

2016  
Regular Session  
of the  
Louisiana Legislature



House Legislative Services  
Louisiana House of  
Representatives

June 22, 2016



# 2016 Regular Session, the numbers

- Convened March 14, 2016
- A “general” session; however, no matters involving state taxes or tax credits could be heard
- Session adjourned June 6, 2016
- Prior to the Regular Session, a Special Session was held from Feb. 14 to March 9
- The Regular Session will be followed by a second Special Session that will run from June 6 to June 23

**2016 was a  
“General”  
Regular Session**



- 1644 Bills Filed for the Regular Session:
  - 1167 House Bills
  - 477 Senate Bills
- 760 Total Resolutions & Study Requests Filed
- 65 Constitutional amendments filed
  - 5 will be submitted to the voters for approval on the November ballot

**House and  
Senate  
Instruments**



# State of the Budget

## What Caused the Budget Shortfall?

The original revenue forecast for FY 2016-2017 was \$2 billion short of the amount needed to maintain the same level of services. This was due to a combination of the use of one-time monies, decline in tax revenues, increased Medicaid enrollment and costs, and delayed payments in the Medicaid program.



## Revenue Raising During the 1<sup>st</sup> Extraordinary Session

\$1.2 billion in new revenues was raised in the 2016 1<sup>st</sup> Extraordinary Session to address the budget shortfall. The largest component being a 1% increase in the state sales tax rate until June 30, 2018, suspension of many state sales tax exemptions, and increases in the state excise taxes on cigarettes, beer, and alcoholic beverages. The remaining projected shortfall following this session was approximately \$750 million.



## Remaining Shortfall

The administration projected an additional \$150 million in savings from the expansion of Medicaid, leaving an estimated \$600 million deficit. Because revenue cannot be raised in a "general" session, the focus fell to cutting costs and spending reform. A second special session was called, and convened directly following the Regular Session, to consider revenues to address the remaining shortfall.

# Balanced State Budget for FY 2016-2017



## Appropriation Bills

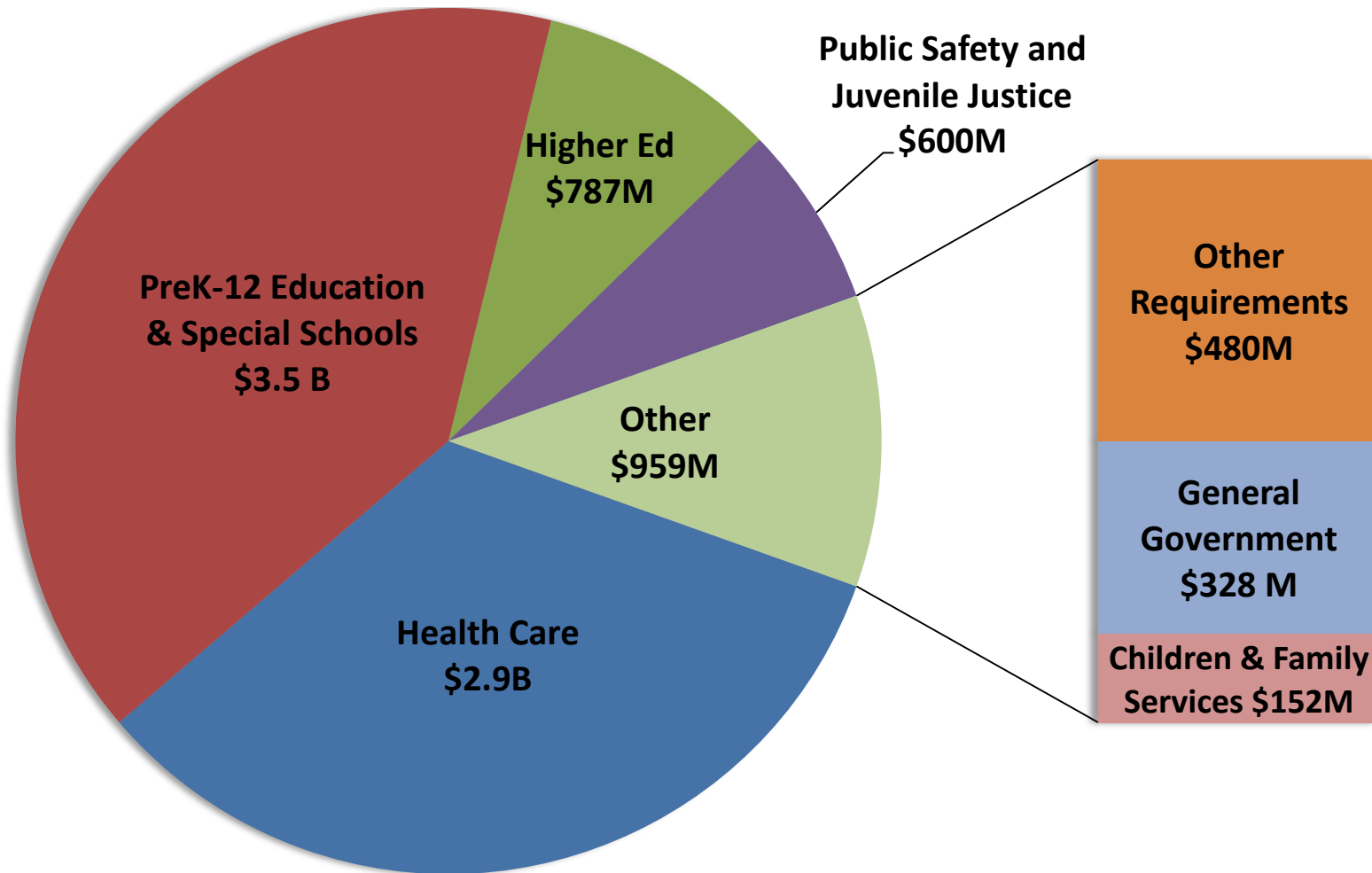
- The General Appropriations Bill, [HB 1](#), contains \$26.3B for the ordinary operating expenditures of the executive branch for FY 2016-2017, an 8% increase over FY 2015-2016.
- When added to all other funds, including appropriations for the operation of the judiciary and the legislature, money judgments, and ancillary funding, the total amount of appropriations for FY 2016-2017 is \$30.6B.



## \$26.3B General Appropriations

- \$11.6B in federal funds
- \$8.8B in state general funds
- \$2.6B in statutory dedications
- \$2.3B in fees and self-generated revenues
- \$951M in interagency transfers

# State General Fund (SGF) Allocation, HB 1





# Fiscal Controls

[HB 216](#)

- Lowers the limit of required spending on art for major public construction or renovation

[HB 454](#)

- JLCB approval of contracts over \$40,000 regardless of funding source

[HB 812](#)

- Agencies must use existing state office space before leasing outside space

[HB 1120](#)

- Creates the Louisiana Tax Institute within the Dept. of Revenue as an advisory body on tax-related matters

[HB 1121](#)

- Online sales tax reporting

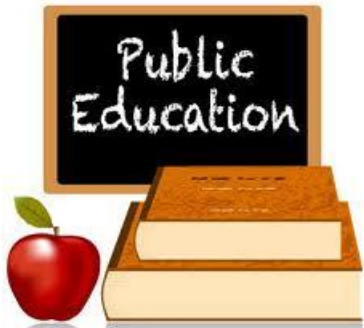
[SB 177](#)

- Report to JLCB about fund transfers used to get rid of budget deficits for the previous fiscal year



# Funding for K-12 Education

There are over **690,000** students who attend Louisiana public schools in kindergarten through 12th grade. Per student funding is in excess of \$12,000 when federal, state, and local revenues are combined.



BESE recommended a 2016-2017 formula ([SCR 44](#)) that included the 2015-2016 formula and the additional \$44 million appropriated by the legislature to pay for teacher pay raises, dual enrollment, & special education.

The Senate Education Committee rejected the recommendation, and as provided in the state constitution, the last properly approved formula will be used. Thus, [SCR 55](#) from the 2014 Regular Session will remain in effect for the next fiscal year.

The legislature appropriated **\$3.7 billion** for the FY 2016-2017 Minimum Foundation Program (MFP) formula, which is the main source of state support for public elementary and secondary schools.

## Outside of the MFP:

- The Cecil J. Picard LA 4 Early Childhood Program and the Nonpublic School Early Childhood Development Program are fully funded for over **17,000 preschool students**.
- The voucher program was appropriated **\$36M** for the 2016-2017 school year.

# Education



## Charter Schools

- [SB 260](#) eliminates local charter authorizers and Type 1B charter schools.
- [SB 432](#) sets up the process for the Recovery School District to transfer charter schools back to the Orleans Parish School Board.



## Teacher Evaluations

- [SB 262](#) requires new standards be in place for one year prior to use in evaluations.
- [SB 477](#) lowers the percentage of value added model used in evaluations to 35%.



[SB 353](#) creates the **Louisiana Expectant and Parenting Students Act** to provide support to expectant and parenting students in regard to attendance policies and academic success.



[SB 420](#) creates the **Farm to School Program**, getting farmers and school lunch programs together to get the freshest, most minimally processed foods to local schools.



## Sports Safety

- [HB 147](#) requires high schools in Lafayette Parish have an automated external defibrillators on the premise.
- [HB 868](#) requires one coach per sport to be certified in CPR, first aid, & AED.



# Taylor Opportunity Program for Students (TOPS)

## Growth

- TOPS is a comprehensive program of state merit scholarships. Students must take the required course curriculum and meet certain GPA and ACT standards to qualify for the program.
- The cost of TOPS has grown from an initial \$54.5M in FY 1998-1999 to \$297M for the next academic year. The award amounts are increased to cover rising tuition at state colleges and universities.

## Immediate changes

- [SB 174](#) locks in the current rate of the TOPS award and requires legislative approval for future increases.
- Should TOPS not be fully funded, [SB 470](#) will require a pro rata reduction of all award amounts other than TOPS-Tech Early Start.

## Starting with 2020-2021 graduates

- The GPA requirements for Performance and Honor Awards will increase from a 3.0 GPA to:
  - 3.25 GPA for a Performance Award
  - 3.5 GPA for an Honors Award ([SB 329](#))

# Medical Marijuana

In 1991, the legislature legalized the use of marijuana for medical purposes; however, there was no means to dispense it.

In 2015, [SB 143](#) provided the means to dispense in non-smoking form at 10 dispensary sites. Limited to patients suffering from glaucoma, spastic quadriplegia, and those undergoing chemotherapy.

This year, the legislature passed [SB 271](#) and [SB 180](#), which expand the medical conditions for which marijuana may be recommended by a physician, and provide an exemption from criminal possession laws for patients and parents of patients with prescriptions or doctor recommendations for medical marijuana.



Katie Corkern and her son Conner advocated for the expansion of medical marijuana use in Louisiana, pictured here with Rep. Moreno and Sen. Mills after the passage of SB 271.

# Abortion Bills

## Requirements

Mandatory 72-hour waiting period & information to be given before the performance of an abortion

([HB 386](#), [HB 1019](#))

Physician must be board-certified or resident (with supervision) in obstetrics, gynecology, or family medicine ([HB 488](#))

Interment or cremation of fetal remains must be insured by a physician performing or inducing abortion ([HB 815](#))

## Prohibitions

Public funding, contracts, or grants for entities that perform abortions ([HB 606](#))

Abortions that are medically futile, or based on genetic abnormality ([HB 1019](#))

Dismemberment (D and E) abortion ([HB 1081](#))

Sale, receipt, donation, or other transfer of fetal remains or body parts resulting from an induced abortion ([HB 815](#), [SB 33](#))



# Health & Health Insurance

- Allow telemedicine physicians to prescribe controlled substances ([HB 480](#))
- Repeal requirement that physician maintain an office in Louisiana ([HB 570](#))

## Telemedicine



- Allow patients access to physical therapists without a physician prescription or referral ([SB 291](#))
- Allow naloxone to be dispensed without a prescription to combat opioid overdoses ([HB 1007](#))

## Prescriptions



- Rename DHH to Louisiana Department of Health (LDH) ([SB 107](#))
- Require background checks on all healthcare employees ([HB 680](#))
- Require insurance companies to cover reconstructive surgeries following mastectomies ([HB 694](#))

## Other Actions



# Medicaid Expansion



Gov. Edwards signed an executive order in January expanding the Medicaid program. The program went into effect June 1, 2016.



LDH projects that an additional 375,000 people will receive coverage due to the expansion.



Expansion is expected to produce at least \$150M in savings for fiscal year 2016 - 2017.



# Family Matters



**SURROGACY CONTRACTS** - [HB 1102](#) provides a regulatory framework for contracts between parents and “gestational carriers.” The bill helps to define the relationships between all persons involved, ensuring that the gestational carrier cannot later make a legal claim to the child. Among other regulations, the new law also:

- Sets age requirements;
- Requires counseling, medical testing, & background checks; and
- Prohibits compensation for the gestational carrier.



## **ADULT GUARDIANSHIP**

- **Isolation** - [HB 350](#) is part of a nationwide effort to prevent the isolation of adults from their family & friends. The bill provides for the removal of guardians who prevent communication & interaction with others without a court order.
- **Permanent Tutorship** - [HB 447](#) provides a more flexible standard for proving the incapacity of a minor who is at least 15 years old, & who is expected to remain under tutorship when they turn 18.



# REAL ID



[HB 702](#) & [SB 227](#)

REAL ID refers to federal identification security standards passed by Congress following 9/11. Compliance is required to fly within the U.S. and access federal facilities.

Louisianians will have the **option** to 1) obtain a REAL ID compliant driver's license or ID card, or 2) "opt out" and maintain a non-compliant license or ID. For those opting out, passports will be required for travel and federal facilities.

The law specifies that no facial biometric data be exchanged or accessed without a warrant or court order.



# Military & Veterans

## Competitive Bidding

Award of 10% of evaluation points to veteran-owned businesses submitting requests for proposals for state procurement & public contracts will now be mandatory for certain veterans & contacts ([HB 882](#)).

## Unemployment Compensation

Resignation due to permanent change of station orders will not disqualify a military spouse from receiving unemployment compensation ([HB 1142](#)).

## Property Tax Exemption

Proposed as a constitutional amendment for surviving spouses of fallen service members, police officers, and firemen ([HB 505](#)).

## Commendations & Memoriam

**Memorial Day Tribute** on May 26th, the House held a tribute recognizing & remembering members of the armed forces who died in service.

**Military Appreciation Month** proclaimed, commending the U.S. Armed Forces, for May 2016 ([HCR 90](#)).

## Fees & Expenses

**Burial** – fees for state veterans cemetery may now be waived ([HB 966](#)).

**Concealed carry permits** – veterans exempt from fees for permits ([HB 304](#)).

**Motor vehicles** – grace period when separating from active duty ([HB 236](#)).

# Firearms

## Background Checks



National Instant Criminal Background Check System (NICS) reporting is required under existing law. However, there were legal barriers that prevented entities from being able to submit the information to NICS. This year, two bills removed those barriers, and authorized reporting for:

- Convictions for domestic abuse battery;
- Insanity acquittals & determinations that a person lacks the mental capacity to be tried for a misdemeanor offense;
- Court orders restricting a person's use/possession of a firearm; ([HB 624](#))
- Involuntary committal; and
- Mental health cases preventing possession under federal law ([HB 135](#)).



## Eligibility to Purchase

The legislature passed a bill this session to clarify firearm purchasing eligibility requirements that were recently rendered ineffective under a new interpretation of federal law. The requirements in question applied to certain convicted felons.

[HB 142](#) restores these eligibility requirements under Louisiana law to once again allow persons with expunged or pardoned felony convictions to become eligible to purchase firearms if they meet certain specified conditions.

# Criminal Justice Reform

## Justice Reinvestment

- [HCR 69](#) continues the Louisiana Justice Reinvestment Task Force created in 2015. The Task Force is charged with:
  - Examining cost-effective, evidence-based programs & practices to improve the criminal justice system in Louisiana, and
  - Drafting a comprehensive package of reforms to be considered in the 2017 legislative session.
- [SB 301](#) creates a similar program for juvenile justice reinvestment, under the Juvenile Justice Accountability and Cost Effectiveness Act of 2016.

## Raise the Age

- This year, the legislature passed [SB 324](#), raising the age of juvenile court jurisdiction to include 17 year olds. “Raise-the-age” legislation such as this is promoted so that young offenders will have greater access to age-appropriate services and placement options. The law will go into effect in 2018.

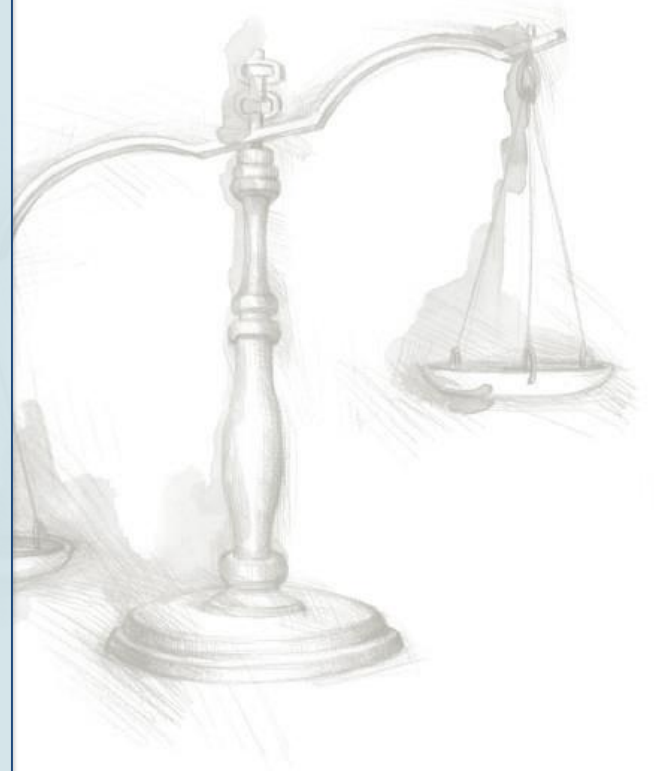
## Crimes of Violence

- [HB 802](#) addresses sentencing and parole for certain enumerated “crimes of violence.” The bill creates a procedure for designating crimes of violence in court minutes for the purpose of determining a person's eligibility for suspension of sentence and participation in a drug division probation program. It also decreases the amount of time a person convicted of a crime of violence is required to serve prior to becoming eligible for parole from 85% of the sentence imposed to 75% of the sentence imposed, and authorizes the granting of parole by a 2/3 vote for persons convicted of a crime of violence when the offender meets certain qualifications

# Criminal Justice Reform

## Sentencing & Reentry Programs

- Several bills were passed this year regarding specialty court, offender training, veterans court, and reentry programs. These measures included:
  - Minimum sentencing made discretionary for nonviolent offenders ([HB 1022](#));
  - Employability certificates issued by reentry courts and a limit on liability for those who hire offenders with such certificates ([HB 145](#)); and
  - Mentorship program participants will be protected from liability for the acts of the offender being mentored ([HB 146](#)).
- New reentry programs were also authorized in the district courts for Ouachita & Morehouse Parishes ([HB 548](#)), and Point Coupee Parish ([HB 894](#)).



# Assistance for Domestic Violence Victims

## Designated Courtroom Seating

- **Jason Fourmy Act** ([SB 320](#)) requires courts to provide, where possible, designated seating separate and away from the defendant upon the request of any victim of crime.

## Prior Bad Acts

- [HB 590](#) allows victims of domestic abuse and cruelty against juveniles to offer evidence of the accused's past abusive behavior and similar acts if otherwise appropriate under the rules of evidence.

## Temporary Concealed Handgun Permit

- **Brandi Trahan Act** ([HB 1155](#)) allows a person with a protective order for abuse to obtain a temporary concealed handgun permit, which can be issued without required training for 45 days.

## Venue

- [HB 525](#) provides that in a multi-parish judicial district, expedited hearings to address abuse may be held in any parish within the district if necessary, providing flexibility necessary to issue time-sensitive orders in districts where there may only be one duty judge sitting in a different parish at any given time.



# Indigent Defense

## State of Affairs

State budget cuts, decreased revenue from traffic tickets, and debate over how indigent defense funding is allocated have led to serious concerns for the funding of indigent services in the state.

Many public defender offices have reduced services and risk insolvency, civil liberties lawsuits have been filed against individual offices, & indigent criminal defendants must be released if an adequate defense cannot be provided.

In addition to seeking alternative criminal justice reform measures, the legislature passed several bills this session in an effort to resolve the problems facing indigent defense.



# Indigent Defense

## Funding & Management



- **Court Fees** - [HB 136](#), [HB 627](#), and [SB 406](#) all direct the dedication of court costs to indigent defense funding.
- **Public Defender Fund** - [HB 1137](#) reduces the number of members on Public Defender Board and changes its composition; and requires the board to dedicate & disburse at least 65% of its annual budget & funds to the public defender offices and their indigent defender funds in each district.
- **Local Indigent Defender Fund Boards** were created by [HB 689](#) in Breaux Bridge, Franklin, Jeanerette, Morgan City, and New Iberia.

## Specific Cases



- **Determination of Indigency** - [HB 547](#) requires the Louisiana Supreme Court to develop a uniform form for determining the indigency of criminal defendants.
- **Absent Parent** - [HB 809](#) provides indigent defense services for the appointment of a curator for absent parents in child-in-need-of-care proceedings.

# Sex Offenses

## Registered Sex Offenders

- May not engage in door-to-door sales or solicitation ([SB 70](#)).
- Must provide appropriate law enforcement with their static Internet protocol address, an ISP designation assigned to specific computers ([HB 1146](#)).
- Registration requirements extended to include those convicted of crimes against nature, and lifetime registration required for all third degree rape convictions ([HB 992](#)).
- Updates for the court notification form given to offenders who must register ([HB 1008](#)).

## Crimes & Procedure

- **Human Trafficking** – [SB 90](#) amends the crime of human trafficking so that a prosecutor doesn't have to prove that the offender used fraud, force, or coercion to recruit, harbor, transport, provide, solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a victim who is under 21.
- **Victim Privacy & Evidence** - [HB 190](#) places strict limitations on who may access & view materials that are collected as evidence of the crimes obscenity, video voyeurism, and pornography involving juveniles.
- **Civil Actions** – [HB 556](#) extends the time limit to file civil suits for sexual assault from 2 to 3 years, and [HB 398](#) mirrors criminal evidence rules to provide that a victim's past sexual behavior and attire will not be admissible as evidence that the victim consented to the offense or encouraged it.

# Law Enforcement & First Responders



## Crimes Against Peace Officers

- [HB 582](#) expands how the state defines offenses and crimes of violence against peace officers. The previous law required that such crimes be committed with a firearm. The new law will apply to any aggravated assault upon a peace officer, regardless of whether the perpetrator uses a firearm to commit the crime.



## Hate Crimes

- [HB 953](#) expands the definition of “hate crime” as it applies to first responders. The new law will apply to crimes targeting victims who are, or are perceived to be, employed as law enforcement officers, firefighters, or emergency medical services personnel.



## Body Cameras

- [HCR 59](#) creates the Louisiana Law Enforcement Body Camera Implementation Task Force, whose purpose will be to study and make recommendations for the implementation of body cameras and the development of best practices for their use. The task force will also make recommendations on access to the recordings of body cameras.

# Drones

## Agricultural Use

- Current law provides a process for licensing and registration of unmanned aerial systems (UAS) used in commercial agriculture. [HB 335](#) adds Southern University Ag Center as an authorized provider of education and safety courses for those seeking a license and allows the Agriculture Commissioner to establish fees for registration and licensing courses.

## Trespass & Invasion of Privacy

- [HB 635](#) adds UAS to the ways in which a person can be criminally charged under the voyeurism, video voyeurism, and Peeping Tom laws;
- [HB 19](#) prohibits use of UAS over school and correctional facilities for the purpose of conducting surveillance or collecting information; and
- [SB 141](#) adds use of UAS to the criminal trespass law, prohibiting the operation of a UAS over another's private property for the purpose of conducting surveillance.

## Obstruction of Justice

- The crime of resisting an officer includes obstructing an officer who is working in their official capacity. [SB 73](#) provides that the knowing interference of a police investigation through the use of a UAS will be considered obstruction.

# Transportation

## Debt Recovery

- [HB 245](#) allows motorists with lapsed auto insurance to pay their debts in installments and maintain their driver's license during repayment.

## Self-Driving Cars

- [HB 1143](#) defines “autonomous technology” for purposes of traffic laws.

## New Specialty License Plates

- “100% DAV” (disabled veteran) ([SB 389](#))
- Bronze Star Medal ([HB 355](#))
- K9s4COPS ([HB 1003](#))
- Louisiana The Energy State ([HB 924](#))
- Member of Congress ([HB 924](#))
- United States Merchant Marine Academy ([HB 127](#))



100% DAV





# Elections



## Disqualification of Convicted Felons

- Act 1492 from the 1997 RS proposed a constitutional amendment to prohibit convicted felons from seeking or holding elective or appointive office for 15 years after they were released from prison. It was approved by majority vote. However, due to a clerical error, language that discussed felons sentenced to probation, was not included on the ballot.
- Derrick Shepherd challenged the law in the fall of 2015 claiming it was improperly presented to the voters. The Louisiana Supreme Court declared in Jan. 2016 that the law was unconstitutional.
- Seven bills were filed to restore the language to the constitution but none passed.

## Changes

- **Longer absentee voting period** - [HB 230](#) adds an additional day to the early voting period when it is interrupted by a state holiday.
- **Ease of voting for disabled citizens** - [HB 614](#) allows disabled voters to request an electronic transmittal of their absentee ballots.
- **Later voter registration deadline** - [HB 951](#) extends the voter registration deadline when submitting electronically.

# The Great Outdoors



**Blaze Pink** - [HB 179](#) adds “blaze pink” as an alternative to the hunter orange requirements.



**Alligators** - [HB 188](#) adds alligators to the Louisiana Catch & Cook Program.

# Employment



## State Employees

- [SB 49](#) requires the Joint Legislative Committee on the Budget to approve salary increases in the executive branch in the last 90 days of an administration.
- [HB 947](#) requires BESE and all state departments to provide a full organizational chart and the salary of each person occupying a filled position.



## “Ban the Box”

- [HB 266](#) bans criminal record inquiries on initial applications for state and local government jobs.
- Criminal record inquiry comes at the interview stage, where the individual has the chance to explain their record and show how they have been rehabilitated.
- 21 other states have passed similar legislation and it is critical to ensuring all have a fair chance at being considered for a government job.



## Wage bills

- Seven bills were filed to establish or increase the federal minimum hourly wage of \$7.25. None completed the process.
- There were five bills filed to amend the Equal Pay for Women Act to include private employees. None completed the process.

# Lagniappe



[SB 74](#) places the “Louisiana Grown” logo on products grown, manufactured, or produced in Louisiana.



[HB 1133](#) revises Amusement Rides Safety Law to increase uniform regulations and inspections.



[HB 667](#) allows a wine producer to ship to a Louisiana citizen if the citizen makes the purchase at the winery.



[SB 2](#) grants a COLA for retirees of the state systems. This includes teachers, school and state employees, as well as state police.



# 2016 Constitutional Amendments

## November 8, 2016



### [HB 459](#)

- Provides for the appointment and qualifications of registrars of voters.

### [HB 505](#)

- Property tax exemption for surviving spouses of fallen service members, police officers, and firemen.

### [HB 603](#)

- Creates the Revenue Stabilization Trust Fund.

### [SB 80](#)

- Allows postsecondary education boards to set their tuition and fees.

### [SB 201](#)

- Reduction of constitutionally protected expenditures and dedications when there is a projected deficit in the ensuing fiscal year.