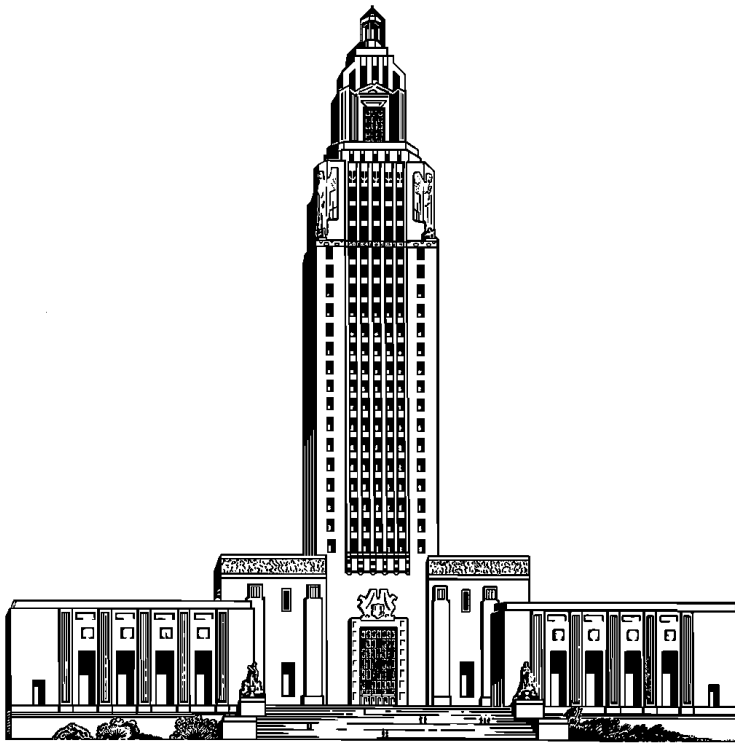


HIGHLIGHTS
of the
2011 First Extraordinary
and
Regular Sessions
of the
Louisiana Legislature



Prepared by:
House Legislative Services
June, 2011

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This public document was published by the Louisiana House of Representatives at a total cost of \$25.20. 30 copies were printed by House Legislative Services, P. O. Box 44486, Baton Rouge, Louisiana 70804, to provide a summary of Highlights from the 2011 First Extraordinary and Regular Sessions. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31.

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ADMINISTRATION OF CRIMINAL JUSTICE

NEW CRIMES

HB 264 by Wooton *(Last Action – Act No. 91)*

Creates the crime of unlawful production, manufacturing, distribution, or possession of unauthorized peace officer badges. Creates exceptions for novelty badges.

CRIMINAL PROCEDURE

HB 116 by Stiaes *(Last Action – Sent to Governor)*

Prohibits the destruction of biological evidence prior to Dec. 31, 2012, in certain cases involving homicide, rape, or armed robbery. Defines "biological evidence" and provides an exception for certain crime lab work products.

HB 285 by Dixon *(Last Action – Sent to Governor)*

Increases the amount of compensation a person who was wrongfully incarceration shall receive from \$15,000 per year to \$25,000 per year and from \$150,000 total to \$250,000 for physical harm and injury suffered by the petitioner. Provides that the amount shall be paid at a rate of \$25,000 annually.

HB 392 by Hazel *(Last Action – Sent to Governor)*

Provides that if an employer wants criminal history information from a person seeking employment and the applicant consents to the background check, then applicants shall be fingerprinted and requires the La. Bureau of Criminal Identification and Information to forward fingerprints obtained for background checks to the FBI for a national criminal history check.

CONTROLLED DANGEROUS SUBSTANCES

HB 12 by Templet *(Last Action – Sent to Governor)*

Adds synthetic cannabinoids (synthetic marijuana) and substituted cathinones (bath salts) to Schedule I of the Uniform Controlled Dangerous Substances Law.

HB 339 by Lopinto *(Last Action – Act No. 100)*

Adds possession with intent to distribute or dispense an imitation controlled dangerous substance to the crime of prohibited acts involving imitation controlled dangerous substances.

Administration of Criminal Justice

WEAPONS AND FIREARMS

HB 289 by Seabaugh *(Last Action – Enrolled)*

Removes the requirement that a person reside in Louisiana for six months prior to being eligible to apply for a concealed handgun permit.

HB 8 by LaFonta *(Last Action – House Committee)*

Would have prohibited the intentional selling of ammunition to any person without verifying that the serial number or mark of identification of the firearm in which the ammunition will be used has not been altered or obliterated on the firearm.

HB 413 by Wooton *(Last Action – House Committee)*

Would have authorized the carrying of handguns on public college, university, or postsecondary vocational-technical school campuses by individuals who possess a concealed handgun permit.

HB 14 by Honore *(Last Action – Sent to Governor)*

Provides an exception to the crime of illegal carrying of weapons for judges and justices of federal courts domiciled in La. when they are P.O.S.T. certified.

SENTENCING COMMISSION

HB 106 by Moreno *(Last Action – Sent to Governor)*

Requires all providers of home incarceration or electronic monitoring services to submit certain information to the court, the sheriff of the parish, and DPS&C including but not limited to a report indicating the services offered, areas served, number of defendants served, number of defendants who successfully completed home incarceration, and credentials or qualifications of the provider.

HB 414 by Lopinto *(Last Action – Sent to Governor)*

Revises and consolidates statutes providing for diminution of sentence (good time) for certain offenders.

HB 415 by Lopinto *(Last Action - Act No. 104)*

Authorizes a parole officer or probation officer to impose administrative sanctions for a technical violation of parole or probation conditions, if the Board of Parole or court determines that the offender is eligible for the imposition of administrative sanctions and when certain procedural conditions are met. If the administrative sanction imposed is jail

Administration of Criminal Justice

confinement, the confinement shall not exceed 10 days per violation and shall not exceed a total of 60 days per year.

HB 416 by Lopinto *(Last Action - Sent to Governor)*

Amends timing of parole eligibility for a first-time felony offender who has not been convicted of a crime of violence or a sex offense and who has not been sentenced as a habitual offender.

JUVENILES

HB 115 by Armes *(Last Action - Failed to Pass/House)*

In response to a U.S. Supreme Court decision finding it unconstitutional to sentence juvenile offenders to life imprisonment without a realistic opportunity for parole for non-homicide offenses, this bill would have allowed persons who were under the age of 18 at the time of the commission of a non-homicide offense to be eligible for parole upon serving 35 years of the sentence imposed when certain conditions have been met.

HCR 98 by Honore *(Last Action - Failed to Pass/House)*

Would have requested that the Louisiana State Law Institute evaluate Louisiana's compliance with the U.S. Supreme Court's ruling regarding juvenile life sentences without parole and to report its findings and recommendations to the Legislature as to whether it is necessary to amend Louisiana's juvenile sentencing laws to comply with the Supreme Court ruling.

HB 124 by P. Smith *(Last Action - Sent to Governor)*

Provides that in delinquency proceedings for first degree murder, second degree murder, aggravated rape, aggravated kidnapping, armed robbery, negligent homicide, or vehicular homicide, the court shall allow the victim and the victim's spouse, children, siblings, parents, grandparents, guardians, and legal custodians to be present at the adjudication hearing.

Administration of Criminal Justice

HB 230 by Moreno *(Last Action - Sent to Governor)*

Provides that the court shall order that a petition be dismissed upon a finding of grounds to dismiss, and deletes the provision which allows a court to dismiss a delinquency petition for good cause shown.

SEX OFFENSES AND SEX OFFENDER REGISTRY

HB 13 by Gisclair *(Last Action - Sent to Governor)*

Requires a sex offender who is a student of an institution of postsecondary education to register with the campus law enforcement agency of the institution at least one business day prior to the beginning of the school term or semester, but does not require the sex offender to pay a registration fee to the campus law enforcement agency.

HB 49 by Leger *(Last Action - Act No. 64)*

Amends the crimes of human trafficking and trafficking of children for sexual purposes to include those persons who benefit in any way from the trafficking activity, who facilitate the trafficking activity, or who advertise the trafficking activity.

HB 55 by Thierry *(Last Action - Act No. 26)*

Creates the crime of unlawful use or access of social media, prohibiting the use or access of social networking websites, chat rooms, or peer-to-peer networks by a person who is required to register as a sex offender and who was either previously convicted of indecent behavior with juveniles, pornography involving juveniles, computer-aided solicitation of a minor, or video voyeurism or was previously convicted of a sex offense in which the victim of the offense was a minor.

HB 86 by White *(Last Action - Act No. 67)*

Amends the crimes of sexual battery, second degree sexual battery, oral sexual battery, and molestation of a juvenile to provide increased penalties for these crimes when the offender is 17 or older and any of the following occur: (1) the victim has paraplegia, quadriplegia, or is otherwise incapable of preventing the act due to a physical disability; (2) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity; or (3) the victim is 65 years or older.

HB 131 by Templet *(Last Action - Act No. 74)*

Amends the crime of failure to register to include the failure to comply with sex offender drivers' license and state identification card requirements.

Administration of Criminal Justice

HB 141 by Stiaes *(Last Action - Sent to Governor)*

Removes certain provisions of crime against nature by solicitation from the list of offenses for which an offender shall comply with sex offender registration and notification requirements and amends penalties for crime against nature by solicitation.

MISCELLANEOUS

HB 304 by Pearson *(Last Action - Sent to Governor)*

Requires each regional juvenile justice district to provide to the legislative auditor sworn annual financial statements and a sworn notarized affidavit declaring that the information provided therein is true and correct to the best of his knowledge. Provides that if the legislative auditor determines that the regional juvenile justice district has misused funds or has failed to comply with state and federal laws and regulations, the legislative auditor shall report the finding to the Legislative Audit Advisory Council. Provides for the required training and provides relative to the make-up of the governing entities of the regional juvenile justice districts.

HB 305 by Ligi *(Last Action - Sent to Governor)*

Provides for the reduction of a defendant's sentence for substantial assistance in an investigation and provides for a memorandum of understanding and limits on the reduction of sentence for substantial assistance by a defendant.

HCR 86 by Hutter *(Last Action - Enrolled)*

Requests the La. Coalition Against Domestic Abuse to appoint and convene a task force to be known as the "Louisiana Coalition Against Domestic Violence Task Force" to evaluate existing court-approved domestic abuse intervention programs across the state, to study similar programs in other states to determine responsible, evidence-based best practices in the field of domestic abuse intervention, and to report its findings and recommendations relative to the development of minimum standards for domestic abuse intervention programs in this state.

APPROPRIATIONS

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

The General Appropriation Bill (GAB) totals \$26.3 billion, of which \$7.6 billion is State General Fund (Direct), and \$11 billion is Federal Funds. SGF increased \$536 million and Federal Funds decreased \$0.8 billion when compared to the FY 10-11 Existing Operating Budget as of December 1, 2010. Overall, FY 11-12 Total GAB funding is \$1.5 billion less than FY 10-11. The GAB also appropriates \$2.8 billion in Statutory Dedications, which is a decrease of \$0.8 billion compared to FY 10-11.

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

EXECUTIVE DEPARTMENT

Funding for disaster recovery efforts related to the hurricanes	\$	3.0 billion
Additional funding in the Military Affairs Program for death and disability benefits of members in the Louisiana National Guard	\$	8.2 million
Funding to the Office of Elderly Affairs for various parish councils on aging and senior centers	\$	7.9 million
Funding in the Coastal Protection and Restoration Authority for expenditures associated with the Barrier Island Project	\$	60.0 million
Funding for Mental Health Advocacy services	\$	2.9 million

VETERANS AFFAIRS

Funding to the War Veterans Homes statewide to cover the cost of increased per diem rates and cost of living	\$	1.8 million
Funding for the 2012 opening of the new War Veterans cemetery in Leesville, La., including the related funding for five (5) new positions	\$	219,807
Funding for the Louisiana Honor Medal program in 2012	\$	91,500
Total Agency funding	\$	53.9 million

SECRETARY OF STATE

Funding for the facilitation of three (3) statewide elections and one (1) municipal election in 2011-12	\$	4.1 million
Funding for Microfilm Services in the Archives and Records	\$	115,386
Total Agency Funding	\$	81.1 million

Appropriations

OFFICE OF THE ATTORNEY GENERAL

Funding from the Oil Spill Contingency Fund to the Office of
Attorney General for litigation expenses related to the
Deepwater Horizon Event \$ 15 million

LIEUTENANT GOVERNOR

Funding for the Lieutenant Governor's Grants Program \$ 7.1 million
Total Agency Funding \$ 8.7 million

TREASURY

Funding to the Office of State Treasurer for the management
of the state's treasury \$ 12.7 million

PUBLIC SERVICE COMMISSION

Funding for the Motor Carrier Registration Program \$ 663,595
Total Agency Funding \$ 9.7 million

AGRICULTURE & FORESTRY

Funding for increased agency monitoring, regulation and
inspection programs \$ 1.2 million
Funding for a multi-agency Seafood Safety Testing Program due to
the 2010 British Petroleum oil spill off the Louisiana Gulf Coast \$ 563,500
Funding for the continuance of the Boll Weevil Eradication Program \$ 536,656
Funding for the purchase of new firefighting vehicles and equipment \$ 550,000
Total Agency Funding \$ 78.7 million

Appropriations

INSURANCE

Funding for the Market Compliance Program	\$ 24.4 million
Total Agency Funding	\$ 33.4 million

ECONOMIC DEVELOPMENT

Funding for the Governor's Economic Development Rapid Response Program	\$ 9.8 million
Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1)	\$ 1.3 million
Funding for advertising, promotion, and marketing related services	\$ 5.2 million
Funding for state economic competitiveness benchmarking, planning, and research initiatives	\$ 3.3 million

CULTURE, RECREATION & TOURISM

Allocation provided for the 2012 NCAA Men's Final Four	\$ 2 million
Funding for Decentralized Arts grants	\$ 1.5 million
Funding for Statewide Arts grants	\$ 500,000
Funding for aid to local libraries	\$ 896,000
Total Agency Funding	\$ 86.7 million

TRANSPORTATION AND DEVELOPMENT

Funding to the District Operations Program for operation and maintenance of the state's highway system	\$ 349.7 million
Funding for statewide contract maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping	\$ 25.0 million
Funding for heavy equipment replacements in the District Operations Program utilized for highway maintenance	\$ 18.8 million
Funding for the Parish Road Program, allocation is based on parish population counts up to \$34 million and the balance is allocated based on parish road miles	\$ 38.4 million
Funding for the Mass Transit Program, allocation is based on population and passenger counts	\$ 5.0 million
Funding for Motorist Assistance Patrols for highway assistance and clearing traffic congestion	\$ 3.4 million
Funding in the Crescent City Connection Division for a professional services contract to develop a plan in	

Appropriations

preparation for the sunseting of tolls on December 31, 2012, and to assist in staffing and other operating functions \$ 3.5 million

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

Total Funding \$ 402 million

Additional funding to re-band the 700Mhz Louisiana Wireless Information Network system (LWIN) \$ 3.3 million

Additional budget authority to the Louisiana State Police out of the Natural Resources Damage Assessment Fund to be used to determine the scale of damage and loss to the public from the Deepwater Horizon event \$ 18 million

Corrections Services

Total Funding \$ 500 million

Local Housing of Adult State Inmates \$ 145 million

Adult Work Release Program \$ 20 million

Local Reentry Services \$ 3.9 million

Funding to Dixon Correctional Center for dialysis needs \$ 2.7 million

Youth Services

Total Funding \$ 144 million

Local Housing of Juvenile Offenders \$ 6.5 million

HEALTH AND HOSPITALS

Medicaid

Total Funding \$ 6.7 billion

Including:

Funding to make supplemental payments using the upper payment limit methodology \$ 530 million

Funding for the net increase for rebasing of Medicaid reimbursement rates for nursing home services \$ 83 million

Funding for the Coordinated System of Care \$ 134 million

Funding for Coordinated Care Network initiatives \$ 361 million

Funding for increases in Medicare Part D (Prescription Drug Plan) clawback payments \$ 32 million

Funding for utilization increases, including pharmacy \$ 161 million

Aging and Adult Services

Total Funding \$ 50 million

Appropriations

Public Health

Total Funding \$ 326 million

Behavioral Health

Funding for the Coordinated System of Care \$ 12 million

Total Funding \$ 352 million

Developmental Disabilities

Total Funding \$ 240 million

Other Behavioral Health and Developmental Disabilities

Districts and Authorities

Total Funding \$ 133 million

CHILDREN AND FAMILY SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives

Funding for FY 10-11 \$ 135.8 million

Funding for FY 11-12 \$ 118.5 million

FY 11-12 TANF Initiatives:

Youth day treatment programs \$ 4.5 million

Families in Needs of Services (FINS) \$ 1.5 million

Jobs for America's Graduates (JAGS) \$ 4.0 million

Microenterprise Development \$ 510,000

Family Violence \$ 3.7 million

Individual Development Accounts \$ 1.3 million

CASA \$ 4.7 million

Drug Courts \$ 6.0 million

CPI/Family Services \$ 6.6 million

Nurse Family Partnership \$ 3.7 million

Homeless Initiative \$ 850,000

Non-medical substance abuse assessment \$ 4.1 million

LA 4 \$ 70.1 million

Early Childhood Supports \$ 5.5 million

Abortion Alternatives \$ 1.5 million

TOTAL \$ 118.5 million

Funding for the Modernization Project to transform the service delivery of Children and Family Services to allow clients multiple ways to apply for assistance

\$ 42.8 million

Funding for Emergency Temporary for Assistance for Needy Families (TANF) for eligible recipients and initiatives

\$ 21.1 million

Appropriations

NATURAL RESOURCES

Funding for the Technology Assessment Division	\$ 48 million
Funding for oil field site restoration	\$ 5.2 million
Total Agency Funding	\$ 202.7 million

DEPARTMENT OF REVENUE

Total Funding	\$ 96.8 million
Transferred the Louisiana Tax Commission to the Executive Department	\$ 3 million
Means of financing replacing all department State General Fund with Fees and Self-generated Revenues	\$ 8.4 million

ENVIRONMENTAL QUALITY

Funding for Deep Water Horizon clean-up from the BP Oil Spill	\$ 573,300
Funding to the Rural Water Association to provide technical assistance to rural water systems throughout the state	\$ 250,000

WILDLIFE AND FISHERIES

Continued funding to Wildlife and Fisheries for aquatic weed control	\$ 7.9 million
Additional funds to Wildlife and Fisheries from British Petroleum for a seafood marketing program	\$ 6.4 million
Additional funds to Wildlife and Fisheries from British Petroleum for a seafood certification program	\$ 4.7 million
Additional funds to Wildlife and Fisheries from British Petroleum for a seafood safety testing program	\$ 4.2 million
Additional funding to Wildlife and Fisheries from the Artificial Reef Development Fund for fish hatcheries and construction of artificial inland fishing reefs on the coast of Louisiana	\$ 3.2 million
Additional funding to Wildlife and Fisheries from the White Lake Property fund to perform 3.9 miles of intercoastal canal waterway shoreline stabilization to prevent a levee breach	\$ 1 million
Additional funding to Wildlife and Fisheries from the Artificial Reef Development Fund for the wild seafood certification program	\$ 880,000

LOUISIANA WORKFORCE COMMISSION

Appropriations

Total Funding	\$ 283.2 million
Provides funding for small businesses and pre-employment training for workers through the Incumbent Worker Training Program	\$ 26.5 million
Provided funding for investigation of fraudulent worker's compensation claims	\$ 3.5 million

CIVIL SERVICE

Funding to State Civil Service to administer a comprehensive merit-based personnel management program to state agencies	\$ 10.8 million
Funding to State Civil Service for the Louisiana Careers system that is used by state agencies to announce job opportunities via the internet and tracks the selection and hiring process	\$ 90,000
Funding for the operations of the State Examiner to administer the Municipal Fire and Police Civil Service System in 107 jurisdictions	\$ 1.9 million
Funding to Ethics Administration to administer and enforce Ethics Reform	\$ 4.0 million
Funding for the operations of the State Police Commission to administer a separate merit system for the commissioned officers of Louisiana State Police	\$ 617,632
Funding to the Division of Administrative Law to conduct administrative hearings for state agencies	\$ 7.2 million

HIGHER EDUCATION

<u>Total HIED Funding</u> - Represents an overall decrease of \$32.1 million or a change of -1.1%. State General Funds have been allocated to the respective Management Boards and agencies but have not been allocated to the individual colleges and universities in HB 1.	\$ 2.92 billion
<u>TOPS</u> - Taylor Opportunity Program for Students funding (\$46.2 million SGF and \$108.3 Stat Ded). Contains \$93.2 million from the Overcollections Fund and \$15 million from the TOPS Fund. Represents full funding for approximately 44,000 awards and funding for both LaGRAD and "3,4,5" tuition increases. SB 53 is a proposed constitutional amendment that would dedicate certain proceeds from the Millennium Trust fund to the TOPS Program. HB 1 also contains language that would dedicate a \$27 million	\$ 154.4 million

Appropriations

of the program's State General Fund to the Go Grant and Early Start Programs should the constitutional amendment be implemented.

Board of Regents - includes allocation language that funds the following items out of the BOR's SGF appropriation: University of New Orleans move from the LSU System to the UL System (\$300,000); and the Honore Center for Undergraduate Achievement (\$500,000); Louisiana Endowment of the Humanities (\$500,000); and also provides \$2.2 million for institutions that lost 3% or more of their SGF as a result of the new Higher Education Formula. Also includes a \$500,000 SGF appropriation for the Louisiana Library Network (LOUIS). \$ 80.1 million

Appropriations

Office of Student Financial Assistance (OSFA Including TOPS) - \$ 245.4 million
includes \$26.4 million for GO Grants and \$5.5 million
for the Dual Enrollment Program.

Louisiana Universities Marine Consortium (LUMCON) \$ 8.2 million

LCTCS - Includes \$5.3 million additional Self-Generated \$ 293.5 million
Revenue upon implementation of the HB 526.

Louisiana State University System - Includes \$5.3 million \$ 1.5 billion
in IATs from the Low Income Needy Collaborative
Agreement (LINCA) for LSUHSC - S. Also includes
\$5 million in Overcollections Funds for the LSU
Ag Center.

SU System - includes \$100,000 for the SU Ag Center. \$ 131.4 million

UL System - includes \$1.8 million in Fees and Self-Generated \$ 664.9 million
to the UL Board of Supervisors for operating expenses.
also contains \$1.3 million in Fees and Self-Generated
Revenues for Southeastern Louisiana University for
operating expenses.

SPECIAL SCHOOLS AND COMMISSIONS

Total funding for the budget units in Special Schools and Commissions \$ 94 million

ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program \$ 3.4 billion

The Legislature approved HCR No. 130 as the FY 11-12 MFP and appropriated \$3.4 billion – \$3.1 billion SGF and \$248 million Statutory Dedicated Funds.

The FY 11-12 MFP – HCR No. 130 – has new features when compared to the FY 10-11 MFP. For example, the resolution contains \$27 million for student increases and local revenue adjustments to district's wealth. The new MFP also contains \$40.8 million for the following – students enrolled at the Louisiana School for Math, Science and the Arts, full-day program students enrolled at the New Orleans Center for the Creative Arts and students enrolled at Legacy Type 2 Charter Schools. In addition, other elements of the FY 11-12 MFP are:

- 1) Base Per Pupil Amount of \$3,855 remains unchanged from FY 09-10
- 2) At-Risk Weight of 22%

Appropriations

- 3) Career and Technical Weight of 6%
- 4) Level 2 State Support of 34% of Level 1 Costs
- 5) Stipends for Foreign Associate Teachers
- 6) \$100 Mandated Costs Per Pupil Funding

LA4

The LA4 Early Childhood Program is appropriated \$74.5 million
and currently serves up to 17,000 four-year olds \$ 74.5 million

HEALTH CARE SERVICES DIVISION

Total HCSD Funding \$804.5 million

Represents an overall decrease of \$114.1 million
a change of -12.4%. Each program and the
amount of funding allocated is listed below:

Executive Administration	\$ 24.0 million
Earl K. Long	\$118.8 million
UMC - Lafayette	\$108.8 million
W.O. Moss	\$ 31.5 million
Lallie Kemp	\$ 42.0 million
Washington-St. Tammany	\$ 61 million
Leonard J. Chabert	\$ 96.8 million
Charity - NO	\$321.8 million

OTHER REQUIREMENTS

Funding for local housing of state adult offenders and state juvenile offenders	\$174.6 million
Funding for debt service payments for Corrections, Higher Education, Louisiana Economic Development, and the Division of Administration	\$129.5 million
Funding for supplemental pay to law enforcement personnel	\$128.4 million
Funding for parish transportation to local government	\$ 46.4 million
Provides funding to local government from Video Draw Poker	\$ 43.5 million
Funding for District Attorneys and Assistant District Attorneys	\$ 33.2 million
Funding for partial payment of the settlement "Jean Boudreaux, et al v. State of Louisiana"	\$ 4.0 million
Funding for consent judgments, stipulated judgments and settlements against the State	\$ 18.0 million

Appropriations

APPROPRIATION BILLS

HB 32 by 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 \$ 1.7 billion as follows: \$ 293 million through Interagency Transfers, \$ 1.3 billion from Fees and Self-Generated Revenues, and \$ 88 million from Statutory Dedications.

HB 631 by Tucker - Legislative Expenses *(Last Action – Sent to Governor)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$67,377,543 from the state general fund for FY 2011-2012 including the following:

House of Representatives	\$ 27,607,568
Senate	\$ 18,841,703
Legislative Auditor	\$ 9,314,823
Legislative Fiscal Office	\$ 2,430,297
Louisiana State Law Institute	\$ 1,033,509
Legislative Budgetary Control Council	\$ 8,149,643
Total state general fund	\$ 67,377,543

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides the balance on June 30, 2011 of the fund created by Act No. 513, §13 of the 2008 RS is appropriated to the Legislative Budgetary Control Council.

Appropriates \$350,000 from the state general fund to the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$21,869,566 from the fund, which is authorized to be used for expenses of the auditor's office.

Retains provisions allowing legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on December 1, 2007.

Provides that for FY 2011-12 the per diem and salaries of members and officers of the legislature shall not increase over the rate on June 30, 2011. Further provides that the monthly allotment during FY 2011-12 available to a member of the legislature to employ one or more legislative assistants shall not exceed the monthly amount available to each member on June 30, 2011 and that no legislative employee shall be eligible for or granted a merit increase during FY 2011-12.

Appropriations

HB 608 by Fannin - Judicial Expense Act *(Last Action – Sent to Governor)*

Appropriates funds for Fiscal Year 2011-2012 for the ordinary operating expenses of the judicial branch of government with total funding of \$159,030,085 from the following sources: \$138,862,434 out of the State General Fund (Direct); \$10,670,000 through interagency transfers from the Dept. of Children and Family Services; and, \$9,497,651 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows, subject to the reduction provided for below:

(1)	Louisiana Supreme Court	\$74,998,559
(2)	Courts of Appeal	43,480,534
(3)	District Courts	34,143,082
(4)	Criminal Court, Parish of Orleans	5,765,523
(5)	Juvenile and Family Courts	2,342,586
(6)	Other Courts (Required by Statute)	2,801,870
(7)	Other Courts (Not Required by Statute)	645,304
	TOTAL	<u>\$164,177,458</u>

Provides that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$5,147,373 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

HB 611 by Fannin - Supplemental Appropriations *(Last Action – Sent to Governor)*

Provides for net changes in general and ancillary appropriations for Fiscal Year 2010-2011 as follows:

State General Fund (Direct) increase of \$6,479
Interagency Transfers increase of \$71,960,730
Fees and Self-generated Revenues decrease of \$23,634,197
Statutory Dedications decrease of \$35,286,840
Federal Funds increase of \$66,374,955

SPECIAL FUNDS

HB 477 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.

Appropriations

Relative to the FEMA Reimbursement Fund, the bill deletes the requirement that the legislative auditor audits source documentation presented by FEMA and determines that the documentation supports the amount requested to be paid.

Makes changes to the names of recipient entities of some of the sales tax on hotel occupancy deposited into the Shreveport Riverfront and Convention Center and Independence Stadium Fund and the Shreveport-Bossier City Visitor Enterprise Fund.

Provides for the transfer of \$80 million into the Overcollections Fund from the Self-Insurance Fund and the State General Fund (Direct). Transfers \$26.9 million from the Overcollections Fund to the State General Fund (Direct).

Provides for the transfer of \$344 million into the Louisiana Medical Assistance Trust Fund from various funds in the state treasury, and the La. Housing Finance Agency.

HB 238 by Lambert *(Last Action – Sent to Governor)*

Places motor vehicle fees and taxes on trucks and trailers into the State Highway Improvement Fund rather than the state general fund and is effective for Fiscal Year 2012-2013.

SB 53 by Alario *(Last Action – Enrolled)*

SB 52 by Alario *(Last Action – Sent to Governor)*

HB 390/HB 457 by Jane Smith *(Last Action – House Calendar)*

Constitutional amendment and companion statutory legislation to reallocate funds from the Millennium Trust to increase deposits into the TOPS Fund and deposit a 4/20 cent per cigarette tax into the Health Excellence Fund. The Millennium Trust is a special permanent trust, into which is deposited certain monies received as a result of the Master Settlement Agreement in the tobacco litigation, dividend and interest income and all realized capital gains on investment of monies in the Millennium Trust. The proposed constitutional amendment and companion statutory legislation provide that future Master Settlement Agreement Proceeds received and deposited into the Millennium Trust and all such proceeds deposited into the trust since April 1, 2011, will be deposited into the TOPS Fund.

SB 53 additionally provides that, to assure the dedication of revenue into the Health Excellence Fund, the cigarette tax rate for the amount deposited into the fund shall be the amount of the tax in effect on January 1, 2012.

DEFICIT ELIMINATION MEASURES

SB 131 by Long *(Last Action –House Committee)*

Would have increased the amount of state general fund, certain statutory dedications, and constitutional allocations the governor and legislature may reduce or reallocate when a deficit is declared in the current fiscal year or projected in the next fiscal year from 5% to 10%. Any adjustments in excess of 5% would have required approval of a majority of elected members of each house of the legislature.

SB 137 by Long *(Last Action – House Committee)*

HB 527 by Katz *(Last Action – House Committee)*

Would have allowed for the use of interest earned from dedicated funds to be used in the event a deficit is projected. Current law allows for the reduction of up to 5% of state general fund or dedicated revenues in fiscal years in which a deficit is projected if state general fund allocations or appropriations have already been reduced by seven-tenths of 1%.

SB 113 by Crowe *(Last Action – Failed to Pass/House)*

SB 114 by Crowe *(Last Action – House Calendar)*

Constitutional amendment and enabling legislation would have allowed for deficit elimination procedures currently provided for in law to be triggered by decreases in recurring federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures. Current law allows for the reduction of up to 5% of state general fund or dedicated revenues in fiscal years in which a deficit is projected if state general fund allocations or appropriations have already been reduce by seven-tenths of 1%.

BUDGET STABILIZATION FUND

SB 147 by Chaisson *(Last Action – Enrolled)*

SB 171 by Chaisson *(Last Action – Sent to Governor)*

Constitutional amendment and enabling legislation restrict deposits of mineral revenues into the Budget Stabilization Fund (the "Rainy Day Fund") in the year in which any amount of the fund is incorporated into the official forecast and the fiscal year immediately after. The full amount used from the fund will be put back into the fund beginning in the third year. Beginning in the third year, up to one-third of the amount originally incorporated into the official forecast shall be deposited into the fund each year.

Appropriations

PUBLIC CONTRACTS

HB 15 Richard by *(Last Action – Senate Calendar)*

Would have provided for a 10% reduction in consulting contracts under the jurisdiction of the office of contractual review for Fiscal Year 2011-2012 and required the office of contractual review to submit reports on the status of the implementation. The office of contractual review would have been prohibited from approving any contract if such approval increased the total dollar amount of contracts above the reduction required unless such contract met certain criteria. Additionally, the bill would have exempted contracts associated with the New Opportunities Waiver (NOW) program.

HB 545 by Henry Burns *(Last Action – House Committee)*

Would have allowed the Department of Corrections to privatize J. Levy Dabadie Correctional Center and Avoyelles Correctional Center and to sell Allen Correctional Center, Avoyelles Correctional Center, and Winn Correctional Center through procedures established in the proposed law.

HB 573 by Willmott *(Last Action – Sent to Governor)*

Creates a preference for the procurement of items manufactured in the United States in the event the items have not been procured under the Louisiana preference laws. Also provides that the items manufactured in the United States can not cost more than 5% of the same items manufactured outside of the United States.

SB 83 by Donahue *(Last Action – Sent to Governor)*

Authorizes the use of reverse auctions by political subdivisions based on the determination of the procurement officer of such entity that the best interest of that entity would be served by using such electronic procurement method. A "reverse auction" is a competitive online solicitation process for materials, supplies, services, products, or equipment in which vendors compete against each other online in real time in an open and interactive environment.

STREAMLINING MEASURES

HB 306 by Richard *(Last Action – Senate Committee)*

HB 340 by Smiley *(Last Action –House Committee)*

HB 306 would have established the State Government Employment Reduction Program to reduce the number of employment positions in the executive branch of state government by a minimum of 5,000 positions for each of three successive fiscal years, beginning with FY 2011-2012. The bill would have also provided for a reduction of personnel expenditures by \$500 million by FY 2014-2015. The provisions for the reduction in personnel expenditures were originally in HB 340 and were amended into HB 306 in House Committee.

BUDGETARY CONTROLS

HB 189 by Geymann *(Last Action – House Committee)*

Would have added a definition for "one-time money available for appropriation" as (1) money available for appropriation from any special treasury fund excluding any monies forecast to be dedicated into that fund by the Revenue Estimating Conference in the official forecast for that fiscal year and (2) from the state general fund not recognized as nonrecurring revenue by the Revenue Estimating Conference, including but not limited to court settlements, the sale of state facilities, and the privatization of state operations.

Would have required that the executive budget included a list of sources of one-time money available for appropriation contained in the budget and would have prohibited such money from being recommended for appropriation for ordinary recurring expenses unless such appropriation was authorized by a two-thirds vote of each house of the legislature.

HB 211/HB 220 by Geymann *(Last Action –House Committee)*

Constitutional amendment and enabling legislation to limit the growth factor used to calculate the expenditure limit to the lesser of 3% or the current calculation used to determine the factor. Currently, the constitution provides for an annual expenditure limit not to exceed the expenditure limit for the previous fiscal year plus an amount equal to that limit times a positive growth factor. The growth factor is the average annual percentage rate of change of personal income for Louisiana as defined and reported by the U.S. Dept. of Commerce for the three calendar years prior to the fiscal year for which the limit is calculated.

Appropriations

HCR 22 by Morris *(Last Action – Senate Committee)*

Resolution directing the commissioner of administration to change the expenditure limit for FY 2011-2012 from \$14,912,885,640 to \$11,828,996,201. The Resolution affects the expenditure limit for FY 2012-2013 and thereafter.

SURPLUS REVENUES

HB 384 by Pearson *(Last Action – Enrolled)*

HB 435 by Pearson *(Last Action – Sent to Governor)*

Constitutional amendment and enabling legislation requiring that for FY 2013-2014 and 2014-2015 a minimum of 5% of any money designated in the official forecast as nonrecurring be used for payment toward the UAL. For FY 2015-2016 and every fiscal year thereafter the minimum amount applied toward payment of the balance of the unfunded accrued liabilities increases to 10%. Presently, the constitution provides that surplus funds shall be appropriated for six purposes, one of which is providing for payments against the unfunded accrued liability of the public retirement systems which are in addition to any payments required for the annual amortization of the unfunded accrued liability of the public retirement systems. These bills specify a minimum amount of any surplus be used before the surplus is used for other purposes, but only after the requirement that 25% of the surplus be deposited into the Budget Stabilization Fund.

STATE BUILDINGS

HB 313 by Simon *(Last Action – Sent to Governor)*

Creates a pilot program for creating breast feeding and lactation rooms in 10 state buildings before July 1, 2014, requiring the superintendent of the office of state buildings to select the buildings in which the rooms shall be constructed according to criteria including but not limited to cost minimization and demand for utilization. At a minimum, the breast feeding and lactation rooms must have a lockable door, a work surface and chair, storage for cleaning supplies, and conveniently placed electrical outlets.

HCR 159 by Henry *(Last Action – Failed to Pass/House)*

Would have required that the LSU Board of Supervisors and the UMC Management Corp. submit a plan to the legislature and would have required a majority vote approval of both houses of the legislature by mail ballot, HCR, or SCR prior to funding a new Charity Hospital in New Orleans, also known as MCLANO.

CIVIL LAW AND PROCEDURE

ADOPTION

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

Would have authorized a second parent to petition for intrafamily adoption if a sole legal parent agrees to the adoption by the second parent.

LIABILITY

HB 358 by Greene *(Last Action – Sent to Governor)*

Provides that the governing authority of an elementary or secondary school or charter school who enters into a joint-use agreement with another party for use of its facility, owes no duty of care or duty to warn and does not extend any assurance that the premises are safe or incur any liability for injuries to persons or property. Does not exclude liability for gross negligence or willful and wanton misconduct.

HB 389 by Connick *(Last Action – Failed to Pass/House)*

Would have provided that the laws of this state would apply to and govern any release, waiver, or agreement to be performed in this state related to the BP oil spill.

Would have required any settlements and releases associated with the BP oil spill to contain a provision that the release would not prohibit the releasor from receiving medical monitoring and other procedures.

EXPROPRIATION

SB 85 by Gautreaux *(Last Action – House Committee)*

Would have authorized the governing authority of St. Mary Parish to expropriate by a declaration of taking property needed for a street, parish road or highway, drainage, flood protection, utility, or sewerage project.

SB 208 by Perry *(Last Action – Sent to Governor)*

Authorizes the award of attorney fees and costs to the owner of immovable property if the final judgment awards less than fifty percent of the immovable property requested in the petition of the public or private expropriating authority.

Civil Law and Procedure

NOTARIES

HB 257 by Johnson (*Last Action – House Committee*)

Would have authorized financial institutions to appoint up to three employees as ex officio financial institution notaries for each location of the financial institution.

COMMERCE

BUILDING CODE

HB 271 by Fannin *(Last Action – Enrolled)*

Requires any municipality or parish which issues a permit for construction pursuant to the state uniform construction code to provide a list of registered certified building inspectors to the applicant for the permit at the time the permit is issued.

Authorizes a parish or municipality to accept determinations made by the state fire marshal as they pertain to life safety and fire protection as required in the state uniform construction code.

Prohibits municipalities and parishes that establish agreements with other governmental entities of the state or certified third-party providers to enforce the state uniform construction code from imposing a fee for inspections not performed by the municipality or parish if a fee for the inspection was collected by the governmental entity or third-party provider that actually performed the inspection.

HB 273 by Hutter *(Last Action – Act No. 92)*

Authorizes municipalities and parishes in areas where windblown debris storm shutters are required by the state uniform construction code to allow occupancy upon receipt of an affidavit from a property owner stating that the owner has ordered the shutters and will install the shutters upon receipt.

Requires the shutters to be installed within 90 days of occupancy.

Requires, during the 90-day period, the owner to notify the parish or municipality that the shutters have been installed and the parish or municipality to make a final inspection to verify that the shutters were installed.

COMMERCIAL REGULATION

HB 128 by Austin Badon *(Last Action – Failed to Pass/House)*

Would have prohibited a retail business from requesting or requiring a consumer's name, address, telephone number, zip code, or other personal information when completing a consumer transaction using cash, credit card, debit card, or gift card as the form of payment.

Commerce

HB 133 by Anders *(Last Action – Sent to Governor)*

Requires warranty claims on farm equipment, heavy industrial equipment, construction equipment, material handling equipment, utility equipment, engines equipment, lawn and garden equipment, or retail equipment submitted to a supplier by a dealer for payment under a warranty agreement to either be approved or disapproved within 30 days of receipt by the supplier.

Requires all claims for payment to be paid within 30 days of their approval. When any claim is disapproved, the supplier is required to notify the dealer within 30 days stating the specific grounds upon which the disapproval is based. If a claim is not specifically disapproved within 30 days of receipt, it shall be deemed approved and payment by the supplier shall be made within 30 days.

Provides that warranty work performed by the dealer shall be compensated in accordance with the reasonable and customary amount of time required to complete the work multiplied by the dealer's established customer hourly retail labor rate. All parts used by the dealer in performing warranty work shall be paid to the dealer in the amount equal to the dealer's net price for parts used, plus a minimum of 15%.

HB 221 by Arnold *(Last Action – Act No. 14)*

Prohibits a solicitor from using a lender's name, trade name, service mark, or trademark in a solicitation for the offering of services or products to a consumer without the written authorization of the lender, unless the oral, electronic, or written solicitation discloses all of the following:

- (1) The name, address, and telephone number of the solicitor making the solicitation.
- (2) A statement explaining that the solicitor making the solicitation is not affiliated with the referenced lender.
- (3) A statement that the solicitation is not authorized or sponsored by the referenced lender.
- (4) A statement that the referenced loan information was not provided by the lender.

Prohibits a solicitation for the purchase of services or products from containing a loan number, loan amount, or other specific loan information that is not publicly available information.

Prohibits a solicitor from using a loan number, loan amount, or other specific loan information that is publicly available information in a solicitation for the purchase of services or products unless the oral, written, or electronic solicitation discloses all of the following:

- (1) The name, address, and telephone number of the solicitor making the solicitation.
- (2) A statement that the solicitor making the solicitation is not affiliated with the lender.
- (3) A statement that the solicitation is not authorized or sponsored by the lender.
- (4) A statement that the loan information referenced was not provided by the lender and that the information was retrieved from public records.

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

Directs the director of aviation of the aviation section of the Dept. of Transportation and Development to participate in education, communication, and promotion of aviation safety in the offshore oil and gas industry, and states that the legislature's goal is to reduce to as low as reasonably practicable the instances of helicopter accidents in the oil and gas industry by promotion of the adoption of safe practices in such operations.

Requires the director of aviation to request membership into the Helicopter Safety Advisory Conference ("HSAC"), regularly attend scheduled meetings of HSAC for the purpose of education, understanding, and dissemination of information developed for the purpose of the promotion of safety through cooperation, and encourage all operators who provide over water flight services to the oil and gas industry to adopt and incorporate the recommended practices of HSAC into their daily operations.

CONDOMINIUMS

HB 227 by Thibaut (*Last Action – Act No. 84*)

Requires any condominium unit owners' association collecting assessments for common expenses to obtain and maintain a blanket fidelity bond covering the officers, directors, and persons employed by the unit owners' association and any managing agent and employees of the managing agent in an amount equal to the lesser of \$1,000,000 or the amount of reserve balances of the unit owners' association plus 1/4 of the aggregate annual assessment of the unit owners' association. The minimum coverage amount shall be \$10,000.

HB 344 by Hutter (*Last Action – Sent to Governor*)

Provides that no charge for later payment of assessments shall be imposed if the assessment is paid within 10 days of the due date and limits the late payment charge to no more than 30% of the amount of the monthly assessment.

Requires condominium associations to provide to each unit owner written or electronic notice detailing the amount and due date of the assessment due by the unit owner.

Commerce

FUNERAL SERVICES

HB 256 by Ritchie (*Last Action – Act No. 16*)

Requires the coroner to provide the identification of any dead body to the funeral director or funeral establishment to whom it relinquishes possession, unless the coroner is not able to establish the identity of the dead body.

Provides that information regarding the identity of human remains and the time of death shall be considered to be a representation of the funeral director or funeral establishment that the human remains delivered to the crematory authority have been identified as the decedent listed on the cremation authorization by the coroner or positively identified after a viewing of the remains by a person who is the authorizing agent or a member of the class of which the authorizing agent is composed or a designated representative thereof.

Provides that information regarding whether a death occurred as a result of an infectious, contagious, or communicable disease shall be considered to be a representation of the funeral director or funeral establishment of any information received by the funeral director or funeral establishment from health care providers or the coroner.

Provides that there shall be no liability for a funeral director, funeral establishment, or crematory authority in relying on information provided by health care providers or the coroner or their failure to provide such information.

Provides that there shall be no liability for a funeral director, funeral establishment, or coroner for permitting an authorizing agent or designated representative thereof, or any interested party, to view human remains for the purpose of identification.

PLUMBERS

HB 418 by Thierry (*Last Action – Act No. 105*)

Authorizes the La. State Plumbing Board, upon receipt of a complaint from a consumer for whom the work was performed, to fine any person, or employing entity, who performs plumbing work or engages in the business of plumbing while not possessing a license or endorsement issued by the board an amount not more than \$5,000.

SECONDHAND DEALERS

HB 195 by Richardson (*Last Action – Enrolled*)

Incorporates the provisions of the junk dealers' law and the provision regarding the purchase of copper, copper wire, alloy, bronze, zinc, aluminum, stainless steel, or brass, and railroad track materials into the secondhand dealers' law to create one body of law governing persons who purchase and sell used or secondhand property and junk.

Commerce

Requires all payments for used or secondhand property or junk to be made by check, money order, or electronic transfer issued to the seller of the used property.

EDUCATION

(See the Appropriations section for more highlights relative to elementary, secondary, and postsecondary education funding.)

2011 REGULAR SESSION

MINIMUM FOUNDATION PROGRAM (MFP)

HCR 130 by A. Badon *(Last Action – Adopted)*

Provides for legislative approval of the formula for FY 2011-2012 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 local school systems (including the Recovery School District (RSD), two university laboratory schools, Office of Juvenile Justice schools, La. School for Math, Science, and the Arts, New Orleans Center for Creative Arts, and Legacy Type 2 Charter schools) as developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on February 17, 2011. MFP implementation costs for FY 2011-2012 are \$3.4 billion. This amount includes \$27 million in "new" money due to increased numbers of students and local revenue adjustments to a district's wealth.

The formula also:

- (1) Retains the base per pupil amount of \$3,855 used for FY 2008-2009, FY 2009-2010, and FY 2010-2011.
- (2) Retains the weights for add-on student units used for FY 2008-2009, FY 2009-2010, and FY 2010-2011.
- (3) Retains the \$100 per pupil amount used for FY 2008-2009, FY 2009-2010, and FY 2010-2011 for mandated costs involving health insurance, retirement, and fuel.
- (4) Continues for certain school systems the phase-out of "hold-harmless" funding over 10 years, which began in FY 2007-2008.
- (5) Continues suspension of the requirement that certain school systems and schools must use 50% of "new" funds received for certificated pay increases and related retirement costs.
- (6) Retains the requirement that 70% of a local school system's general fund expenditures must be in the areas of instruction and school administration at the school building level. Provides consequences for a school system that fails to do so.

- (7) Provides for October and February mid-year adjustments based on increases and decreases in student enrollment.
- (8) Directs the state Dept. of Education to establish a pilot program for student-based budgeting.

STATE DEPT. OF EDUCATION/REORGANIZATION

SB 80 by Nevers *(Last Action – Sent to Governor)*

Provides for the reorganization of the state Dept. of Education including offices and functions within the department, titles of officers, and the appointment and duties of the deputy superintendent of education. Relative to special school district number one (SSD), adds that it shall be administered by a state director appointed by the state superintendent subject to Senate confirmation. Further adds that the state superintendent shall fix the salary of the SSD director, not to exceed the amount approved by the legislature. Removes provisions relative to the establishment, governance, programs, and services of the regional education service centers.

SCHOOL EMPLOYEES/REPORTING ARRESTS

HB 311 by LaBruzzo *(Last Action – Sent to Governor)*

Requires a public school employee to report his arrest for certain sexual offenses involving minors, other specified crimes, or any justified complaint of child abuse or neglect on file pursuant to certain provisions of the Children's Code. Requires that the report be made within 24 hours of the arrest. Provides for consequences, including removal procedures, relative to the failure of the employee to so report. Defines "school employee" as any employee of a city, parish, or other local public school board or other governing authority of a public elementary or secondary school, including a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, and includes all temporary, part-time, and permanent school employees.

POSTSECONDARY EDUCATION/GOVERNANCE

HB 391 by Tucker *(Last Action – House Floor)*

HB 588 by Carmody *(Last Action – House Committee)*

SB 140 by Appel *(Last Action – Senate Committee)*

SB 251 by Appel *(Last Action – Senate Committee)*

Proposed constitutional amendments and enabling legislation which would have: (1) created the La. Postsecondary Education Board of Trustees, a single governing board for public postsecondary education; (2) abolished the Board of Regents and the four public postsecondary education management boards; and transferred the powers, duties, and responsibilities of the abolished boards to the new board of trustees.

Education

HB 537 by Tucker *(Last Action – Sent to Governor)*

SB 266 by Appel *(Last Action – Sent to Governor)*

Provides for the transfer of the University of New Orleans from the Louisiana State University System to the University of Louisiana System in accordance with specified guidelines and limitations, states legislative findings relative to goals for the postsecondary education delivery system for the New Orleans Region, and requires the Board of Regents and three public postsecondary education management boards to develop written action plans to best accomplish these goals.

POSTSECONDARY EDUCATION/GRAD ACT

HB 549 by Tucker *(Last Action – Sent to Governor)*

Adds to the La. Granting Resources and Autonomy for Diplomas Act (GRAD Act) additional operational autonomies including base, intermediate, and high level autonomies generally categorized as follows: (1) authority to execute certain contracts and dispose of obsolete equipment; (2) authority to procure materials, supplies, equipment, and services through purchasing agreements and participate in a pilot procurement code; (3) authority to directly administer certain minor facility capitol outlay projects and retain and invest certain funds; and (4) exclusion from oversight by the office of information technology and from participation in the state's risk management program. Adds that specified autonomies shall be subject to prior approval of the Joint Legislative Committee on the Budget. Requires the Bd. of Regents to inventory all institutional student records systems and recommend a plan to standardize and integrate such systems. Further requires the board to report on the progress of such standardization, including institutions' performance on achieving on-time graduation, to the legislature and the division of administration. Retains tuition authority granted pursuant to Act No. 741 of the 2010 R.S.

POSTSECONDARY EDUCATION/TUITION

HB 628 by Leger *(Last Action – Sent to Governor)*

Authorizes the LSU Board of Supervisors to increase tuition and fees for the medical school and dental school of the LSU Health Sciences Center – N.O. and the medical school of the LSU Health Sciences Center – Shreveport by up to 5% for five years beginning with the 2011-2012 academic year. Limits tuition and fee amounts to the average tuition and fee amounts of peer institutions.

HB 526 by Robideaux *(Last Action – Act No. 196)*

Authorizes, with certain limitations, the Bd. of Supervisors of Community and Technical Colleges to increase resident tuition and mandatory fee amounts at institutions under its supervision and management. Increased amounts at community colleges and at technical-community colleges are effective beginning with the fall semester of the 2011-2012

academic year. The increase in amounts at the La. Technical College is to be implemented in equal amounts over the next three academic years. Permits the board, with certain limitations, to provide for the uniform imposition of tuition and mandatory fee amounts for students on a per-credit-hour basis.

POSTSECONDARY EDUCATION/STUDIES

HCR 30 by A. Badon *(Last Action – Adopted)*

HCR 184 by Carmody *(Last Action – Adopted)*

Present constitution (Art. 8, Sec. 5(D)(3)), relative to the powers of the Board of Regents, provides generally that the board shall study and make recommendations regarding the structure and governance of public postsecondary education. The legislature's authority to act on these matters is tied to requests for and findings of such studies. As it relates to these provisions:

HCR 30 requests the board to study the provision of public postsecondary educational opportunities throughout the state, to establish the appropriate role, scope, and mission of each public postsecondary education institution, and to formulate a plan that will make optimal use of all available academic, fiscal, and physical resources, recognize the unique nature of each institution, and allow each institution's students to successfully and efficiently pursue their chosen academic path.

HCR 184 requests the board to create a commission to study the governance, management, and supervision of public postsecondary education.

HEALTH AND WELFARE

ABORTION AND RELATED ISSUES

HB 379 by Hardy (*Last Action – House Committee*)

Would have required that the remains of any fetus of over eight weeks gestational age be disposed of according to current laws providing for final disposition of human remains (requiring burial or cremation of such remains).

HB 636 by Hoffmann (*Last Action – Sent to Governor*)

Provides for the Forced Abortion Prevention Sign Act. Requires the state's six licensed abortion clinics to post signs displaying specific content and promoting the Department of Health and Hospitals' abortion alternatives and informed consent website. The signage must be posted conspicuously, and must show the exact text as specified in the bill which informs women that they cannot be forced to have an abortion, that the father has a financial responsibility for care of the child, and that adoptive parents may pay expenses related to childbirth and newborn care. Expands Louisiana's Woman's Right To Know law (R.S. 40:1299.35.6) by creating additional requirements for consent to an abortion to be considered voluntary and informed.

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

Proposed to amend the Human Life Protection Act with the intent of prohibiting abortion in Louisiana. Defined life as beginning at fertilization. Proposed the modification of the criminal act of feticide to make it applicable to abortion and an act committed pursuant to usual and customary standards of medical practice during diagnostic testing and therapeutic treatment. Would have repealed the contingencies for the prohibition of abortion in Louisiana which are based on the reversal of *Roe v. Wade* or the adoption of an amendment that restores states' rights to prohibit abortions. Also, would have repealed the rape and incest exceptions to the prohibition of abortion. Considerable opposition was raised due to the potential loss of \$4.5 billion in Medicaid funding per the U.S. Department of Health and Human Services' current interpretation of the Hyde Amendment to the annual appropriations bill passed by the U.S. Congress.

HCR 54 by Hoffmann (*Last Action – Senate Committee*)

Would have memorialized the U.S. Congress to defund and appropriate no future funding to Planned Parenthood on the grounds that continued taxpayer funding for that organization would be fiscally irresponsible, and would defy the policy of this state to support the right to life of all unborn children.

CHILD DAY CARE

HB 452 by Williams *(Last Action – House Committee)*

Would have required child day care facilities to institute a minimum daily level of physical activity and a maximum daily level of sedentary activity for all children in their care except children who are unable to engage in physical activity due to illness or disability.

HB 572 by Barrow *(Last Action – Sent to Governor)*

Authorizes certain child care facilities to install child safety alarms in vehicles used to transport children. Requires any child care facility that elects to install a child safety alarm in a vehicle used to transport children to use a manufacturer-approved installer. Additionally, requires that any installed child safety alarm be properly maintained and in good working order each time the vehicle is used to transport children.

HB 644 by Katz *(Last Action – House Calendar)*

Proposed that in lieu of license revocation the Department of Children and Family Services could assess a civil fine against a child care facility or child-placing agency for violations related to supervision, background clearance, staff-to-child ratios, motor vehicle checks, or failing to report critical incidents to the department if such condition or occurrence did not pose an imminent threat to the health, safety, rights, or welfare of a child. Would have established a \$250 civil fine per day for each assessment. The aggregate fines assessed for violations determined in any consecutive twelve-month period could not exceed \$2,000. Proposed to allow a child care facility or child-placing agency 2 business days to correct a deficiency and become compliant or face consideration of revocation thereafter.

DRUG TESTING

HB 7 by LaBruzzo *(Last Action – Senate Calendar)*

HB 460 by LaBruzzo *(Last Action - Senate Committee)*

Proposed requiring at least 20% of recipients of cash assistance through the Family Independence Temporary Assistance Program (FITAP, which is commonly referred to as "welfare") to be randomly drug tested prior to receiving benefits. This bill had a companion, HB 460, which proposed the establishment of the FITAP fund. The source of monies directed into the fund would be those appropriated annually by the legislature including donations, gifts, grants, or any other monies that could be provided by law. The purpose and use of the fund was for the drug testing and treatment of recipients of certain FITAP assistance.

Health and Welfare

ILLEGAL DRUGS

HCR 16 by Katz *(Last Action – Enrolled)*

Directs the Drug Policy Board to coordinate a study of the overall impact and estimated costs to Louisiana's state government of illegal drug use in the state.

LOUISIANA'S FALSE CLAIMS ACT

HB 382 by Anders *(Last Action – Sent to Governor)*

The Fraud Enforcement and Recovery Act of 2009 made numerous amendments to the Federal False Claims Act. The Federal False Claims Act was amended further on March 23, 2010 in the Patient Protection and Affordable Care Act and on July 21, 2010 by the Dodd-Frank Act. These amendments changed the bases for liability in the Federal False Claims Act and expanded certain rights in qui tam actions. As such, this bill amends the Medical Assistance Program Integrity Law (i.e. Louisiana's False Claims Act) to maintain state compliance and to qualify for an incentive under Section 1909 of the Social Security Act.

MEDICAID

HB 233 by Baldone *(Last Action – House Committee)*

Would have prohibited the Louisiana Medicaid program from providing coverage for brand name drugs, except in cases when a brand name drug is less costly to the state than a generic drug on a net-cost basis due to rebate agreements between the drug manufacturer and the state for the brand name drug.

SB 178 by Heitmeier *(Last Action – Sent to Governor)*

Authorizes the Board of Regents to develop and administer the Medical and Allied Health Professional Education Scholarship and Loan Program for the purpose of funding out-of-state tuition for students enrolled in certain medical education programs when those programs are not offered in Louisiana. Requires that all recipients of scholarship or loan funds from this program agree in writing to return to the state to practice for a minimum of one and one-half years for each year the scholarship or loan is received and to maintain enrollment as a Medicaid provider during their service. Also requires that the state's treasurer deposit into the fund monies not encumbered for any other liability which were transferred to the treasurer from the Department of Health and Hospitals through the use of any Medicaid upper payment limit financing mechanism created or maintained for physicians.

SB 207 by Mount *(Last Action – Sent to Governor)*

Provides for annual reports on the Coordinated Care Networks (CCNs), a Medicaid reform initiative undertaken by the Department of Health and Hospitals in early 2011 through administrative rulemaking in which more than 800,000 Medicaid recipients will be shifted into privately-managed networks for the stated purpose of cost savings and promoting better health outcomes. The bill also provides that all authority for the CCN program, excluding those portions which provide for behavioral health services, will terminate (sunset) on December 31, 2014.

PHARMACISTS

HB 579 by Robideaux *(Last Action – House Committee)*

Proposed that whenever a nonprescription drug that qualified as a concentrated acetaminophen analgesic or antipyretic pediatric medication (such as infant Tylenol) was offered for sale, such drug had to be kept within the confines of the area of the retail store licensed by the Louisiana Board of Pharmacy as the on-site facility and could only be sold in this state by a licensed pharmacist after instructions were provided by the pharmacist relating to the appropriate dosage and administration based on the age, body weight, and symptoms of the child as required by rule, regulation or standard of care.

SB 60 by Mills *(Last Action – House Committee)*

Proposed expansion of the types of immunizations which a pharmacist may administer from influenza vaccines only to influenza, pneumococcal (pneumonia), zoster (shingles), and tetanus vaccines.

SPORTS INJURIES

HB 364 by Roy *(Last Action – Sent to Governor)*

Creates a comprehensive sports injury management program for high school athletics which provides care and return-to-play guidelines for student-athletes who sustain a serious sports injury other than a concussion. Requires BESE to develop specific guidelines in the form of administrative rules for the program, and authorizes BESE to develop these rules in cooperation with the Louisiana State Board of Medical Examiners and the Sports Medicine Advisory Committee of the Louisiana High School Athletic Association.

SB 189 by Cheek *(Last Action – Sent to Governor)*

Establishes the Louisiana Youth Concussion Act, which requires that student athletes and their parents be provided with information about concussions and the long-term effects of playing after sustaining a concussion. Requires coaches and officials to undergo annual training in identifying the symptoms of a concussion. After a concussion, the injured player

Health and Welfare

would not be allowed to return to the field without written clearance from a health care provider or trainer. Applies to every public and nonpublic elementary school, middle school, junior high school, and high school; and each private club, public recreation facility, and athletic league which sponsors youth athletic activities.

HOUSE AND GOVERNMENTAL AFFAIRS

2011 FIRST EXTRAORDINARY SESSION

REDISTRICTING

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

Provides for the redistricting of the House of Representatives and provides for the composition of each of the 105 House districts. Provides for 105 districts within an overall range of 9.89% around the ideal population of 43,174. 29 of the 105 House districts have a majority minority population. The districts are effective for election purposes in 2011 and for all purposes on January 9, 2012.

SB 1 by Chaisson (*Last Action – Act No. 24*)

Provides for the redistricting of the Senate and provides for the composition of each of the 39 Senate districts. Provides for 39 districts within an overall range of 9.86% around the ideal population of 116,240. 11 of the 39 Senate districts have a majority minority population. The districts are effective for election purposes in 2011 and for all purposes on January 9, 2012.

HB 6 by Ponti (*Last Action – Act No. 2*)

Redraws the current 7 congressional districts into 6 congressional districts. Provides for 6 districts within an overall range of 0.03% around the ideal population of 755,562. Maintains a majority minority population in the 2nd congressional district. The districts are effective for election purposes in 2012 and for all purposes on January 3, 2013.

HB 38 by Gallot (*Last Action – Act No. 23*)

Provides for the redistricting of the 5 election districts for the Public Service Commission. Provides for 5 districts within an overall range of 7.26% around the ideal population of 906,674. Maintains a majority minority population in the 3rd district. The districts are effective for election purposes in 2012 and for all purposes on January 1, 2013.

CENSUS BILLS

Multiple population-based bills (*Last Action – Multiple Acts*)

Pursuant to specific constitutional authorization, the legislature passes many laws that are applicable only to or in a class of parishes or municipalities (Article VI, Section 3). In many cases, the class is defined by a population range whereby the members of the class are those local governments with a population that falls within the range.

House and Governmental Affairs

The legislature passed many bills that amended numerous such provisions to either remove the class and identify the affected local governments by name or to modify the class in order to prevent a change in applicability resulting from the 2010 census. Some obsolete population-based provisions were repealed.

Provisions in the following codes or titles were affected by these bills: the Code of Civil Procedure, Code of Criminal Procedure, Children's Code, and Title 2 (Aeronautics), Title 3 (Agriculture and Forestry), Title 4 (Amusement and Sports), Title 6 (Banks), Title 8 (Cemeteries), Title 9 (Civil Law Ancillaries), Title 11 (Retirement), Title 13 (Courts and Judicial Procedure), Title 14 (Criminal Code), Title 15 (Criminal Procedure), Title 17 (Education), Title 18 (Election Code), Title 23 (Labor and Worker's Compensation), Title 25 (Libraries, Museums, and Cultural Facilities), Title 26 (Alcoholic Beverages), Title 27 (Gaming Control Law), Title 28 (Mental Health), Title 30 (Minerals, Oil & Gas, and Environmental Quality), Title 32 (Motor Vehicles and Traffic Regulations), Title 33 (Municipalities and Parishes), Title 34 (Navigation and Shipping), Title 38 (Public Contracts, Works and Improvements), Title 39 (Public Finance), Title 40 (Public Health and Safety), Title 41 (Public Lands), Title 42 (Public Officers and Employees), Title 43 (Public Printing and Ads), Title 44 (Public Records and Recorders), Title 46 (Public Welfare and Assistance), Title 47 (Revenue and Taxation), Title 48 (Roads, Bridges and Ferries), Title 49 (State Administration), and Title 56 (Wildlife and Fisheries).

2011 REGULAR SESSION

REDISTRICTING

HB 519 by Danahay (*Last Action – Act No. 2*)

Provides for the redistricting of the 8 election districts for the the State Board of Elementary and Secondary Education. Provides for 8 districts within an overall range of 9.94% around the ideal population of 566,671. Maintains a majority minority population in Districts 2 and 8. The districts are effective for election purposes in 2011 and for all purposes on January 9, 2012.

LEGISLATIVE PROCEDURE

HR 27 by Geymann (*Last Action – Adopted*)

Requires certain motions to be adopted by a two-thirds vote of members present and voting to appropriate one-time money for ordinary recurring expenses. Provides that in certain circumstances the adoption of an additional motion is not required if the total recommended general operating appropriations contained in the executive budget for the fiscal year for which the appropriation is recommended are less than or equal to the total general operating appropriations for the existing operating budget of the current fiscal year included in the executive budget and if appropriations from one-time money for ordinary recurring expenses

House and Governmental Affairs

do not exceed the projected growth of the state general fund from the fiscal year for which the appropriation is proposed and the subsequent fiscal year according to the most recent official forecast.

OPEN MEETINGS

HB 449 by Abramson *(Last Action – Act No. 188)*

Excludes discussion of the awarding of a public contract from the open meetings exception that allows for discussion of the character, professional competence, or physical or mental health of a person in an executive session. Provides that proposed law does not apply to discussions regarding the letting of certain public contracts via a competitive request for proposals process.

PUBLIC BUILDINGS

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

Would have required the commissioner of administration to permit and arrange for the placement among other monuments on the state capitol grounds of a monument displaying the Ten Commandments. Would have provided that the design, construction, placement, and maintenance of the monument be without cost to the state – the commissioner was to have selected a proposal for the monument from among those submitted by private entities.

ELECTIONS

HB 561 by Seabaugh *(Last Action – House Committee)*

Would have required affidavits and supporting documents regarding citizenship, age, and residence to be filed in connection with qualifying for congressional candidates and candidates for presidential nominee and presidential elector.

INSURANCE

HEALTH INSURANCE

HB 345 by LaFonta *(Last Action - Sent to the Governor)*

Requires notification and disclosure by a health benefit plan of covered prescription drugs, including through the use of a drug formulary. Limits "modification affecting drug coverage" during a plan year and allows it only upon renewal, with a 60-day notice requirement. Includes as such a modification: removing a drug from a formulary; adding a requirement that an enrollee or insured receive prior authorization for a drug; imposing or altering a quantity limit for a drug; imposing a step-therapy restriction for a drug; or moving a drug to a higher cost-sharing tier, unless a generic alternative is available.

Only applicable to health benefit plans and policies issued or renewed on or after January 1, 2012.

HB 462 by McVea *(Last Action - Signed by the Speaker)*

Exempts excepted benefits (including vision or dental benefits) and benefits of short-term, limited duration medical policies from the maximum age requirement of 26 for health insurance coverage of dependent children and grandchildren under various types of insurance policies and contracts, effectively lowering the maximum age for such benefits.

Deletes prohibition against increasing premiums on the basis of the addition of a dependent child or grandchild unless there are no dependent children covered under the policy or similar coverage prior to the addition of a child or grandchild.

Includes credit or debit cards as forms of payment for Medicare supplement policy premiums.

SB 173 by Adley *(Last Action - Conference Committee)*

Would have required every health insurance issuer, not less than 90 days prior to the renewal of a policy, to release to each group policyholder or agent of a policyholder, certain individual claims data that has been de-identified. Would have defined a claims identifier as data that reflected a number designation, including an alpha or numeric designation which shall not be a name identifier of an employee, employee's spouse, or employee's dependent.

PROPERTY INSURANCE

HB 400 by Cortez *(Last Action – Returned to Senate Calendar)*

Would have retained requirement that a rental dealer maintain a contingent automobile liability policy of insurance with certain minimum limits. Would have required a rental dealer to obtain this insurance from an admitted insurer but also provided the alternative to obtain insurance through a nonadmitted insurer with an A.M. Best rating of A or better if the commissioner of insurance, after a public hearing, finds that no admitted carriers offer such a policy and only for a 12-month period. Further would have required that such a nonadmitted insurer pay into the insurance guaranty fund in the same way that an admitted insurer would.

(Senate Committee Amendments would have deleted the provisions above and instead would have required a rental dealer to obtain insurance covering his place of business from an admitted insurer but added the alternative that a rental dealer may also obtain insurance through a nonadmitted insurer with an A. M. Best rating of B+ or better. Would have also made it illegal for an association or trade organization to charge or collect from any auto rental dealer, a fee or surcharge associated with the procurement of or access to contingent liability insurance.)

HB 469 by Anders *(Last Action – Sent to Governor)*

Provides with respect to the tax on premiums paid for surplus lines insurance on multi-state risks, including provisions relative to its receipt, collection, and distribution, in conformity with recently enacted federal law. Requires the Louisiana commissioner of insurance to enter into a multi-state agreement providing that when this state is the home state of the insured, such tax on multi-state risks shall be remitted to him to be distributed among all states listed in the surplus lines policy, including this state, to be remitted to the state general fund.

HB 635 by Thibaut *(Last Action – Sent to Governor)*

Requires the secretary of the office of motor vehicles, upon notification by an insurer of a vehicle owner's cancellation of a vehicle's compulsory liability coverage, to notify the vehicle owner that he has ten calendar days from the date of notice in which to surrender the vehicle's license plates in order to avoid fees. Further provides that, in the absence of a surrendered license plate, the fees for lapse of insurance will begin to accrue upon the first day of cancellation the compulsory liability insurance.

Insurance

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

Prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to a health insurance issuer's insured or member without first obtaining written consent, except as provided by agreement between the parties and in accordance with regulations of the Department of Insurance governing the coordination of benefits. Provides that after a period of nine months from the date of the accident from which medical claims arise, the health insurance issuer may seek reimbursement from the medical payments insurer for only the outstanding balance remaining under the automobile policy for medical coverage.

Does not prohibit or impair the rights of an insurer or provider from seeking reimbursement of monies paid; however, the total amount to be reimbursed is not to exceed the amount actually paid by the insurer or provider. Provisions are inapplicable to Medicare Advantage plans or self-insured plans.

MISCELLANEOUS

HB 137 by Cortez (*Last Action - Act No. 9*)

Authorizes producers (agents and brokers) and certain policyholders to negotiate any combination of commissions, fees, or fees in lieu of commissions, for certain commercial property and casualty insurance coverages.

HB 283 by Aubert (*Last Action - Act No. 94*)

Makes numerous technical changes to certain provisions of the La. Insurance Code, Title 22 of the La. Revised Statutes of 1950. Such changes include correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, such as transition provisions and past effective dates, and harmonizing of inconsistent provisions.

JUDICIARY

ALCOHOLIC BEVERAGES

HB 196 by R. Jones (*Last Action – Sent to Governor*)

Authorizes the commissioner of alcohol and tobacco control to issue two-year permits to sell alcohol of high or low alcoholic content and tobacco products for applicants in "good standing". Requires the commissioner to promulgate rules to implement these provisions.

HCR 117 by Baldone (*Last Action - Failed to Pass/House*)

Would have requested the commissioner of alcohol and tobacco control to refrain from taking any regulatory or enforcement action regarding promotional poker tournaments conducted at Class A-General retail or Class A-Restaurant establishments until the La. Legislature has an opportunity to address the issue of conducting promotional poker tournaments.

SB 55 by Murray (*Last Action - Sent to Governor*)

Increases the amount of wine which may be sold and shipped directly to La. consumers from 48 to 144 bottles (750ml) per adult per household per calendar year.

Beginning Jan. 1, 2012, requires wine producers, manufacturers, or retailers who engage in the direct shipment of wine to pay taxes and file quarterly reports with the Dept. of Revenue regarding the amount of wine sold.

COURTS

HB 48 by Dixon (*Last Action - House Committee*)

Would have restricted the territorial jurisdiction of the city court of Alexandria to the corporate limits of the city of Alexandria.

HB 407 by White (*Last Action - Act No. 20*)

Establishes a judicial building fund for the construction of a new courthouse for the 21st JDC in Livingston Parish and provides for the following filing and recordation charges in civil matters to fund the courthouse:

- (1) \$100 per initial filing of a civil suit.
- (2) \$10 per filing of each additional pleading.

Judiciary

(3) \$20 for the recordation of documents.

HB 522 by R. Jones *(Last Act - Sent to Governor)*

Provides a deadline of Jan. 15th for the submission of court cost proposals to the Judicial Council and provides that this review process shall not apply to mayor's courts, magistrate courts, or justice of the peace courts.

HB 523 by G. Jackson *(Last Action - House Committee)*

Would have required the next vacancy in a judgeship in election section two of the 24th JDC occurring after Jan. 1, 2012, to be filled from the minority subdistrict. This bill also sought to codify the election sections established in the consent decree in the matter of "Janice Clark, et al v. Charles Roemer, et al," No. 86-435-A, U.S. District Court, Middle District of La.

HCR 143 by R. Jones *(Last Action - Adopted)*

HCR 161 by Landry *(Last Action - Senate Committee)*

Requests that the Supreme Court conduct a comprehensive study of the structure of the judiciary to provide for the most efficient use of judicial resources and to report its findings and recommendations to the legislature.

SB 161 by Quinn *(Last Action - Sent to Governor)*

In the 21st JDC, abolishes the judgeship comprising Division H on Dec. 31, 2014, or earlier upon a vacancy, and creates a new judgeship, Division J, which shall be limited to family matters.

In New Orleans, provides that the first two judgeships becoming vacant by death, resignation, retirement, or removal on or after August 15, 2011, shall be abolished and two new judgeships shall be created and limited to family matters. Provides that these provisions shall not apply to Divisions B and E unless there is a vacancy in one or both of those divisions on or after February 1, 2012.

HOMELAND SECURITY

HB 34 by Brossett *(Last Action - Sent to Governor)*

Requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to create a statewide critical incident planning and mapping system for all public buildings in this state to assist first responders during a disaster or emergency. Requires GOHSEP to acquire a computer system and software with the capability of storing critical information and grant access to all first responders. This legislation is contingent upon the availability of funds.

HB 59 by Harrison *(Last Action – House Committee)*

Would have required verification of citizenship for any person applying for public assistance, employment, in-state tuition benefits, or upon arrest. Would also have created the crimes of moving, transporting, attempting to transport, harboring, concealing, or sheltering an illegal alien.

MILITARY AFFAIRS

HB 28 by Edwards *(Last Action - Act No. 59)*

Requires the secretary of the Dept. of Veterans Affairs to deliver honor medals to veterans pursuant to the method of delivery selected by the veteran. Requires the secretary to deliver the medal to the applicant within 45 days unless the veteran elects to receive the medal in a ceremony conducted by the Dept. of Veterans Affairs.

HB 143 by Lorusso *(Last Action - Sent to Governor)*

SB 1 by Adley *(Last Action - Sent to Governor)*

Provides for death benefits of \$250,000 for guardsmen killed and disability benefits of \$100,000 for guardsmen injured in the line of duty. Applies to members of the La. National Guard who were activated by the governor or the president after Sept. 11, 2001.

HB 232 by Lorusso *(Last Action - Sent to Governor)*

Extends the tuition exemption to family members of a La. National Guard member who is killed while serving in state active duty.

LABOR AND INDUSTRIAL RELATIONS

IMMIGRATION

HB 411 by Wooton *(Last Action – House Committee)*

Would have instituted comprehensive immigration reform. Would have created the crimes of harboring, concealing, and transporting an illegal alien, picking up persons for work, failure to carry alien registration documents, unlawful solicitation of employment, and failure to report fraud when obtaining public assistance. Would have extended the provisions in present law that prohibit the employment of illegal aliens, including the institution of a requirement that employers utilize a status verification system to verify the citizenship status of employees. Would have created a fund to assist law enforcement with the enforcement of the provisions of the bill, which would have been made up of civil fees paid for violation of immigration laws.

HB 646 by Talbot *(Last Action – Sent to Governor)*

Provides that the United States Citizenship and Immigration Services E-Verify status verification system can be used to verify citizenship for employment, and that if an employer utilizes E-Verify to determine work eligibility, he will not be liable for any errors that result in the employment of an unauthorized worker as a result of his reliance on E-Verify. Provides for heightened civil penalties for employers who hire illegal aliens, including the doubling of the fines in present law, as well as the suspension of an employer's license to do business in the state upon a third violation. Excludes entities licensed by the Department of Health and Hospitals and provides that these entities are subject to their own licensing provisions.

EMPLOYMENT DISCRIMINATION

HB 210 by LaFonta *(Last Action – House Committee)*

Would have prohibited employers from making inquiries related to arrest history on job applications.

HB 320 by Norton *(Last Action – House Committee)*

Would have created the Equal Pay for Women Act, which would have prohibited the inequitable compensation of employees based on the employee's sex.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 70 by Smith, J. H. *(Last Action – Sent to Governor)*

Authorizes a political subdivision (parish, municipality, or other unit of local government, including a school board or a special district) to purchase or lease alternative fuel vehicles, including hybrid vehicles, for use by a law enforcement agency of the political subdivision or for use as an emergency vehicle. **Prior law** authorized the use of such vehicles by a political subdivision except for use by law enforcement agencies or use as emergency vehicles.

HB 374 by Richardson *(Last Action – Sent to Governor)*

Authorizes an elected police chief to immediately effect disciplinary action and to dismiss police personnel, subject to the approval of the municipal governing authority. Additionally authorizes an elected police chief to make provisional appointments to immediately fill vacancies in the police department, subject to the approval of the mayor. Requires the municipal governing authority to deliberate any such action taken by the police chief at its first meeting after the action is taken.

FRENCH LANGUAGE

HB 424 by Montoucet *(Last Action – Act No. 106)*

Provides for establishment of the La. French Language Services Program to provide state government services to French-speaking citizens and visitors in the French language in order to sustain La.'s historic French cultural heritage and to promote an increase in tourism and greater investment in the state from Francophone countries.

Requires the Dept. of Culture, Recreation and Tourism (DCRT), together with the Council for the Development of French in La. (CODOFIL), to implement a program for provision of state department services in the French language. Requires DCRT to:

- (1) Request each state department, with the assistance of CODOFIL, to identify employees who speak French with sufficient fluency to provide or assist others in providing department services to French-speaking persons.
- (2) Develop program guidelines addressing such issues as prioritizing service areas with greater numbers of French-speaking citizens or visitors and services related to health, safety, compliance with regulations, or complexity of processes.

Municipal, Parochial and Cultural Affairs _____

- (3) Provide for appropriate insignia, such as a badge with the word "Bienvenue" or "Bonjour", to identify employees who will assist French-speaking clients. Requires state departments to provide for recognition of employees entitled to wear such insignia.
- (4) Urge the convention and visitors bureaus throughout the state to implement a similar program.

Also authorizes DCRT to institute an annual designation for the state department, agency, or office that best accomplishes the program's purposes (the Sceau d'excellence or Seal of excellence).

HB 517 by LeBas (*Last Action – Act No. 194*)

Relative to the Council for the Development of French in La. (CODOFIL), authorizes a per diem of \$50 for council members for attending meetings of the council and actual travel expenses in accordance with travel regulations of the division of administration. Also allows any French-speaking elected official in La. to serve on the council as a nonvoting member and authorizes such members to receive the same compensation as appointed members.

MUSEUMS

SB 217 by Long (*Last Action – Senate Calendar*)

Would have transferred the overall jurisdiction of the La. Political Museum and Hall of Fame from the Dept. of Culture, Recreation and Tourism to the Dept. of State. Would have additionally transferred the authority to appoint museum board members from the lieutenant governor to the secretary of state.

HOUSING

SB 269 by Riser (*Last Action – Sent to Governor*)

Creates the La. Housing Corporation (LHC) to provide access to affordable housing. Abolishes the Louisiana Housing Finance Agency (LHFA) and provides that its powers, duties, functions, and responsibilities shall be assumed by the LHC. Additionally requires the LHC to administer the La. Housing Trust Fund and administer and manage disaster recovery programs funded by certain federal programs.

Requires the LHC to establish statewide policy for financing of housing for persons/families of low or moderate income, senior citizens, and persons with disabilities which policy shall apply to all units, divisions, agencies, public corporations, and instrumentalities of the state involved directly or indirectly in financing single or multi-family housing for such persons/families.

Municipal, Parochial and Cultural Affairs

Provides for governance of the LHC by a board of directors comprised of: (1) the state treasurer or his designee, (2) six members appointed by the governor, subject to Senate confirmation, who have certain specified experience and who represent the state's population as near as practicable, including with respect to ethnicity, and (3) two persons appointed by the president of the Senate and two by the speaker of the House of Representatives, with one member appointed by each of the legislative presiding officers to be appointed from a parish having a population of less than 75,000 or a municipality having a population less than 15,000.

NATURAL RESOURCES AND ENVIRONMENT

LEGACY OIL & GAS SITES

HB 563 by Cortez *(Last Action – House Committee)*

Would have provided that within 120 of providing timely notice to the commissioner as required in present law, a party or parties, in coordination with the operator of record, may admit responsibility for the purposes of evaluation or remediation of environmental damage without admitting liability for private damages or additional remediation under an express contractual provision. Evidence of the admission would have been inadmissible in an ancillary judicial proceeding.

Would have provided that approval of the remediation plan by the department is an adjudication subject to direct appellate review and would have required the trial court to adopt the plan.

Would have provided that determinations of private damages and additional remediation pursuant to an express contractual provision would be by trial after a settlement or adoption of an approved plan.

HB 564 by Seabaugh *(Last Action – House Committee)*

Would have authorized the secretary of the Dept. of Natural Resources to take legal action to meet the purpose of the La. Oilfield Site Restoration Law and would have provided that specific performance is the preferred remedy in a case of failure to restore the property subject to a mineral lease or mineral servitude.

WATER RESOURCES

HB 321 by Doerge *(Last Action – Failed to Pass/House)*

Would have authorized all parish governing authorities that contain a portion of Lake Bistineau to enter a cooperative endeavor agreement with each other to sell the surface waters of Lake Bistineau and its tributaries.

LITTER ABATEMENT

HB 292 by Morris *(Last Action – Sent to Governor)*

Repeals La. Environmental Education Fund and the Keep Louisiana Beautiful Fund and replaces the funds with the "litter abatement and education account" within the Conservation Fund. Funds the new account with the former funds' sources that include donations from a

Natural Resources and Environment

special prestige environmental education license plate, 10% of litter fines, and \$1 from the driver's license fee. Repealed the sunset on the \$1 driver's license fee.

SEAWARD BOUNDARY

SB 145 by Claitor (*Last Action – Sent to Governor*)

Effective Jan. 1, 2012, provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coastline or 9 geographic miles or 10.357 statute miles. Provides that the coastline of Louisiana shall be the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and shall be not less than the baseline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

WHITE LAKE LEASE RENEWALS

SB 119 by Perry (*Last Action – Sent to Governor*)

Applicable to state agricultural and hunting leases on the White Lake Property:

- (1) Authorizes that lease acreage may be in excess of 640 acres.
- (2) Requires leases be offered for public bid.
- (3) Requires lease rental payments be for fair market lease value.
- (4) Authorizes matching of high bid by "most recent lessee of record, his heirs, or assignees".

HB 557 by Huval (*Last Action – Senate Natural Resources Committee*)

Provided that state law, relative to leases on public lands including extensions of existing leases, applied to leases on property donated to DWF prior to June 1, 2011, but required that prior to renewal, the rental payments would be increased by an amount equal to the CPI increase for the 10-year period from 2001 to 2010. Authorized the secretary to allow the current lessee the opportunity to match the high bid on a new lease at the end of a lease term.

RETIREMENT

2011 REGULAR SESSION

REHIRED RETIREES

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

HB 151 by Hoffman (*Last Action – Sent to Governor*)

HB 369 by Smith, Gary (*Last Action – Sent to Governor*)

HB 417 by Cortez (*Last Action – Sent to Governor*)

All four of these bills are relative to the Teachers' Retirement System of Louisiana (TRSL) and allow for reemployed retirees to receive retirement benefits during reemployment:

HB 150 applies to a retiree reemployed as an adjunct professor engaged in the instruction of students or in research. However, if his earnings exceed 25% of his retirement benefit, the retirement benefit will be reduced by the excess amount.

HB 151 applies to a member who retired during the period from May 1, 2009, through June 30, 2010, and who is reemployed in a TRSL-eligible position that requires a teaching or ancillary certificate.

HB 369 applies to a retiree reemployed to teach in an adult education or literacy program administered through a K through 12 school. However, if his earnings exceed 25% of his retirement benefit, the retirement benefit will be reduced by the excess amount.

HB 417 applies to a retiree reemployed as a substitute K through 12 classroom teacher. However, if his earnings exceed 25% of his retirement benefit, the retirement benefit will be reduced by the excess amount.

HBs 150, 369, and 417 only become effective if SB 6 of the 2011 R.S. (*see next page*) becomes effective.

BENEFIT CHANGES / EMPLOYEE CONTRIBUTION INCREASES

HB 332 by Pearson (*Last Action – Act No. 238*)

Relative to the Municipal Employees' Retirement System (MERS), the Municipal Police Employees' Retirement System (MPERS), and the Firefighters' Retirement System (FRS), makes the following changes:

- (1) Changes the employee contribution rate for members of FRS from a static 8% and for members of MPERS from a static 7.5% to a fluctuating schedule based on what the

Retirement

combined employee and employer contribution rate is in a given fiscal year. Provides for a maximum employee contribution rate of 10% for both systems.

- (2) For members of MERS, MPRS, and FRS, provides for a 15% "anti-spiking" provision in the calculation of benefits, whereby a retiree's "average compensation", upon which his benefit is calculated, cannot increase by more than 15% during his Final Average Compensation period.

HB 479 by Talbot *(Last Action – House Calendar)*

Relative to the Louisiana State Employees' Retirement System (LASERS), would have increased employee contributions for state employees, except for hazardous duty personnel, by 3%.

HB 530 by Pearson *(Last Action – Senate Committee)*

Relative to the Louisiana State Employees' Retirement System (LASERS) and higher education employees in the Teachers' Retirement System of Louisiana (TRSL), would have changed the "Final Average Compensation" period (compensation during this period is used to calculate retirement benefits) from the highest 3 years of earnings to the highest 5 years of earnings. Would have applied the actuarial savings resulting from such benefit change to the respective system's Unfunded Accrued Liability (UAL).

UNFUNDED ACCRUED LIABILITY (UAL)

HB 495 by Pearson *(Last Action – Sent to Governor)*

Relative to employers participating in the Teachers' Retirement System of Louisiana (TRSL), provides that, beginning in FY 2012-2013, the state treasurer shall pay certain UAL payments directly to TRSL. Provides for the employers' contribution rate for TRSL to be reduced to reflect the direct payments. Provides for the treasurer to deduct each employer's proportionate share of the UAL payment from the monies appropriated to or for the use of the employer. Authorizes employers to opt out of such direct payments and requires an employer that does so to pay the rate without the reduction for direct payments.

SB 6 by Gautreaux *(Last Action – Sent to Governor)*

Relative to the Teachers' Retirement System of Louisiana (TRSL), provides that if an employer is authorized by law to terminate its participation in the retirement system and does so for some or all of its employees, such employer shall remit to the retirement system its share of any UAL.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

COMMERCIAL MOTOR VEHICLES

HB 76 by Hutter *(Last Action – Sent to Governor)*

Permits the Dept. of Transportation and Development secretary to issue special permits to allow the movement of vehicles and loads up to 16 feet in width along interstate highways.

Allows the Dept. of Transportation and Development secretary to refuse to issue a permit if he determines that the vehicle or load, up to 16 feet in width, traveling along the proposed route would endanger the public due to construction, highway conditions, or traffic along the proposed route.

Repeals provisions relating to the issuance of special permits for the movement of precast, fiberglass swimming pools and tanks up to 16 feet in width; portable and modular buildings up to 16 feet in width; boats up to 16 feet in width, and specialized heavy haul equipment up to 16 feet in width.

HB 174 by Burns, H. *(Last Action – Sent to Governor)*

Allows commercial motor vehicle drivers who do not meet the vision requirements in 49 CFR 391.41(b)(10) to drive certain commercial motor vehicles in La. only if the driver meets certain qualifications, including but not limited to the following:

- (1) Distant visual acuity of at least 20/40 (Snellen) or better in at least one eye with or without corrective lenses;
- (2) Field of vision of a least 70 degrees in one direction and 35 in other direction of the horizontal meridian of the applicant's best eye;
- (3) The ability to distinguish colors of signals and devices showing standard red, green, and amber as demonstrated by ishihara color plates or its equivalent;
- (4) Two years commercial driving experience within the five years immediately preceding the application date for the class of vehicle indicated; and
- (5) Successfully passing a skills test administered by an authorized third party for the class of vehicle which the driver will drive if granted a waiver pursuant to proposed law.

Provides that a waiver to an applicant if the department finds that the applicant meets the proposed minimum vision requirements and granting the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such waiver.

Transportation

Requires as a condition of the waiver a medical evaluation by an optometrist certified by Louisiana State Board of Optometry Examiners to treat diseases and disorders of the eye and its adnexa or an ophthalmologist certified by the American Board of Ophthalmology. Further requires that if the visual impairment is a progressive disorder, such a medical evaluation must be completed and supplied to the department every six months for the duration of the waiver.

Permits applicants granted a waiver pursuant to proposed law to only drive within the territorial limits of La.

Prohibits applicants granted a waiver pursuant to proposed law from transporting passengers for hire and manifested hazardous wastes or hazardous material required to be placarded.

Provides that waivers granted shall be valid for the duration of the applicant's commercial driver's license and that an applicant desiring a waiver granted pursuant to proposed law shall reapply for the waiver each time he renews his commercial driver's license.

Proposed law permits the Dept. of Public Safety and Corrections, office of motor vehicles, to promulgate rules and regulations, in accordance with the APA for the efficient implementation and enforcement of proposed law.

MOTOR VEHICLES

HB 583 by Willmott *(Last Action – Sent to Governor)*

Would prohibit the installation upon or as part of the equipment of a motor vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, or parts of any of the foregoing, which tend to change the original design or performance, unless the lamp or parts of the lamp was in compliance with Federal Motor Vehicle Safety Standard No.108, as adopted by the National Highway Traffic Safety Administration (NHTSA).

Would prohibit the operation of a motor vehicle equipped with any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, or parts of any of the foregoing, which tend to change the original design or performance, unless the lamp or parts of the lamp was in compliance with Federal Motor Vehicle Safety Standard No.108, as adopted by the NHTSA.

Would prohibit an official inspection station from issuing an official certificate of inspection to the driver of a motor vehicle that was in violation of proposed law.

Would provide for a \$50 fine for a 1st violation and an additional \$25 fine for each subsequent violation.

Transportation

HB 243 by Moreno *(Last Action – Sent to Governor)*

Would remove the restriction in present law which only allows for a television receiver, screen, or other means of visually receiving a television broadcast to be located behind the driver's seat of a motor vehicle.

Would provide that the moving images on the television receiver, screen, or other means of visually receiving a television broadcast or video signal cannot be visible to the driver while the vehicle is in motion.

Would remove present law restriction that prohibits a retailer from installing a television receiver, screen, or other means of receiving a visual television broadcast or video signal that produces entertainment or business applications unless it is located behind the driver's seat, or it is not visible to the driver while operating the vehicle.

Would prevent installation of a television receiver, screen, or other means of receiving a visual television broadcast or video signal that produces entertainment or business applications that is visible to the driver while the motor vehicle is in motion.

TRAFFIC

HB 337 by Badon, A. *(Last Action – House Committee)*

Would have prohibited the use of wireless telephones or electronic communication devices by operators of moving motor vehicles except when the device was a hands-free wireless telephone or the electronic communication device was used hands free or for an emergency.

Would have provided that the penalty for a violation of proposed law shall be not less than \$100 for the first violation, not more than \$150 for a second violation, not more than \$200 for a third violation, and not more than \$250 for a fourth or subsequent violation.

Would have provided that the offense shall be secondary.

Would have been effective Jan. 1, 2012.

HB 338 by Stiaes *(Last Action – Failed to Pass/House)*

Would have provided that operators of motor vehicles shall not text or communicate using a hand-held wireless telecommunications device and that the violation would have been enforced as a primary offense.

Would have provided for exceptions for using a hand-held wireless telecommunications device while driving.

Would have provided for penalties.

Transportation

Would have repealed current prohibitions on texting while driving for all drivers and using hand-held wireless telecommunication device to engage in a call while driving by persons who hold Class "E" learner's licenses or intermediate licenses.

Would have provided that if a person was involved in a crash at the time of a violation, then the fine would have been equal to double the amount of the standard fine imposed and the law enforcement officer investigating the crash would indicate on the written accident form that the person was using a hand-held wireless telecommunication device at the time of the crash.

Would have provided that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, use of a hand-held wireless telecommunication device in violation of proposed law would not be considered evidence of comparative negligence. Use of a hand-held wireless telecommunication device in violation of proposed law would not be admitted to mitigate damages.

Would have provided that the provisions of proposed law would not apply to persons 17 years of age or younger.

DRIVER'S LICENSES

HB 187 by Badon, B. *(Last Action – Act No. 30)*

Present law provides an exception to residents of this state and who are sixty years of age or older to obtain a special identification card without charge. Further exempts the residents from expiration and renewal provisions.

Would retain present law, but exempt sex offenders from obtaining a special identification card without charge.

HB 253 by Champagne *(Last Action – Act No. 35)*

Changes present law to provide that upon suspension, revocation, or cancellation of a driver's license for the first time only, a person shall apply to the Department of Public Safety and Corrections for a restricted driver's license.

Requires that upon the second suspension, revocation, or cancellation of a person's driver's license the person shall file a petition in the district court of the parish in which the applicant is domiciled in order to obtain a restricted driver's license.

Prohibits issuance of a restricted driver's license for a third or subsequent suspension, revocation, or cancellation of driving privileges.

Retains present law except that it also allows the Dept. of Public Safety and Corrections to make the determination on the restrictions of the hardship license.

Transportation

MOTOR VEHICLE LICENSE TAX

HB 228 by St. Germain *(Last Action – Act No. 85)*

Provides that for Class 1 trucks, tandem trucks, and truck-tractors between 6,001 pounds and 10,000 pounds the license plate fee will be \$28 per year.

Retains present law for Class 2 (forest products), Class 3 (gravel haul), Class 4 (city use only), and Class 5 (farm trucks) of any weight.

Provides that the license plate fee for each Class 1 truck, tandem truck, and truck-tractor 10,000 pounds or less, be paid every four years, pursuant to a staggered registration system.

Provides that any truck having a gross vehicle weight of not more than 10,000 pounds which is registered in the state is eligible for any prestige license plate.

Provides that the minimum annual license fee for each vehicle subject to a license fee shall be \$10, except that the minimum annual license fee shall be \$28 for trucks weighted at 10,000 pounds or less.

Provides that every registration of a motor truck or tandem truck having a gross weight per load carrying axle up to and including 10,000 pounds or less for which the registration or license tax is paid for four years shall expire four years from the date the registration or license tax is paid and shall be renewed every fourth year on or before the last day of the month.

BRIDGES

HB 200 by McVea *(Last Action – Sent to Governor)*

Would retain the name of bridge crossing the Mississippi River between Pointe Coupee and West Feliciana Parishes as the John James Audubon Bridge.

Would name the east approach to the bridge on LA 10 in West Feliciana Parish as "General Robert H. Barrow Memorial Approach".

Would name the west approach to the bridge on LA 10 in Pointe Coupee Parish as "General John A. Lejeune Memorial Approach."

Would require the Dept. of Transportation and Development to erect informational historical monuments at appropriate sites within the vicinity of the approaches memorializing the achievements of the generals and their respective relationship to the parishes of West Feliciana and Pointe Coupee.

PUBLIC CONTRACTS

Transportation

HB 342 by Edwards (*Last Action – Sent to Governor*)

Would prohibit private employers from bidding or contracting with a public entity unless the private employer verifies in a sworn affidavit attesting to the following:

- (1) The private employer is registered and participates in a status verification system to verify that all employees in the state of La. are legal citizens of the U.S. or are legal aliens.
- (2) The private employer shall continue to utilize the system throughout the term of the contract.
- (3) The private employer shall require all subcontractors to submit to the employer a sworn affidavit verifying compliance with the first two requirements.

Would provide that any private employer found to be in violation may be subject to cancellation of any public contract, resulting in ineligibility for any public contract for a period of not more than three years from the date the violation is discovered, including any additional costs incurred by the public entity.

Would provide that any person, contractor, or employer who complies with the requirements of the status verification system shall not be civilly or criminally liable for a refusal to hire an individual if the information obtained in accordance with system indicated that the individual's federal legal status was that of an unauthorized alien or if the information obtained in accordance with the system indicated that the employee's federal legal status allowed the employer to hire that employee.

Applies to contracts entered into or bids offered on or after January 1, 2012.

HB 543 by Leger (*Last Action – Senate Committee*)

Would have authorized any port to utilize the design-build method on any production-related construction project.

Would have required every design-builder to be duly licensed and registered to do business in the state, if required by law, as either an architect, an engineer, or a general contractor. Each design-builder would have certain rights and powers:

Would have established a primary design-build evaluation committee to evaluate the responses to the notice of intent received by the port. Would have also provided the following criteria to be applied in evaluating the design and construction components:

Would have provided that for more complex projects, scope compensation could have been provided for all short-listed entities for the expense of preparing the technical proposal and the compensation would have been predetermined by the court and revealed to the entity upon notification of short list selection.

Transportation

Would have established a technical review committee for evaluation of design-build proposals with a project manager, who shall also be the chairman of the committee, to be assigned by the port director or chief executive officer as well as any additional port engineering and technical experts, and nationally recognized design-build experts to serve as committee members to score each technical element of the project.

LEVEES

HB 475 by Lorusso (*Last Action – Enrolled*)

Would revise the boundaries of the West Jefferson Levee District and the Lafitte Area Independent Levee District and require the transfer of books, records, documents, and property between the districts which are related to the boundary revision.

Would provide that after payments are made by the Orleans Levee District pursuant to present law, \$700,000 of the 1983 Special Levee Improvement Fund Tax, would be paid to the Authority for purposes of operation and maintenance of Lakeshore Drive on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter.

Would provide that funds shall be allocated for purposes of maintaining an OLD Police force to be made of not less than 24 police officers who shall provide security for Lakeshore Drive and other flood property located within the jurisdiction of the OLD. Would provide that this provision sunset on December 31, 2012.

Would delete the requirement that any proceeds from the sale of non-flood assets be used to pay outstanding debts. Would further provide that any proceeds be paid within 30 days following the sale or transfer in a ratio of 80% of the proceeds to the Authority and 20% of the proceeds to satisfy the outstanding debt of the Orleans Levee District pursuant to a judgment dated 12/11/00 and the settlement homologated therein.

Would provide for the addition of one member each, to the board to be appointed by certain representatives, senators and congressmen.

Would provide for the addition of one member each, to the board, as a political subdivision to be appointed by certain representatives, senators and congressmen.

HB 640 by Billiot (*Last Action – Enrolled*)

Would add a provision that requires each levee district to publish guidance, erect signage, and require special permits as they deem appropriate to allow them to make provisions for limited riding, driving, or hauling.

Would delete the provision for a violation of present law that provided for a fine of not more than \$50 or imprisoned for not more than 30 days, or both.

Transportation

Would authorize each governing authority to set the penalty for violation of present law, provided that the penalty does not exceed the penalty for criminal trespass as defined in present law. Would authorize the authority to seek injunctive relief and collect all expenses for policing, inspecting, and repairing the levee, structure, and rights-of-way caused by the violation.

Would provide that the prohibition and penalties for riding or hauling on levees shall not interfere with the ability of CPRA to carry out its responsibilities as the local sponsor for all flood control projects in its jurisdiction and as authorized by law.

Would prohibit any person from placing within 15 feet, upon any part of the levees fronting any waterway subject to the control or surveillance, any object, material, or matter of any kind or character which obstructs or interferes with the safety of the levees or is an obstacle to the inspection, construction, maintenance, or repair of any levee.

Would prohibit any floating objects from being tied or moored to any object within 180 feet from the crown of any federally authorized and funded levees or levees recognized by OCPRA and DOTD.

Would prohibit any person, when the water is against the levees, to drive or push any logs, rafts, boats, watercraft, or floating objects of any description onto or against any levee.

Would add a civil fine of not more than \$10,000 for each violation or, in the case of willful and wanton violations, imprisoned for not more than 6 months or both in the parishes of Jefferson and Orleans and that any subsequent violations shall be subject to a civil fine of up to \$20,000 for each violation, or, in the case of willful and wanton violations, imprisonment for not more than 6 months or both.

Would provide that the penalty for Jefferson and Orleans parishes to no longer remain in effect at such time as the CPRA promulgates rules that will provide coastal area levee districts with the authority to enforce the necessary prohibitions related to mooring, anchoring, or otherwise positioning watercraft and other vessels in a manner that could threaten the integrity of flood control infrastructure.

Would authorize a levee district or levee drainage district to purchase certain items through an existing public contract of another political subdivision within one year of opening of bids, provided that the contract is in compliance with public bid law; the total purchases do not exceed two times the purchase by the political subdivision; written consent is obtained, as well as the contract number; the vendor agrees to the additional purchase; and the vendor or items are identical to those specified in the existing public contract, and the price is the same as the original contract price.

WAYS AND MEANS

CAPITAL OUTLAY

HB 2 by Greene (*Last Action - Enrolled*)

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.

BONDS

HB 370 by Jane Smith (*Last Action - Sent to Governor*)

Authorizes the State Bond Commission to issue bonds for the I-49 Project and to pledge unclaimed property revenues (Unclaimed Property Fund) for the payment of the principal and interest of the unclaimed property bonds. Unclaimed property bonds shall be payable solely from revenues and bond proceeds. The unclaimed property receipts received from the state treasurer each fiscal year shall be applied to pay or provide for the payment of debt service on bonds and all related costs and expenses associated with issuance of the bonds. Prohibits payments securitized by unclaimed property receipts in the Unclaimed Property Leverage Fund from exceeding \$15 million per year.

Authority granted in this Act shall become null, void, and of no effect on the date that all bonds issued by the commission are paid or deemed paid in full and are no longer considered outstanding or the I-49 project is deemed completed by DOTD, whichever is later. Further provides that if bonds for this project are not sold by Dec. 31, 2013, the authorization to issue bonds shall become null, void, and of no effect on Jan. 1, 2014.

Requires the first project constructed on I-49 North utilizing financing from unclaimed property bonds to be designated the "Alvin B. Kessler Memorial Highway". Further requires the Dept. of Transportation and Development to erect appropriate signs indicating the designation.

INCOME TAX

SB 529 by Marionneaux *(Last Action – House Calendar)*

HB 633 by Greene *(Last Action – House Calendar)*

HB 634 by Greene *(Last Action – House Calendar)*

All three instruments provided for the repeal of state income tax. SB259 and HB634 addressed the individual income tax, and HB633 provided for a repeal of corporation income tax. The following is a synopsis of the provisions of SB259.

The individual income tax would have been phased-out over 10 calendar years by reducing the current tax rates by 10% each calendar year, beginning with calendar year 2014 and ending in 2023. For instance, for tax years beginning in 2014, tax would have been assessed at 90% of current tax rates, for tax years beginning in 2015, 80%; 2016, 70%, etc. The effectiveness of the phase-out was contingent upon the approval by the legislature of a plan developed by the SCORE commission, as provided below.

A study commission would have been established, the State Commission on Revenues and Expenditures (SCORE), for the purpose of conducting a comprehensive review of state revenue and expenditure policies with the goal of developing a plan of policy changes necessary to accommodate a loss of the income tax revenue. The legislature would have had to consider the SCORE plan at the 2012 Regular Session in the form of a concurrent resolution, which, if approved by the legislature, would have triggered the effectiveness of the tax phase-out.

INCOME TAX - CREDITS

SB 123 by Martiny *(Last Action – Sent to the Governor)*

HB 248 by Henry *(Last Action – Senate Committee)*

Revises the digital media producer tax credit which was a transferable credit applicable to income and corporation franchise taxes. The tax credit is changed for credits awarded after Jan. 1, 2012 to remove the transferability option and to allow the conversion of a tax credit to a rebate valued at 85% of the tax credit. Program requirements are revised to narrow the eligible investments and expenses for which a credit may be earned. The secretary of the Dept. of Economic Development is required to annually report information on the granting and denial of tax credits to the Joint Legislative Committee on the Budget.

SB 63 by Murray *(Last Action – Sent to Governor)*

HB 349 by Leger *(Last Action – Senate Calendar)*

Extends the credit against income and corporation franchise tax which is available for eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural product district. The program was to expire on Jan. 1, 2012 and is extended through Jan. 1, 2016.

Ways and Means

HB 348 by Leger *(Last Action – Sent to Governor)*

Extends the credit against income and corporation franchise tax which is available for eligible costs and expenses incurred during the rehabilitation of an owner-occupied historic structure which is located in a National Register Historic District, a local historic district, a Main Street District, a cultural products district, a downtown development district, or it has been listed or is eligible for listing on the National Register, or is vacant and blighted and is at least 50 years old. The program was to expire for taxable years ending prior to Jan. 1, 2012 and is extended through taxable years ending prior to Jan. 1, 2016.

The amount of the credit is equal to 25% of the amount of eligible expenses, provided that the first tax credit application for the project has been filed after July 1, 2011. Total credits shall not exceed \$25,000 per structure.

SB 135 by Claitor *(Last Action - Sent to Governor)*

HB 441 by Carter *(Last Action - Senate Committee)*

Extends the refundable and transferable research and development tax credit program for expenditures incurred or Small Business Innovation Research Grant funds received from Dec. 31, 2013, to Dec. 31, 2019, and authorizes the tax credit for the employment of any person in La. instead of only La. residents.

Grants a "credit" of 8% of the difference of the "Louisiana qualified research expenses" as defined in federal law for the taxable year minus the "base amount", if the taxpayer employs 100 "persons" in the state; 20% if he employs 50 to 99 "persons". "Base amount" is defined as 70% of the average annual "qualified research expenses within Louisiana" during the three years preceding the taxable year.

Grants a credit of 40% of the "Louisiana qualified research expenses" as defined in federal law for the taxable year if the taxpayer employs fewer than 50 "persons".

Requires the size of the "entity" to be determined by the total number of employees based on the aggregate of all affiliated companies.

Requires the secretary of the Dept. of Economic Development to report each January 30th to the Joint Legislative Committee on the Budget information concerning the granting and denial of tax credits and rebates ("tax incentives") administered by the department. .

Applicable to tax years beginning on and after Jan. 1, 2011. However, any refundable credit earned and granted prior to the effective date of the Act shall continue to be valid, effective, and transferable according to the terms of the original agreement.

Ways and Means

SB134 by Claitor *(Last Action - Sent to Governor)*
HB467 by Carter *(Last Action - Senate Committee)*

Extends the applicability of the Technology Commercialization Credit and Jobs Program consisting of two refundable tax credits which may be earned for up to 10 "consecutive tax years" at the same location through Dec. 31, 2017.

Requires the secretary of the DED to report each January 30th to the Joint Legislative Committee on the Budget concerning the granting and denial of tax credits and rebates ("tax incentives") administered by the department.

SB 265 by Riser *(Last Action – Sent to Governor)*
HB 629 by Ellington *(Last Action – Senate Calendar)*

Establishes the La. Entrepreneurial Assistance and Development Program ("LEAD") which provides tax credits against insurance premium tax for venture capital investors who invest in "LEAD funds" which in turn invest in "eligible businesses". The Dept. of Economic Development will administer the program. The amount of the credit is equal to 75% of the amount of the investment. The tax credit may not be taken before April 15, 2015, is transferrable, and may be carried forward indefinitely.

An "eligible business" is defined as one with less than 100 full-time employees, at least 80% of which are domiciled in the state or at least 80% of the payroll is paid to employees domiciled in the state. The business shall have a net worth of less than \$5 million dollars and a net income of less than \$15 million. The following business are ineligible for participation: retail sales, real estate development, gaming, natural resource extraction or exploration, insurance, banking, accounting, legal, or medicine. A "LEAD fund" is defined as a La. partnership, corporation, trust, or limited liability company that is managed by at least two persons who are domiciled in La. and have at least five years' experience in managing venture capital or private equity funds.

Each LEAD fund is required to report on Jan. 31st of each year to the secretary of the department and to the House Committee on Ways and Means and Senate Committee on Revenue and Fiscal Affairs with regard to its investments made in the preceding year. An annual report is also required to be sent to the House Committee on Ways and Means and Senate Committee on Revenue and Fiscal Affairs to report the manner in which all LEAD funds have invested their eligible capital, the businesses in which investments have been made, the jobs created by such businesses and their success and failure, the share of LEAD fund distributions received by the state, and whether the investment tax credits have achieved "revenue neutrality" with respect to their cost to the state fisc.

SB 99 by Morrell *(Last Action – Sent to Governor)*
HB 503 by G. Jackson *(Last Action – House Calendar)*

Revises the new markets tax credit program which authorizes credits against income and corporation franchise tax for persons who invest in qualified equity investments which

Ways and Means

encourage community development and stimulate economic activity in urban and low income areas. The total aggregate amount of tax credits to be allocated under the program is increased from \$50 million to \$87.5 million. The program is also extended from Dec. 31, 2013 to Dec. 31, 2014.

HB 621 by Talbot *(Last Action - Failed to Pass/House)*

Authorized a credit against any La. income or corporation franchise tax for donations a taxpayer makes during a taxable year to a school tuition organization which provides scholarships or grants to qualified students to attend a qualified school. The amount of the credit shall be equal to the actual amount of the taxpayer's donation. Limited total tax credits for each year to \$5 million.

SB 40 by Morrell *(Last Action – Sent to Governor)*

HB 371 by Tucker *(Last Action – Senate Calendar)*

Reauthorizes the credit against income tax for voluntary remedial investigation or remediation activities at state-certified brownfields sites which occur between July 1, 2011 and December 31, 2013. The program is expanded to include public properties, parks, playgrounds, and other recreational areas to those properties which may be deemed "state-certified sites".

The Dept. of Environmental Quality is authorized to enter into an agreement with the federal government to receive federal funding for reimbursement of state revenues used to pay tax credits. The granting of tax credits after Jan. 1, 2014 is authorized only if the department has secured federal funding for such reimbursement. At the discretion of the secretary of the department, tax credits may be granted after Jan. 1, 2014 to the extent and for the time period authorized for the use of federal monies pursuant to the agreement.

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

Authorizes a credit against individual income tax in the amount of \$1,000 for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements. A taxpayer is defined as an individual who owns a newly constructed one- or two-family dwelling and who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit. Effective for all tax years beginning on or after Jan. 1, 2012.

SB187 by Long *(Last Action - Act No. 187)*

Extends the period in which new applications may be approved for tax credits against any Louisiana income or corporation franchise taxes for a heritage-based cottage industry located or to be located in the Cane River Heritage Area Development Zone from Jan. 1, 2012, to Jan. 1, 2014. However, a business which, prior to Jan. 1, 2014, has been approved to receive tax exemptions or credits shall continue to receive such tax benefits pursuant to the terms of its agreement with the state as long as the business retains its eligibility.

INCOME TAX - DEDUCTIONS

SB 13 by Marionneau *(Last Action - Sent to Governor)*

Authorizes a deduction from taxable income equal the amount of "tuition and fees" paid by a taxpayer for a dependent child to a nonpublic elementary or secondary school or to any public elementary or secondary laboratory school which is operated by a public college or university. The deduction is limited to \$5,000 per child and is applicable to all income tax years beginning on and after Jan. 1, 2011.

INCOME TAX - REBATES

SB 72 by Michot *(Last Action – Sent to the Governor)*

HB 593 by J. Smith *(Last Action – Senate Committee)*

Extends the Louisiana Quality Jobs Program, which provides tax incentives to business for the creation of jobs with certain salary levels and benefits, from Jan. 1, 2012 to Jan. 1, 2018.

SALES AND USE TAX

HB 641 by R. Jones *(Last Action – Senate Calendar)*

For purposes of collection of sales and use tax, would have added to the definition of "dealer" certain persons who are engaged in doing business in the state and are not domiciled in the state. The definition would have been broadened to include a person who: (1) sells the same or substantially similar line of products as a La. retailer under the same or substantially similar business name; (2) the facilities or employees of the La. retailer are used to advertise or promote sales by the person to La. purchasers and to support the maintenance of a market in La.; (3) solicits business and develops a market in La. through an agent or other representative through an agreement for a commission, referral fee, or other consideration who engages in activities in La. that inure to the benefit of the person in the person's development or maintenance of a market for its goods or services in La., to the extent that those activities of the agent are sufficient to satisfy the nexus requirement of the U.S. Constitution; or (4) holds a substantial ownership interest, directly or through a subsidiary, in a retailer maintaining sales locations in La. or who is owned in whole or in substantial part by a retailer maintaining sales locations in La.

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SB 21 by Riser *(Last Action – Sent to Governor)*

Establishes a state sales and use tax exemption for water, mineral and carbonated water, and water put in bottles, jugs, or containers.

HB 508 by Landry *(Last Action – Signed by the Speaker)*

Establishes an exemption from state sales and use tax for the purchase by an individual of a motor vehicle that has been or will be modified in accordance with a medical prescription for use by a person who is permanently, orthopedically disabled at the time of purchase. The exemption entitles the purchaser to a rebate of the state sales and use tax paid on the vehicle, which rebate may only be claimed after the vehicle modifications have been completed.

The list of vehicle modifications relevant to the exemption includes wheelchair lifts, hoists, attached ramps, wheelchair hold-down clamps, special seat restraints, and the alteration of conventional brake, acceleration, or steering systems. Commercial vehicles and travel trailers or other vehicles not designed to transport people are excluded.

Procedures for the implementation of the exemption and the claiming of rebates will be established by rule of the Dept. of Revenue. Information required to be provided by a person seeking a rebate includes proof of disability, the prescription for modifications, and the purchase and modification of the vehicle. The Dept. of Health and Hospitals is required to assist the Dept. of Revenue in the review of the information submitted with a rebate request. The exemption is applicable to purchases made on or after Jan. 1, 2010 and before June 30, 2013.

HB592 by St. Germain *(Last Action - Act No. 112)*

Extends the period in which new applications for tax exemptions and credits pursuant to the Atchafalaya Trace Heritage Area Development Zone may be approved from Jan. 1, 2012, to Jan. 1, 2014. The Atchafalaya Trace Heritage Area Development Zone encompasses 13 named parishes and provides for tax credits and exemptions for heritage-based cottage industries located in the zone. Defines a heritage-based cottage industry, in part, as a small business with no more than 20 full-time or part-time employees or an individual who is sustainably harnessing the Atchafalaya Trace Heritage Area's cultural heritage and natural heritage resources for purposes which include interpreting, accessing, developing, promoting, or reinforcing the unique character and characteristics of the heritage area.

TOBACCO TAX

HB 591 by Ritchie *(Last Action - Vetoed)*

HB 63 by Ritchie *(Last Action - House Committee)*

Would have removed the June 30, 2012, termination date for levying a tax of four-twentieths of one cent per cigarette, making that portion of the tax permanent. Additionally, would

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have required four- twentieths of the revenues derived from the tax per cigarette to be deposited into the state general fund and used exclusively for the support of expenditures for the direct provision of health care services which are eligible for federal financial participation.

HB63 would have removed the June 30, 2012 termination date for levying the tax and would also have increased the tax on cigars, cigarettes, and smoking tobacco. The tax on cigarettes would have been increased from 36 cents to \$1.06 per pack .

MISCELLANEOUS TAXES

HB 135 by Nowlin *(Last Action - Sent to Secretary of State)*

Proposed Constitutional Amendment which prohibits the levy of new taxes and fees upon the sale or transfer of immovable property, including documentary transaction taxes or fees, or any other tax or fee by the state or by a political subdivision after Nov. 30, 2011.

HB 2 – Capital Outlay

Capital Outlay Specialist: Ashley Albritton (225) 342-8623

HB 2 - CAPITAL OUTLAY	
MEANS OF FINANCING	AMOUNT
STATE GENERAL FUND (DIRECT)	\$0
FEDERAL FUNDS (excluding FEDERAL-TTF)	\$15,825,571
FEDERAL FUNDS – TTF (FEDERAL HIGHWAY FUNDS)	\$764,200,000
TRANSPORTATION TRUST FUND (TTF) - REGULAR	\$152,441,705
STATE GENERAL FUND (NON-RECURRING REVENUES)	\$0
TRANSPORTATION TRUST FUND - TIMED	\$0
INTER-AGENCY TRANSFER	\$21,111,595
MISC STATUTORY DEDICATIONS	\$45,364,000
FEES & SELF GENERATED CASH	\$104,006,350
REAPPROPRIATED CASH	\$33,563,941
SUB-TOTAL CASH	\$1,136,513,162
REVENUE BONDS	\$168,120,000
SUB-TOTAL CASH & REV BONDS	\$1,304,633,162
GENERAL OBLIGATION BONDS	
PRIORITY 1	\$1,636,970,000
PRIORITY 2	\$124,065,000
PRIORITY 3	\$7,700,000
PRIORITY 4	\$15,915,000
SUB-TOTAL PRIORITIES 1-4	\$1,784,650,000
PRIORITY 5	\$905,820,000
SUB-TOT GEN OBLIG BONDS	\$2,690,470,000
BNDS NRP(Reallocated bond proceeds)	\$3,689,311
TOTAL OF H.B. 2	\$3,998,792,473
Cash Line of Credit/Bond Sale Limit	\$1,746,475,000
Cash Line of Credit/Bond Sale commitment for Pr.1 projects	(\$1,636,970,000)
Cash Line of Credit/Bond Sale amount avail for Pr.2	\$109,505,000