, or philanthropic activities by or on behalf of an agency or for the benefit of an agency or its programs, activities, or mission.

HB 290 by Dixon (*Last Action – Act No. 128*)

Requires the Board of Ethics to provide to the accused and the complainant a detailed explanation regarding a possible violation, including the specific factual allegations upon which the board based its decision to investigate and a copy of any complaint, excluding the name of the complainant. Provides that following an investigation, the board shall decide whether to issue charges and conduct a hearing to receive evidence relative to the facts alleged in such charges. Provides requirements for the content of such charges. Requires the board to consider offering consent opinions.

HB 906 by Hutter (*Last Action – Sent to Governor*)

Requires the Board of Ethics to provide to the accused and the complainant a certified copy of the vote to investigate a matter; a detailed explanation of the matter, including the specific factual allegations upon which the board based its decision to investigate; and a copy of any complaint received by the board, which includes the name of the complainant and the name of any other person providing information that the board has considered in the matter.

HB 678 by Greene (*Last Action – Senate Calendar*)

Would have required the report filed with the Board of Ethics concerning contributions for gubernatorial transition and inauguration to also include information on expenditures made from such contributions. Would have required an annual report to be filed until all contributions were expended or used.

Would have required the governor in office on the effective date of HB 678 to file a report covering the period following the date of his election in 2007 and prior to the 30th day after his inauguration in 2008.

HB 762 by Connick (*Last Action – Act No. 159*)

Replaces the requirement that an elected official who recuses himself verbally disclose the nature of the conflict or potential conflict during his participation in discussion or debate and prior to any vote taken on the matter with the requirement that he make the conflict or potential conflict a part of the record of his agency prior to participating in discussion or debate and prior to the vote that is the subject of discussion or debate.

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HB 853 by Tucker *(Last Action – Sent to Governor)*

Provides that if an administrative law judge on the Ethics Adjudicatory Board begins work on a matter prior to the end of his term, he shall not be prohibited from completing his work on the matter following the end of his term. Provides that he shall be considered a member of the adjudicatory board until such work is complete, and his status shall not affect the selection of members for the adjudicatory board.

Requires any member of the adjudicatory board who has a personal interest in or who becomes the subject of a hearing pursuant to the procedural provisions of the ethics code to recuse himself from participation in such hearing.

Provides that decisions of the adjudicatory board or a panel thereof may be appealed in the same manner as decisions by the Board of Ethics.

FINANCIAL DISCLOSURE

SB 718 by Martiny *(Last Action – Act No. 472)*

Provides for a new "Tier 2.1" financial disclosure for most boards and commissions, including those of political subdivisions of the state with certain exceptions. Defines "board and commission" for purposes of Tier 2.1. Requires members (and designees) of boards and commissions which expend, disburse, or invest \$10,000 or more in a fiscal year (except those who file in Tier 1 or 2), and members of the State Civil Service Commission and of the Board of Commissioners of the La. Stadium and Exposition District to file annual financial disclosure statements in the new "Tier 2.1"; provides relative to penalties.

Removes the requirement that members of a state board or commission which has the authority to expend, disburse, or invest \$1 million or more in a fiscal year or who receive \$16,800 or more in annual compensation for such public service report pursuant to Tier 2. Removes the requirement that members of a state board or commission which has the authority to expend, disburse, or invest between \$10,000 and \$1 million report pursuant to Tier 3. Further, provides that persons reporting in Tier 2 report "mailing address" rather than "residence address".

HB 340 by Morrell *(Last Action – Senate Calendar)*

Would have added the warden of each correctional institution in the office of adult services of the Dept. of Public Safety and Corrections to the list of officials required to file financial disclosure statements under R.S. 42:1124.2 (Tier 2).

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HB 635 by Greene (*Last Action – Senate Calendar*)

Would have added the following to the list of officials required to file financial disclosure statements under R.S. 42:1124.2 (Tier 2): the state inspector general, the legislative auditor, the head of the governor's transition team, each member of the State Civil Service Commission, and each member of the Board of Commissioners of the La. Stadium and Exposition District.

HB 842 by Gallot (*Last Action – Act No. 162*)

Expressly provides that a candidate is required to file a financial disclosure statement when he is a candidate for an office for which the holder of the office is required to file financial disclosure statements pursuant to R.S. 42:1124, 1124.2, or 1124.3. Changes the deadline for candidates to file financial statements from within 10 days of becoming a candidate to within 10 days of filing the notice of candidacy. Provides that designees of members of certain boards must file financial disclosure statements. Limits the applicability of financial disclosure provisions to those persons holding covered offices or positions on or after July 1, 2008.

CAMPAIGN FINANCE

HB 277 by Richard (*Last Action – Senate Committee*)

Would have prohibited a candidate or an individual required to file campaign finance disclosure reports from using campaign funds to pay fines, fees, and penalties assessed pursuant to the Campaign Finance Disclosure Act (CFDA). Would have required that a fine, fee, or penalty assessed against a candidate or the principal campaign committee or subsidiary committee of a candidate for a violation of the CFDA be paid only by the candidate and that a fine, fee, or penalty assessed against an individual for a violation of the CFDA be paid only by the individual.

HB 371 by Connick (*Last Action – Sent to Governor*)

Prohibits a candidate and the principal or any subsidiary political committee of a candidate from using a contribution, loan, or transfer of funds received by such candidate or committee to make any payment or expenditure to any immediate family member of the candidate. Defines "immediate family member" as the candidate's children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse. Provides certain exceptions.

Removes present law provisions which define a political organization as defined in 26 U.S.C.A. 527(e)(1) as a "political committee" for purposes of the Campaign Finance Disclosure Act. Removes present law provisions which specifically require a political

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organization as defined in 26 U.S.C.A. 527(e)(1) to file certain additional reports pursuant to the Campaign Finance Disclosure Act.

PUBLIC RECORDS

HB 1100 by Waddell *(Last Action – Senate Committee)*

Would have limited the public records exemption of the office of the governor. Would have provided that the laws regulating public records applied to records in the custody or control of the executive office of the governor. Would have provided, however, that any such record would remain confidential for a period of time not to exceed three years from the creation or receipt of the record if the governor determined that confidentiality of the record was necessary. Would have specified that such provisions would not apply to any agency transferred or placed within the office of the governor. Would have defined "executive office of the governor" as the governor, his chief of staff, and his executive counsel and each member of their respective staffs and defined "record" as any of the kinds of material defined as "public records" by the present public records laws (R.S. 44:1(A)(2)(a)).

Would have provided that proposed provisions would not prevent any person from inspecting, examining, or obtaining a reproduction of any record pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor in accordance with public records laws.

Would have provided that any record prepared, possessed, or created by the governor or any agent of the governor related to the proposed Cyber Innovation Center to support the Air Force Cyber Command would remain confidential until Aug. 15, 2010.

SB 363 by Nevers *(Last Action – Sent to Governor)*

Adds the following persons to serve as advisory, nonvoting members of the La. Legislative Youth Advisory Council: up to seven persons who have completed high school and are 19 years old or younger and a representative of the Council of Student Body Presidents. Provides that other than the name of an applicant, information contained in the application form of any person under the age of 18 applying for membership on the council shall be confidential and shall not be subject to disclosure, and provides an exception from the laws relative to public records for such information. Provides that the commission may use the information on application forms to develop summary or statistical data which contains no personally identifiable information and that such data shall be subject to disclosure in the manner provided for public records.

Relative to the present law public records exception for certain documents ordinarily kept in the custody or control of the governor in the usual course of the duties and business of his office (R.S. 44:5), provides that the exception also applies to documents that were used, are in use, or were prepared, possessed, or retained for use by or on behalf of the governor in the

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usual course of the duties and business of his office. Removes language providing that the exception does not apply to certain agencies within the office of the governor.

PUBLIC OFFICIALS/PUBLIC EMPLOYEES

SB 232 by Mount *(Last Action – Enrolled)*

Proposed constitutional amendment to provide that no person who has served as a member of one of the following boards and commissions for more than two and one-half terms in three consecutive terms shall be appointed or elected to the board or commission for the succeeding term: the Public Service Commission, the State Board of Elementary and Secondary Education, the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical Colleges, the Louisiana Forestry Commission, the State Civil Service Commission, and the State Police Commission.

Provides that a person who has served as a member of any one or more of the above boards or commissions for more than two and one-half terms in three consecutive terms combined shall not serve as a member of any of the above boards or commissions for a period of at least two years after the completion of such consecutive terms of service.

Does not apply to any person appointed or elected to the board or commission prior to the effective date of the constitutional amendment, except that it would apply to any term of service of any such person that begins after such date.

Provides for the submission of the proposed amendment to the electors at the statewide election to be held on Nov. 4, 2008.

SB233 by Mount *(Last Action – Sent to Governor)*

Provides that no person appointed or elected to a board or commission within the executive branch of state government who has served for more than two and one-half terms in three consecutive terms shall be elected or appointed to the succeeding term, unless another term limit is provided by law. Provides that no person appointed to a board or commission within the executive branch of state government serving at the pleasure of an appointing authority shall serve more than 12 consecutive years.

Provides that no person who has served as a member of any one or more boards or commissions in the executive branch of state government for two and one-half terms in three consecutive terms combined shall serve as a member of any board or commission in the executive branch of state government for a period of at least two years after the completion of such consecutive terms of service. Provides that no person who has served as a member

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of any one or more boards or commissions in the executive branch of state government for 12 consecutive years combined shall serve as a member of any board or commission in the executive branch of state government for a period of at least two years after the completion of such 12 consecutive years of service.

Does not apply to any person serving on a board or commission within the executive branch of state government on Aug. 15, 2008, except that it shall apply to any term of service of any such person that begins after Aug. 15, 2008, and it shall apply to service of any such person at the pleasure of an appointing authority pursuant to an appointment that is made after Aug. 15, 2008.

Does not prohibit any person from serving as a member of a board or commission if such membership is by virtue of another office to which he is elected or appointed.

INSURANCE

HEALTH INSURANCE

HB 318 by Kleckley *(Last Action – Act No. 349)*

Requires that any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2009, provide coverage for prosthetic devices and prosthetic services.

Requires parity for such coverage with other benefits provided under the plan, including co-payments, coinsurance, and deductibles; however, authorizes an annual limit of no less than \$50,000 per limb.

HB 958 by Foil *(Last Action – Sent to Governor)*

Requires that any health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2009, provide coverage of the diagnosis and treatment of autism spectrum disorders in individuals less than 17 years of age. Specifically provides for coverage of applied behavior analysis, defined as the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

Makes such coverage subject to maximum benefits of \$36,000 per year and \$144,000 per lifetime. Provides that the requirement for coverage shall not apply to any health coverage plan issued to an employer with 50 or fewer employees or to individual coverage.

HB 925 by Cortez *(Last Action – Act No. 305)*

Provides for benefits for health-related services that can be lawfully provided by a licensed marriage and family therapist in health coverage plans on or after Jan. 1, 2009. Requires that such health care provider meet a health insurance issuer's contracting and credentialing requirements for direct reimbursement.

HB 1366 by Ponti *(Last Action – Act No. 386)*

Requires that pharmacy benefit managers (PBMs) be licensed and regulated by the commissioner of insurance as third-party administrators and otherwise provides with respect to PBMs. Defines a "pharmacy benefit manager" as a person, business, or other entity and any wholly or partially owned or controlled subsidiary of such entity that administers the prescription drug or device portion of one or more health benefit plans on behalf of a third party, including plan sponsors, insurance companies, unions, and health maintenance organizations, in accordance with a pharmacy benefit management plan.

Insurance

HCR 131 by Roy *(Last Action – Filed with the Secretary of State)*

Urges and requests the Dept. of Insurance to conduct a study on statutorily mandated health insurance benefits to determine what each such statutory mandate costs in terms of absolute dollars and as a percentage of total health insurance premiums.

SB 155 by Cravins *(Last Action – Act No. 443)*

Provides for appeal and review of experimental or investigational determinations by medically necessary review organizations (MNROs). Provides for second level internal appeal or external review process provided the item or health care service deemed to be experimental or investigational in an adverse determination meets certain criteria, including an allowable charge greater than \$500 and:

- (1) If subject to federal Food and Drug Administration (FDA) approval, it is approved by the FDA; however, absence of FDA approval for off label use shall not preclude eligibility.
- (2) If not subject to approval by the FDA, support of use of the item or health care service by medical or scientific evidence can be found in certain sources listed in the Act.

PROPERTY INSURANCE

HB 333 by Kleckley *(Last Action – Act No. 15)*

Defines the following acts committed knowingly with intent to defraud as fraudulent insurance acts:

- (1) Manufacturing, selling, distributing, presenting, or causing to be presented a fraudulent proof of insurance card or document.
- (2) Altering a legitimate proof of insurance card or document.

Provides for penalties and restitution for fraudulent insurance acts, including acts punishable as felonies. Specifically makes mere possession of a fraudulent proof of an insurance card or document a misdemeanor. Further provides that if the benefit pursued does not exceed \$1,000, the fraudulent insurance act shall be a misdemeanor.

HB 606 by Lopinto *(Last Action – Act No. 307)*

Provides that the commissioner of insurance shall authorize a rate reduction, if actuarially justified, on vehicles equipped with a global positioning system (GPS) or vehicle tracking system which helps in recovering stolen vehicles as such system is further defined by rules promulgated by the Department of Insurance.

HB No. 1312 by Ponti *(Last Action – Sent to Governor)*

Increases the minimum motor vehicle liability insurance limit for bodily injury to one person from \$10,000 to \$15,000; increases the minimum liability for the bodily injury of two or more persons from \$20,000 to \$30,000; and increases the minimum liability limit for bodily injury or destruction to property in any one accident from \$10,000 to \$25,000.

Changes the minimum motor vehicle bond amount for the bodily injury to or death of one person from \$10,000 to \$15,000 and the amount for the bodily injury to or death of more than one person from \$20,000 to \$30,000. Increases the deposit an applicant for registration must submit with the state treasurer from \$30,000 to \$55,000.

Increases the recovery amount by an insurer for subrogation claims paid under the applicable insurance policy from \$10,000 to \$15,000 of bodily injury and property damages.

Changes the amount credited upon a judgment rendered in excess due to bodily injury or death of one person from \$10,000 to \$15,000.

HB 1369 by St. Germain *(Last Action – Sent to Governor)*

Adds two members to the board of directors of the Property Insurance Association of Louisiana (PIAL): a representative designated by the La. Fire Chiefs Associations and a representative designated by the La. State Firemen's Association. Further creates an advisory committee to the board of directors of PIAL and requires that the advisory committee study and evaluate the public fire protection classification or grading for a public fire protection area, including the La. Addendum to the ISO Fire Suppression Rating Schedule. Additionally requires PIAL to consider the addendum and other recommendations of the advisory committee and to make public the current addendum as approved by the board of directors of PIAL.

SB 160 by Cravins *(Last Action – Sent to Governor)*

Creates an exception to the prohibition on increasing the deductible on a homeowner's policy that has been in effect and renewed for more than three years unless based on nonpayment of a premium, fraud of the insured, a material change in risk being insured, two or more claims within a period of three years, or if continuation of such policy endangers the solvency of the insurer, unless such a deductible is applied statewide. Permits an insurer to file with the commissioner of insurance a written petition for authorization to increase a policy deductible to not more than 4% of the value of the property being insured for named storms or hurricanes on such homeowners' policies that have been in effect for more than three years.

Requires that the filing by the insurer include a business plan to write new business in the particular region or area of the state in which the deductible is to apply and that the

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commissioner's approval be based on the insurer's commitment to write new business in such region or area of state. Authorizes the commissioner to rescind his approval of the filing if the insurer fails to write new business pursuant to the business plan. Requires the commissioner to promulgate regulations for the particulars of the petition including the necessity for the insurer to itemize to the insured the premium savings based on the increase in the insured's deductible.

Requires any company making a filing for such a "zone" deductible with the commissioner to reduce the rates paid by an individual homeowner by the amount determined to be actuarially justified by the commissioner, when the deductible is increased. Prohibits a homeowner's policy from containing any provision that would apply more than one deductible to a loss resulting from any single incident.

SB 16 by Cravins (*Last Action – Sent to Governor*)

Requires the secretary of the Department of Public Safety and Corrections to formulate criteria to develop and implement a real-time system to verify the existence of motor vehicle insurance or other security required in compliance with the Motor Vehicle Safety Responsibility Law using advanced telecommunications and computer technology. Provides that the criteria established by the secretary shall be developed only after consulting with an advisory group. Provides that this system may initially be implemented by the secretary as a six-month pilot program and implemented statewide upon expiration of the six-month period.

SB 44 by Cravins (*Last Action – Act No. 390*)

SB 588 by Cravins (*Last Action – Act No. 469*)

Provides for a third round of grant applications under the Insure Louisiana Incentive Program, funded by a special fund of \$100 million created during the 2007 Regular Session. Provides that any unexpended and unencumbered money in the fund after such three rounds be used for a homeowner policy premium assistance program for any individual who paid a homeowner insurance policy premium during the previous twelve calendar months. However, SB 588 provides that if less than \$35 million remains in the fund after responses have been finalized to the three separate invitations for applications, then the remaining monies in the fund shall instead be used to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems.

DEPARTMENT OF INSURANCE

HB 369 by Kleckley (*Last Action – Act No. 353*)

Provides for the state's entry into the Interstate Insurance Product Regulation Compact for the purposes of developing uniform standards for and giving regulatory approval to individual and group annuities, life insurance, disability income, and long-term care

insurance policies. Designates the commissioner of insurance as the representative of the state to the commission.

SB 150 by Cravins (*Last Action – Act No. 403*)

Provides for formation of domestic captive insurance companies within the state, to be regulated by the commissioner of insurance. Defines a captive insurance company as an insurance company that only insures all or part of the risks of its parent company, member organization, or affiliated companies of a member organization.

SB 154 by Cravins (*Last Action – Act No. 442*)

Provides for regulation of discount medical plan organizations by the commissioner of insurance. Defines a "discount medical plan organization" as any person or organization that operates a discount medical plan and a "discount medical plan" as a business arrangement or contract in which a person, in exchange for fees, dues, charges or other valuable consideration, provides access for plan members to providers of medical services and the right to receive medical services from those providers at a discount. Specifically exempts customer discount or membership cards issued by a store or buying club for use at that store or buying club exclusively.

SB 245 by Cravins (*Last Action – Act No. 410*)

SB 335 by Cravins (*Last Action – Act No. 415*)

SB 347 by Cravins (*Last Action – Act No. 416*)

SB 374 by Cravins (*Last Action – Act No. 420*)

This series of bills provides for the reorganization and recodification of the Louisiana Insurance Code, including enacting provisions for the types of insurers and risk bearing entities regulated under the code and repealing outdated provisions of the code.

JUDICIARY

COURT JURISDICTION

HB 16 by Greene *(Last Action – Senate Committee)*

Would have increased the civil jurisdictional amount in dispute for the city courts of Baton Rouge and Zachary to \$35,000 and the First and Second City Courts of the city of New Orleans to \$30,000.

EMERGENCY PREPAREDNESS

HB 495 by Lopinto *(Last Action – Act No. 214)*

Provides for voluntary, mandatory, and forced evacuations during a disaster or state of emergency; provides for essential or critical workforce who are excepted from a mandatory evacuation; authorizes a parish president to impose a curfew and to regulate assembly and sale of specified items; authorizes the forcible removal or arrest of persons in violation.

HB1379 by Tucker *(Last Action – Sent to Governor)*

Establishes the Emergency/Disaster Medicine Review Panel process which is authorized to issue a permissive review panel advisory opinion to a prosecuting authority on health care services rendered during a state of emergency. The panel shall have as its sole duty to express its expert opinion as to whether or not scientific reliable evidence supports the conclusion that the physician, nurse, or other member of the medical profession exercise of clinical judgment was in good faith given the circumstances under which the judgment was rendered. Requires the prosecuting authority to refrain from arresting a respondent until such time as the panel has concluded its review, and an advisory opinion has been received by the prosecuting authority, except where there is probable cause to believe the respondent is a risk of flight or delay which will adversely effect the investigation.

SB 788 by Walsworth *(Last Action – Sent to Governor)*

Creates the office of interoperability established within the Governor's Office of Homeland Security and Emergency Preparedness and grants the office the authority to oversee, direct, and manage interoperability programs and efforts identified in the statewide interoperability plan and the statewide communications interoperability plan for first responders in coordination with local, state, and federal officials. Requires the office to address critical interoperability issues relating to public safety and emergency response, including communications, spectrum, networks, equipment, training, and other areas as needs are identified. Also establishes the state Unified Command Group which is the strategic decision making body for emergencies in the state with the governor serving as the unified commander. Establishes three permanent subcommittees of the UCG, being the

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interoperability subcommittee, a first responders subcommittee, and a regional parish OEP parish directors subcommittee and further provides for the membership and functions of the subcommittees.

COURT CONSOLIDATION FOR THE PARISH OF ORLEANS

HB 538 by Morrell *(Last Action – Senate Calendar)*

Would have authorized the judges elected to the 41st JDC to automatically revert back to their respective section or division in the civil and criminal district courts for the parish of Orleans if Act No. 621 of the 2006 Regular Session of the Louisiana Legislature is held unconstitutional. Would have authorized an elected or appointed magistrate to the 41st JDC to automatically revert back to their respective section or division in the civil and criminal district courts for the parish of Orleans if Act No. 621 of the 2006 Regular Session of the Louisiana Legislature is held unconstitutional. Would have provided that the consolidation of the clerks of the civil and criminal district courts for Orleans Parish and the civil and criminal sheriffs of the parish of Orleans after the next term of office for the clerks and sheriffs begins after completion of a new district courthouse.

SB 166 by Murray *(Last Action – Sent to Governor)*

Provides that the judges elected to take office on January 1, 2009, and presiding over divisions A through N of the Civil District Court for the parish of Orleans shall continue to preside over those divisions until December 31, 2014, at which time they shall preside over and finish their terms of office as Divisions A through N of the 41st JDC. Provides that the judges elected to take office on January 1, 2009, and presiding over sections A through L of the Criminal District Court for the parish of Orleans shall continue to preside over those sections until December 31, 2014, at which time they shall preside over and finish their terms of office as Divisions O through Z of the 41st JDC. The same applies for the civil and criminal clerks of court, the civil and criminal sheriffs in Orleans Parish, the magistrate judge of the Criminal District Court for the parish of Orleans, and the four magistrate commissioners of the Criminal District Court for the parish of Orleans. Provides that the clerk of the 41st JDC shall collect specified fees and shall deposit no less than 60% into the Clerk's Salary Fund with the remaining funds being deposited into the Consolidated Judicial Expense Fund.

SB 625 by Murray *(Last Action – Sent to Governor)*

Provides that the judges of the 41st JDC shall take office on May 3, 2010. Provides that the magistrate judge elected to take office on January 1, 2009, and presiding over the magistrate section of the Criminal District Court for the parish of Orleans shall continue to preside over that magistrate section until May 3, 2010, at which time he shall preside over the magistrate division of the 41st JDC. Provides that the four magistrate commissioners appointed to the Criminal District Court for the parish of Orleans shall continue to preside in those magistrate

commissioner sections until May 3, 2010, at which time he shall preside over the magistrate commissioner division of the 41st JDC. Provides that on May 3, 2010, the clerk of court for the Civil District Court for the parish of Orleans shall serve as the clerk for the 41st JDC, Civil Section, and the clerk of court for the Criminal District Court for the parish of Orleans shall serve as the clerk for the 41st JDC, Criminal Section. Provides that on or after May 3, 2010, 60% of the fees the civil clerk receives that are deposited into the Clerk's Operational Fund, may be renegotiated by the clerk and chief judge of the 41st JDC, but shall not be reduced below 50% of the civil filing fees collected by the clerk, with the rest being deposited into the Consolidated Judicial Expense Fund.

RECUSATION OF JUDGES

HB 1386 by Ponti (*Last Action – Sent to Governor*)

Provides that a judge of any court, trial or appellate, shall be recused when he:

- (1) Is a witness in the cause;
- (2) Has been employed or consulted as an attorney in the cause or has previously been associated with an attorney during the latter's employment in the cause and the judge participated in representation in the cause;
- (3) Is the spouse of a party, or of an attorney employed in the cause or the judge's parent, child, or immediate family member is a party or attorney employed in the cause; or
- (4) Is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that he would be unable to conduct fair and impartial proceedings.

Provides that a judge of any court, trial or appellate, may be recused when he:

- (1) Has been associated with an attorney during the latter's employment in the cause;
- (2) At the time of the hearing of any contested issue in the cause, has continued to employ, to represent him personally, the attorney actually handling the cause (not just a member of that attorney's firm), and in this case the employment shall be disclosed to each party in the cause;
- (3) Has performed a judicial act in the cause in another court; or
- (4) Is related to a party; the spouse of a party, within the fourth degree; an attorney employed in the cause; or the spouse of the attorney, within the second degree; or if the judge's spouse, parent, child, or immediate family member living in the judge's

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household has a substantial economic interest in the subject matter in controversy sufficient to prevent the judge from conducting fair and impartial proceedings.

SB 277 by Crowe (*Last Action – House Calendar*)

Would have provided that a judge of any court, trial or appellate, may be recused when he is biased or prejudiced toward or against a witness to such an extent that he would be unable to conduct fair and impartial proceedings.

DISTRICT ATTORNEYS

HB 1152 by Richmond (*Last Action – Sent to Governor*)

Provides for the following additional assistant district attorneys:

- (1) 8th JDC (Winn Parish) – 2.
- (2) 9th JDC (Rapides Parish) – 1.
- (3) 14th JDC (Calcasieu Parish) – 1.
- (4) 22nd JDC ((St. Tammany and Washington Parishes) – 2.
- (5) 32nd JDC (Terrebonne Parish) – 2.
- (6) 40th JDC (St. John the Baptist Parish) – 2.

SILVER ALERTS FOR MISSING PERSONS

HB 1378 by Simon (*Last Action – Sent to Governor*)

Creates a Silver Alert Network for issuing a "Silver Alert" for a person with a verified mental impairment who is missing from his residence or from the supervision of his caretaker, whose whereabouts are unknown, and which poses a credible threat to the person's health and safety. Creates a Silver Alert Steering Committee whose purpose is to study and make recommendations to the legislature on the criteria and implementation of the program.

SB 423 by Cravins (*Last Action – Act No. 453*)

Requires the secretary of DPS&C to develop and implement a system to notify citizens when a senior citizen or person with a developmental disability is determined to be missing and that an alert is to be issued to the community to assist law enforcement officials in locating the missing person. Requires that the notification system be coordinated with and to

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encourage the private sector to participate in secondary distribution of flyers, electronic mail, and text messaging of the missing senior citizen or person with a developmental disability.

LABOR AND INDUSTRIAL RELATIONS

WORKFORCE DEVELOPMENT

HB 1104 by Tucker *(Last Action – Sent to Governor)*

SB 612 by Chaisson *(Last Action – House Calendar)*

Transforms the Department of Labor to the Louisiana Workforce Commission to operate an integrated workforce delivery system. Replaces the secretary of the Department of Labor with an executive director, charged with supervising the integration of all educational, training, employment, apprenticeship, and related programs of all federal and state agencies and workforce entities.

Transforms the current Louisiana Workforce Commission to the Louisiana Workforce Investment Council and designates it as the state level workforce investment board. Provides that the council shall recommend strategies for a comprehensive workforce development system, measuring the effectiveness of workforce development programs, and performing the duties required by the state workforce investment board as required under the federal Workforce Investment Act. The council shall consist of 41 members. Mandates an Occupational Forecasting Conference at least twice a year to project statewide and regional job growth and demand in current and emerging industries.

Mandates the formation of workforce investment boards, for each workforce development area, to plan, oversee and measure the performance of the delivery of workforce training and services and to oversee the management of local business and career solution centers.

EMPLOYMENT OF MINORS

HB738 by Baldone *(Last Action - Act No. 364)*

HB 738 allows 12 and 13-year-olds to work in a business in which their parent or legal guardian is an owner or partner of the business. The minor must work under the direct supervision of that parent or legal guardian. All the protections afforded to 14 and 15-year-olds must be afforded to these minors as well.

LABOR/EMPLOYMENT

HB 1387 by Patricia Smith *(Last Action - Senate Committee)*

Created "The Independent Contractor Control Act". Would have required all employers to properly classify employees. Provided that employers who improperly classify employees as independent contractors or pay unreported compensation deprive those workers of benefits. In addition, those employers avoid paying overtime, employment taxes, workers'

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compensation premiums, unemployment insurance and withholding income taxes. Also provided for administrative, civil, and criminal penalties for failure to properly classify.

HB 1370 by Harrison (*Last Action – House Committee*)

Would have provided an exception for any person who is not a citizen of the United States to work in the state with the use of a biometrics identification card. Defined such card as any technological card that would use a unique physical attribute such as a fingerprint to serve as a "password" to gain access to a protected area and as means of identification. Would have required the Department of Labor to promulgate rules for implementation.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 212 by Arnold *(Last Action – Act No. 257)*

Relative to the payment of a fee or commission by a parish or municipality to a real estate broker upon the sale of tax-adjudicated property which the broker has assisted the parish or municipality in selling, provides that the fee or commission shall not exceed 10% of the final sales price, rather than 10% of the final sales price for land or acreage or 6% of the final sales price for land and dwelling. Also authorizes a parish or municipality to pay a broker's commission or fee, not to exceed 10% of the sales price, for assistance in the sale of any property.

HB 419 by Edwards *(Last Action – Act No. 356)*

Increases the maximum allowable monthly salary for police jurors from \$1,200 to \$1,600 and authorizes a police jury to pay a higher salary to its president.

HB 934 by Templet *(Last Action – Sent to Governor)*

Authorizes parishes to utilize the procedures available to municipalities for the removal of dangerous structures. Creates and provides for the La. Blighted Property Reclamation Revolving Loan Fund from which parishes and municipalities may borrow money to secure or remove dangerous structures.

HB 1093 by Connick *(Last Action – Sent to Governor)*

Authorizes a parish governing authority to place all contempt fines and other fines and court costs charged to the owner of any lot containing a derelict building, dwelling, or other structure for failure to repair or demolish any such building, dwelling, or structure on the ad valorem tax bills of the parish. Requires the parish governing authority to reimburse the sheriff or the appropriate tax collector an amount equal to 15% of the amount of fines and court costs collected from the property owner.

HB 1221 by Geymann *(Last Action – Senate Committee)*

Would have authorized a political subdivision to withdraw from the La. Natural Gas Purchasing and Distribution Authority after giving 60 days notice and paying its contractual obligations to the authority. Would have required the authority to immediately calculate the political subdivision's contractual obligations and provide such within 30 days. Would have required the authority, if its bonds were outstanding and the political subdivision was a participant in such financing, to attempt to remarket the contracted gas to any qualified political subdivision or to calculate the payoff of the bonds. Would have required such

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calculations to be provided to the political subdivision within 90 days. Would have required the authority to take all necessary actions to accomplish the withdrawal request within a reasonable period of time.

HB 1094 by Dixon *(Last Action – House Committee)*

Would have created the Alexandria Riverfront Development District as a special taxing district and political subdivision of the state to provide for cooperative economic development between the district, Rapides Parish, Alexandria and other economic development districts there, and business and property owners to provide for district renovation, restoration, and development. Would have granted the district authority to implement ad valorem tax, sales tax, and hotel occupancy tax increment financing.

HB 1329 by Downs *(Last Action – House Committee)*

Would have prohibited local governing authorities from enforcing speed limits on certain sections of interstate highway. Would have capped the amount of income a local government could have received from speeding citations. The cap was to be set as a percentage of total revenue of the local governing authority, and there were different caps based on the population of the local jurisdiction. Required speed enforcement revenues above the cap to be forwarded to the state treasurer and specified the uses of funds received by the state treasurer. The bill included provisions for investigation of local governments that were suspected of violating proposed law.

SB 147 by Martiny *(Last Action – Act No. 401)*

Authorizes the board of aldermen, upon request of the mayor, to appoint one or more attorneys who shall be designated as prosecutors and who shall serve at the pleasure of the mayor. Also authorizes the appointment of more than one magistrate; a magistrate, as provided by present law, may be designated by the mayor to serve in his stead as the presiding official over the mayor's court.

FIRE AND POLICE

HB 970 by Honey *(Last Action – Sent to Governor)*

Provides that a fireman or policeman employed by a municipality with a population of fewer than 13,000 but not fewer than 7,000 persons who is required to work during the calendar day on any holiday which is declared by the governing authority of the municipality shall receive in addition to the compensation to which such employee would be entitled under laws and pay plans in effect, compensation at a rate of one-half times his usual salary. Provides that in lieu of additional compensation, the governing authority of the municipality may grant any such employee time off from work.

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HB 980 by H. Burns *(Last Action – Act No. 309)*

Authorizes any classified employee or any appointing authority who is affected by a finding of a local civil service board in a disciplinary action and who can produce evidence of a violation of law relative to prohibited acts such that the violation was material to the board's finding to request that the board reconsider the matter. Requires that the request provide the name of any person in violation of law and the details of the evidence. Permits the board, based upon the evidence presented, to hold and conduct an investigation and hearing. Authorizes the board, if it determines that such violation occurred and was material to its original decision, to modify or reverse its decision and requires it to take any authorized corrective action.

SB 230 by Mount *(Last Action – Act No. 448)*

Authorizes the La. Association of Chiefs of Police Emergency Response Task Force to furnish police manpower and equipment in the event of an emergency or special event upon the request for assistance from a police department, a chief of police, a sheriff or sheriff's office, the La. Sheriff's Association, the La. State Police, or their designees on duty at the time of the emergency or special event.

SB 742 by Cheek *(Last Action – Act No. 475)*

Relative to survivor payments made on behalf of a deceased firefighter or law enforcement officer, provides that if the firefighter or officer is not married to the other natural parent of a minor or dependent child or children who are entitled to benefits at the time of death, then the payment shall be paid to a trustee designated by the firefighter or officer on a form provided by his employer.

SEWER AND WATER

HB 1300 by Morrell *(Last Action – House Committee)*

Relative to the Sewerage and Water Board of New Orleans, would have changed the membership, qualifications, terms, and responsibilities of board members. Would have also established a nomination process for citizen members of the board.

Municipal, Parochial, and Cultural Affairs ---

HOUSING

HB 54 by M. Guillory (*Last Action – Act No. 101*)

Requires a local housing authority to enter into an employment contract with the executive director of the housing authority rather than to employ an executive director to serve at the pleasure of the authority.

SB 224 by Shepherd (*Last Action – Sent to Governor*)

Requires that the board of commissioners of a local housing authority shall include at least one tenant and a landlord of a housing authority development. Authorizes a local housing authority to pay a per diem to each member of the board in an amount of not less than \$75 for each day of attendance at meetings of the board.

CULTURAL

HB 203 by St. Germain (*Last Action – Act No. 74*)

Repeals the sunset of the Atchafalaya Trace Commission. Prior law provided that the commission would terminate 180 days after approval of the management plan by the legislature but could be extended for a period of not more than six years.

HB 503 by Gallot (*Last Action – Sent to Governor*)

Transfers the authority to appoint members of the La. Tourism Development Commission, the board of directors of the La. Tourism Promotion District, the La. Retirement Development Commission, and the board of commissioners of the State Library of La. from the governor to the Lt. governor. Provides that any member of the La. Tourism Development Commission appointed by the governor on or before May 21, 2008, shall be allowed to continue to serve as a member of the commission.

HB 928 by S. Jones (*Last Action – Sent to Governor*)

Requires the office of cultural development, division of historic preservation, within the Dept. of Culture, Recreation and Tourism to establish and maintain a register of historic cemeteries located in the state, to be known as the La. Register of Historic Cemeteries. Provides that no cemetery shall be considered for placement on the state register unless it is at least 50 years old or contains the burial of a person of local, state, or national importance by reason of civic, public, or military service, cultural achievement, or historical significance or contains structures that are considered architecturally significant.

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HB 1092 by S. Jones *(Last Action – House Calendar)*

HB 1334 by Marchand *(Last Action – House Committee)*

HB 1092 would have established the La. Cemeteries Historic Preservation Program within the Dept. of Culture, Recreation and Tourism, office of cultural development, to provide for protection of historic cemeteries. HB 1092 and HB 1334 would have created the La. Historic Cemetery Trust Fund within the state treasury to provide funding for the preservation of historic cemeteries.

HB 1206 by Dove *(Last Action – Act No. 327)*

Creates and establishes the South La. Wetlands Discovery Center, to be located in Terrebonne Parish, as a tourist center to collect, preserve, and exhibit, as an educational resource, documents, archives, and other artifacts that promote wetlands.

SB 724 by Thompson *(Last Action – Sent to Governor)*

Relative to the board of directors of the La. State Museum, transfers the appointing authority from the governor to the Lt. governor. Changes the number of nominees that must be submitted by each nominating organization from three to four. Adds the secretary of the Dept. of Culture, Recreation and Tourism as a member of the board. Adds the La. Civil Rights Museum Advisory Board and the La. Sports Hall of Fame Foundation as nominating organizations.

SB 732 by Gray *(Last Action – Act No. 431)*

Creates the Magnolia Street Residential Neighborhood Enhancement Program within the Dept. of Culture, Recreation and Tourism in order to assist municipalities in preparing and implementing a revitalization strategy for residential neighborhoods that are in close proximity to either a La. Main Street Program project or an existing commercial district.

SB 760 by Thompson *(Last Action – Sent to Governor)*

Changes the membership of the La. Civil Rights Museum Advisory Board from nine members appointed by the governor with seven being from the state's congressional districts to two appointed by the governor and seven appointed by the Lt. governor from the state's congressional districts. Adds provision changing the method of selecting the chairperson of the La. Civil Rights Museum Advisory Board. Changes the membership of the Eddie G. Robinson Museum Commission from including four members appointed by the governor serving at the pleasure of the governor to including seven members appointed by the secretary of state serving four-year terms concurrent with the governor.

Municipal, Parochial, and Cultural Affairs _____

RECREATION

HB 792 by White (*Last Action – House Committee*)

Would have created a body politic and corporate in the city of Central known as the Central Recreation District. The district would not have been subject to the jurisdiction of the Recreation and Parks Commission for the parish of East Baton Rouge. The boundaries of the district would have been coterminous with city boundaries, and HB 792 provided that the district would plan, develop, and operate the public park and recreational properties and facilities in the district.

MEMORIAL

SB 802 by Gray (*Last Action – Sent to Governor*)

Reestablishes the Hurricane Katrina Memorial Commission in the office of the governor. Prior law provided that the commission should terminate on Dec. 31, 2007. Requires that the commission submit a report, not later than Mar. 1, 2009, to the governor, the president of the Senate, and the speaker of the House of Representatives. Requires that the report include recommendations for the type and nature of the memorial and a site or sites for such memorial.

NATURAL RESOURCES AND ENVIRONMENT

LANDFILL/AIRPORT BUFFER ZONE

SB 383 by Hebert *(Last Action – Sent to Governor)*

HB493 by Champagne *(Last Action – House Committee)*

Prohibits the construction, establishment, or expansion of a residential or commercial landfill or an adjacent construction or a demolition debris (C&D) landfill within 5,000 ft. of an airport serving piston-powered aircraft or 10,000 ft. of an airport serving turbine-powered aircraft. Applies only to Iberia Parish.

SB 196 by Hebert *(Last Action – Sent to Governor)*

Provides that the Dept. of Environmental Quality may recognize and adhere to all Federal Aviation Administration safety guidelines, rules, regulations, or recommendations before issuing any permits for a solid waste facility located within 5,000 feet of any main runway of an airport and that may interfere with or endanger air traffic safety. Applies only to Iberia Parish.

IMPORTATION OF FOREIGN NUCLEAR WASTE

HB 1196 by LaFonta *(Last Action – Act No. 96)*

Prohibits transporting any radioactive waste generated outside of the U.S. into the state for disposal or storage in this state or elsewhere. Exempts radioactive waste generated by the U.S. Armed Forces.

HCR 98 by LaFonta *(Last Action – Signed by President)*

Urges and requests the Dept. of Environmental Quality to review EnergySolutions' license application to the U.S. Nuclear Regulatory Commission to import and export foreign nuclear waste through the Port of New Orleans and to monitor such activity to ensure compliance and to take all legal action to stop such activity in absence of compliance.

ALLIGATORS

HB 360 by Montoucet *(Last Action – Act No. 272)*

Creates the La. Alligator Advisory Council and removes marketing and management of alligators from the Fur and Alligator Advisory Council.

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OYSTERS

HB 798 by Hutter *(Last Action – Sent to Governor)*

Lifts the moratorium on issuance of new leases for oyster beds as follows:

- (1) Provides that leases that were not renewed since 1996 because the lease was located in either the operational or impact area of a coastal restoration project would be available first to the lease holder of record at the time the lease was not renewed.
- (2) Authorizes the Wildlife and Fisheries Commission, in conjunction with a special committee composed of representatives from the Dept. of Wildlife and Fisheries, the Dept. of Natural Resources, the La. Oyster Task Force, the La. Landowners Association, the La. Oil and Gas Assoc., and the La. Mid-Continent Oil and Gas Assoc. to promulgate and implement rules necessary to completely lift the moratorium.
- (3) Authorizes the rules adopted for the final lifting of the moratorium to include an option to allow incorporation of adjacent water bottoms into existing leases up to 500 feet beyond the existing lease boundary.

Repeals administrative rules that require a 50-foot buffer between leases.

HB 848 by Hutter *(Last Action – Act No. 92)*

Authorizes harvest of seed oysters only beginning the first Wednesday after Labor Day. Beginning the second Monday in October each year, authorizes opening the seed grounds for harvest for market in addition to harvest of seed oysters. Requires all harvest to cease April 30 each year. Provides that one of the areas set aside for public seed grounds be located in the area of American Bay east of the Mississippi River in Plaquemines Parish.

HB 1383 by Wooton *(Last Action – Sent to Governor)*

Creates a new public oyster seed ground vessel permit which would be required in order to take oysters from the public seed grounds. The annual permit is issued in the name of the owner of the vessel and requires a resident fee of \$15 and a nonresident fee of \$60. Limits those eligible to apply for the permit and creates the Oyster Seed Ground Vessel Permit Appeals Board to hear appeals of permit applications that have been denied by the department.

HB 1142 by St. Germain *(Last Action – Act No. 321)*

Authorizes the Wildlife and Fisheries Commission to promulgate rules and regulations, including emergency rules, to allow for the operation of oyster cargo vessels at a cost of \$250/year for residents and \$1,105/year for nonresidents. Provides that the rules may

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provide for commercial oyster fishermen transferring oysters on the water to a cargo vessel and for compliance with refrigeration and record requirements.

HUNTING AND BOATING

HB 695 by St. Germain (*Last Action – Act. No. 34*)

Requires at least two people to be on a personal watercraft towing a person on water skis or surfboard unless the personal watercraft is operated by a person 16 years old or older, and has a wide-angle mirror to observe the person being towed.

HB 698 by St. Germain (*Last Action – Act. No. 36*)

Requires any hunter during open gun deer season and in possession of buckshot, slugs, a muzzleloader, or a centerfire rifle to wear 400 square inches of "hunter orange" on his head, chest, or back. Retains current exemptions for hunters on privately owned, legally posted land, hunters on elevated stands on privately owned and legally posted land, and for archery hunters on legally posted land where firearm hunting is not permitted.

SB 165 by Thompson (*Last Action – Act. No. 51*)

Allows the use of crossbows during archery season for all licensed hunters and changes the wording from muzzleloader season to primitive firearms season.

ATCHAFALAYA BASIN

HB 1135 by St. Germain (*Last Action – Sent to Governor*)

Provides relative to the Atchafalaya Basin program in the Department of Natural Resources (DNR). Requires the state master plan and federal master plan to be implemented through an annual plan which delineates plans for each fiscal year to complete and complement the state master plan and the federal master plan.

Defines "water management project" to mean any project that facilitates improvements to water quality, interior circulation, water access, or improvements to general ecosystem function by means of sediment reduction, removal, or diversion.

Creates a technical advisory group composed of members from the Dept. of Wildlife and Fisheries, the Dept. of Environmental Quality, the Dept. of Agriculture and Forestry, DNR, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the LSU School of Renewable Natural Resources to review, evaluate, and approve all water management and water quality projects for inclusion in an annual plan.

Natural Resources & Environment

Requires the annual plan to be submitted to the Coastal Protection and Conservation Authority for approval as consistent with the master plan for coastal protection and restoration and to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Creates the Atchafalaya Basin Conservation Fund. Provides that the monies in the fund are to be used exclusively for projects contained in the state or federal master plans, an annual plan, or to provide match for federal monies. In any one year, 75% shall be used for water management or water quality or access projects and the remaining 25% may be used to complete ongoing projects that are in accordance with the mission statement of the state master plan. Prohibits use of the funds for salaries or operating costs of the program or the department.

HCR 26 by St. Germain *(Last Action – Signed by Speaker and President)*

Establishes a special joint committee, the Atchafalaya Basin Program Oversight Committee, composed of all members of the House of Representatives and of the Senate who represent in whole or in part the parishes of Assumption, Avoyelles, Iberia, Iberville, Pointe Coupee, St. Landry, St. Martin, and St. Mary to monitor, review, and make recommendations relative to all aspects of the Atchafalaya Basin Program in the Dept. of Natural Resources.

HB 420 by Gallot *(Last Action – Filed with Secretary of State)*

Increases the general severance tax allocation to the parishes and provides that, after all other severance tax allocations have been satisfied, 50% of the revenues received from severance taxes collected on state lands within the Atchafalaya Basin shall be remitted to the parishes where the severance occurs, not to exceed \$10 million, to be used in order to fund projects in the Atchafalaya Basin.

EROSION, COMPACTION, SUBSIDENCE, OR SEA LEVEL RISE

SB 730 by Quinn *(Last Action – House Committee)*

HB 1219 by Lorusso *(Last Action – Failed to Pass/House)*

Would have required the commissioner of administration to enter into a boundary agreement with certain former owners of land lost through erosion, compaction, subsidence, or sea level rise occurring after July 1, 1921, and before October 1, 1976, and reclaimed prior to October 1, 1976, and which land was commandeered by the state of Louisiana pursuant to Executive Order KBB 2006-6.

Natural Resources & Environment

COASTAL PROTECTION AND RESTORATION

SB 367 by Dupre (*Last Action – Sent to Governor*)

Provides relative to the Coastal Protection and Restoration Authority (CPRA) that responsibility for carrying out the elements of the annual coastal plan and master plan relative to coastal protection and restoration lies solely with CPRA.

Defines "infrastructure" to mean publicly owned facilities or systems in the coastal zone that serve a critical public purpose and are consistent with the priorities of the master plan and the eligible uses of the Gulf of Mexico Energy Security Act of 2006. The term specifically does not include levee, hurricane protection, or coastal restoration systems. Authorizes CPRA to include such projects in annual plans and the master plan. Limits funding for such projects to 10% of OCS revenues. Creates an infrastructure priority program in DOTD.

Allows the executive assistant to the governor for coastal activities to use the contracting authority of any state department or agency, including design-build where appropriate, to implement the annual plan and the master plan. Requires the executive assistant to employ necessary staff to carry out the required duties and functions and allows him to seek and utilize the assistance of personnel in any state department or agency or to hire necessary staff to carry out the required duties and functions.

Increases the number of members of CPRA who are not appointed by virtue of their position from six to seven and provides that those appointments are by the governor, in consultation with the Police Jury Association of La. and the Association of Levee Boards, from nominations submitted by levee districts located in whole or in part in the coastal zone, from legislators who represent districts in whole or in part in the coastal zone, and from parish governing authorities located in whole or in part in the coastal zone. The members are to be appointed on a proportional basis to reflect the population and land area of the parishes located in whole or in part in the coastal zone. Requires at least two appointees from west of the Atchafalaya River and at least two from east of the Atchafalaya River. Adds the speaker of the House and the president of the Senate or their designees to CPRA.

Requires that the annual plan include at least a three-year projection of funding for each project and requires review and revision of the master plan at least every five years.

SCR 24 by Dupre (*Last Action – Signed by Speaker and President*)

Approves annual Coastal Protection Plan for FY 2008-2009, as adopted by the Coastal Protection and Restoration Authority.

Natural Resources & Environment ---

SALT DOMES

SB 754 by Hebert (*Last Action – Act No. 241*)

Prohibits the commissioner of conservation from authorizing or issuing any permit for the use or withdrawal of 3,000,000 gallons or more of ground water per day from the Chicot aquifer that will be injected into the subsurface in a Iberia Parish.

HB 1117 by Morris (*Last Action – Act No.*)

Provides for leasing procedures for the storage of oil, natural gas, liquefied hydrocarbons, and carbon dioxide in an underground reservoir.

HB 1220 by Henry Burns (*Last Action – Sent to Governor*)

Authorizes the State Mineral Board to enter into operating agreements whereby the state shares in the revenue from stored oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide.

RETIREMENT

2008 FIRST EXTRAORDINARY SESSION

PENSION FORFEITURE

HB 48 by Greene (*Last Action – House Calendar*)

Constitutional amendment that would have authorized the legislature to provide for the forfeiture of public retirement benefits for any member of a state or statewide public retirement system who is convicted of a felony associated with his public service.

2008 REGULAR SESSION

PENSION FORFEITURE

HB 740 by Ligi (*Last Action – House Calendar*)

HB 1022 by Ligi (*Last Action – Failed to Pass/House*)

HB 740 was a constitutional amendment that would have authorized the legislature to provide for the forfeiture of benefits from a Louisiana public retirement system of any person who is convicted of a felony associated with his service in any public office or position.

HB 1022 was enabling legislation that would have provided for the forfeiture of retirement benefits by any public servant convicted of certain crimes related to the holding of office (public corruption crimes). Required the forfeiture of all rights, benefits, and membership for any public servant who was a member of a public retirement system, whose retirement benefits had not vested on the effective date of proposed law, and who was convicted of a public corruption crime. Provided that any such individual so convicted, whose benefits had vested on the effective date of proposed law, would forfeit the service credit he earned after the effective date of proposed law. The final average compensation used to calculate such individual's retirement benefit would not include any earned compensation after the effective date of proposed law. All employee contributions would be refunded to such individual, except when a judge had ordered a criminal fine and/or restitution, in which case such employee contributions would be used to satisfy such judgment.

HB 783 by Connick (*Last Action – House Calendar*)

HB 1013 by Connick (*Last Action – House Calendar*)

HB 783 was a constitutional amendment that would have authorized the legislature to provide for the forfeiture of retirement benefits by a member of a system that provides for the retirement of teachers or other employees of the public education system who is convicted of certain sex crimes involving a minor.

Retirement

HB 1013 was enabling legislation that would have provided for the forfeiture of retirement benefits by any public school teacher or employee convicted of certain felony sex crimes involving a student. Would have applied to the **Teachers' Retirement System of Louisiana** or the **Louisiana School Employees' Retirement System**. Required the forfeiture of all rights, benefits, and membership for any public servant who was a member of a public retirement system, whose retirement benefits had not vested on the effective date of proposed law, and who was convicted of a felony sex crime involving a student. Provided that any such individual so convicted, whose benefits had vested on the effective date of proposed law, would forfeit the service credit he earned from the effective date of proposed law. The final average compensation used to calculate such individual's retirement benefit would not include any earned compensation after the effective date of proposed law. All employee contributions would be refunded to such individual, except when a judge had ordered a criminal fine and/or restitution, in which case such employee contributions would be used to satisfy such judgment.

COST-OF-LIVING ADJUSTMENTS (COLAs)

HCR 2 by Robideaux *(Last Action – Enrolled)*

Grants approval of a cost-of-living adjustment requested by the board of trustees of the **Louisiana State Employees' Retirement System** in an amount not to exceed 3% of a retiree's normal annual benefit. Effective July 1, 2008, for retirees and beneficiaries who are at least 55 years of age and who have received a benefit for at least one year, or for disability retirees and beneficiaries who have received a benefit for at least one year.

SCR 1 by B. Gautreaux *(Last Action – Enrolled)*

Grants approval of a cost-of-living adjustment requested by the board of trustees of the **Teachers' Retirement System of Louisiana** in an amount not to exceed 3% of a retiree's normal annual benefit. Effective July 1, 2008, for retirees and beneficiaries who are at least 55 years of age and who have received a benefit for at least one year, or for disability retirees and beneficiaries who have received a benefit for at least one year.

HB 1014 by Morris *(Last Action – Act No. 113)*

Relative to the **Assessors' Retirement Fund, Municipal Employees' Retirement System,** and the **Municipal Police Employees' Retirement System,** allows the board of trustees of such systems to grant a COLA. Such COLA shall not exceed 3% of a retiree's monthly benefit but shall not be less than \$20. The authority to grant such COLA shall become effective July 1, 2008, and the board shall not grant more than one COLA under the provisions of the Act.

HAZARDOUS DUTY BENEFITS

HB 1084 by Robideaux *(Last Action – Conference Committee)*

Relative to the **Louisiana State Employees' Retirement System (LASERS)**, would have established the Hazardous Duty Services Plan for certain members of LASERS who are law enforcement personnel hired on or after Jan. 1, 2009. Established an employee contribution rate of 9% for such members. Established retirement eligibility requirements for such members at 25 years of service at any age, 10 years of service at age 60, and 20 years of service early retirement at an actuarially reduced rate. Established an accrual rate of 3-1/3% for every year of service for members. Established disability retirement benefits for such persons at 75% of average compensation for in-the-line-of-duty disability. Established survivor benefits for members killed in the line of duty at 80% of average compensation.

SB 45 by B. Gautreaux *(Last Action – House Committee)*

Would have increased the accrual rate of retirement benefits for certain probation and parole officers in the **Louisiana State Employees' Retirement System (LASERS)**. Provided that adult probation and parole officers who were employed on or before 12/31/01, who opted to remain in the primary component of LASERS, and who retired or entered the Deferred Retirement Option Plan (DROP) on or after 10/4/10 would receive a maximum retirement allowance equal to 3% of average compensation for service prior to 7/1/08, and 3-1/3% of average compensation for service on or after 7/1/08, for every year of creditable service in the system.

Also provided that any adult probation and parole officer employed before 1/1/02, who elected to transfer from the primary component to the secondary component but who opted not to transfer his primary component service credit on an actuarial basis, who did not upgrade his service credit as permitted pursuant to present law, and who retired or entered DROP on or after 10/4/10 would receive a benefit calculated at an accrual rate pursuant to proposed law for all creditable service in the system earned before the date the member transferred to the secondary component.

Would have created a new fund in the state treasury called the "Adult Probation and Parole Officer Fund" from which payments to LASERS would be made to help fund the benefits provided by proposed law.

Retirement

DEFERRED RETIREMENT OPTION PLAN (DROP)

HB 89 by Doerge *(Last Action – Sent to Governor)*

HB 710 by Greene *(Last Action – Sent to Governor)*

HB 89 provides relative to the Deferred Retirement Option Plan (DROP) of the **Louisiana State Employees' Retirement System (LASERS)** and the **Teachers' Retirement System of Louisiana (TRSL)**. HB 710 provides relative to DROP of the **Municipal Police Employees' Retirement System**. Both bills allow DROP participants who become or became DROP eligible on or after 1/1/04, to elect to have their DROP accounts (after DROP participation) earn interest at the realized rate of return of the system's portfolio instead of at the money market rate or instead of investing in a self-directed account as applicable. Requires certain waivers and acknowledgments by the participant.

HB 1033 by Geymann *(Last Action – Sent to Governor)*

Relative to the **District Attorneys' Retirement System**, establishes the Back-Deferred Retirement Option Program (Back-DROP), and repeals the DROP program. Provides that upon retirement, a member may either select regular retirement or select to enter Back-DROP, in which case he shall be treated as though he had entered DROP at some point in the past for a particular period of time not to exceed 36 months. For persons currently in DROP on the effective date of proposed law, permits such persons to rescind their DROP participation.

SB 120 by B. Gautreaux *(Last Action – Act No. 398)*

Relative to the **Louisiana Assessors' Retirement Fund (LARF)**, establishes the Back-Deferred Retirement Option Program (Back-DROP), and repeals the DROP program. Provides that upon retirement, a member may either select regular retirement or select to enter Back-DROP, in which case he shall be treated as though he had entered DROP at some point in the past for a particular period of time not to exceed 36 months. For persons currently in DROP on the effective date of proposed law, permits such persons to rescind their DROP participation.

MISCELLANEOUS

HB 233 by Doerge (*Last Action – Act No. 262*)

Increases the accrual rate for disability benefit calculation *from 1.8% to 2.5%* for disability retirees of the **Louisiana State Employees' Retirement System (LASERS)** who became eligible for LASERS membership on or after July 1, 2006.

SB 42 by B. Gautreaux (*Last Action – Sent to Governor*)

Relative to the **State Police Pension and Retirement System**, provides that all amortization payments for each change, gain, or loss to the system shall be amortized as a level dollar amount over a period of 30 years, or in accordance with standards promulgated by the Governmental Accounting Standards Board, from the year in which the change, gain, or loss occurred. Provides that amortization bases existing on the effective date of proposed law shall be amortized as a level dollar amount from 7/1/09 through 6/30/29.

TRANSPORTATION, HIGHWAY AND PUBLIC WORKS

Airports

HB 1272 by Tucker (*Last Action - Sent to Governor*)

Creates the Southeast Regional Airport Authority and provides that the jurisdiction of the authority shall be comprised of boundaries coextensive with the boundaries of the parishes of Jefferson, Orleans, and St. Charles. Provides that the authority shall be governed by a board of nine commissioners.

Provides that the authority shall be vested with powers to acquire and manage airport and airport facilities within its territorial boundaries.

Requires the authority when involved in any project, construction, or development on property, owned, acquired, or governed by the authority to conform and comply with all parish and municipal zoning ordinances.

Additionally requires the authority to provide a status report to the House and Senate Committees on Transportation, Highways and Public Works on March 1st of each year and appear before these committees and be subject to oversight by these committees, and on financial matters to submit a status report to the Joint Legislative Committee on the Budget and be subject to its oversight relative to financial matters.

Requires the sale, transfer, or conveyance of the New Orleans International Airport be approved by a 2/3 vote of the New Orleans City Council and by the majority of voters voting in a local referendum of the citizens of the city of New Orleans pursuant to the Home Rule Charter of the city of New Orleans.

Requires the authority to actively recruit and solicit minority, and women-owned vendors.

Authorizes and provides for the issuance of bonds by resolution without the consent of the state or political subdivision, but subject to the approval of the State Bond Commission.

Requires a 2/3 vote of the membership of the Southeast Regional Airport Authority to expropriate property.

HB 1049 by Smiley (*Last Action - House Committee*)

Would have required the Louisiana Airport Authority be subject to the Public Bid Law.

Would have added to the definition of "revenues" income from operating agreements, monies generated from lease agreements with a private entity, and taxes of the authority from a public entity, or authorized by the authority.

Transportation

Would have provided for additional powers of the authority which would have included:

- (1) To use, alienate, or lease land owned or acquired by the authority to a qualified entity for a period of time not exceeding 50 years.
- (2) To lease all of the land owned or acquired by the authority to a qualified entity for period of time not exceeding 50 years.
- (3) To provide in the lease agreement that the lessee shall design, construct, finance, and operate an airport or an airport facility on the leased property.

SB 212 by Senator Marionneaux (*Last Action – Sent to Governor*)

Reduces membership of the Board of Commissioners of the Louisiana Airport Authority.

Provides that the Dept. of Economic Development shall conduct certain studies and make a recommendation as to whether or not the Louisiana Transportation Center is economically feasible or not, subject to appropriation of funding, by March 1, 2009, to the Joint Legislative Committee on the Budget.

Should the Dept. of Economic Development recommend that the Louisiana Transportation Center is not economically feasible, the Louisiana Transportation Authority will be abolished on July 1, 2009. Should the Dept. of Economic Development recommend that the Louisiana Transportation Center is economically feasible, the Louisiana Transportation Authority will continue to exist.

Design Build

HB544 by Hutter (*Last Action - Act No. 111*)

SB 491 by McPherson (*Last Action - House Calendar*)

Removes the design build program's designation within the Dept. of Transportation and Development as a pilot program.

Expands the design build program allowing the secretary of DOTD to select additional projects or combine a program of projects and removes the requirement that the cost of the project or projects not exceed \$5,000,000, subjects approval of the House and Senate Transportation, Highways, and Public Works committees.

Effective July 1, 2008.

Motor Vehicles/License Plates

HB 287 by Perry (*Last Action - House Committee*)

SB 15 by Dupre (*Last Action - Sent to Governor*)

Creates the Gold Star motor vehicle prestige license plate for immediate family members of certain military personnel who lost their lives in service of our country in various conflicts.

Defines "immediate family members". Provides for certain exceptions.

HB 805 by H. Burns (*Last Action - Sent to Governor*)

Creates the St. Jude Children's Research Hospital motor vehicles prestige license plate.

Provides that the monies received from the annual royalty fee collected be used solely to support programs established and administered by St. Jude Children's Research Hospital for children's health care.

Provides that the provisions of the special prestige license plates shall not become effective until the implementation of the Next Generation Motor Vehicle project of the Dept. of Public Safety and Corrections, office of motor vehicles, is finalized.

HB 407 by Hardy (*Last Action – House Committee*)

HB 407 would have prohibited operators of public transportation, including school buses, public passenger vans, and buses and taxi cabs, from using cellular radio telecommunications devices while driving a mode of public transportation and would have provided for penalties. Violations would have been a primary offense.

HB 852 by A. Badon (*Last Action – Senate Floor*)

HB 852 would have prohibited all drivers from using handheld wireless telephones or electronic communication devices except in certain emergency situations. Would have provided for penalties. Amendments were adopted on the Senate floor which would have made it a secondary action and would have exempted medically diagnosed hearing-impaired persons from the prohibition.

HB 1296 by Willmott (*Last Action – Sent to Governor*)

Prohibits persons from riding in pickup truck beds while on an interstate, except in emergency situations.

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SB 137 by Quinn *(Last Action – Sent to Governor)*

SB 137 prohibits the use of a wireless telecommunication device to write, send, or read a text-based communication but excepts from the definition of wireless telecommunication device any device or component that is permanently affixed to a motor vehicle, citizens band radios, citizen band radio hybrids, commercial two-way radio communication devices, or electronic communication devices with a push-to-talk function. The prohibition would not apply in certain emergency situations. Provides for penalties and that such prohibition only be enforced as a secondary action. Penalties increase if a person is using a wireless telecommunications device at the time of an accident.

SB 137 further prohibits any person who holds a Class "E" learner's license or intermediate license from using any wireless telecommunication device, except a hands-free wireless telephone, to engage in a call, unless the wireless telecommunication device is a hands-free wireless telephone. Provides for penalties and that such prohibition only be enforced as a secondary action. Penalties increase if a person is using a wireless telecommunications device at the time of a crash.

SB 159 by Cravins and Erdey *(Last Action – Sent to Governor)*

SB 159 would prohibit all drivers 17 years of age or younger from driving while using any wireless telecommunication device, including hands-free devices, to engage in a call or write, send, or read a text-based communication. Provide for exceptions in certain situations, for penalties, and that such prohibition only be enforced as a secondary action. Penalties increased if a person was using a wireless telecommunications device at the time of a crash.

SB 342 by Senator Erdey *(Last Action – Sent to Governor)*

Any person issued a driver's license by this state would be prohibited from using a cellular telephone for any purpose while driving for a period of one year after being issued his first driver's license. Allows the use of citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, or electronic communication devices with a push-to-talk function. Provides for exceptions in certain emergency situations, for penalties, and that such prohibition only be enforced as a secondary action. Penalties increase if a person is using a wireless telecommunications device at the time of an accident.

Motor Vehicles/Motorcycles

HB 1295 by Smiley (*Last Action – Senate Committee*)

Would have repealed requirement that motorcycle drivers over 18 must wear a safety helmet and would have required applicants for the "M" endorsement to take the Motorcycle Safety, Awareness, and Operator Training Program beginning July 1, 2009.

Traffic/Speed Limits

HB 1050 by Downs (*Last Action – House Committee*)

HB 1050 would have prohibited local law enforcement bodies whose jurisdiction includes portions of the interstate highway, federal-aid primary highways, or the state highway system from writing civil or criminal citations for violation of speed limit laws and speed-related ordinances within the boundaries of and the outskirts of the municipality where there is minimal commercial or residential development or local traffic with egress to the highway. Would have further prohibited amount of funds a local governing authority or local law enforcement agency may retain from enforcement of speed-related laws and ordinances. Would have further provided for investigation of local governing authorities and local law enforcement agencies suspected of violating such prohibitions, investigation parameters, and penalties for violation.

HB 1151 by Gisclair (*Last Action – Act 168*)

Doubles fines for persons speeding in active constructions zones with construction workers on site.

Railroads

HB 258 by Little (*Last Action - Sent to Governor*)

Prohibits closure of a private railroad grade crossing by a railroad company to be considered interruption for purposes of acquisitive prescription. Requires the reopening of any railroad crossing that has been closed by a railroad company since January 1, 2006, upon attainment of 30 years at peaceful and otherwise uninterrupted use or possession of servitude of use or passage across the railroad grade crossing with or without just title.

HB 540 by St. Germain (*Last Action - House Committee*)

Would have required a corporation owning or operating a railway to construct and maintain a safe and adequate farm crossing or roadway across a railway and right-of-way when a person owns farmland on both sides of a railway or when a railway runs parallel with a

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public highway, thereby separating a farm from such highway. Provides that if a private farm crossing established or installed pursuant to these provisions, it must be used solely for farming or agriculture purposes.

HB 1248 by Johnson *(Last Action - Sent to Governor)*

Authorizes the Louisiana Public Service Commission to perform any act and issue any orders necessary to implement the Federal Railroad State Safety Participation program. Further limits the Public Service Commission from employing no more than six employees.

SB 243 by McPherson *(Last Action – Sent to Governor)*

Requires any railroad company operating in this state who desires to close a "private crossing" to provide a written request, by registered or certified mail, to the local governing authority in which such private crossing is located and to the owner of record no less than 30 days prior to the proposed closing. Further requires the request to state the reason the railroad company proposes to close the crossing. Prohibits a private crossing from being closed or removed by any railroad company until after a public hearing is held by the governing authority at which parties in interest have had an opportunity to be heard.

Ports

HB 1388 by Tucker *(Last Action - Vote on Conference Committee Report Pending)*

Establishes membership of the board of commissioners of the Port of New Orleans. Also provides for nominating agencies and a nominating process. Requires "tier 2" financial disclosure for the members of the board of commissioners, with the same disclosure requirements and thresholds as applicable to the legislature. Authorizes the board of commissioners to regulate commerce and traffic in the port and harbor of New Orleans but retains the authority given to St. Bernard Port Harbor and Terminal District to regulate commerce and traffic, including international commerce.

Requires the board of commissioners for the Port of New Orleans to share jurisdiction with the Plaquemines Parish governing authority. Further requires that in any exercise of shared jurisdiction in Plaquemines Parish including the right to develop, acquire, operate, and maintain port-related terminals and facilities in Plaquemines Parish or to regulate commerce and traffic at such facilities be based upon a written cooperative endeavor agreement mutually agreed to by and between the board of commissioners for the Port of New Orleans and the Plaquemines Parish governing authority.

Further provides that each member of the board of commissioners for the Port of New Orleans in office on June 1, 2008, shall remain in office until the end of his term in office and that the new members from Plaquemines Parish shall be nominated and appointed as soon as practicable. Authorizes the port and harbor police to have jurisdiction on all property

Transportation

and facilities under the control of the Port of New Orleans and for the sheriff of Plaquemines Parish to have sole jurisdiction.

WAYS AND MEANS

2008 SECOND EXTRAORDINARY SESSION

NEW MARKET TAX CREDIT PROGRAM

HB 9 by Richmond (*Last Action – Act No. 4*)

Authorizes an additional \$50 million in aggregate tax credits in the New Markets Tax Credit Program after April 1, 2008. Twenty-five million of the additional tax credits are to be allocated for the period 4/1/2008 to 12/31/2008, \$12.5 million, plus any unissued credits from the prior year, shall be allocated for the period 1/1/2009 to 12/31/2009, \$12.5 million, plus any unissued credits from the prior year, shall be allocated for the period 1/1/2010 to 12/31/2010, and for all subsequent years, any unissued credits from any prior year shall be allocated.

Effective March 24, 2008.

INDIVIDUAL INCOME TAX DEDUCTION

SB 5 by Marionneaux (*Last Action – Act No. 8*)

Authorizes a deduction from tax table income for the sum of amounts paid or incurred during the taxable year for tuition and fees required for a student's enrollment in a **nonpublic elementary or secondary school** or to any public elementary or secondary **laboratory schools** operated by a public college or university. Limits the deduction to 50% of the actual amount of tuition and fees paid by the taxpayer per child or \$5,000 per child, whichever is less. Defines "tuition" to include the purchase of school uniforms required by schools for general day-to-day use, the purchase of textbooks, curricula, or other instructional materials required by schools, and the purchase of school supplies required by schools.

Authorizes a deduction for 50% of amounts paid or incurred during a tax year by a taxpayer for textbooks and curricula for **home-schooled students**, limited to \$5,000 per child.

Authorizes a deduction for certain educational expenses for a quality **public education** equal to 50% of the actual amount paid during a tax year by a taxpayer per student or \$5,000, whichever is less, for the purchase of school uniforms for general day-to-day use, textbooks, curricula, instructional materials, or the purchase of school supplies, all as required by the school.

Effective upon signature of the governor and applicable to amounts paid on and after January 1, 2009.

STATE SALES AND USE TAX EXEMPTION - UTILITIES

HB 1 by Greene *(Last Action – Act No. 1)*

Provides for a 1% reduction in the state sales and use tax on business purchases of electricity and natural gas from 3.3% to 2.3% for all taxable periods beginning on or after July 1, 2008. The state sales and use tax on such items shall be completely eliminated after June 30, 2009.

Provides for a 1% reduction in the state sales and use tax on business purchases of steam and water from 3.8% to 2.8% for all taxable periods beginning on or after July 1, 2008. The state sales and use tax on such items shall be completely eliminated after June 30, 2009.

Provides for a state sales and use tax exclusion for all nonresidential purchases of other fuels such as butane and propane.

Effective July 1, 2008.

MANUFACTURING MACHINERY AND EQUIPMENT

SB 12 by Marionneaux *(Last Action – Act No. 12)*

Accelerates (by one year) the phase-in of the state sales and use tax exclusion for the purchase, use, lease, or rental of certain machinery and equipment used by certain manufacturers in manufacturing for agricultural purposes or in the actual manufacturing process of an item of tangible personal property, and specifically includes rubber-tired farm tractors, cane harvesters, cane loaders, cotton pickers, combines, haybalers, attachments and sprayers, clippers, cultivators, discs, plows, and spreaders. Purchases, uses, leases, or rentals of manufacturing machinery and equipment shall be tax free beginning 7/1/09.

Effective July 1, 2008.

CORPORATE FRANCHISE TAX

SB 10 by Marionneaux *(Last Action – Act No. 10)*

Accelerates the phase-in (by one year) of excluding "borrowed capital" (debt) from "taxable capital" for tax years beginning in 2011 (rather than 2012). "Taxable capital" includes capital stock, surplus, undivided profits, and "borrowed capital".

Effective for all taxable periods beginning on or after July 1, 2008.

Ways and Means

FEDERAL INCOME TAX REBATES OR CREDITS

HB 18 by Greene *(Last Action – Act No. 5)*

Provides that federal income tax rebates and credits received by a taxpayer for the 2008 tax year under the provisions of Section 6428 of the Internal Revenue Code as enacted in the federal Economic Stimulus Act of 2008 shall not reduce the federal income tax liability.

Effective for taxable years beginning in calendar year 2008.

2008 REGULAR SESSION

CAPITAL OUTLAY

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

HB 3 by Greene *(Last Action – Sent to Governor)*

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

HB 582 by Tucker *(Last Action – Senate Committee)*

HB 850 by Fannin *(Last Action – House Committee)*

HB 1209 by Greene *(Last Action – House Calendar)*

SB 808 by Marionneaux *(Last Action – Pending in Conference Committee)*

Revises the capital outlay process and the priorities in the Capital Outlay Bill.

AD VALOREM TAX

HB 436 by Arnold *(Last Action – Failed to Pass/House)*

Constitutional amendment that would have provided that a taxing authority shall have 90 days from the date that millages are adjusted downward in which to vote on an increase in the millages. Would have provided that upon the expiration of the 90-day period or a formal decision by the taxing authority not to increase the millage rates, the taxing authority shall not have the power to vote for an increased millage rate until the next reappraisal and valuation.

HB 461 by Ritchie *(Last Action – Filed with the Secretary of State)*

Constitutional amendment that authorizes the transfer of the special assessment level on property when the property for which the special assessment level applies has been sold to or expropriated by a federal, state, or local governing authority or political subdivision.

Ways and Means

Requires that the new property acquired by an owner entitled to the special assessment be acquired no later than 24 months after the expropriation or sale becomes final and funds have been disbursed and which is similar in nature, has a fair market value which does not exceed 200% of the fair market value of the property sold or expropriated, and is intended to replace the property sold to or expropriated by the federal, state, or a local governing authority or political subdivision.

HB 1232 by Richard *(Last Action – Sent to Governor)*

Authorizes a tax debtor to request postponement of the payment of ad valorem taxes after a declared emergency that became due after the declaration of an emergency.

Requires that the collection of taxes shall be postponed by the tax collector when an emergency has been declared, the tax debtor's assessed property located in the geographical area designated in the declaration of emergency has been damaged or destroyed by the calamity, and the collection of taxes would be onerous because the tax debtor is unable to pay the taxes without suffering substantial hardship.

Provides for reapplication for postponement of taxes for each consecutive year after the year in which the original postponement was granted and a procedure for a political subdivision to contest the postponement of the taxes.

Effective Jan. 1, 2009.

INCOME TAX

SB 87 by Shaw *(Last Action – Act No. 396)*

Restores individual income tax brackets (in the two highest brackets) to the same amounts in effect prior to the enactment of the Stelly Plan (Act No. 51 of 2002 R.S.) and requires the Dept. of Revenue to amend the withholding tables after July 1, 2009.

Effective for all tax years beginning on and after January 1, 2009.

HB 1156 by Abramson *(Last Action – Sent to Governor)*

Establishes the "Grants for Grads Program" to be administered by the La. Housing Finance Agency to provide grants of cash awards to La. residents who receive an associate, baccalaureate, masters, or other postgraduate degree to assist in satisfaction of the down payment or closing costs on the purchase of a first home in La. Provides the process and requirements for application for a grant.

Limits the program to 100 applicants who shall be selected for grants by random lottery administered by the La. Housing Finance Agency.

Ways and Means

PROPERTY TAX

HB 337 by Burrell *(Last Action – Sent to Governor)*

Revises the law on property tax payment and collection procedure, tax sales, and adjudicated property and amends, restates, and reorganizes the law so as to encourage the payment and efficient collection of property taxes, satisfy the requirements of due process, provide a fair process for the redemption of tax sale and adjudicated property, and otherwise encourage the return to commerce of such properties, and to retain existing procedures not inconsistent with the proposed revision. Consolidates the law on tax sales and redemptions and repeals provisions inconsistent with the revision.

Effective January 1, 2009.

SALES AND USE TAX

HCR 74 by Waddell *(Last Action – House Committee)*

HCR 75 by Templet *(Last Action – House Committee)*

Would have suspended the taxes levied on gasoline and diesel fuel for certain limited periods of time.

SB 520 by Morrish *(Last Action – Act No. 463)*

Prohibits an action to collect the tax applicable to movables which is purported to be due on a purchase between 9/1/05 and 12/31/06 of any manufactured home used solely as residential housing in certain parishes defined by population which were impacted by Hurricanes Katrina and Rita, if the basis of such action is the date upon which the declaration of immovability is recorded in the conveyance or mortgage records.

Provides that the purchaser of a manufactured home formerly living at a physical address on or after 9/1/04 within one of the parishes impacted by Hurricanes Katrina and Rita who purchased a manufactured home on or after 9/1/04 through 12/31/06 for use solely as residential housing is eligible for the tax relief provided the purchaser submits an Affidavit of Displacement attesting that the purchaser resided in one of the parishes impacted by Hurricanes Katrina and Rita on or after 9/1/04. The provisions of SB 520 shall be retroactive to September 1, 2005.

Effective July 1, 2008.

SB 569 by Morrish *(Last Action – Act No. 468)*

Creates the Manufactured Home Tax Fairness Fund to be used for refunds of tax, penalty, and interest paid on purchases from September 1, 2005, through December 31, 2006 of

manufactured homes used solely as residential housing for which a declaration of immovability is recorded, in certain parishes severely impacted by Hurricanes Katrina and Rita.

Provides that the purchaser of a manufactured home formerly living at a physical address on or after 9/1/04 within a parish impacted by Hurricanes Katrina or Rita who purchased a manufactured home on or after 9/1/04 through 12/31/06 for use solely as residential housing is eligible for the tax relief if the purchaser submits an Affidavit of Displacement attesting that he resided in one of the parishes impacted by Hurricanes Katrina or Rita on or after 9/1/04. Requires refund requests to be submitted on or before June 30, 2010.

Effective July 1, 2008.

SEVERANCE TAX

HB 420 by Gallot *(Last Action – Filed with the Secretary of State)*

Constitutional amendment that increases the maximum amount of the severance tax imposed and collected by the state on natural resources, other than sulphur, lignite, and timber, which is remitted to the parish governing authority where the severance occurs from \$850,000 to \$1,850,000, effective July 1, 2009, and then to \$2,850,000, effective July 1, 2010. Further requires that at least 50% of the excess severance tax revenues received by a parish shall only be used within the parish in the same manner and for the same purposes as money received by the parish from the Parish Transportation Fund.

Requires that, after all other severance tax allocations have been satisfied, 50% of the revenues received from severance taxes collected on state lands, not to exceed \$10 million, within the Atchafalaya Basin shall be deposited into the Atchafalaya Basin Conservation Fund to be used exclusively to fund projects contained in the state or federal Basin master plans or an annual Basin plan developed by an Atchafalaya Basin Research and Promotion Board and such other advisory or approval boards which the legislature must create or provide for by law within the Atchafalaya Basin Program, or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project. Further requires that 85% of the monies shall be used for water management, water quality, or access projects within the Atchafalaya Basin, and the remaining 15% may be used to complete ongoing projects and for projects that are in accordance with the mission statement of the state master plan. A maximum of 5% of the money may be allocated for operational costs of the program or the department.