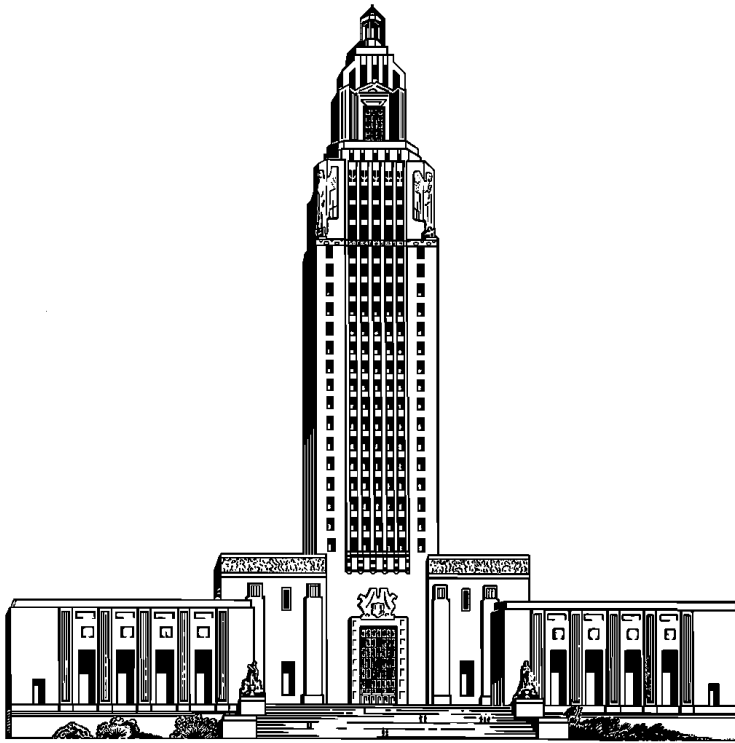


HIGHLIGHTS
of the
2012 Regular Session
of the
Louisiana Legislature



Prepared by:
House Legislative Services
June, 2012

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This public document was published by the Louisiana House of Representatives at a total cost of \$111.60. 40 copies were printed by House Legislative Services, P. O. Box 44486, Baton Rouge, Louisiana 70804, to provide a summary of Highlights from the 2012 Regular Session. 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 48 by Harris (*Last Action – Act No. 164*)

Creates the crime of theft of copper or other metals. Provides that in determining the appropriate penalty provisions, the court shall calculate the value of the copper or other metal misappropriated or taken as the aggregate of the following:

- (1) The fair market value of the copper or other metals.
- (2) The costs of replacement of the copper or other metals.
- (3) The cost of replacing and repairing property that was damaged as a result of the theft of copper or other metals.

Provides for the following criminal penalties based upon the value of the copper or other metals taken:

- (1) When the value is \$1,000 or more - A maximum fine of \$5,000, imprisonment for five - 10 years, or both.
- (2) When the value is between \$500 and \$1,000 - A maximum fine of \$2,000, imprisonment for two - five years, or both.
- (3) When the value is less than \$500 - A maximum fine of \$1,000, possible imprisonment for one - two years, or both.
- (4) For a second or subsequent conviction - A maximum fine of \$5,000, imprisonment up to 10 years, or both.

HB 96 by Moreno (*Last Action – Act No. 375*)

Creates the crime of online impersonation to prohibit the intentional impersonation of another actual person without his consent in order to engage in certain electronic communications and provides for the following penalties:

- (1) A fine of not less than \$250 nor more than \$1,000, imprisonment for not less than 10 days nor more than six months, or both.
- (2) When the offender is under the age of 17 years, the disposition of the matter shall be governed exclusively by the Family In Need of Services provisions.

Provides an exception for certain entities such as social networking websites, telecommunications service providers, and law enforcement agencies, and employees of those entities when the actions of the employees are within the course and scope of employment.

Administration of Criminal Justice

HB 600 by Norton (*Last Action - Act No. 454*)

SB 75 by Kostelka (*Last Action - Act No. 477*)

Creates the crime of failure to report a missing child, requiring a caretaker to report to the appropriate authorities that a child is missing within two hours of the expiration of the following specified time periods:

- (1) Child is under the age of 13 years – The child is presumed missing when the caretaker does not know the location of the child and has not been in contact with nor verified the location or safety of the child for 12 hours.
- (2) Child is at least 13 years of age or older – The child is presumed missing when the caretaker does not know the location of the child and has not been in contact with nor verified the location or safety of the child for 24 hours.

Penalties for this crime are as follows:

- (1) If the child is found dead or determined to be dead - imprisonment for 2 - 50 years and a fine up to \$50,000.
- (2) If the child has remained missing for a period of more than six months at the time of conviction and not determined to be dead - imprisonment for 2 - 10 years and a fine up to \$25,000.
- (3) If the child is determined to have been either physically or sexually abused during the time that the child was missing - imprisonment for up to 10 years and a fine up to \$10,000.
- (4) If the child is found unharmed - imprisonment for up to six months and a fine up to \$500.

Creates the crime of failure to report the death of a child requiring a caretaker to report the death of a child, which occurs while the child is in his physical custody, to the appropriate authorities within one hour of the discovery of the child's death or one hour of learning the location of the child's body.

Any person who violates these provisions of law shall be fined not more than \$5,000 and shall be imprisoned for not more than five years.

HB 616 by Anders (*Last Action - Act No. 405*)

Creates the crime of filing a false lien against a law enforcement or court officer which occurs when a person files in any public record, or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a law enforcement officer or court officer, as retaliation against the officer for the performance of his official duties, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation.

Administration of Criminal Justice

Whoever commits this crime shall be fined not less than \$500 nor more than the amount of the value of the lien or encumbrance, imprisoned for not more than two years, or both fined and imprisoned.

HB 759 by N. Landry (*Last Action - Act No. 207*)

Creates a crime and prohibits the act of female genital mutilation unless performed by a licensed physician during a surgical procedure if the procedure is necessary to the physical health of the minor on whom it is performed or if the procedure is performed on a minor who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth.

Provides that it shall not be a defense that the female genital mutilation is required as a matter of custom, ritual, or religious practice, or that the minor on whom it is performed, or the minor's parent or legal guardian, consented to the procedure.

Any person who is convicted of female genital mutilation shall be imprisoned, with or without hard labor, for not more than 15 years.

CRIMES AND CRIMINAL PROCEDURE

HB 90 by Mack (*Last Action – Act No. 169*)

Provides that a search warrant may issue upon probable cause established to the satisfaction of the judge by the electronic testimony of a credible person reciting facts establishing the cause for issuance of the warrant. Provides for the contents of the application for the warrant and provides procedures for the issuance of warrants based upon electronic testimony. Requires the applicant to reduce the request to writing and include a written reproduction in the file within 48 hours of the issuance of the warrant.

Provides that telephonic communication between the judge and the affiant relatively contemporaneously with the application for the warrant shall satisfy the requirements of existing law regarding electronic applications for all warrants.

HB 99 by Henry (*Last Action – Act No. 116*)

Adds the following crimes to the definition of "racketeering activity": public bribery, corrupt influencing, public intimidation and retaliation, threatening a public official, terrorism, aiding others in terrorism, intimidating, impeding or injuring witnesses, injuring public records, filing or maintaining false public records, abuse of office, public salary deduction, public salary extortion, public payroll fraud, public contract fraud, and prohibited splitting of profits, fees, or commissions.

Administration of Criminal Justice

HB 18 by Jay Morris *(Last Action – Act No. 40)*

Adds to the penalty provisions for the crimes of aggravated battery, second degree battery, and aggravated second degree battery a minimum mandatory sentence of one year if the offender knew or should have known that the victim is an active member of the United States Armed Forces or is a disabled veteran and the battery was committed because of that status.

HB 790 by Lopinto *(Last Action – Act No. 210)*

Adds assault by drive-by shooting, rioting or inciting a riot, aggravated criminal damage to property, simple burglary and looting to the definition of "pattern of criminal gang activity".

HB 543 by P. Smith *(Last Action - Act No. 401)*

Provides that any person serving a life sentence, with or without the benefit of parole, who has not been convicted of a crime of violence or a sex offense, shall be eligible for parole consideration if certain conditions are met including the age of the person and the number of years served for the sentence imposed.

HB 1026 by Lopinto *(Last Action - Act No. 159)*

For persons who are sentenced on or after Aug. 1, 2015, provides that a person convicted of a second felony offense shall be eligible for parole consideration upon serving 33⅓% of the sentence imposed if the offense for which he was convicted was not a sex offense nor a crime of violence and the person was not sentenced as a habitual offender.

HB 1039 by Harrison *(Last Action - House Committee)*

Would have required home incarceration and electronic monitoring supervision of all convicted offenders unless convicted of a crime of violence, a sex offense, certain DWI violations, or certain violations of the Uniform Controlled Dangerous Substances Act, or if, at the time of sentencing, the court determines that incarceration by imprisonment in a correctional facility is more suitable for the offender.

HB 1068 by Lopinto *(Last Action - Act No. 160)*

Provides for plea agreements between the prosecution and the defense, other than for prosecution in cases involving sex offenses or crimes of violence, which allows the court to deviate from minimum mandatory sentences otherwise imposed by law.

Administration of Criminal Justice

HCR 113 by Harrison *(Last Action - Adopted)*

Directs the La. Sentencing Commission to study the feasibility of requiring an offender to serve his term of imprisonment through home incarceration with the use of electronic monitoring and to report its findings to the legislature prior to the convening of the 2013 R.S.

SB 5 by Murray *(Last Action - Failed to Pass/House)*

Would have removed the restrictions placed on jurors in a criminal case to take notes during the trial and allowed jurors to take notes. Would have mandated the court to destroy the notes immediately upon return of the verdict.

Would have authorized the court to allow the jury to take with them any object or writing received in evidence, except depositions and except as otherwise provided in the La. Code of Evidence.

CORRECTIONS

HB 432 by Lopinto *(Last Action – Act No. 123)*

Repeals the statutory authority for the Louisiana Risk Review Panel.

CONTROLLED DANGEROUS SUBSTANCES

SB 61 by Mills *(Last Action – Act No. 347)*

Allows the secretary of the Dept. of Health and Hospitals to add substance to the schedules of the Controlled Dangerous Substances Law under certain circumstances.

Provides that prior to the adoption of a rule declaring that a substance is a dangerous substance, the secretary shall make the following findings and determinations:

- (1) The substance has a high potential for abuse.
- (2) The substance has no currently accepted medical use in treatment in the U.S.
- (3) There is a lack of accepted safety for use of the substance under medical supervision.
- (4) There is an imminent hazard to the health, safety, and welfare of the citizens of the state requiring the substance to be declared a dangerous substance and the issuance of a dangerous substance stop order.

Provides that if the secretary determines that a substance must be classified as a dangerous substance, the rule shall also include a dangerous substance stop order prohibiting the sale, distribution, manufacture, or dispensing of the dangerous substance.

Administration of Criminal Justice

Provides that if a dangerous substance stop order is violated, the person shall be fined not more than \$500, may be imprisoned for not more than two years in the parish jail, or both. Further provides that each day of continued violation shall constitute a separate offense.

SB 195 by Mills (*Last Action – Act No. 345*)

Adds phenazepam as a Schedule I controlled dangerous substance, and adds (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone, and (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl) methanone to the listing of synthetic cannabinoids.

SB 196 by Mills (*Last Action – Act No. 315*)

Adds Ezogabine to the listing of Schedule V controlled dangerous substances.

WEAPONS AND FIREARMS

HB 4 by Lopinto (*Last Action – Act No. 478*)

Increases the term of imprisonment for possession, buying, selling, or transporting firearms with obliterated serial numbers or marks of identification as follows:

- (1) First offense - Imprisonment, with or without hard labor, for not less than one year nor more than five years.
- (2) Second or subsequent offense - Imprisonment, with or without hard labor, for not less than two years nor more than 10 years.

HB 220 by W. Bishop (*Last Action – Act No. 382*)

Increases the penalty for the crime of discharging a firearm at a parade from a maximum of 10 years to a maximum of 15 years.

SB 255 by Morrell (*Last Action – Act No. 320*)

Increases the penalties for the crime of aggravated assault with firearm from a fine of not more than \$5,000 and imprisonment for not more than five years to a fine of not more than \$10,000, imprisonment with or without hard labor for not more than 10 years, or both.

SB 572 by Morrell (*Last Action – Act No. 335*)

Makes it unlawful for a person to:

- (1) Knowingly solicit, persuade, encourage, or entice a licensed dealer or private seller of firearms or ammunition to sell a firearm or ammunition under circumstances which the person knows who violate the laws of this state or the U.S.

Administration of Criminal Justice

- (2) Provide to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller concerning the legality of a sale of a firearm or ammunition.
- (3) Willfully procure another person to engage in conduct that is prohibited by law.

Exempts law enforcement officers acting in their official capacity and persons acting under the direction of such law enforcement officer.

Provides penalties for fraudulent firearm and ammunition purchases including a fine of not less than \$1,000 or more than \$5,000, imprisonment, with or without hard labor, for not less than one year or more than five years, or both. Provides that at least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

SB 303 by Riser *(Last Action – Enrolled)*

Provides that the right to keep and bear arms is a fundamental right which shall not be infringed and any restriction on this right shall be subject to strict scrutiny.

DWI

HB 47 by Mack *(Last Action - Act No. 571)*

Provides that if an arrest for a second offense DWI occurs within one year of the commission of the first offense, the offender shall be imprisoned for 30 days without benefit of parole, probation, or suspension of sentence and the offender shall participate in a substance abuse program and in a driver improvement program.

HB 781 by Pylant *(Last Action - Act No. 592)*

Authorizes the administration of multiple chemical tests for suspected drunken drivers and persons under arrest for offenses involving the operation of a vehicle while intoxicated.

GAMING

SB 575 by Morrell *(Last Action – Act No. 161)*

Provides for the statutory reorganization of the provisions of law regarding the licensing and operation of video draw poker devices and the locations of truck stop facilities.

Administration of Criminal Justice

HB 146 by Greene *(Last Action – Act No. 175)*

Prohibits the use of cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution, which includes any credit union, for wagering on a licensed riverboat, at the land-based casino, or at slots at track facilities.

HB 271 by Lopinto *(Last Action – Act No. 447)*

Provides that applicable waivers approved by the U.S. Coast Guard and subsequent modifications to the configuration and marine staffing recommended by an approved third-party inspector as approved by the La. Gaming Control Board that are consistent with U.S. Coast Guard criteria for the current configuration and mooring of the vessel may be used in evaluating the safety standards of licensed riverboats.

HB 445 by Lopinto *(Last Action – Act No. 709)*

Provides that upon failure of a device owner to remit any portion of the franchise payment to the division, the device owner and its shareholders, officers, and directors if a corporation, its partners if a partnership, and its members, managers, and managing members if a limited liability company, shall be jointly and severally liable to the state of La. for the franchise payment until it is remitted to and received by the division.

HB 446 by Lopinto *(Last Action – Act No. 710)*

Provides that it shall be unlawful for any person associated or affiliated with a charitable gaming licensee to benefit from any part of the net gaming proceeds of that charitable gaming licensee. Provides penalties including a fine of not more than \$5,000, imprisonment with or without hard labor for not more than one year, or both.

Creates an exception for a contribution or disbursement of net gaming proceeds made to, or for the direct benefit of, a group or activity when both of the following occur:

- (1) The contribution or disbursement is used for legitimate charitable gaming purposes.
- (2) Not more than 1/2 of the participants of the group or activity receiving the contribution are members or immediate family members of members of the charitable gaming licensee making the contribution or disbursement.

This provision of law shall not be construed to limit or impair the payment of compensation to bingo workers for working bingo games.

HB 447 by Lopinto *(Last Action – Act No. 711)*

Deletes statutory references to the La. Riverboat Gaming Commission.

Administration of Criminal Justice

JUVENILES

HB 202 by Richardson (*Last Action - Act No. 698*)

SB 390 by White (*Last Action - Conference Committee*)

With regard to a child who is 15 years of age or older at the time of the commission of certain enumerated offenses, provides that if a competency or sanity examination is ordered, the criminal proceedings are stayed except for the filing of a delinquency petition, the return of an indictment, or the filing of a bill of information, and no further steps to prosecute the child shall occur until counsel is appointed for the child and notified and the child's mental capacity to proceed has been determined.

Provides that when an indictment has been returned or a bill of information is filed, the district court exercising criminal jurisdiction shall be the proper court to determine the child's mental capacity to proceed, and provides that in all other instances, the juvenile court shall be the proper court to make this determination.

Authorizes a child to be transferred to the appropriate adult facility for detention prior to his trial as an adult and deletes language requiring such a transfer.

HB 283 by Honore (*Last Action - House Calendar*)

HB 344 by Lopinto (*Last Action - House Calendar*)

SB 317 by Martiny (*Last Action - Act No. 466*)

In response to the case of *Graham v. Florida* (130 S.Ct. 2011 (2010)), in which the U.S. Supreme Court held that the Eighth Amendment's "cruel and unusual punishment" clause does not permit a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime, amends the law to allow persons who were under the age of 18 at the time of the commission of the offense, except those persons serving a sentence for a conviction of first degree murder or second degree murder, to be eligible for parole consideration upon serving 30 years of the sentence imposed when certain conditions are met.

Provides that for such parole decisions, the board shall meet in three-member panels and each member shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender, and further requires the panel to render specific findings of fact in support of its decision.

HB 433 by Greene (*Last Action - Act No. 124*)

Increases the time period within which an adjudication hearing is required to commence from 30 days to 60 days if the child is charged with a crime of violence and the child is in continued custody.

Administration of Criminal Justice

SEX OFFENSES AND SEX OFFENDER REGISTRY

HB 49 by Abramson *(Last Action - Act No. 446)*

Provides relative to domestic minor sex trafficking by increasing criminal penalties for prostitution-related offenses which involve the prostitution of persons under the age of 18, provides affirmative defenses against prosecution for prostitution-related offenses when the defendant is a victim of trafficking, and provides access to various support services for victims of trafficking.

HB 70 by St. Germain *(Last Action - Act No. 42)*

Prohibits a sex offender from engaging in any of the following:

- (1) Establishing a residence or physically residing within three miles of the victim of the offense for which he was convicted.
- (2) Knowingly being physically present within 300 feet of the victim of the offense for which he was convicted.
- (3) Communicating with the victim of the offense for which he was convicted or an immediate family member of the victim, unless the victim consents to such communication in writing.

Provides for the following penalties:

- (1) Whoever violates the provisions of Paragraphs (1) and (2) shall be fined not more than \$1,000, imprisoned for not more than one year, or both.
- (2) Whoever violates the provisions of Paragraph (3) shall be fined not more than \$500, imprisoned for not more than six months, or both.

HB 249 by Thompson *(Last Action - Act No. 385)*

Expands the notification requirements of sex offenders and child predators to require any sex offender or child predator, who is not otherwise prohibited from accessing a networking website and who creates a profile or who uses the functionality of the networking website to include in his profile an indication that he is a sex offender or child predator. Requires the offender to include notice of the crime for which he was convicted, the jurisdiction of conviction, a description of his physical characteristics, and his residential address.

HB 338 by Johnson *(Last Action - Act No. 705)*

If the department has the equipment and appropriately-trained personnel, authorizes the use of truth verification examinations for sex offenders convicted of a sex offense where the victim was a minor, if ordered by the court or the Board of Parole, in order to determine whether the offender has violated a condition of his probation or parole.

Administration of Criminal Justice

HB 558 by Lopinto *(Last Action - Act No. 129)*

Amends sex offender registration provisions to make the following changes:

- (1) Requires a person convicted under the laws of another state to provide certified copies of court records pertaining to the offense or offenses which require registration as a sex offender to the bureau within 30 business days of establishing residence in La.
- (2) Decreases the time period within which the bureau shall make its determination as to the time period of registration and the frequency of in-person periodic renewals from within 90 days of receiving the information from the sheriff to within 60 days of receiving the certified copies of court records from the offender.
- (3) Provides that until the bureau makes this determination the offender shall appear for in-person renewals every three months and, thereafter, the frequency with which he is required to appear will be based upon the determination by the bureau.
- (4) Provides that a person who is convicted under the laws of another state who is required to register as a sex offender pursuant to La. law shall do so for the period of time required by his state of conviction or for the period of time required by La., whichever period is longer.
- (5) Removes the requirement that the petition to be relieved of the sex offender registration requirements must be accompanied by a certification from the office of state police of the offender's history of registration in La., and amends the requirement to provide that this information shall be provided to the court upon receipt of the pleading by the office of state police.
- (6) Provides for prospective application, applying to any offender who establishes a residence in La. on or after the effective date of this Act.

HB 566 by Brossett *(Last Action - Act No. 402)*

Authorizes any person who was convicted of crime against nature (R.S. 14:89) prior to Aug. 15, 2010, to file a motion in the court of conviction to be relieved of the sex offender registration and notification requirements if the offense for which the offender was convicted would be defined as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after Aug. 15, 2010.

Further provides that these provisions shall not apply to persons whose offense involved the solicitation of persons under the age of 17, or for any person who was convicted of one or more offenses which otherwise require registration.

The motion shall be accompanied by supporting documentation which proves that the person filing the motion meets the requirements necessary to file such motion, and a copy of such motion shall be provided to the district attorney, the office of state police, and the Department of Justice. Upon providing this proof, the court is required to grant the person's motion unless the district attorney objects and proves by clear and convincing evidence that the conviction involved the solicitation of a person under the age of 17.

Administration of Criminal Justice

SB 753 by Erdey (*Last Action - Act No. 693*)

Provides that it shall be unlawful for a sex offender, when the victim is under the age of 13, to be physically present in or on public library property and further prohibits loitering by a sex offender within 1,000 feet of public library property.

Requires each governing board of each public library to develop and implement a plan to regulate access of sex offenders to the public library property, and provides that such regulations shall be narrowly tailored to serve the significant governmental interest of protecting children from contact with sex offenders.

MISCELLANEOUS

HB 518 by Lopinto (*Last Action - Act No. 714*)

Merges the duties, functions, powers, and training requirements of the Board of Parole into the Board of Pardons and creates a committee on parole which shall be part of the Board of Pardons.

HB 577 by Lopinto (*Last Action - Act No. 268*)

SB 4 by Morrell (*Last Action - Act No. 614*)

Relative to the reporting of child abuse, provides for the following changes:

- (1) A mandatory reporter shall be fined not more than \$500, imprisoned for not more than six months, or both, for the knowing and willful failure to report the abuse or neglect of a child.
 - (2) A mandatory reporter who knowingly and willfully fails to report the sexual abuse of a child, or the abuse or neglect of a child which results in serious bodily injury, neurological impairment, or death of a child, shall be fined not more than \$3,000, imprisoned for not more than three years, or both.
 - (3) Any person who is 18 years of age or older and who witnesses the sexual abuse of a child and knowingly or willfully fails to report the abuse to law enforcement or DCFS shall be fined not more than \$10,000, imprisoned for not more than five years, or both.
 - (4) Removes the provision which requires an individual in the list of "mandatory reporters" to be "performing their occupational duties" in order to be considered a "mandatory reporter".
 - (5) Expands the definition of "teaching or child care provider" to include any person who assists in the teaching, training, and supervision of a child, bus drivers, coaches, professors, technical or vocational instructors, technical or vocational school staff members, college or university administrators, college or university staff members, or any person who provides teaching or child care services in a voluntary capacity.
 - (6) Adds "organizational or youth activity provider" to the list of "mandatory reporters".
 - (7) Requires the reporting of child abuse or neglect to be made to DCFS through the designated state child protection reporting hotline telephone number.
-

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

HB 153 by Anders *(Last Action - Act No. 14)*

Authorizes the establishment of a cost-share rebate program within the LDAF that will aid Louisiana organic operations by reimbursing a portion of organic certification costs incurred by organic producers and handlers who are certified by private organic certifiers which are accredited by the USDA National Organic Program. Further prohibits the use of the term "organic food" unless the growth and composition of such food product meets federal requirements.

HB 164 by Burford *(Last Action - Act No. 177)*

Provides that livestock offered for inspection may be inspected by a designee of the Livestock Brand Commission or a livestock brand inspector.

HB 171 by Anders *(Last Action - Act No. 15)*

Establishes a minimum quarterly inspection fee of \$10 for fertilizer and a minimum deficiency assessment of \$10 for fertilizer samples found to be deficient in one or more guaranteed plant foods. Further changes the language from "tonnage" fee to "inspection" fee for statute uniformity. Also corrects an error in due dates for fertilizer tonnage reports and inspection fees and rearranges the due dates for quarterly tonnage reports and inspection fees to coincide with the fertilizer registration year based on the calendar year.

HB 602 by Chaney *(Last Action - Act No. 204)*

Authorizes the La. Board of Animal Health to issue cease and desist orders upon violation causing significant damage to animal health or commerce. Further provides the board with plenary powers to deal with contagious and infectious diseases with full power to promulgate rules and regulations to control, prevent, and eradicate contagious and infectious diseases of animals.

HB 887 by Johnson *(Last Action - Act No. 214)*

Authorizes the commissioner of agriculture and forestry to charge a service fee on alternative livestock programs. The fee, collected annually upon license renewal, shall be based on the cost of industry regulation, and shall be used to defray the costs of services to the industry.

HB 907 by K. Jackson (*Last Action - Sent to Governor*)

Adds the Firefighter Property Program as a possible partner in cooperative endeavors relative to the Federal Excess Property Program, which the office of forestry may participate. Further adds the protection of assets, property, and personnel to the duties of appointed and commissioned forest officers. Revises the powers and duties of the state forester. Allows any railroad company to keep upon the right-of-way cross ties or other materials necessary for operation or maintenance of the railroad. Requires the Dept. of Education and parish school boards to encourage participation in certain natural resource education programs. Allows the governing authority of each parish to appoint a parish board of forestry upon approval by the La. Forestry Commission and the state forester. Further allows the state forester to administer and supervise a parish forestry program where established.

APPROPRIATIONS

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

The General Appropriation Bill (GAB) totals \$26.5 billion, of which \$7.7 billion is State General Fund (Direct), and \$11.3 billion is Federal Funds. SGF increased \$55 million and Federal Funds increased \$164 million when compared to the FY 11-12 Existing Operating Budget as of December 1, 2011. Overall, FY 12-13 Total GAB funding is \$65 million less than FY 11-12. The GAB also appropriates \$2.6 billion in Statutory Dedications, which is a decrease of \$221 million compared to FY 11-12.

The Preamble to the GAB provides that the commissioner of administration shall make reductions of \$22 million in SGF for annual premium rate decreases in group benefits and \$15 million in SGF in department appropriations.

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

EXECUTIVE DEPARTMENT

| | |
|---|-----------------|
| Executive Office of the Governor | \$ 13.8 million |
| Office of Indian Affairs | \$ 1.3 million |
| Office of the Inspector General | \$ 1.8 million |
| Mental Health Advocacy Service | \$ 2.9 million |
| Louisiana Tax Commission | \$ 3.9 million |
| Division of Administration | \$ 2.0 billion |
| Office of Coastal Protection and Restoration | \$272.5 million |
| Homeland Security and Emergency Preparedness | \$ 1.3 billion |
| Department of Military Affairs | \$ 78.3 million |
| Louisiana Public Defender Board | \$ 33.3 million |
| Louisiana Stadium and Exposition District | \$ 88.2 million |
| Board of Tax Appeals | \$ 572,908 |
| Louisiana Commission on Law Enforcement | \$ 36.1 million |
| Office of Elderly Affairs | \$ 43.3 million |
| Louisiana State Racing Commission | \$ 12.3 million |
| Office of Financial Institutions | \$ 13.0 million |
| In the above amounts, funding for disaster recovery efforts related to the hurricanes account for | \$ 3.1 billion |
| In the above amounts, funding for the various parish councils on aging and senior centers account for | \$ 8.8 million |
| Total Department Funding | \$ 3.9 billion |

Appropriations

VETERANS AFFAIRS

| | |
|---|-----------------|
| Funding for all five state War Veterans Homes | \$ 49.6 million |
| Funding for service related disabilities or other war-related impediments | \$ 500,000 |
| Funding for three (3) additional full time staff positions and related funding at the new War Veterans cemetery in Leesville, La. | \$ 127,453 |
| Funding for the Louisiana Honor Medal program in 2013 | \$ 91,500 |
| Total Department Funding | \$ 57.7 million |

SECRETARY OF STATE

| | |
|---|-----------------|
| Funding for two (2) planned statewide elections and two (2) planned municipal elections in FY 12-13 | \$ 13.2 million |
| Funding for the state portion of the Registrar of Voters Retirement Rate increase | \$ 602,724 |
| Funding for additional corporate filings online | \$ 402,500 |
| Total Department Funding | \$ 72.7 million |

OFFICE OF THE ATTORNEY GENERAL

| | |
|--------------------------|-----------------|
| Total Department Funding | \$ 58.2 million |
|--------------------------|-----------------|

LIEUTENANT GOVERNOR

| | |
|--|----------------|
| Funding for the Lieutenant Governor's Grants Program | \$ 5.8 million |
| Funding for the Learn and Serve America Program | \$ 615,000 |
| Funding for the Encore Louisiana Commission | \$ 471,000 |
| Total Department Funding | \$ 7.5 million |

TREASURY

| | |
|---|-----------------|
| Funding for LSU Ag Center to determine local population estimates | \$ 150,000 |
| Funding for computer license to address compatibility issues associated with Microsoft Office | \$ 80,000 |
| Funding for upgrade to the Debt Tracking and Accounts Receivable System (DTARS) to track and report debt applications | \$ 40,000 |
| Funding for rental space for offsite backup location to house replication servers and backups | \$ 18,000 |
| Total Department Funding | \$ 12.8 million |

Appropriations

PUBLIC SERVICE COMMISSION

| | |
|--|----------------|
| Funding for the Support Services and Motor Carrier Registration Program | \$ 2.9 million |
| Funding for the "Do Not Call" Program | \$ 254,000 |
| Funding for upgrades to the agency's strategic metric registry computer systems | \$ 140,000 |
| Total Department Funding | \$ 9.4 million |

AGRICULTURE & FORESTRY

| | |
|---|-----------------|
| Funding for the Forestry activity for wildfire management and suppression activities | \$ 15 million |
| Funding for agricultural regulatory and consumer safety inspection programs | \$ 13.5 million |
| Funding for the continuance of the Boll Weevil monitoring program | \$ 1.9 million |
| Total Department Funding | \$ 75.1 million |

INSURANCE

| | |
|---|-----------------|
| Funding for the Market Compliance Program | \$ 19.2 million |
| Reverts collected Self-generated Revenue to State General Fund in FY 12-13 | \$ 14 million |
| Total Department Funding | \$ 31.3 million |

ECONOMIC DEVELOPMENT

| | |
|--|-----------------|
| 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 | \$ 5.1 million |
| Funding for state economic competitiveness benchmarking, planning, and research initiatives | \$ 1.6 million |
| Funding for the Fast Start Program | \$ 5 million |
| Transferred Rapid Response to Other Requirements appropriation | \$ 24.7 million |
| Total Department Funding | \$ 47.5 million |

CULTURE, RECREATION & TOURISM

| | |
|---|--------------|
| Allocation provided for the 2013 NFL Super Bowl | \$ 6 million |
| Allocation provided for the 2013 NCAA Women's Final Four | \$ 1 million |

Appropriations

| | |
|--|-----------------|
| Funding for Information Technology projects in local libraries | \$ 1 million |
| Funding for Decentralized Arts grants | \$ 1 million |
| Funding for Statewide Arts grants | \$ 959,000 |
| Funding for Louisiana Sports Hall of Fame | \$ 677,786 |
| Total Department Funding | \$ 92.5 million |

TRANSPORTATION AND DEVELOPMENT

| | |
|--|-----------------|
| Funding to the District Operations Program for operation and maintenance of the state's highway system | \$340.4 million |
| Funding for statewide contract maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping | \$ 21.4 million |
| Funding for heavy equipment replacements in the District Operations Program utilized for highway maintenance | \$ 22.4 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 | \$ 4.7 million |
| Total Department Funding | \$554.3 million |

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

| | |
|--|-----------------|
| Total Funding | \$440.6 million |
| Additional budget authority to the Louisiana State Police out of the Oil Spill Contingency Fund and the Natural Resources Restoration Trust Fund for expenditures related to the Deepwater Horizon event | \$ 53 million |

Corrections Services

| | |
|--------------------------------------|-----------------|
| Total Funding | \$474.6 million |
| Local Housing of Adult State Inmates | \$158.5 million |
| Adult Work Release Program | \$ 20.1 million |
| Local Reentry Services | \$ 2.3 million |

Youth Services

| | |
|---|-----------------|
| Total Funding | \$121.9 million |
| Local Housing of Juvenile Offenders | \$ 5.3 million |
| Provides funding to maintain operation at the juvenile facilities at Jetson, Swanson, and Bridge City | \$ 45 million |

Appropriations

HEALTH AND HOSPITALS

Total Department Funding \$ 8.9 billion

Medicaid

Total Funding \$ 7.4 billion

Including:

Funding for Bayou Health payments \$ 1 billion

Funding to make supplemental payments using the upper
payment limit methodology \$ 586 million

Funding for the Louisiana Behavioral Health Partnership \$ 444 million

Funding for utilization increases, including pharmacy \$ 642 million

Office of the Secretary

Total Funding \$ 106 million

Including:

Funding for the La. Rural Health Information Exchange \$ 1 million

Funding for legal department to fight Medicaid fraud, waste, and abuse \$ 4.7 million

Aging and Adult Services

Total Funding \$ 55 million

Public Health

Total Funding \$ 335 million

Behavioral Health

Total Funding \$ 318 million

Developmental Disabilities

Total Funding \$ 195 million

Other Behavioral Health and Developmental Disabilities

Districts and Authorities

Total Funding \$ 157 million

Includes newly created Acadiana Area Human Services District

CHILDREN AND FAMILY SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives

Funding for FY 11-12 \$127.5 million

Funding for FY 12-13 \$ 91.9 million

FY 12-13 TANF Initiatives:

Youth day treatment programs \$ 3.3 million

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

Appropriations

| | |
|--|-----------------|
| Family Violence | \$ 3.7 million |
| CASA | \$ 4.4 million |
| Drug Courts | \$ 6.0 million |
| CPI/Family Services | \$ 26.2 million |
| Nurse Family Partnership | \$ 3.3 million |
| Homeless Initiative | \$ 850,000 |
| Non-medical substance abuse assessment | \$ 3.6 million |
| LA 4 | \$ 29.6 million |
| Early Childhood Supports | \$ 5.6 million |
| Abortion Alternatives | \$ 1.4 million |
| TOTAL | \$ 91.9 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 | \$ 36.4 million |
| Funding for Emergency Temporary for Title IV-E administrative costs | \$ 3.2 million |
| Total Department Funding | \$ 809 million |

NATURAL RESOURCES

| | |
|--|-----------------|
| Funding for the Technology Assessment Program | \$ 17.6 million |
| Funding for Energy Efficiency & Renewable Energy Program | \$ 3.7 million |
| Funding for oil field site restoration | \$ 4.1 million |
| Funding for a statewide ground water monitoring program | \$ 2.6 million |
| Funding for reimbursement of oil spill related expenditures due to ongoing coastal monitoring activities | \$ 228,000 |
| Total Department Funding | \$173.6 million |

REVENUE

| | |
|---|----------------|
| Funding for software upgrades to the tax and processing systems with Fees and Self-generated Revenues | \$ 2.5 million |
| Total Department Funding | \$ 96 million |

ENVIRONMENTAL QUALITY

| | |
|--|----------------|
| Funding for expenses related to the Deepwater Horizon event | \$ 1.8 million |
| Funding for the implementation of the Enterprise Resource (LA Gov) Planning System | \$ 500,000 |

Appropriations

Funding to the Rural Water Association to provide technical assistance to rural water systems throughout the state \$ 500,000
Total Department Funding \$126.8 million

LOUISIANA WORKFORCE COMMISSION

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
Total Department Funding \$280.8 million

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 expenditures related to oyster cultch rehabilitation projects due to damages caused by the Deepwater Horizon event \$ 7 million
Additional funds to Wildlife and Fisheries from federal funding to the Office of Coastal Protection and Restoration for oyster remote setting and oyster cultch planting restoration projects \$ 1.7 million
Additional funds to Wildlife and Fisheries from British Petroleum for oil spill related expenditures due to the Deepwater Horizon event \$ 3.7 million
Additional funds to Wildlife and Fisheries for operational expenses related to a fisheries research marine vessel \$ 1 million
Additional funds to Wildlife and Fisheries from the Louisiana Duck License Stamp and Print Fund for a cooperative endeavor agreement with Ducks Unlimited to replace a pump structure at the Ouachita Wildlife Management Area to produce 1,800 acres of waterfowl hunting opportunity \$ 400,000
Additional funds to Wildlife and Fisheries from the Black Bear Account to implement endangered species protocols and projects to aid the endangered Louisiana Black Bear \$ 212,000
Total Department Funding \$204.2 million

CIVIL SERVICE

Funding to State Civil Service to administer a comprehensive merit-based personnel management program to state agencies \$ 11.1 million
Funding for the operations of the State Examiner to administer the Municipal Fire and Police Civil Service System in 107 jurisdictions \$ 1.9 million

Appropriations

| | |
|---|-----------------|
| Funding to Ethics Administration to administer and enforce Ethics Reform | \$ 3.9 million |
| Funding for the operations of the State Police Commission to administer a separate merit system for the commissioned officers of Louisiana State Police | \$ 579,034 |
| Funding to the Division of Administrative Law to conduct administrative hearings for state agencies | \$ 7.9 million |
| Total Department Funding | \$ 25.5 million |

HIGHER EDUCATION

Total HIED Funding \$ 2.91 billion

TOPS - Taylor Opportunity Program for Students funding (\$102 million SGF and \$66 million Stat Ded). In the Enrolled General Appropriation Bill, the State General Funds for this agency are located in the Board of Regents. \$ 168 million

Board of Regents - Includes \$4.9 million for Board of Regents operations. The Board of Regents appropriation also contains all of the State General Funds for the other higher education institutions. These funds will be allocated at some point in the future to the respective higher education institutions. \$ 1.1 billion

SPECIAL SCHOOLS AND COMMISSIONS

Total funding for the budget units in Special Schools and Commissions \$ 93.5 million

ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program \$ 3.4 billion

The Legislature approved SCR No. 99 as the FY 12-13 MFP and appropriated \$3.4 billion – \$3.2 billion SGF and \$264 million Statutory Dedicated Funds.

The FY 12-13 MFP – SCR No. 99 – has new features when compared to the FY 11-12 MFP. For example, the resolution contains \$35 million for student increases, local revenue adjustments to district's wealth and the inclusion of additional schools and programs in the MFP. The new MFP contains provisions for including the students attending the Louisiana Schools for the Deaf and Visually Impaired and Special School Districts as well as the Student Scholarships for Educational Excellence Program (SSEEP) and, in conjunction with ACT No. 2 of the 2012 Regular Session of the Legislature, provides that dollars follow the child.

Appropriations

Other elements of the FY 12-13 MFP are:

- (1) Base Per Pupil Amount of \$3,855 remains unchanged from FY 09-10
- (2) At-Risk Weight of 22%
- (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
- (7) Includes Escadrille Louisiane in the Foreign Language Associate Program
- (8) Includes the CHOICE SYSTEM which provides choice opportunities to eligible students

LA4

The LA4 Early Childhood Program is appropriated \$76 million
and currently serves up to 17,000 four-year olds \$ 76 million
Total Department Funding \$ 5.3 billion

HEALTH CARE SERVICES DIVISION

| | |
|--------------------------|-----------------|
| Total HCSD Funding | \$827.4 million |
| Executive Administration | \$ 24.0 million |
| Earl K. Long | \$121.4 million |
| UMC - Lafayette | \$101.4 million |
| W.O. Moss | \$ 42.6 million |
| Lallie Kemp | \$ 40.5 million |
| Washington-St. Tammany | \$ 59.7 million |
| Leonard J. Chabert | \$ 93.4 million |
| Charity - NO | \$344.3 million |

OTHER REQUIREMENTS

| | |
|---|-----------------|
| Funding for local housing of state adult offenders and state juvenile offenders | \$186.3 million |
| Funding for debt service payments for Corrections, Higher Education, Louisiana Economic Development, and the Division of Administration | \$156.6 million |
| Funding for supplemental pay to law enforcement personnel | \$129.0 million |
| Funding for parish transportation to local government | \$ 46.4 million |
| Funding for sales tax dedications to local government | \$ 40.7 million |
| Provides funding to local government from Video Draw Poker | \$ 43.4 million |
| Funding for District Attorneys and Assistant District Attorneys | \$ 33.2 million |
| Funding to local governments to aid in fire protection | \$ 18.9 million |
| Funding for partial payment of the settlement "Jean Boudreaux, et al v. State of Louisiana" | \$ 1.0 million |

Appropriations

| | |
|---|-----------------|
| Funding for consent judgments, stipulated judgments and settlements against the State | \$ 18.4 million |
| Total Department Funding | \$ 757 million |

APPROPRIATION BILLS

HB 134 by Fannin - Ancillary Appropriations (*Last Action – Act No. 43*)

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: \$295 million through Interagency Transfers, \$1.3 billion from Fees and Self-Generated Revenues, and \$81 million from Statutory Dedications.

HB 1044 by Kleckley - Legislative Expense Act (*Last Action – Act No. 73*)

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$69,263,933 from the state general fund for FY 12-13 including the following:

| | |
|---------------------------------------|---------------|
| House of Representatives | \$ 27,607,568 |
| Senate | \$ 20,728,093 |
| 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 | \$ 69,263,933 |

HB 1058 by Fannin - Judicial Expense Act (*Last Action – Act No. 63*)

Appropriates funds for Fiscal Year 12-13 for the ordinary operating expenses of the judicial branch of government with total funding of \$162,949,765 from the following sources: \$142,862,434 out of the State General Fund (Direct); \$10,436,500 through Interagency Transfers from the Dept. of Children and Family Services; and, \$9,650,831 from Statutory Dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

| | |
|---------------------------------------|---------------|
| (1) La. Supreme Court | \$ 76,107,854 |
| (2) Courts of Appeal | \$ 43,442,668 |
| (3) District Courts | \$ 33,863,555 |
| (4) Criminal Court, Parish of Orleans | \$ 5,852,588 |

Appropriations

| | | | |
|-------|--|----|--------------------|
| (5) | Juvenile and Family Courts | \$ | 2,342,586 |
| (6) | Other Courts (Required by Statute) | \$ | 2,801,870 |
| (7) | Other Courts (Not Required by Statute) | \$ | <u>669,306</u> |
| TOTAL | | \$ | <u>165,080,427</u> |

Provides that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$2,130,662 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

HB 1059 by Fannin - Supplemental Appropriations *(Last Action – Act No. 53)*

Provides for net changes in general and ancillary appropriations for Fiscal Year 11-12 as follows:

Provides for net increases (decreases) in appropriations as follows:

State General Fund (Direct) by \$128,268,334

Interagency Transfers by \$18,956,481

Fees & Self-generated Revenues by \$137,268,046

Statutory Dedications by (\$88,429,505)

Federal Funds by \$9,210,379

Provides for an appropriation from the Budget Stabilization Fund to the state general fund in the amount of \$204.7 million to address the current year deficit.

Provides for an extension of cooperative endeavor agreements for certain projects through June 30, 2013, and provides for additional uncompensated care costs payments to the LSU hospitals subject to the funding appropriated in Act 12 of the 2011 Regular Session of the Legislature.

SPECIAL FUNDS

HB 822 by Fannin *(Last Action – Act No. 597)*

Provides with respect to the use, deposit, and transfer of monies in a variety of special treasury funds.

Provides that insurance premium taxes paid on Medicaid managed care plans would be deposited into the La. Medical Assistance Trust Fund.

Provides for transfers from other treasury funds and from other sources into the following funds:

| | | |
|---------------------------------|----|-------------|
| State General Fund for FY 11-12 | \$ | 141,544,671 |
| State General Fund for FY 12-13 | \$ | 116,904,310 |

Appropriations

| | | |
|----------------------------------|----|------------|
| LA Medical Assistance Trust Fund | \$ | 97,544,313 |
| Overcollections Fund | \$ | 41,058,394 |

Establishes the Budget Stabilization Replenishment Fund and requires the treasurer to deposit into the fund the difference between the April 24, 2012, official forecast and the actual collections of revenue for FY 11-12 as promulgated by the REC, not to exceed \$204.7 million. Provides that deposits in the fund shall be transferred to the Budget Stabilization Fund.

Provides for changes to the purposes and uses of the Legislative Capitol Technology Fund, the Shreveport Riverfront and Convention Center and Independence Stadium Fund, the St. John the Baptist Convention Facility Fund, the Iberville Parish Visitor Enterprise Fund, and the West Baton Rouge Parish Visitor Enterprise Fund.

HB 860 by Greene (*Last Action – House Calendar*)

Constitutional amendment which would have provided that if there is a savings to the general fund based on the difference in the employer normal cost for a retirement system in the current fiscal year minus the employer normal cost for the system in effect on Jan. 1, 2012, then an amount equal to those savings shall be transferred by the treasurer to the retirement system. State general fund monies that would have been available to the systems from the transfers could not have been used to finance cost-of-living adjustments for retired members.

HB 812 by Champagne (*Last Action – Senate Calendar*)

HB 838 by Champagne (*Last Action – Sent to Governor*)

HB 838 dedicates state revenues received from violations of federal and state environmental and water quality laws associated with the Deepwater Horizon oil spill of 2010 to the Coastal Protection and Restoration Fund. HB 812 would have proposed a constitutional amendment to dedicate such revenue.

DEFICIT ELIMINATION MEASURES

SB 82 by Buffington (*Last Action – Enrolled*)

Constitutional amendment to add the Medicaid Trust Fund for the Elderly to the list of funds that are exempt from adjustment under the governor's deficit elimination authority. Currently, the constitution authorizes the governor, with legislative approval, to reduce state general fund and dedicated funds in any fiscal year in which a deficit is projected, with exemptions for certain funds.

PUBLIC CONTRACTS

HB 327 by Richard *(Last Action – Senate Committee)*

This bill would have provided for a 10% reduction in professional, personal, and consulting contracts under the jurisdiction of the office of contractual review for FY 12-13 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.

HB 850 by Henry Burns *(Last Action – House Calendar)*

This bill would have allowed the Department of Corrections to enter into contracts for the privatization or sale of Avoyelles Correctional Center through procedures established in the proposed law.

HB 296 by Leger *(Last Action – Act 185)*

HB 627 by Arnold *(Last Action – House Committee)*

These bills provide for changes to "related services" in data processing procurement. Related services will now include consulting services ancillary to the procurement of data processing hardware or software limited to the lesser of 20% of the procurement amount or \$250,000. Additionally, data processing procurement contracts may be entered into on preprinted forms if approved by the director of state purchasing.

STREAMLINING MEASURES

HB 328 by Richard *(Last Action – Senate Committee)*

This bill 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 12-13. The bill would have also provided for a reduction of personnel expenditures by \$500 million by FY 15-16.

BUDGETARY CONTROLS

HB 546/ HB547 by Geymann *(Last Action – House Committee)*

HB 553/ HB554 by Geymann *(Last Action – House Committee)*

Constitutional amendment and enabling legislation to require budget precertification and certification of appropriations by the Revenue Estimating Conference (REC) and with respect to the vote requirement for such determinations. Further, the bill would have required a determination of funding levels and priorities, a separate appropriations bill for

Appropriations

appropriations to certain political subdivisions or public charities if the general fund appropriations for both higher education and health care are less than in the most recently enacted general appropriations bill, and required the general appropriation bill be passed prior to other appropriations bills. The bill also would have provided for the role of the REC in the expenditure of state funds, including determining what money is defined as nonrecurring.

The provision requiring separate appropriations bill for appropriations to certain political subdivisions or public charities if the general fund appropriations for both higher education and health care are less than in the most recently enacted general appropriations bill was also the basis of a separate constitutional amendment and enabling legislation (HB 553 and 554).

The provision requiring budget precertification and certification of appropriations by the Revenue Estimating Conference (REC) and with respect to the vote requirement for such determinations was also the basis of a separate constitutional amendment and enabling legislation (HB 551 and 552).

The provision providing for the role of the REC in the expenditure of state funds, including determining what money is defined as nonrecurring, was also the basis of a separate constitutional amendment (HB 548).

EXPENDITURE LIMIT

HB 549/HB 550 by Geymann *(Last Action –House Committee)*

Constitutional amendments and enabling legislation which would have limited the growth factor used to calculate the expenditure limit to 6%. 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.

HB 264/ HB 265 by Jim Morris *(Last Action –House Committee)*

Constitutional amendments and enabling legislation which would have specified the Bureau of Economic Analysis, U.S. Dept. of Commerce, as the source of data needed to calculate the state's growth factor for the purpose of calculating the expenditure limit.

HB 268 by Jim Morris *(Last Action –House Committee)*

This bill would have altered the time the commissioner of administration is required to submit the calculation for the expenditure limit to the Joint Legislative Committee on the Budget (JLCB) to be the same time that the governor is required to submit his executive budget. Currently, the commissioner of administration must submit the calculation for the

Appropriations

expenditure limit to the JLCB no later than 35 days before each regular session. The executive budget must be submitted no later than 45 days prior to each regular session and 30 days prior to the regular session during the first year of each term.

HCR 1 by Geymann *(Last Action –House Committee)*

This resolution would have directed the commissioner of administration to lower the expenditure limit for FY 12-13 and would have been construed to affect the expenditure limit for FY 13-14 and thereafter.

BUDGET STABILIZATION FUND

HB 392 by Jim Morris *(Last Action –House Committee)*

This constitutional amendment would have required that investment earnings be retained in the Budget Stabilization Fund even when the fund is at its maximum and clarifies that if the expenditure limit is decreased by the legislature, monies available for appropriation in excess of the decreased expenditure limit would be deposited into the Budget Stabilization Fund.

HCR 169 by Kleckley *(Last Action – House Committee)*

SCR 128 by Donahue *(Last Action – Enrolled)*

These resolutions provide legislative consent to make monies available for appropriation from the Budget Stabilization Fund in amounts not to exceed one-third of the balance of the fund, due to the reduction of the revenue forecast for the current fiscal year.

STATE PROPERTY

HB 1213 by Ortego *(Last Action – Sent to Governor)*

This bill limits the vehicles which may be purchased or leased by the state to those which are capable of and equipped for using bi-fuel, natural gas, or liquified petroleum gas. The bill provides that the commissioner of administration can waive the purchase of such vehicles under certain circumstances.

HB 803 by Ortego *(Last Action – House Committee)*

This bill would have required the use of certain materials with low volatile organic compound content in the maintenance, renovation, or construction of public buildings, including those buildings owned by a parish or city school board.

Appropriations

STATE AGENCIES AND EMPLOYEES

HB 741 by Broadwater (*Last Action – Act No. 500*)

This bill allows for the sale and securitization of long-term delinquent accounts receivable and other obligations due to the state and requires sale or securitization of not more than 25% of such receivables in calendar years 2013 and 2014. The commissioner of administration must report the results of such sale or securitization to the Joint Legislative Committee on the Budget prior to the end of each calendar year. Any debt the commissioner of administration or attorney general deems uncollectible and debt owed to the state due to treatment rendered at a state-owned hospital is excluded.

HB 810 by James (*Last Action – Act No. 501*)

This bill authorizes payroll deductions for state employees for donations to any qualified nonprofit community health and human services charities which has been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration. For the purpose of this law, "qualified community health and human services charities" shall not include those organized for cultural, educational, religious, or political purposes.

CIVIL LAW AND PROCEDURE

LIABILITY

HB 618 by Abramson (*Last Action – Act No. 754*)

Provides for the development of an environmental management order in civil actions alleging environmental damage. The order shall provide terms for access to the affected property, investigation and environmental testing, sampling and testing protocols, and time frames for testing and sampling.

Provides that if any party admits liability for environmental damage in an action for remediation of an oilfield site, the party may elect to limit the admission of liability to responsibility for implementing the most feasible plan to evaluate, and if necessary, to remediate all or a portion of the contamination. Further provides that if an admission is limited to a party's responsibility for implementing the most feasible plan, the admission shall not be construed as an admission of liability for damages pursuant to existing law nor shall such an admission result in any waiver of any rights or defenses of the admitting party.

Requires the court to refer the matter to DNR to conduct a public hearing to approve a plan which DNR determines to be the most feasible plan to evaluate or remediate environmental damage.

Provides that an admission of responsibility, the plan approved by the department, and all written comments provided by the agencies shall be admissible as evidence in any action in accordance with C.E. Arts. 702 through 705 and C.C.P. Art. 1425.

Provides that a party making a limited admission may file it into the court record no later than 90 days after the completion of the environmental testing set forth in the environmental management order, and that any other party who makes a limited admission shall file it into the court record within 60 days of the filing of the first limited admission, but no later than 90 days after the completion of the environmental testing set forth in the environmental management order.

Provides that a party admitting responsibility shall be required to deposit with the department funds to cover the cost of the department's review of the plan, including the cost of holding a public hearing.

SB 555 by Adley (*Last Action - Act No. 779*)

Relative to remediation of oilfield sites and exploration and production sites, allows any party to subpoena, for purposes of deposition or trial, any employee, contractor, or representative of the department or agency involved in the formulation of the feasible plan. Further allows the department or agency to recover costs associated with the subpoena.

Civil Law and Procedure

Does not allow for discovery of the department's review, approval, or structuring of the feasible plan or of an agency's review and comments until after submission to the court of the final feasible plan.

Provides a procedure for a defendant to request that the court conduct a preliminary hearing to determine whether there is good cause for maintaining the defendant as a party in the litigation.

Suspends the prescriptive period for one year for any claim covered by existing law. Further provides for the procedure and requirements for the suspension.

Provides that from the date a party admitting responsibility, or whom the court finds legally responsible for the damage, submits a plan to the department until after the department has filed with the court the approved feasible plan for the evaluation or remediation of the environmental damage, no party to the litigation, either directly or indirectly, may have ex parte communication with any employee, contractor, or representative of the department or a commenting agency regarding the formation of the feasible plan.

Allows the department to issue compliance orders either to the operator of record or to a party found responsible or admitting responsibility for implementing the most feasible plan. Further provides for notice of the compliance order to the current operator.

Provides for waiver of the right to enforce the contractual right to indemnification against such punitive damages caused by the responsible party's acts or omissions if the responsible party admits responsibility for the remediation of the environmental damage under applicable regulatory standards. Further provides that the waiver of the right to indemnification against punitive damages shall not apply to any other claims or damages.

HB 477 by Abramson (*Last Action - Senate Committee*)

Relative to asbestos litigation, would have provided disclosure procedures for asbestos and silica claims including requiring the plaintiff or person whose exposure is alleged to be the cause of the claim to provide to all parties a statement of any existing or potential claims involving asbestos or silica against any trust created in accordance with Title 11 of the U.S. Code or any fund established for the benefit of asbestos or silica claimants within 30 days of commencing an action or at least 180 days before a trial. Would have required the statement to include information regarding when all claims were or may be filed and whether any deferrals, delays, suspensions, or tollings of the claims process have been requested.

Would have also required the plaintiff to attest, and his attorney to sign, that a good faith investigation of all potential claims had been conducted.

Would have provided that failure to comply with the disclosure requirements could have served as the basis for sanctions, including dismissal.

Civil Law and Procedure

Would have applied to all asbestos and silica claims filed on or after the effective date of proposed law and to all pending claims in which trial has not yet commenced.

NOTARIES

HB 1192 by Barras *(Last Action - Sent to Governor)*

Provides for the provisional appointment of notaries who reside in a parish with a population of less than 40,000 and who pass certain portions of the notary examination, and provides for additional qualifications, bonding, and supervision of such notaries.

FAMILY LAW

HB 1081 by Brossett *(Last Action - House Committee)*

Would have provided that a fictive stepparent was a proper party to petition for intrafamily adoption and that a sole legal parent who had sole parental rights through a single parent adoption or in vitro fertilization was a parent recognized as having parental rights.

SB 261 by Nevers *(Last Action - Act No. 763)*

Provides that a grandparent not granted custody of a child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Further provides that, prior to making the determination that it is in the best interest of the child for grandparents to be given reasonable visitation rights, the court shall hold a contradictory hearing pursuant to R.S. 9:345 to determine whether the court should appoint an attorney to represent the child.

Provides that under extraordinary circumstances, a relative, by blood or affinity, or a former stepparent or stepgrandparent, not granted custody of the child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child.

EXPROPRIATION

SB 703 by Amedee *(Last Action - House Committee)*

Would have authorized the Ascension Parish governing authority to acquire property needed for a road or sewage project by expropriation when it cannot amicably acquire such property. Would have required the governing authority to properly notify the property owner of the intention to expropriate, and would have provided for the property owner to have one year before the expropriation proceedings would begin. Would have authorized the governing authority to acquire the property only after a court finds it necessary for a public purpose at a rule to show cause hearing, but prior to judgment in the trial court fixing the amount of compensation due to the owner of the property.

COMMERCE

BUILDING AND CONSTRUCTION

HB 386 by Ponti (*Last Action – Act No. 193*)

Lowers the minimum threshold for home improvement contracting services from \$7,500 to \$1,500.

Authorizes a person who has entered into a written contract with a home improvement contractor to provide goods or services in connection with the repair or replacement of a roof system to be paid from the proceeds of a property or casualty insurance policy to cancel the contract within 72 hours after the insured party has been notified by the insurer that all or any part of the claim has been denied.

Defines "roof system" as the components of a roof, including but not limited to covering, insulation, and ventilation.

Requires an applicant for a home improvement contracting certificate of registration to furnish the State Licensing Board for Contractors proof of general liability insurance in a minimum amount of \$100,000.

Prohibits a home improvement contractor from promising to pay or rebate all or any portion of an applicable insurance deductible as an inducement to the sale of goods or services in connection with the repair or replacement of a roof system.

Prohibits a home improvement contractor from failing to obtain any insurance required by federal law.

HB 1029 by Ponti (*Last Action – Act No. 112*)

Creates the "New Manufactured and Modular Home Warranty Act".

Requires every builder of a manufactured or modular home, subject to certain exclusions, to warrant the following to the owner:

- (1) One year following the warranty commencement date, the home will be free from any defect due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.
- (2) Two years following the warranty commencement date, the plumbing, electrical, heating, cooling, and ventilating systems exclusive of any appliance, fixture, and equipment will be free from any defect due to noncompliance with the building

standards or due to other defects in materials or workmanship not regulated by building standards.

- (3) Five years following the warranty commencement date, the home will be free from major structural defects due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

COMMERCIAL REGULATION

HB 1178 by Leger *(Last Action – Act No. 442)*

Creates the "Benefit Corporations Law".

Provides that a business corporation incorporated may elect to be a benefit corporation by stating in its articles that it is a benefit corporation.

Requires a benefit corporation to have a purpose of creating general public benefit and authorizes a benefit corporation to identify, in the articles of incorporation, one or more specific public benefits that it is the purpose of the benefit corporation to create. The identification of a specific public benefit shall not limit the obligation of a benefit corporation to create a general public benefit.

Provides that the consideration of interests and factors in the creation of general public benefit or the stated specific public benefits shall not constitute a violation of the fiduciary duty of the directors and officers.

SB 513 by Crowe *(Last Action – Act No. 560)*

Prohibits the Department of Economic Development or the office of entertainment industry development from certifying for film tax credits any film project in which the production company must maintain records pursuant to federal law relative to the production of materials which include actual sexually explicit conduct. Requires every motion picture production company applicant to submit a statement declaring that it is not required to maintain records for that certified production pursuant to that federal law. Federal law (Child Protection and Obscenity Enforcement Act) requires anyone who produces any material, including film, that contains one or more visual depictions of actual sexually explicit conduct to create and maintain records pertaining to every performer portrayed in that conduct.

SB 723 by Appel *(Last Action – Act No. 687)*

Creates the La. International Commerce Initiative and establishes the office of international commerce, within the Department of Economic Development, to serve as the authority on behalf of the state to advance the state's international commerce economic sector.

Commerce

Creates the La. Board of International Commerce to monitor the implementation of a state strategy to attract foreign investment and to develop a Master Plan of International Commerce to position Louisiana as a leader in international commerce.

CONSUMER PROTECTION

HB 113 by Schexnayder *(Last Action – Act No. 10)*

Divides the existing fireworks retailer permit classification into resident and nonresident permits and provides that the permit fee for resident retailers is \$100 and the permit fee for nonresident retailers is \$800.

Increases the maximum fine to which a fireworks manufacturer, assembler, distributor, importer, jobber, or retailer operating without a proper permit shall, upon conviction, be subject from \$1,000 to \$10,000.

HB 151 by Henry *(Last Action – House Committee)*

Would have repealed the exemption, under the Consumer Telemarketing Protection Act of 1991, for calls made pursuant to political campaigns, thus requiring those using ADAD equipment for the automatic dialing and transmitting of recorded messages (commonly referred to as "robocalls") to follow all the requirements of the law.

Would have repealed the exception, under the Telephone Solicitation Relief Act of 2001, for calls constituting political activity, thus requiring those making calls pursuant to political activity to obtain copies of the Do Not Call listing and be subject to all other requirements of law.

SB 751 by Morrish *(Last Action – Sent to Governor)*

Authorizes regional recreational products shows where recreational products are displayed and promoted for sale and prohibits the sale and delivery of a recreational product at such show except by a licensed Louisiana dealer whose area of responsibility for the brand of recreational products they represent include the location of the show.

Authorizes non-Louisiana recreational products dealers, distributors, or manufacturers who hold a current equivalent license in another state to participate in a recreational products show in Louisiana after Louisiana dealers, whose area of responsibility for the brands they represent includes the location of the show, have been given first option on space at such show. Allows Louisiana dealers, whose area of responsibility does not include the location of the show, to be given second option on space at such show, provided that such dealers shall not show the same brand of recreational product as shown by a participating Louisiana dealer whose area of responsibility includes the location of the show.

Prohibits non-Louisiana recreational products dealers, distributors, and manufacturers from showing the same brand of recreational product as shown by participating Louisiana dealers. Requires non-Louisiana dealers, distributors, and manufacturers to register their participation with the commission and pay a fee of \$250. Requires the disclosure to show attendees of the location of where warranty repairs would be made for the products the non-Louisiana entity has on display at the show.

Prohibits recreational vehicle dealers, distributors, and manufacturers from participating in any regional recreational product show where its product line of recreational vehicles is represented by a dealer whose area of responsibility includes the location of the show, whether or not that dealer participates in the show.

Repeals as of July 1, 2012, commission rules adopted in the Louisiana Administrative Code, entitled "Recreational Product Shows" and allows the commission to adopt new rules and regulations consistent with the enacted provisions.

Further provides for the authorization of national recreational products shows which have the participation of at least three or more sponsors for no longer than 10 days and which are non-selling shows with no execution of sales contracts, credit applications, taking of security deposits, or delivery of any recreational product. Allows for the presence of product specialists, business cards, brochures, pricing sheets, and other points of sales devices to answer consumer questions.

Limits national recreational product shows to licensed Louisiana distributors or manufacturers except in the case of registration with the commission of a non-Louisiana distributor or manufacturer and payment of a \$250 fee.

PROFESSIONAL LICENSING

HB 732 by Henry Burns (*Last Action – Act No. 276*)

Requires a professional or occupational licensing board to grant individuals with military training and experience a license, certification, or registration to lawfully practice an occupation in this state if the applicant satisfies all of the following conditions:

- (1) Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state.
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the professional or occupational licensing board.

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- (3) Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.

Requires a professional or occupational licensing board to issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice an occupation in this state if the individual holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.

Requires a professional or occupational licensing board to grant spouses of individuals with military training and experience a license, certification, or registration to lawfully practice an occupation in this state if the spouse satisfies the following conditions:

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.
- (2) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience.
- (3) Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.
- (4) Is in good standing and has not been disciplined by the agency that issued the license, certification, or permit.

Requires a professional or occupational licensing board to issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under La. law, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration in this state.

SECONDHAND DEALERS

HB 1187 by Richardson (*Last Action – Act No. 292*)

Prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of copper and requires payment for copper to be made in the form of a check issued

to the seller of the metal and mailed to the address recorded on the photo identification of the seller no earlier than five business days after the date of the transaction.

Prohibits a secondhand dealer from entering into any cash transactions in excess of \$300 for the purchase of metal property other than copper. Payments in excess of \$300 for metals other than copper are to be made in the form of a check made payable to the seller of the metal and may be tendered to the seller at the time of the transaction. The secondhand dealer, at his discretion, may make payment by either cash or other method for transactions of \$300 or less for all metals other than copper.

Prohibits a secondhand dealer from allowing a seller to engage in multiple transactions within a 24-hour period totaling more than \$300 for the purpose of circumventing the maximum cash payment provisions.

Prohibits a secondhand dealer from cashing, offering to cash, or providing the means for exchanging for cash a check issued to a seller on the premises of the secondhand dealer's place of business, including but not limited to the use of an automatic teller machine.

HB 1188 by Anders *(Last Action – Sent to Governor)*

Enacts the "Louisiana Scrap Metal Recyclers Law" to regulate operators of scrap metal recycling facilities.

Requires scrap metal recyclers to obtain an occupational license, keep a written record of scrap metal purchases, obtain a photograph of all scrap metal purchased and the person selling it, and obtain a statement of ownership or authorization to sell.

Requires all scrap metal recyclers, every day before the hour of 12:00 noon, to produce and deliver by electronic transmission to the chief of police of the city or town or to the sheriff of the parish in which he is doing business, a legible and correct copy of the records of scrap metal purchased during the previous day and to transmit the same information to an electronic database accessible by law enforcement.

Prohibits a scrap metal recycler from entering into any cash transactions for copper and requires payment for copper to be made in the form of a check issued to the seller of the metal and mailed to the address recorded on the photo identification of the seller no earlier than five business days after the date of the transaction.

Prohibits a scrap metal recycler from entering into any cash transactions in excess of \$300 for the purchase of metal property other than copper. Payments in excess of \$300 for metals other than copper are to be made in the form of a check issued to the seller of the metal and may be tendered to the seller at the time of the transaction. The scrap metal recycler, at his discretion, may make payment by either cash or other method for transactions of \$300 or less for all metals other than copper.

Commerce

Authorizes a scrap metal recycler to make payment for metals other than copper in the form of a loadable payment card in lieu of a check and requires the scrap metal recycler to verify the seller's identification by a driver's license or similar means, and to verify the seller's address by a current utility bill.

Prohibits a scrap metal recycler from allowing a seller to engage in multiple transactions within a 24-hour period totaling more than \$300 for the purpose of circumventing the maximum cash payment provisions.

Prohibits a scrap metal recycler from cashing, offering to cash, or providing the means for exchanging for cash a check issued to a seller on the premises of the scrap metal recycler's place of business, including but not limited to the use of an automatic teller machine.

EDUCATION

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

MINIMUM FOUNDATION PROGRAM (MFP) AND FORMULA

SCR 99 by Appel *(Last Action – Adopted)*

Provides legislative approval of the formula for FY 12-13 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, the LSU and SU laboratory schools, the Office of Juvenile Justice schools, the La. School for Math, Science, and the Arts, the New Orleans Center for Creative Arts, Type 2 Charter schools, the Student Scholarships for Educational Excellence Program, the Special School District, and the La. School for the Deaf and Visually Impaired) as developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on February 27, 2012.

MFP implementation costs for FY 12-13 are \$3.422 billion. This amount contains \$35 million for increases in the number of students, local revenue adjustments to a district's wealth, and the inclusion of additional schools and programs. For example, MFP funding is provided for the first time for students attending nonpublic schools under the Student Scholarships for Educational Excellence Program. Also for the first time, the local portion of the calculated MFP per-pupil amount is captured and designated for transfer by the state to the schools and school systems in which these pupils are enrolled.

The 2012-2013 MFP, for the fourth consecutive year, does not provide for the customary 2.75% increase in the base per pupil amount to help offset inflation and other cost increases.

The formula also:

- (1) Retains the same base per pupil amount of \$3,855.
- (2) Retains the same weights for at-risk, special education (including gifted and talented), and career education students.
- (3) Retains the \$100 per pupil allocation for mandated costs involving health insurance, retirement, and fuel.
- (4) Continues the phase-out of "hold-harmless" funding over 10 years, which began in FY 07-08, for specified school systems. Since the phase-out of hold harmless funding began, the 10% reduction amount was redistributed to all non-hold harmless districts.

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The FY 12-13 formula instead provides that these funds will be used to provide monetary rewards for high performing schools.

- (5) Continues suspension of the requirement that certain school systems and schools use 50% of "new" funds derived when the 2.75% growth factor is provided for in the formula for pay increases and related retirement costs for certificated employees.
- (6) Retains requirement that 70% of local school system general fund expenditures be in the areas of instruction and school administration at the school building level. Provides consequences for a school system that fails to meet this requirement and permits a waiver for noncompliance if the school system has a District Performance Score (DPS) at or above the state average.
- (7) Provides for October and February mid-year adjustments based on increases and decreases in student enrollment.
- (8) Provides funding for educational service providers that provide BESE-approved online courses to public school students attending schools with a school performance letter grade of "C", "D", or "F".
- (9) Includes provisions for future funding of the Early High School Graduation Scholarship Program which is targeted for implementation in FY 13-14.
- (10) Provides that BESE will encourage school districts to explore using student-based budgeting as a tool to improve student achievement.

SB 726 by Claitor (*Last Action – House committee*)

SB 716 by Adley (*Last Action – Senate committee*)

Would have established a process by which legislative approval of the MFP formula is granted and provided direction to BESE regarding what elements properly belong in the formula.

SCHOOLS/CHOICE

HB 976 by Carter (*Last Action – Act No. 2*)

Student Scholarships (Vouchers)

Expands current program from Orleans Parish only to all parishes. Retains family income eligibility requirement but adds that eligible students shall be those attending public schools that had a letter grade of C, D, or F or who received a scholarship the previous year. Changes funding process to require the State Board of Elementary and Secondary Education annually to allocate MFP monies for each scholarship equal to the amount allocated per pupil to the local school system in which the participating student resides. Permits parental

placement of special education students receiving scholarships to attend nonpublic schools and provides for MFP funding for such students to be in addition to the nonpublic school's maximum scholarship payment. Excludes scholarship recipients attending participating nonpublic schools from current law requirements that local school boards provide free transportation to students who live more than one mile from school. Requires the state Dept. of Education to develop an accountability system for participating students.

Parent Petitions for Transferring Schools to the RSD

Permits parents of students attending a public school with a letter grade of D or F for three consecutive years to submit a petition to BESE requesting that the school be transferred to the Recovery School District. Requires the state board to adopt rules and regulations for implementation of the petition process and prohibits the use of local school and school district resources to support or oppose any effort by parents to gather signatures or sign petitions.

Local Charter Authorizers

Provides for certification of "local charter authorizers" by BESE for the purpose of accepting, evaluating, and approving applications for charter schools from chartering groups. Provides that state agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. Provides for monitoring and standards for local charter authorizers and the schools they charter by BESE. Authorizes BESE to rescind a charter issued by a local charter authorizer under certain circumstances. Provides that local charter authorizers may charter schools and that any such school is referred to as a Type 1B charter school.

Charter School Process

Makes various changes relative to the chartering process including but not limited to third-party evaluations and responses thereto, charter applications and renewal, admission requirements, instructional staff requirements, and reporting requirements. Further requires BESE to approve a common charter application, to recruit chartering groups that offer programs that address regional workforce needs, and to create a process for authorizing multiple charter schools for certain chartering groups.

Course Providers Program

Requires BESE to create a process for authorizing course providers, including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of three to five years. Specifies that course providers shall receive MFP monies for each eligible student and specifies methods for calculating such amounts for public school students and nonpublic and home study students. Provides for remaining funds (with certain exceptions) to be returned to the state or the local

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school system according to the pro rata share for the annual MFP per pupil amount for the school system in which the student resides.

HB 911 by Foil (*Last Action – Act No. 424*)

Relative to the School Choice Pilot Program for Certain Students with Exceptionalities, removes the limitation that the program be a two-year pilot program ending with the 2012-2013 school year and provides instead that the program shall terminate at the end of the 2014-2015 school year. Changes certain student eligibility requirements for the 2013-2014 and 2014-2015 school years to allow participation by students residing in all parishes and students in all grades. Requires the state Dept. of Education to report by Dec. 1, 2014, on the status of the program and to recommend if the program should continue only in the program eligible parishes (Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, and St. Tammany) or be implemented statewide.

SCHOOL BOARDS AND SYSTEMS/CREATION AND CONSOLIDATION

SB 745 by Nevers (*Last Action – Act No. 691*)

As authorized by the state constitution, provides for the consolidation of two or more public school systems subject to the approval by a majority of the electors voting in each school system affected.

SB 563 by White (*Last Action – Sent to Governor*)

SB 299 by White (*Last Action – Failed to Pass/House*)

SB 299 was a proposed constitutional amendment which would have granted the Southeast Baton Rouge Community School System in East Baton Rouge Parish the same authority granted parish school systems relative to MFP funding and raising revenue for schools.

SB 563 creates and provides for the Southeast Baton Rouge Community School Board and school system in East Baton Rouge Parish. Would have been effective if and when the constitutional amendment proposed by SB 299 or SB 305 was adopted and became effective.

SB 305 by White (*Last Action – House Committee*)

HB 609 by Seabaugh (*Last Action – Failed to Pass/House*)

Proposed constitutional amendment which would have removed geographic limitations on the legislature's authority to create new school boards and provided relative to the financing of new school systems.

SCHOOLS/EARLY CHILDHOOD EDUCATION

SB 581 by Appel (*Last Action – Act No. 3*)

Creates the Early Childhood Care and Education Network and provides for full implementation by the beginning of the 2015-2016 school year. Establishes performance targets for children under age three and academic standards for kindergarten readiness for 3- and 4-year olds to be used in publicly funded early childhood education programs. Creates a uniform assessment and accountability system for publicly funded early childhood education programs that includes a letter grade indicative of performance. Requires BESE to coordinate with the Dept. of Children and Family Services and the Dept. of Health and Hospitals to align the standards for the licensing of child care facilities with the standards established for early childhood education programs.

STUDENTS/BULLYING

SB 764 by Ward (*Last Action – Sent to Governor*)

Requires BESE, in collaboration with the state Dept. of Education, to adopt rules and regulations to implement procedures used to report and investigate student bullying incidents. Redefines the term "bullying" to include patterns of certain behaviors.

STUDENTS/ALTERNATIVE EDUCATION PROGRAMS

HB 1209 by Richard (*Last Action – Sent to Governor*)

Provides that the local superintendent (instead of the school board) shall place an expelled student in an alternative school or an alternative educational placement (instead of an alternative school setting). Removes exclusion for students expelled for certain offenses involving weapons or controlled dangerous substances from requirement that suspended or expelled students be supervised by local school systems using alternative education programs approved by BESE.

Requires that BESE's alternative education rules and regulations include provisions for agreements between a school governing authority and an education service provider for the education of students who have been adjudicated delinquent, adjudicated as in need of services or adjudicated to the custody of the office of juvenile justice and assigned by the office of juvenile justice to a community-based program or facility, or have been suspended or expelled for certain weapons and controlled dangerous substances offenses. Requires that such services be provided at the actual costs incurred by the provider with certain limitations and that the services include certain academic, behavioral, and mental health interventions.

Allows for any nonprofit organization that provides alternative education services to a school governing authority to apply to operate a charter school pursuant to current law and requires

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that a Type 5 charter school governing authority receive approval from the Recovery School District (RSD) superintendent before entering into an agreement for alternative education services. Provides that such an agreement is not subject to the requirements relative to providing services at actual cost as specified above.

Repeals requirement that an expelled student attending an alternative education program and exhibiting disorderly conduct be dismissed from the program and not be permitted to return to such program until his period of expulsion ended.

TEACHERS/SCHOOL EMPLOYEES

HB 974 by Carter (*Last Action – Act No. 1*)

Tenure

Provides relative to acquiring, losing, and reacquiring tenure. Eliminates the probationary period for the acquisition of tenure. Provides that a teacher who receives a performance rating of "highly effective" for five years within a six-year period shall be granted tenure. Provides that a teacher who is not awarded tenure remains an at-will employee but shall acquire tenure upon meeting the "highly effective" requirement. Provides that beginning with the 2013-2014 school year, a tenured teacher who receives a performance rating of "ineffective" shall immediately lose tenure but may reacquire tenure under certain conditions.

Salary

Requires all public school governing authorities to establish salary schedules. Schedules for certified personnel shall be based upon effectiveness, demand inclusive of area of certification, particular school need, geographic area, subject area, which may include advanced degree levels, and experience. Prohibits any teacher or administrator rated as "ineffective" from receiving a higher salary in the year following the evaluation than he received in the year of the evaluation. Prohibits salary reductions, with certain exceptions. Repeals current law relative to minimum salary schedule requirements and extra compensation and salary requirements.

Employment

Authorizes local school superintendents to terminate the employment of nontenured teachers and specifies procedures and time lines to be followed including written responses to be submitted by teachers. For tenured teachers, adds poor performance to the list of written charges for which the teacher can be removed from office and adds that an "ineffective" rating on a performance evaluation shall constitute sufficient proof of poor performance, incompetence, or willful neglect of duty. Prohibits a teacher from being terminated for an ineffective evaluation until completion of a grievance procedure if a grievance was timely filed. Specifies procedures to be followed for removal of teachers including a teacher

response period and a hearing process. Requires certain actions by the local superintendent if he does not reinstate the teacher after the hearing process has concluded.

SB 494 by Appel (*Last Action – Sent to Governor*)

Extended sick leave

Specifies that the local school superintendent shall make all decisions relative to the granting of extended sick leave requests from teachers and other school employees, including school bus operators. Deletes current law that allows extended sick leave to be used for personal illness or illness of a family member and instead provides that extended sick leave must be used for a medical necessity and requires certification by a licensed physician. Requires local school boards and the Special School District to permit a teacher granted maternity leave and who has no remaining sick leave balance up to 30 days of extended sick leave in each six-year period of employment for personal illness related to the maternity leave. Requires local school boards to develop and implement a sick leave bank policy to allow school bus operators, teachers, and other school employees to donate sick leave to fellow employees. Requires local school boards to submit an annual report to the state Dept. of Education on the number of extended sick leave requests granted each year, the number of extended sick leave requests denied, and the reasons for such denial. Removes current law provisions excepting school boards from complying with requirements with respect to extended sick leave under certain fiscal conditions.

Sabbatical leave

Makes the granting of sabbatical leave requests from teachers and other school employees permissive rather than mandatory. Specifies that the local school superintendent shall make all decisions relative to the granting of such requests. Removes current law provisions excepting school boards from complying with requirements with respect to sabbatical leave under certain fiscal conditions.

HB 293 by Harrison (*Last Action – Act No. 704*)

Provides that existing state law relative to a school bus operator becoming a regular and permanent operator (tenure) is not applicable to any school bus operator whose date of first employment with the school system is July 1, 2012, or thereafter. Specifies that after the expiration of the probationary term of employment of such an operator, he may be removed from his position as provided by the personnel policy of the employing school board.

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LOCAL SCHOOL BOARDS AND SUPERINTENDENTS/POWERS

HB 974 by Carter (*Last Action – Act No. 1*)

Requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force. Provides for principals to be appointed by the local superintendent instead of by local school boards. Requires local superintendents to delegate to principals all decisions relative to school personnel hiring and placement and makes such decisions subject to approval of superintendents. Requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications. Provides for effectiveness as the primary criterion when making personnel decisions and prohibits the use of seniority or tenure as such. Requires local school boards to include specified performance targets in employment contracts with local superintendents and submit copies of such contracts to the state superintendent of education. Requires that a local superintendent be removed from office upon being found incompetent, unworthy, or inefficient or to have failed to fulfill the terms and performance objectives of his contract or to comply with school board policy.

DEPARTMENT OF EDUCATION/SUNSET

SB 62 by Appel (*Last Action – Act No. 617*)

Provides for the general re-creation of the Department of Education and its statutory entities for five more years. Changes termination date from July 1, 2013, to July 1, 2017, and provides that termination would begin July 1, 2016, unless the department is again re-created.

TOPS

HB 945 by H. Burns (*Last Action – Act No. 215*)

HB 946 by Greene (*Last Action – House Committee*)

SB 579 by Adley (*Last Action – House Committee*)

Extends eligibility for Taylor Opportunity Program for Students (TOPS) awards for certain students who reenlist in the U.S. Armed Forces and maintain continuous active duty.

POSTSECONDARY EDUCATION/GOVERNANCE

HB 396 by Carmody (*Last Action – House Calendar*)

Proposed constitutional amendment which would have provided that the powers of the public postsecondary education management boards were subject to the powers and policies of the Board of Regents.

HB 395 by Carmody *(Last Action – House Calendar)*

Would have provided that the power of the public postsecondary education management boards to spend and allocate funds is subject to the funding formula adopted by the Board of Regents and, unless otherwise provided in an appropriations bill, the Board of Regents' budget recommendations. However, would have permitted a management board to redirect an amount not to exceed 5% of the specified formula allocation to each institution under its control to address issues that may arise during the allocation process.

POSTSECONDARY EDUCATION/FEEES

HB 883 by Henry Burns *(Last Action – Act No. 278)*

Authorizes the Board of Regents to increase, by up to \$750, the licensure fees previously established (see below). Authorizes board action as necessary to provide for such an increase.

Current law provides that any postsecondary, academic degree-granting institution operating or proposing to initiate operations in Louisiana is required by law to be licensed by the Board of Regents. Further provides that licensure may be required biennially and may be granted for a period not to exceed 10 years. The Board of Regents was required to establish licensure fees and adopt procedures for collecting and expending such fees.

POSTSECONDARY EDUCATION/TUITION

HB 435 by Lorusso *(Last Action – Act No. 581)*

Provides that a student who is a La. resident and who is enrolled in or is applying for enrollment in a La. public college or university and who has served in the U.S. Armed Forces and who meets certain other eligibility requirements shall be entitled to resident classification for tuition purposes without regard to length of time of residency in the state.

POSTSECONDARY EDUCATION/INSTITUTIONS/CREATION AND MERGERS

SB 247 by Long *(Last Action – Act No. 760)*

Creates the Central La. Technical Community College to provide education programs and services through the location and facilities that served as the Alexandria, Avoyelles, Huey P. Long, Lamar Salter, Oakdale, and Shelby M. Jackson campuses of the La. Technical College.

Education

HB 964 by Fannin (*Last Action – House Calendar*)

SB 527 by Walsworth (*Last Action – Senate Committee*)

Would have provided for the merger of La. Tech University and La. State University at Shreveport and for the postsecondary education delivery system for the Northwest Region.

HR 112 by Carmody (*Last Action – Adopted*)

HCR 168 by Carmody (*Last Action – Senate Calendar*)

Relative to the LSU Shreveport Commitment Plan as unanimously endorsed by the LSU Board of Supervisors on April 27, 2012, provides legislative findings that the plan can be a cost-effective, efficient, and immediate strategy for enhancing postsecondary education needs in the region and requires certain reports on plan implementation to be made to the legislature, the legislative education committees, and the Board of Regents for the next three academic years.

SCR 130 by Peacock (*Last Action – Adopted*)

Relative to the LSU Shreveport Commitment Plan as unanimously endorsed by the LSU Board of Supervisors on April 27, 2012, endorses the plan, establishes the Louisiana State University Shreveport Commitment Plan Implementation Group, and requires certain reports, including semiannual reports on plan implementation for the next five academic years to the legislature and the legislative education committees.

SB 284 by Cortez (*Last Action – Act No. 767*)

Merges certain La. Technical College campuses with the South Louisiana Community College

SB 645 by F. Thompson (*Last Action – Act No. 681*)

Merges certain La. Technical College campuses with La. Delta Community College.

SCR 17 by Dorsey-Colomb (*Last Action – Adopted*)

Requests the Board of Regents and the LCTCS Board of Supervisors to study the feasibility of merging Capital Area Technical College and Baton Rouge Community College.

HEALTH AND WELFARE

TANF ("WELFARE")

HB 95 by Henry *(Last Action – Senate Committee)*

Would have restricted allowable uses of benefits of the Family Independence Temporary Assistance Program (FITAP) which provides cash assistance to needy families; is funded through the federal Temporary Assistance for Needy Families (TANF) block grant; and is commonly known as "welfare". The bill would have prohibited such benefits from being drawn at automated teller machines, utilized for the purchase of alcohol or tobacco, and remitted at gaming establishments or sexually oriented businesses. The bill's prohibitions on remitting assistance at gaming establishments or sexually oriented businesses were modeled after those of the Welfare Integrity Now (WIN) for Children and Families Act (H.R. 3567) by U.S. Representative Charles Boustany, which was passed by the U.S. House of Representatives in February, 2012.

HB 380 by Mack *(Last Action – Senate Committee)*

The bill would have expanded drug testing to at least 20% of adult recipients of FITAP cash assistance. Also, it would have established a cost savings program for such drug testing program. The effect of the bill was to require participants to consent to possible random drug testing prior to receipt of cash benefits. Also, specified that any participant who failed to complete the required education and rehabilitation program in 90 days would have been suspended from participation in the cash assistance program for a period of one year from the date of the positive drug test or until the satisfactory completion of the program. Further, provided for a year suspension and mandatory reapplication for any participant that had a subsequent positive drug screen.

ABORTION

HCR 11 by Hoffmann *(Last Action – Enrolled)*

Memorializes the U.S. Congress to defund and appropriate no future funding to Planned Parenthood due to that organization being the largest single provider of abortions in the nation.

SB 708 by Broome *(Last Action – Act No. 685)*

Known informally as the "Hear the Heartbeat" bill, requires that the fetal heartbeat be made audible to, and ultrasound images be displayed for review by, a pregnant woman at least 24 hours prior to an abortion in order for consent to the abortion to be deemed voluntary and informed as required by law.

Health and Welfare

SB 766 by Alario *(Last Action – Act No. 738)*

Designated as the "Pain-Capable Unborn Child Protection Act", prohibits, with limited exceptions, performance of an abortion when the probable post-fertilization age of the unborn child is 20 weeks or more as determined by a physician.

MENTAL HEALTH

HB 326 by Willmott *(Last Action – Act No. 489)*

Authorizes a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse after examination of the minor and a determination that such minor is a danger to himself or others.

HB 952 by Brossett *(Last Action – Act No. 506)*

Preserves mental and behavioral health services in the state by maximizing the use of existing funding and expanding resources and partnerships available to the Department of Health and Hospitals. The bill encourages the department to take the following steps to preserve mental health services: (1) manage mental and behavioral health resources in an efficient and effective way; (2) encourage cost-effectiveness in funding priorities; and (3) create innovative mental health and behavioral health programs.

SB 446 by Peterson *(Last Action – House Committee)*

Would have prohibited a primary care provider from discriminating in the offering or provision of its services to any person based on the person's serious mental illness.

HEALTH PROFESSIONS

HB 789 by N. Landry *(Last Action – House Committee)*

This bill sought to establish the Birth Center Licensing Act. It would have required the Department of Health and Hospitals to license free standing birth centers under standards established by the department or based on the standards and accreditation of the Commission for the Accreditation of Birth Centers. It specified that nothing in the law or proposed rules and regulations of the department could infringe upon the right of the mother to choose the location for the birth of her child or the persons who are authorized to be in attendance.

HB 951 by Willmott *(Last Action – House Committee)*

Would have established a conditional exemption to a requirement in law that nurse practitioners have in effect a collaborative practice agreement with a doctor or dentist in order to practice. The exemption would have been available to nurse practitioners approved

Health and Welfare

by the La. State Board of Nursing who practice in a medically underserved area as designated by a federal or state governmental health authority.

SB 320 by Martiny (*Last Action – Enrolled*)

Provides that no health care provider, except physicians as defined by Medicare, can use the title "Doctor" or the abbreviation "Dr." while providing direct patient care without using a suffix to denote either the type of professional license held by the health care provider or the degree to which he is entitled by reason of his diploma of graduation from a school or other entity, professional or otherwise.

Also, revises statutory provisions relative to the Midwife Practitioners Act. Further defines the scope of practice as it relates to requirements for physician evaluations and examinations and risk management physician referrals for purposes of determining whether a patient is a low risk patient capable of being cared for by a licensed midwife. Authorizes the issuance of a midwifery license to applicants who are members of the North American Registry of Midwives or other midwifery certifying organizations approved by the Louisiana State Board of Medical Examiners. In addition, authorizes the board to accept the examination administered by the North American Registry of Midwives as a qualifying examination for purposes of midwifery licensure. Establishes professional liability and immunity for physicians performing risk assessments and specifies that such risk assessment does not create a physician-patient relationship.

SB 378 by Mills (*Last Action – Act No. 651*)

Authorizes pharmacists in primary health professional shortage areas to administer pneumonia vaccines and shingles vaccines. Provides that the pharmacist must administer each immunization in conformance with the most current vaccination administration as set forth by the United States Public Health Service Advisory Committee on Immunization Practices. Requires the pharmacist to report each immunization to the patient's primary care provider, if available, and to the Louisiana Immunization Network for Kids Statewide system (LINKS) of the Department of Health and Hospitals, office of public health.

HEALTH / SMOKING

HB 378 by Hoffmann (*Last Action – Senate Calendar*)

Would have prohibited outdoor smoking within 25 feet of entrances to buildings and other enclosed areas in which indoor smoking is prohibited currently by the La. Smokefree Air Act.

Health and Welfare

CHILD DAY CARE

HB 861 by Simon (*Last Action – Act No. 599*)

Authorizes, in lieu of revocation, the issuance of written warnings to child care facilities which include corrective action plans for violations related to supervision, criminal history record checks, the state central registry disclosure process, staff-to-child ratios, motor vehicle checks, or failing to report critical incidents to the department if such condition or occurrence does not pose an imminent threat to the health, safety, rights, or welfare of a child. Provides that the failure to implement a corrective action plan could result in either the assessment of a civil fine of \$1,000 for each day of the offense or license revocation or may result in both actions being taken by the department.

ELDERLY AFFAIRS

SB 762 by Buffington (*Last Action – Failed to Pass/House*)

Would have transferred the elderly protective services (EPS) functions of the Governor's Office of Elderly Affairs to the Department of Health and Hospitals, office of aging and adult services.

HOUSE AND GOVERNMENTAL AFFAIRS

PUBLIC RECORDS

HB 89 by Ligi (*Last Action – Act No. 168*)

Prohibits a collective bargaining agreement to which a public employer is a party from being accepted or ratified by the public employer or its representative until the collective bargaining agreement has been made available to the public via the website of the public employer for at least five business days. Requires the public employer to issue a written public notice in the manner required by the Open Meetings Law informing the public of how such agreement may be accessed and the date, time, and place of the meeting at which the agreement will be considered.

ETHICS

HB 141 by St. Germain (*Last Action – Act No. 574*)

Changes the date a candidate's personal financial statement is required to be filed *from* within 10 days of the day the candidate files his notice of candidacy *to* within three business days of the close of the qualifying period. Further changes the time period in which a person who has failed to timely file or accurately file a financial disclosure statement has to respond to a notice of delinquency *from* 14 *to* seven business days from receipt of the notice.

Provides a limited exception to the requirement that an individual file a Tier 1, Tier 2, Tier 2.1, or Tier 3 annual financial disclosure statement by May 15 of the year following the termination of the holding of the office or position disclosing information for the preceding calendar year. Provides that the exception applies only if the holding of the office or position terminates in the month of January and requires the individual to file a financial disclosure statement by May 15 of the year in which the holding of the office or position terminates disclosing information for the period in which the individual held the office or position during that year.

HB 942 by T. Burns (*Last Action – Act No. 607*)

Authorizes the Board of Ethics, upon unanimous vote of its members present and voting, to appeal questions of law in a final decision of the Ethics Adjudicatory Board to the First Circuit Court of Appeal within 30 days after the signing and transmission of the notice of the decision. Provides that if the Board of Ethics does not prevail in the final disposition of its appeal, the Board of Ethics shall be responsible for the payment of reasonable attorney fees and court costs of the other party, inclusive of all stages of litigation and appeal. Provides that the amount of attorney fees shall be determined by the court of appeal and set forth in its judgment.

House and Governmental Affairs

HB 950 by T. Burns (*Last Action – Act No. 608*)

Provides that the one-year period that the Board of Ethics has to issue charges is prescriptive and that the prescriptive period may be suspended, interrupted, or renounced. Provides that the prescriptive period shall be suspended if the subject of the investigation or complaint (1) files any pleading or proceeding in a state or federal court or with the Ethics Adjudicatory Board that is related to the matter under investigation and that has the effect of delaying or impeding the proceeding or (2) fails to comply with a subpoena or other request from the Board of Ethics for information related to or in connection with the investigation. Provides that determinations concerning the prescriptive period shall be made by the Ethics Adjudicatory Board.

Relative to the prohibition against making testimony from a private investigation or private hearing of the Board of Ethics public and against making a public statement and giving out information concerning such an investigation or hearing, HB 950 provides that the person who is subject to an ethics investigation or complaint is exempt from these prohibitions.

Clarifies which powers, functions, and duties relative to the enforcement of the laws under the jurisdiction of the Board of Ethics are performed by the Board of Ethics and which ones by the Ethics Adjudicatory Board.

HB 955 by T. Burns (*Last Action – Act No. 609*)

Clarifies the enforcement of provisions of the Campaign Finance Disclosure Act relative to the filing of reports. Specifies that the staff of the supervisory committee may assess and issue an order for the payment of civil penalties for failure to file and failure to timely file reports and that an order by the staff is appealable to an Ethics Adjudicatory Board panel. Further specifies that the supervisory committee may waive all or part of such civil penalties and that the disposition of the waiver request is not appealable to the Ethics Adjudicatory Board.

ELECTIONS

HB 209 by Foil (*Last Action – Act No. 577*)

For elections other than regularly scheduled congressional primary elections, provides that on election day the polls open at 7:00 a.m., instead of 6:00 a.m., and requires the principal office of the registrar on such election days to open at 7:00 a.m. instead of 6:00 a.m.

House and Governmental Affairs

HB 365 by S. Bishop *(Last Action – Act No. 707)*

Requires each person who has qualified for a statewide elective office or state legislative office to certify that he has obtained at least one hour of ethics education and training in the same manner as required of public servants by executing a certification designed by the Board of Ethics which includes an assertion that all of the statements contained in it are true and correct. Requires the candidate to file the certification with the Board of Ethics no later than three business days following the close of the qualifying period for such office. Requires the certification form and a notice to the candidate regarding the requirements and the availability of education and training to be included in the informational packets provided to candidates.

HB 509 by Lorusso *(Last Action – Act No. 585)*

Prohibits a person from knowingly, willfully, or intentionally:

- (1) Giving or offering to give, directly or indirectly, any money or any thing of apparent present or prospective value to a candidate for public office for the purpose of securing the candidate's withdrawal from an election.
- (2) Soliciting or accepting, directly or indirectly, money or any thing of apparent present or prospective value to secure the withdrawal from an election of a candidate for public office.

Provides for a penalty of not more than \$2,000 or imprisonment, with or without hard labor, for not more than two years, or both, for the first offense. Provides that on a second offense or any subsequent offense, the penalty shall be a fine of not more than \$5,000 or imprisonment at hard labor for not more than five years, or both.

SCHOOL BOARDS

HB 292 by Pugh *(Last Action – Act No. 386)*

Provides for an election in each school district on Nov. 6, 2012, to determine whether the members of the school board in the district shall have term limits. Excludes the Recovery School District and excludes Lafayette Parish and Jefferson Parish which already have term limits. Specifies that if such term limitation is approved by a majority of the qualified electors voting thereon, then each member of the school board of that district who at the end of his term of office will have served as a member for more than 2-½ terms in three consecutive terms, such service being during terms that began on or after Jan. 1, 2014, shall not be elected to the board for the succeeding term. Further specifies that if a majority of the qualified electors vote against such proposition, then the term limitation shall not apply in that district.

INSURANCE

PROPERTY INSURANCE

HB 308 by Thierry (*Last Action – Act No. 78*)

Provides pursuant to *Globe Glass & Mirror Co. v. Brown*, 917 F. Supp. 447 (E.D. La 1996), in which the U.S. District Court for the Eastern District of Louisiana declared that the practice of limiting which companies an insurer may contract is unconstitutional. Repeals prior law which prohibited insurers from contracting with any company for insurance repairs where the insurer and repair company would agree to a price for repair that would allow the insurer to retain a percentage of the repair costs. Further repeals prior law that prohibited insurers from establishing a contract or agreement with any individual or company to manage, subcontract, broker, or arrange insurance repair for any glass repair or replacement on a motor vehicle.

HB 719 by Greene (*Last Action – House Calendar*)

Would have extended uninsured motorist coverage on an automobile liability insurance policy to all guest passengers of the vehicle described in the policy of liability insurance.

SB 204 by Morrish (*Last Action – Enrolled*)

Adds Louisiana Citizens Property Insurance Corporation to the list of entities set forth in present law which are not required to furnish a bond in any judicial proceedings arising from the scope and course of their duties and employment.

Further extends from August 15, 2011, to August 15, 2014, an exemption which makes present law relative to the corporation's rates, rating plans, and rate rules inapplicable to St. Mary Parish and some 11 other parishes.

SB 551 by Mills (*Last Action – House Committee*)

Would have repealed a provision of prior law which exempts insurance producers that serve as legislators from the continuing education required for renewal of an insurance producer license.

SB 359 by Morrish (*Last Action – Failed to Pass/House*)

Would have provided for electronic rejection of, or selection of lower limits for, uninsured motorist coverage by an insured or his representative pursuant to the Louisiana Uniform Electronics Transactions Act.

MISCELLANEOUS

HB 94 by Cromer (*Last Action – Act No. 694*)

Provides for re-creation of the Department of Insurance and its statutory entities, in accordance with the "sunset" law.

Further provides, relative to the office of consumer advocacy, that the deputy commissioner of consumer advocacy shall be appointed based upon the advice and with the concurrence of both chambers of the Louisiana Legislature. Provides that the deputy commissioner shall receive a salary and benefits commensurate with the salary and benefits of the majority of deputy commissioners at the Department of Insurance. Provides relative to the staffing requirements for the office of consumer advocacy.

HEALTH INSURANCE

HB 429 by Talbot (*Last Action – House Committee*)

Would have provided relative to balance billing by noncontracted facility-based physicians for covered health care services rendered in an in-network health care facility. Specifically would have provided relative to notice of such billing and compensation of such physicians.

HB 693 by Cromer (*Last Action – Act No. 410*)

Requires health insurance issuers who provide coverage for cancer treatment to cover the cost prescribed orally administered anti-cancer medications on a basis no less favorable than intravenously administered or injected anti-cancer medications. Accomplishes this by capping the cost prescribed orally administered anti-cancer medications at no more than \$100 per filled prescription. Effective for policies issued or renewed after January 1, 2013.

HB 771 by Foil (*Last Action – Act No. 771*)

Expands the mandate for health insurance coverage of diagnosis and treatment of autism spectrum disorders by extending coverage from age 17 to age 21, eliminating the lifetime maximum benefit and deleting the exception from coverage for employers with 50 or fewer employees. Effective for policies issued or renewed after January 1, 2014.

SB 207 by Morrish (*Last Action – Conference Committee*)

Pursuant to the federal Patient Protection and Affordable Care Act (PPACA), would have provided for an effective rate review process with respect to health insurance. This bill provided for review by the state of health insurance rates beyond a certain threshold, including rate increases, through the commissioner of insurance. Without this bill, such review takes place on the federal level.

Insurance

SB 225 by Morrish *(Last Action – House Committee)*

Pursuant to the federal Patient Protection and Affordable Care Act (PPACA), would have provided for effective internal and external review and appeals processes for health insurance issuers based not only on medical necessity but also on medical judgment, denial, reduction, termination, or failure to provide or make a payment. This bill provided for these processes to take place on the state level as opposed to the federal level.

SB 231 by Morrish *(Last Action – Act No. 318)*

Requires a health insurance issuer that provides prescription drug benefits to use only a single, standardized prior authorization form for obtaining any prior authorization for prescription drug benefits, applicable on and after January 1, 2013. Further provides that such form shall not exceed two pages in length, exclusive of instructions, may be accessible through multiple computer operating systems and be filed with the Department of Insurance on or after January 1, 2013.

SB 669 by Ward *(Last Action – Sent to Governor)*

Provides that a duly licensed optometrist shall be entitled to participate in contracts or plans providing medical eye care or vision care services, as a healthcare provider or otherwise, to the same extent as licensed physicians. Further prohibits discrimination against any provider, whether optometrist or physician, who is located within the geographic area of the HMO, PPO, managed care organization, accountable care organization, or plan or contract of insurance.

JUDICIARY

COURTS

HB 1144 by Leger *(Last Action – Sent to Governor)*

Removes the requirement that the publication for the judicial rate for the calendar following the calculation date be published in the December issue of a daily newspaper of general circulation.

Requires that advertisements and legal notices made in relation to judicial proceedings, the sale of property under judicial process, or in any other legal proceeding in a parish which contains a municipality with a population of 300,000 or more, be published in a newspaper or publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to being selected and meets other requirements provided for in law regarding judicial advertisements and legal notices.

Requires the newspaper or publication to be selected in June of each year, for a term of one year by the sheriff, constable, clerk, or other officer charged with the conducting of such sales requiring advertisement.

Requires that the total circulation of a newspaper or other publication selected to publish judicial advertisements be proved not less than annually by an experienced publication auditing firm prior to the selection of the newspaper or other publication.

Requires that when additional judicial advertisements are required to be inserted in an auxiliary journal in a parish of 300,000 or more, the journal must have been published for at least 75 years prior to insertion of the advertisement or publication, have been previously selected for no less than five years as the journal for that parish, and not be eligible to be selected under the provisions of this Act by the sheriff, constable, clerk or other officer of the parish.

Requires, in the case of unknown property owners in any parish which contains a municipality with a population of 300,000 or more, that a notice be published twice during a period of 15 days in a newspaper or other publication that is domiciled in that parish, is published weekly in the English language, has maintained a total circulation of at least 30,000 for at least five consecutive years prior to publishing the notice, and meets the requirements of present law regarding judicial advertisements and legal notices.

Judiciary

SB 625 by Murray *(Last Action – Act No. 474)*

Repeals provisions of law consolidating the civil and criminal district courts and the juvenile court of Orleans Parish into the Forty-First Judicial District Court. Also repeals the provisions of law merging the offices of the clerk of each of those courts into one clerk's office.

LAW ENFORCEMENT

HB 685 by Moreno *(Last Action – House Calendar)*

Would have extended the time period for New Orleans Police Dept. (NOPD) investigations from 60 days to 120 days and allowed the NOPD to petition the New Orleans Civil Service Commission for a 60-day extension. The commission would have been required to grant the extension for good cause.

HB 758 by Badon *(Last Action – House Committee)*

Would have expanded the definition of emergency to include a murder rate of 45 persons for every 100,000 in any city or municipality having a population in excess of 200,000.

Would have required the governor to declare an emergency to activate the national guard or utilize state law enforcement resources to assist local law enforcement with the declared emergency.

SHERIFFS

SB 97 by Morrell *(Last Action -Act No. 350)*

HB 408 by Arnold *(Last Action – House Committee)*

Creates the La. Sheriffs' Executive Management Institute within the La. Commission on Law Enforcement and Administration of Criminal Justice and establishes a board to govern the institute to serve without compensation.

Requires the institute to establish a new sheriff management course and a continuing education program prior to Dec. 31, 2012, establish requirements for approval and accreditation of other training and continuing education programs, conduct research to improve the efficiency and function of the office of the sheriff and stimulate research by public and private agencies for that purpose, accept donations, contributions, grants, or gifts from individuals, foundations, and state or federal government, and contract with other persons as the board deems necessary for services, facilities, studies, or training.

Beginning Jan. 1, 2013, requires each person elected to the position of sheriff to successfully complete the new sheriff management course not later than one year after his election, or in

Judiciary

the event of a special election, during the next regularly scheduled new sheriff management course.

Requires that each sheriff complete 12 hours of continuing education as approved by the board within every 12-month period.

Authorizes a sheriff to receive a salary increase if the sheriff completes the educational requirements required by this Act and the legislature establishes a salary increase for, and appropriates funds for salary increases for, district court judges.

JUDGES

HB 483 by Arnold *(Last Action – House Committee)*

Would have required that the actual salary of the supreme court, courts of appeal, and district court judges shall be increased by 3.8%, 2.6%, and 0.9%, respectively, on July 1, 2012, subject to an annual appropriation.

Would have required that the actual salary of the supreme court, courts of appeal, and district court judges shall be increased by 2.2% on July 1, 2013, subject to an annual appropriation.

TOBACCO SALES

HB 1170 by Hensgens *(Last Action – House Committee)*

Would have imposed certain requirements on retail establishments that make available a machine, device, or equipment that enables a person to process any rolled tobacco, or substitute thereof, for smoking. Would have required those establishments to adhere to specific provisions relative to the location of the machine in the retail establishment, the type and brand of tobacco used in the machine, the paper that the tobacco is rolled into, as well as the quantity of the final product distributed from the machine.

LABOR AND INDUSTRIAL RELATIONS

EMPLOYMENT AND CONSTRUCTION

HB 573 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.

SB 577 by Peterson *(Last Action – Vetoed by the Governor)*

Would have established the established the Louisiana Equal Pay Task Force to study and make recommendations relating to equal pay issues in Louisiana. Would have required the task force to submit a report of its findings to the legislature and governor no later than March 1, 2014.

UNEMPLOYMENT COMPENSATION

HB 534 by A. Williams *(Last Action – Act No. 263)*

Provides for the suspension of recreational hunting and fishing licenses for persons with overdue unemployment compensation benefits overpayment obligations.

WORKERS' COMPENSATION

HB 360 by Broadwater *(Last Action – House Committee)*

Would have created an unemployment reemployment and retraining fund to aid injured employees to return to work with an alternate skill.

HB 498 by Dixon *(Last Action – Act No. 88)*

Requires that a payor responsible for the payment of the medical expenses incurred as a result of a work-related injury shall give the office of workers' compensation administration (OWCA) access to certain records for fraud detection. OWCA may examine currently maintained claims and payment data to ensure that employers and claimants are not engaging in fraudulent activity.

Labor and Industrial Relations

HB 737 by Broadwater *(Last Action – Act No. 99)*

SB 520 by Broome *(Last Action – Signed by the Speaker)*

Provides that when a work-related injury causes the death of an employee, death benefits shall be paid to any non-dependent descendant of the deceased employee if he leaves no living dependent. Prior law provided that when there is no living dependent, death benefits were paid to the surviving parents of the deceased employee.

SB 520 includes additional language which provides that regardless of dependency, no payment shall be made to the concubine of the deceased employee nor to the child of a concubine, unless the child is related to the deceased employee by blood or adoption.

WHISTLEBLOWING

SB 158 by Morrell *(Last Action – Act No. 148)*

Provides that no employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against because of any action to report the sexual abuse of a minor child by any co-worker, supervisor, or subordinate to law enforcement. An employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner because the employee reported the sexual abuse of a child shall be entitled to treble damages plus court costs and reasonable attorney fees.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 706 by Berthelot (*Last Action – Act No. 274*)

Relative to the mayor pro tempore presiding at meetings of the board of aldermen in the absence of the mayor, authorizes the board of aldermen to select one of its members to preside at a meeting of the board if both the mayor and mayor pro tempore are unable to attend a meeting of the board. Provides that the mayor pro tempore or a board member presiding in stead of the mayor pro tempore has all rights and powers granted to the mayor with regard to presiding at a meeting of the board. Authorizes the mayor pro tempore to perform all duties of the mayor if the mayor is unable to carry out the duties of his office due to physical or mental disability as determined by a licensed physician. Provides that the mayor pro tempore has no additional authority to perform the duties of the mayor except as provided in HB 706 or upon the written consent of the mayor.

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

Relative to certain businesses subject to taxes levied by economic development districts that are created by parishes and municipalities and that are authorized to issue bonds secured by a pledge of tax increments (TIF districts) and to levy, subject to voter approval, ad valorem taxes, sales taxes, and hotel occupancy taxes, would have provided for an exemption for certain businesses from sales and use taxes levied by any such district. Specifically, the exemption would have applied to any business that had a license or permit from the parish or municipality to operate at a particular location at the time the location would have become included within the boundaries of such a district. Would have been prospectively applicable to businesses that were included in such district prior to the effective date of proposed law except to the extent that such taxes were pledged to the repayment of bonds or other obligations.

FIRE AND POLICE

HB 801 by Montoucet (*Last Action – Act No. 595*)

Provides that any regular employee who resigns or retires from a position in the classified service upon sustaining an injury compensable under present law (workers' compensation) may, with the prior approval of the board, be reemployed in a position of the class in which he was employed immediately prior to his resignation or retirement or in a position in any lower class. Provides that the employee may be reemployed at any time after his resignation or retirement but requires that he be qualified for the position to which he is reemployed. Further requires that the employee be reemployed with the seniority accumulated through the date of reinstatement.

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SB 405 by Buffington (*Last Action – Act No. 656*)

Relative to the municipal fire civil service, authorizes a governing authority to create the position of chief of administration of fire department. Requires that the position be filled on a competitive basis and provides that the right of selection, appointment, supervision, and discharge is vested in the fire chief, subject to the approval of the appointing authority. Requires the person holding the position to have at least 10 years of full-time fire service experience. Provides that the duties and responsibilities include direct supervision over all non-fire suppression personnel in the classified and unclassified service.

Authorizes any person who holds the position to apply for admission to the promotional examination for the class next higher than that which he held at the time of his appointment. Provides for the eligibility for admission to the competitive test for chief of administration to be limited to members of the same department as the fire chief. Provides that the person who is appointed from a position in the classified service to serve as chief of administration shall not forfeit his seniority and continues to accumulate seniority. Provides that if the chief of administration is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

TRANSIT – BATON ROUGE

HB 865 by Barrow (*Last Action – Vetoed*)

Relative to the board of commissioners of the Capital Area Transit System (CATS), a political subdivision with authority in East Baton Rouge Parish and in additional parishes that elect to participate, would have provided relative to board membership, appointment, and powers as follows:

- (1) Specified how the nine East Baton Rouge Parish board members would have been appointed, including one member appointed by the mayor-president of BR/EBR, one by the mayor of Baker, and one by the mayor of Zachary, if the tax for CATS on the April 21, 2012, ballot was approved by the voters of the respective city, and members appointed by the Metro Council of BR/EBR, one from among the Metro Council membership, and the remaining members appointed from nominees of designated persons, groups, or entities (one nominee to be submitted by each for any vacancies). Also would have authorized the Metro Council by ordinance to designate additional persons, groups, or entities to make nominations for appointments. Would have required that nominations be made giving consideration to population demographics and to the criteria the Metro Council is required to use in making the appointments. Would have required the Metro Council to appoint members with diverse backgrounds, including leaders from organizations that have a vested interest in a robust and efficient transit system or have a large constituency of transit users; executives of not-for-profit human service organizations; and other business or civic leaders with related executive experience in areas such as transportation and civil engineering; owners of businesses in the area subject to the ad valorem tax for CATS approved in 2012 who reside outside

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such area; and users of the transit system. Also would have required the Metro Council to consider nominees with comprehensive knowledge of specified matters and to appoint, to the greatest extent possible, at least one member with a degree or certificate in transportation, civil engineering, or urban planning and at least one member who is a regular user of public transit. Would have required that at least a majority of the members appointed by the Metro Council be residents of areas subject to the ad valorem tax for the system approved in 2012. Would have provided for commissioners in office to continue to serve. Would have provided that vacancies that occur upon expiration of or during their terms would be filled as provided in HB 865.

- (2) Would have retained authority for the board to acquire property or a property interest by purchase, lease, or donation, but would have removed authority for the board to acquire them by expropriation or otherwise. Would have retained authority for the board to sell, lease, transfer, or exchange property or a property interest but would have removed authority for the board to otherwise dispose of them. Also would have removed specific authority to acquire, own, use, or dispose of a servitude.
- (3) Would have retained authority for the board to determine the appropriate fares, rentals, and other charges for transportation provided to the public and to determine the appropriate routes, schedules, and other parameters for the provision of transportation services, but would have removed provision making these powers subject to approval of the appropriate parish governing authority. Also would have required a public hearing for the board to increase the regular fare by more than 25% in any 12-month period, and would have required that, prior to changing any regular fare, the board provide written notice of its intended action to the governing authority of the parish(es) affected, and would have authorized each such parish governing authority to hold a public hearing and adopt and submit to the board a recommendation concerning the proposed change. Would have prohibited board action on the proposed change until at least 60 days after notice transmittal.

HOUSING

SB 714 by Broome (*Last Action – Act No. 686*)

Relative to the Louisiana Housing Corporation (LHC), authorizes the board of directors of the LHC to determine who qualifies as "persons or families of low or moderate income" in a manner consistent with federal housing programs. Pursuant to prior law the LHC used the definitions provided by the Dept. of Housing and Urban Development (HUD) as follows:

- (1) Low income means any individual or household earning less than 50% of the area median income.
- (2) Moderate income means any individual or household earning between 50% and 80% of the area median income.

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Relative to the statewide policy for the financing of housing for persons or families of low or moderate income and for senior citizens and persons with disabilities, provides that the policy may apply to the division of administration in addition to all units, divisions, agencies, public corporations, and instrumentalities of the state involved directly or indirectly in financing single family or multi-family housing for such persons or families. Authorizes the LHC to access programs funded through HUD's Community Development Block Grants and further authorizes and directs the LHC to finance mixed-income residential rental developments or homeownership using federal housing tax benefits or any other available federal funds or benefits.

Relative to the Housing and Transportation Planning and Coordinating Commission, an advisory committee to the LHC, provides relative to the membership of the commission. Removes the member appointed by the Center for Planning Excellence and adds the following three members: the superintendent of the Dept. of Education, or his designee, the secretary of the Dept. of Economic Development, or his designee, and one member appointed by the La. Association of Affordable Housing Providers.

NATURAL RESOURCES AND ENVIRONMENT

WATER RESOURCES

HB 532 by Morris (*Last Action – Act No. 261*)

Extends for an additional two years the authority for a person or entity to enter into a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state authorized by law to enter such agreements or with the secretary of the Dept. of Natural Resources.

Requires that such agreements shall be in writing, for fair market value, in the public interest, on a uniform form prescribed by the State Mineral and Energy Board, and approved by the attorney general and the secretary of the Dept. of Natural Resources.

Requires the secretary to evaluate that each such agreement is in the public interest and ensure the agreement is based on best management practices and sound science and consistent with the constitutional requirement of balancing environmental and ecological impacts with economic and social benefits.

COASTAL ISSUES

HB 656 by Dove (*Last Action – Act No. 588*)

Redraws the coastal zone line moving the line inland in some instances.

Of the 20 parishes currently in the Coastal Zone, eight will see additional area included in the Coastal Zone - Cameron, Calcasieu, Iberia, St. Martin, St. Mary, Terrebonne, Lafourche, and Assumption, and two parishes will have area removed- Livingston and Tangipahoa. The remaining 10 parishes have no changes recommended (St. Tammany, St. Bernard, Orleans, Jefferson, Plaquemines, St. James, St. John, St. Charles, Ascension, and Vermilion).

HB 812 by Champagne (*Last Action – Senate Final Passage*) (constitutional amendment) **HB 838 by Champagne** (*Last Action – Sent to Governor*)

Dedicate to the Coastal Protection and Restoration Fund state revenues received as a result of penalties levied for violations of federal clean air and clean water acts associated with the Deepwater Horizon Oil spill. Provide that the funds may be used for integrated coastal protection efforts, including coastal restoration, hurricane protection, and improving the resiliency of the La. Coastal Area affected by the oil spill.

Natural Resources and Environment

HB 916 by St. Germain *(Last Action – Act No. 604)*

Renames the primary state coastal protection and restoration entities. Changes the name of the policy development entity from the Coastal Protection and Restoration Authority to the Coastal Protection and Restoration Authority board. Changes the name of the implementation agency from the Office of Coastal Protection and Restoration to the Coastal Protection and Restoration Authority.

HB 896 by Dove *(Last Action – Act No. 601)*

Delineates between the Department of Transportation and Development and the Coastal Protection and Restoration certain responsibilities for management and implementation of state policies in the coastal area.

SCR 41 by Morrish *(Last Action – Filed with Secretary of State)*

SCR 46 by Morrish *(Last Action – Filed with Secretary of State)*

Provides for the adoption of the annual coastal plan and the revision of the coastal master plan.

COMMERCIAL FISHERIES

HB 1190 by Dove *(Last Action – Act. No. 293)*

Authorizes the permitting by the Department of Wildlife and Fisheries alternative (off-bottom) oyster culture associated with current oyster leases.

SB 202 by Morrish *(Last Action – Act. No. 541)*

Removes requirements that between July 1, 2011, and June 30, 2014, oyster harvesting in Calcasieu Lake required a special permit issued annually by the Dept. of Wildlife and Fisheries. Such requirement limited the number of permits to 126 permits each year, with 63 of the permits being issued to a person who can prove through trip ticket landings that he commercially harvested oysters from Calcasieu Lake any time since January 1, 2001. The remaining 63 permits were to have been issued to any person.

SB 733 by Chabert *(Last Action – Sent to Governor)*

Relative to the Louisiana Seafood Promotion and Marketing Board, provides for rotation of crawfish industry member between a farmer, a harvester, and a processor; provides for rotation of La. Shrimp Assoc. member between a harvester and a processor; provides that the member representing the catfish industry rotate between a farmer, a harvester, and a processor; provides that the member representing the alligator industry rotate between a farmer, a harvester, and a processor.

Natural Resources and Environment _____

Limits the chairmanship and vice chairmanship to one-year terms with a prohibition on succeeding oneself. Allows for travel reimbursement. Provides for a term of office, after the initial appointment, of four years.

RETIREMENT

FORFEITURE OF BENEFITS

HBs 9 and 10 by Ligi (*Last Action – HB 9: Filed with Secretary of State; HB 10: Act No. 479*)

Relative to Louisiana public retirement systems, provides for the court ordered forfeiture of the employer-funded portion of a public employee's retirement benefits upon conviction of a "public corruption crime". Applies only to persons hired and benefits earned on or after January 1, 2013. Allows a court to award benefits to an innocent spouse or dependent. HB 9 is the constitutional amendment which permits the legislature to provide for such forfeiture and HB 10 is the accompanying legislation.

RETIRE/REHIRE

SB 19 by Cortez (*Last Action – Act No. 297*)
HB 19 by Hoffmann (*Last Action – Senate Committee*)

Relative to the Teachers' Retirement System of Louisiana, SB 19, as finally passed, allows a retired member of the system to return to work as a substitute classroom teacher or as a teacher in an adult literacy program; however, such member will be subject to a salary cap of an amount equal to 25% of his annual benefit. Further allows a retired member who holds an advanced degree in speech therapy, speech pathology, or audiology to return to work as a teacher without a salary cap.

SB 20 by Cortez (*Last Action – Act No. 228*)
HB 20 by Hoffmann (*Last Action – Senate Committee*)

Relative to the Teachers' Retirement System of Louisiana, allows a retired member of the system to return to work as an adjunct professor at a public institution of postsecondary education; however, such member will be subject to a salary cap of an amount equal to 25% of his annual benefit.

GOVERNOR'S PENSION INITIATIVE

SB 749 by Guillory (*Last Action – Senate Calendar*)
HB 53 by Pearson (*Last Action – House Committee*)

Relative to the Louisiana State Employees' Retirement System (LASERS) and the Teachers' Retirement System of Louisiana (TRSL), would have provided increased retirement ages for current and future non-hazardous duty employees in LASERS and postsecondary education employees in TRSL.

Retirement

SB 47 by Guillory *(Last Action – House Calendar)*

HB 55 by Pearson *(Last Action – House Committee)*

Relative to LASERS and TRSL, would have required a five-year final average compensation calculation for non-hazardous duty employees in LASERS and postsecondary education employees in TRSL who have a three-year final average compensation calculation.

SB 52 by Guillory *(Last Action – House Calendar)*

HB 56 by Pearson *(Last Action – House Committee)*

Relative to LASERS and TRSL, would have required non-hazardous duty employees in LASERS and postsecondary education employees in TRSL to contribute an additional 2% of their salary towards their retirement if certain conditions were met.

SB 740 by Guillory *(Last Action – House Calendar)*

HB 1132 by Pearson *(Last Action – House Committee)*

Relative to LASERS and TRSL, would have created subaccounts in the experience accounts of each system. Experience accounts are how cost-of-living-adjustments for retired members are funded. For LASERS, the subaccounts would have been for non-hazardous duty employees and for hazardous duty employees; in TRSL the subaccounts would have been for postsecondary education employees and for k-12 employees. The subaccounts would have been debited differently, and more stringent requirements for granting COLAs to non-hazardous duty employees and postsecondary education employees would have been put in place.

SB 48 by Guillory *(Last Action – Act No. 113)*

HB 54 by Pearson *(Last Action – House Committee)*

Relative to LASERS, TRSL, and the Louisiana School Employees' Retirement System (LSERS), adds the commissioner of administration, or his designee, to the boards of trustees of these systems.

HB 1131 by Pearson *(Last Action – Act No. 716)*

SB 739 by Guillory *(Last Action – Senate Committee)*

Relative to TRSL, provides for calculation of individualized employer contribution rates for discrete subgroups within the system.

HB 1198 by Pearson *(Last Action – House Calendar)*

SB 56 by Guillory *(Last Action – Senate Committee)*

Relative to TRSL and LSERS, would have merged the administrative functions of the two systems under the control of one board of trustees.

HB 61 by Pearson (*Last Action – Act No. 483*)

SB 53 by Guillory (*Last Action – Senate Committee*)

Relative to LASERS, TRSL, and LSERS, creates a new benefit structure (called a cash balance plan, similar to a 401(k) but without risk of loss) for certain members of these systems. The cash balance plan will be mandatory for new non-hazardous duty employees in LASERS and postsecondary education members in TRSL. The cash balance plan will be optional for k-12 employees in TRSL and for members of LSERS. Hazardous duty employees in LASERS are not permitted to join the cash balance plan.

TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

TOLLS

HB 1212 by St. Germain *(Last Action – Sent to Governor)*

Calls for an election to be held on Nov. 6, 2012, in the parishes of Jefferson, Orleans, and Plaquemines, for the purpose of determining whether tolls shall be renewed and collected on the Crescent City Connection Bridge until 2033.

If the majority of the qualified electors approve, the tolls shall be collected at the rate of twenty cents per axle for toll tag users and fifty cents per axle for cash users, such collection beginning on January 1, 2013.

Creates the "Crescent City Connection Capital Projects Fund" and provides that the source of monies in the fund shall be not less than \$10 million annually of tolls and all unexpended and unencumbered monies in the Crescent City Connection Toll Fund. Monies in the fund are subject to legislative appropriation to pay bond debt service, to fund pay-as-you-go projects, or to provide federal matching funds.

Monies in the Crescent City Connection Capital Projects Fund can be bonded out for capital projects for the Crescent City Connection, specifically, repainting the downriver span of the Crescent City Connection Bridge and improving ingress and egress capacity at Annunciation Street, Baratavia Boulevard, Tchoupitoulas Street, the MacArthur Driver Interchange (east bound Peters Road on and off ramps) and the Harvey Tunnel Rehabilitation.

Creates the Crescent City Connection Toll Fund and provides that the toll revenues in that fund shall be appropriated to the Dept. of Transportation & Development for operations, maintenance, landscaping, grass cutting, trash pick up, functional and ornamental lighting, motorist assistance patrols, inspection, capital projects and not more than \$2 million to the Dept. of Public Safety & Corrections, public safety services, for police functions, all along the bridges, approaches, and roadways along U.S. 90Z from Interstate 10 to U.S. 90.

Maintains all present manners of toll collection, but allows for tolls to be paid by credit, and makes changes to the enforcement of toll violations.

The New Orleans Regional Planning Commission will serve as an advisory body for the collection of tolls.

Provides for the authorization to privatize the operations and maintenance of and toll collections on the Crescent City Connection Bridge.

Should the voters renew the toll, provides for creation of the Algiers-Canal Street Ferry Fund and dedicates registration and licensure fees and taxes on trucks and trailers which are

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collected in Orleans Parish, subject to appropriation, to DOTD for operation of the Algiers-Canal Street Ferry.

SCR 38 by Adley (*Last Action – Enrolled*)

Requests DOTD study the feasibility of tolls to complete I-49 South and to submit a written report of its findings and recommendations not later than December 13, 2012, to the Senate Committee on Transportation, Highways, and Public Works and the House Committee on Transportation, Highways, and Public Works.

DWI

SB 486 by Perry (*Last Action - Act No. 663*)

Any licensee who is enrolled in a driving while intoxicated court or probation program or sobriety court probation program certified by the Louisiana Supreme Court Drug Court Office or the Louisiana Highway Safety Commission as part of a drug division probation program and who is in good standing with the presiding judge may, not less than 45 days following suspension of his license, and upon order of the presiding judge to the department, be issued an ignition interlock restricted license sufficient to maintain livelihood or allow the licensee to maintain the necessities of life or attend chemical dependency treatment sessions or meetings. The presiding judge may revoke the restricted license, by order to the department, upon receiving satisfactory evidence of violation of any restrictions placed upon the licensee.

Retains present law that provides that when any person's driver's license has been seized, suspended, or revoked, and the seizure, suspension, or revocation is connected to a charge or charges of violation of a criminal law, and the charge or charges do not result in a conviction, plea of guilty, or bond forfeiture, the person charged will have his license immediately reinstated and not be required to pay any reinstatement fee if at the time for reinstatement of driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal.

However, present law will not apply to a person who refuses to submit to an approved chemical test upon a second or subsequent arrest for operating a vehicle while intoxicated or underage driving under the influence, or a parish or municipal ordinance that prohibits driving a motor vehicle while intoxicated. Further provides that proposed law will not apply if the second or subsequent arrest occurs more than 10 years after the prior arrest.

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MOTOR VEHICLES

HB 839 by Henry (*Last Action – Sent to Governor*)

Revises the definition of "owner" and "tow truck" and adds definitions for "non-consensual storage" and "non-consensual towing".

Prohibits a law enforcement officer from initiating or recommending a specific tow company to conduct a tow to a vehicle owner. All tows shall be referred to the law enforcement agency rotation list or authorized contractor and in the event a vehicle owner exercises their right to select a tow company, such selection should be duly noted on the tow invoice or the law enforcement incident report.

Repeals provisions authorizing the office of state police to adopt a schedule of maximum fees which may be charged for the storage of vehicles which are stored under the authority of present law.

SB 601 by Buffington (*Last Action - Act No. 674*)

Retains present law requirement that a charge or fee be charged for each certificate of inspection and approval issued.

Requires persons operating an official inspection station to offer certificates of inspection that are valid for both one-year and two-year periods.

Requires that the owner of the vehicle have the option of purchasing a one year or a two year certificate.

Requires an annual charge or fee of \$10 to be charged for each certificate of inspection and approval issued.

Requires a charge or fee of \$10 to be charged for each year of validity of the certificate of inspection and approval issued.

Allows that the option for a two-year inspection certificate does not apply to inspection programs for vehicles in non-attainment parishes and municipalities pursuant to the federal Clean Air Act or regulations promulgated by the United States Environmental Protection agency, to commercial vehicles, and to student transportation vehicles.

HB 1053 by Garofalo (*Last Action - Act No. 512*)

The impoundment of a motor vehicle stopped by a law enforcement officer when the La. resident/operator cannot show compliance with the compulsory motor vehicle liability insurance law where such vehicle or operator, or both, present no imminent danger to the public is prohibited. The operator shall be issued a notice of noncompliance and allowed to proceed.

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The impoundment prohibition applies to a first violation and makes impoundment discretionary with the law enforcement officer for a second or subsequent violation.

Proposed law would repeal the present law described above and allow for an uninsured motorist's vehicle to be towed upon a first violation of the compulsory motor vehicle liability insurance law.

DRIVER'S LICENSES

HB 544 by Montoucet (*Last Action – Act No. 746*)

Retains present law requirement that a licensed driver suspected of being incompetent or otherwise not qualified to be licensed to undergo the department knowledge or skills test required for issuance of a driver's license.

Clarifies that the department can require the licensed driver suspected of being incompetent or otherwise not qualified to submit to one, any combination of, or all of the tests or examinations listed in present law.

SB 157 by Adley (*Last Action – Act No. 356*)

The Dept. of Public Safety and Corrections, public safety services, shall include the designation "Veteran" on drivers' licenses and special identification cards. The wording shall be in black below the photograph.

Only requires the placement of the designation if the person requests it and provides proof of veteran status. Veteran status can only be proven by the submission of a DD Form 214 or equivalent as established by the department pursuant to administrative rule.

HB 499 by Burns, H. (*Last Action - Act No. 398*)

The Dept. of Public Safety and Corrections, public safety services, shall include the designation "Veteran" on drivers' licenses and special identification cards. The wording shall be in black below the photograph.

Only requires the placement of the designation if the person requests it and provides proof of veteran status. Veteran status can only be proven by the submission of a DD Form 214 or equivalent as established by the department pursuant to administrative rule.

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HB 133 by Armes *(Last Action – Vetoed)*

Would have provided that the office of motor vehicles, within DPS&C, shall include the designation "VETERAN" on drivers' licenses and special identification cards. Provides that the wording shall be placed either on the face or on the reverse side of the license or identification card.

Would have required the placement of the designation if the person requests it and provides proof of veteran status. Veteran status can only be proven by the submission of a DD Form 214, indicating a discharge status of "honorable" or "general under honorable conditions".

TRAFFIC

HB 162 by Gisclair *(Last Action - Act No. 379)*

Requires drivers to use headlights while driving through a tunnel.

HB 197 by Burns, H. *(Last Action – Act No. 244)*

Adds sports utility vehicle to present law that provides that each driver and passenger of a passenger car, van, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion unless required to be in a child passenger restraint and if a belt for his seating space has been provided by the manufacturer.

Provides that each driver of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, commonly referred to as a pickup truck, shall not transport more persons than there are safety belts for in the vehicle.

HB 676 by Willmott *(Last Action – House Committee)*

Would have prohibited drivers from transporting domestic animals in the back of pickup trucks or utility trailers on certain roadways having a posted speed limit of 40 miles per hour or greater.

Would have provided exceptions relative to animals enclosed in a crate or container which is safely secured to the motor vehicle or utility trailer.

Would have provided exceptions relative to livestock, farming, or ranching animals.

Would have provided that the penalty for the first violation be punishable by a \$75 fine. The second offense punishable by a \$150 fine. Each animal transported in violation of proposed law shall be considered as separate offenses.

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HB 695 by Badon, A. *(Last Action – Senate 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 \$175 for the first violation, not more than \$500 for each subsequent violation.

Would have provided that the offense shall be primary.

WAYS AND MEANS

CAPITAL OUTLAY

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

HB 3 by Robideaux *(Last Action - House Calendar)*

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

AD VALOREM TAX

HB 674 by Robideaux *(Last Action - Filed with Secretary of State)*

HB 694 by Robideaux *(Last Action - Act No. 499)*

SB 331 by Riser *(Last Action - Senate Committee)*

SB 332 by Riser *(Last Action - Senate Committee)*

The constitutional amendment (HB 674) and statutory companion (HB 694) authorize the granting of ad valorem tax exemptions in parishes which have agreed to participate in a program for the granting of exemptions for targeted non-manufacturing businesses which intend to locate or expand a facility in Louisiana. Program participation by a parish is subject to the approval of the parish governing authority, all municipalities and school boards which levy an ad valorem tax, the law enforcement district, and the assessor. Businesses eligible for the exemption are those which:

- (1) Derive at least 50% of annual sales from out of state buyers, to in-state buyers for ultimate sale outside of La., or the federal government.
- (2) The primary activities at the facility are or will be: corporate headquarters, distribution facilities, data services facilities, research and development operations, and digital media and software development.
- (3) The business will make capital expenditures of at least \$25 million in the facility.
- (4) The business creates and maintains at least 50 new direct jobs.

Any political subdivision levying an ad valorem tax in a participating parish, or the secretary of the Dept. of Economic Development may invite an eligible business to apply for the exemption.

HCR 2 by Moreno *(Last Action - Filed with the Secretary of State)*

Urges and requests the La. Tax Commission to study and make recommendations relative to the practicality and feasibility of establishing a statewide database to track the name and

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address of a property owner claiming a homestead exemption. Provides that the La. Tax Commission shall make a written report to the legislature prior to Jan. 1, 2013.

BONDS

HB 783 by Fannin *(Last Action - Act No. 135)*

Authorizes the State Bond Commission on behalf of the Dept. of Transportation and Development to issue revenue bonds for capital highway projects ineligible for federal matching fund support. State revenues from registration and license fees for trucks and trailers are pledged for payment of the debt service. The expenditure of bond proceeds shall be limited to projects included in the highway priority program. Any residual revenues derived from registration and license fees for trucks and trailers after the payment of debt service shall be deposited into the State Highway Improvement Fund. Monies in the fund are dedicated for expenditure on capital highway projects ineligible for federal matching funds.

DEPARTMENT OF REVENUE

HB 1102 by Ligi *(Last Action - Act No. 459)*

Authorizes the secretary of the Dept. of Revenue to annually disclose, beginning Sept. 1, 2012, a list which contains only the name, address, and last four digits of a taxpayer's social security number to the La. Clerks of Court Association.

Requires that upon written request of any district clerk of court, the association shall provide to the clerk the electronic list for the respective parish. Further provides that the jury venire roll constructed by the district clerk of court shall be considered a public record.

INCOME TAX

HB 729 by Robideaux *(Last Action - Act No. 415)*

SB 463 by Walsworth *(Last Action - Senate Calendar)*

Establishes the Corporate Tax Apportionment Program, for the granting of contracts for an initial term of up to 20 years (renewable for another 20 years at the discretion of the Dept. of Economic Development (DED)) for a business to utilize the single sales factor in calculating its "apportionable income" or "taxable capital" for purposes of La. corporate income and franchise taxation.

The program authorizes a taxpayer whose net apportionable income is derived primarily from the business of manufacturing or merchandising to compute its taxable income and taxable capital by means of the single ratio of net sales made in the regular course of business and other gross apportionable income attributable to La. to such total net sales and other gross apportionable income.

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Permits businesses to apply for participation in the program at the invitation of the secretary of DED. If the secretary determines that the business meets all eligibility requirements, the secretary may certify that the business is eligible for the program and request approval of the contract by the JLCB.

Prohibits new contracts after July 1, 2017, but contracts existing on that date may continue and be renewed.

Effective July 1, 2012, and applicable to corporate income tax years beginning on and after January 1, 2013, and corporate franchise tax years beginning on and after January 1, 2014.

REBATES

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

Authorizes the secretary of the Dept. of Economic Development to enter into a contract with a procurement processing company which recruits purchasing companies to La. The contract shall provide for incentive rebate payments (hereinafter "rebates") in exchange for the generation of new state tax revenue from new taxable sales to a purchasing company which is managed by the procurement processing company. Rebates shall be paid by the secretary of the Dept. of Revenue from current tax collections and shall be based on the estimated new state tax revenue from new taxable sales occurring in La. as a result of the operation of a procurement processing company in La.

After providing for the payment of rebates and administrative costs of the Dept. of Revenue, amounts equal to new state sales tax revenue generated by activities of a procurement processing company shall be disbursed as follows:

- (1) \$30 million per year to be deposited into the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund-Specialized Educational Institutions Account. Monies shall be appropriated from the fund for the following purposes:
 - (a) \$5 Million for the La. Cancer Research Center of Health Sciences Center in New Orleans/Tulane Health Sciences Center
 - (b) \$5 Million for the Feist-Weiller Center of LSU Health Sciences Center-Shreveport
 - (c) \$10 Million for the LSU Agricultural Center
 - (d) \$5 Million for the Pennington Biomedical Research Center
 - (d) \$5 Million for the Southern Univ. Agricultural Research and Extension Center

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- (2) 10% of the total monies remaining after the payment of rebates and administration expenses, and the dedication for the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund-Specialized Educational Institutions Account, shall be deposited into the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund- UAL Account. Monies may be appropriated each fiscal year from the UAL Account for supplemental payments on the UAL which are in addition to those required for the amortization schedule.

HB 937 by Robideaux (*Last Action - Act No. 503*)

SB 567 by Riser (*Last Action - Sent Committee*)

Creates the Corporate Headquarters Relocation Program which grants to a "qualified business" a contract to receive a relocation rebate of 25% of "relocation costs" to relocate or expand its "headquarters" in a location within Louisiana.

Defines "relocation costs" as actual, direct, and substantiated costs incurred by the qualified business to relocate a headquarters to the state, including capital expenditures and leasing costs for a facility and equipment, and personnel relocation costs. Personnel relocation costs are limited to costs associated with no more than 60% of headquarters jobs and shall not include any real estate commission in excess of six percent. Relocation costs also include capital expenditures and leasing costs for expansion of a headquarters facility in the state, excluding personnel relocation costs. Relocation costs are limited to the maximum amount provided by the executed contract.

Defines a "qualified business" as a business that the secretary has determined meets eligibility requirements, has been approved by the Joint Legislative Committee on the Budget (JLCB) to participate in the program, and has executed a contract with the department governing its participation in the program. Prohibits a business engaged in gaming or gambling from participating in the program. Authorizes a business to apply for the program at the invitation of the secretary of DED.

Prohibits new contracts from being approved on or after July 1, 2017.

Provides that the rebate is payable in equal installments over a five-year period. However, no payment of a rebate can be made under a specific contract during the fiscal year in which such contract is approved by the JLCB.

Requires the Dept. of Revenue to pay rebates from current tax collections.

Effective July 1, 2012.

Ways and Means

HB 958 by Robideaux (*Last Action – Act No. 507*)

SB 548 by Riser (*Last Action - Senate Calendar*)

Creates the Competitive Projects Payroll Incentive Program for the granting of rebates to certain businesses through a contract entered into between the state and the business. No new contract may be executed after July 1, 2017. Rebates shall be paid by the secretary of the Dept. of Revenue from current tax collections pursuant to certification of amounts due by the secretary of the Dept. of Economic Development.

At the invitation of the Dept. of Economic Development, a business may apply for a contract if (a) it is a business which engages in durable goods or pharmaceutical products manufacturing, converts natural gas to other fuels, provides data storage service, or other type of business determined by the secretary and approved by the Joint Legislative Committee on the Budget, and (b) at least 50% of the businesses sales are to out of state buyers, to in-state buyers for ultimate sale outside of La., or to the federal government.

HB 969 by Talbot (*Last Action - Act No. 25*)

Authorizes a rebate for donations a taxpayer makes to a school tuition organization (STO) which provides scholarships to qualified students to attend a nonpublic elementary or secondary school which is approved by BESE which meets the criteria set forth in *Brumfield, et al. v. Dodd*. The amount of the rebate shall be equal to the actual amount of the taxpayer's donation used by a STO to fund a scholarship, exclusive of administrative costs. No more than 5% of a donation shall be used for administrative or promotional costs. Additionally requires that the donation be made by a taxpayer who files a La. income tax return.

Defines a "qualified student" as a child who is a member of a family that resides in La. with a total household income that does not exceed 250% of the federal poverty level.

Requires the Dept. of Revenue to pay rebates from the current collections of taxes.

Effective Jan. 1, 2013, for donations made to a STO which provides scholarships to qualified students to attend a qualified school for the 2013-2014 school year and thereafter.

HB 1072 by Henry (*Last Action – Act No. 219*)

Extends and broadens eligibility for the Louisiana Quality Jobs Program for National Basketball League Franchises (New Orleans Hornets). The duration of a contract between the state and a franchise to provide for payroll-based tax rebates is increased from five to ten years. Rebates shall be paid by the secretary of the Dept. of Revenue from current tax collections. Contract renewal is contingent upon the provision of information to the Joint Legislative Committee on the Budget relating to numbers and types of jobs for which the franchise received payment under the contract.

Ways and Means

HB 1106 by K. Jackson *(Last Action - Vetoed by the Governor)*

Authorizes a rebate of 75% of donations a taxpayer makes during a taxable year to public schools which received a letter grade of "B", "C", "D", or "F" for the most recent year pursuant to the La. School and District Accountability System. In order to qualify for the rebate, the donation must be made by a taxpayer who files a state income tax return.

Requires that donations be used for purchasing instructional materials and supplies, for costs and expenses in establishing and maintaining tutorial programs, for costs and expenses in establishing and maintaining in-school child care programs for student parents, school based health clinics, or for meeting any of the requirements prescribed in current rules and regulations for academically unacceptable schools.

Requires the public school to provide a public report no later than Jan. 1 of each year which includes the name and address of the public school, the total number and total dollar amount of donations received during the previous fiscal year, the total amount of contributions made by each contributor during the previous calendar year, and the social security number or La. taxpayer identification number of each contributor.

Limits the total amount of rebates issued to \$10 million per calendar year; however, in any year that the amount of rebates awarded reaches 90% of the current year annual cap, the annual cap for the next year shall be increased by 20%.

Requires the Dept. of Revenue to pay rebates from current tax collections.

Effective Jan. 1, 2013, and shall be applicable to donations made to a public school for the 2013-2014 school year and thereafter.

MISCELLANEOUS TAX INCENTIVES

HB 1104 by K. Jackson *(Last Action - Vetoed by the Governor)*

Requires annual reports to the legislature (March 1) by the secretary or the head of each state agency which administers a tax credit or rebate ("tax incentive"). The report shall include an assessment of whether the incentive has been successful in meeting the purposes for which it was established, and whether the state receives a positive return on investment from the industry for which the incentive is intended to benefit.

The House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs are required to conduct hearings on the reports every odd-numbered year for consideration of the tax incentives which have caused a net revenue loss to the state.

Ways and Means

SCR 103 by Donahue *(Last Action - Signed by the Speaker)*

Requests a commission composed of the President of the Senate, Speaker of the House, Chairmen of the Senate Committees of Finance and Revenue and Fiscal Affairs, Chairmen of the House Committee on Appropriations and Ways and Means, and other members appointed by the President and Speaker to do the following:

- (1) Determine the generally accepted, most effective economic models which are used to determine the economic impact of a tax preference expenditure.
- (2) Use those economic models to establish criteria for the identification of low-performing or antiquated tax preference expenditures, based on the cost of the tax preference expenditure compared to (a) the revenue gained by the state; (b) the revenue gained by local governments; and (c) the overall economic impact of the tax preference expenditure in terms of the number of jobs created by the intended beneficiaries of the tax preference expenditure and by the direct economic activity through the economy.
- (3) Identify the low-performing or antiquated tax preference expenditures.
- (4) Recommend the temporary or permanent reduction or elimination of the identified low-performing or antiquated tax exemptions, suspensions, exclusions, deductions, credits, refunds, rebates, and preferential tax calculation methods.

HB 2 – Capital Outlay

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

| HB 2 - CAPITAL OUTLAY | |
|--|------------------------|
| MEANS OF FINANCING | AMOUNT |
| TRANSPORTATION TRUST FUND - TIMED | \$0 |
| FEDERAL FUNDS (excluding FEDERAL-TTF) | \$20,694,987 |
| TRANSPORTATION TRUST FUND (TTF) - FEDERAL | \$742,200,000 |
| TRANSPORTATION TRUST FUND (TTF) - REGULAR | \$183,605,906 |
| STATE GENERAL FUND (NON-RECURRING REVENUES) | \$2,490,690 |
| STATE GENERAL FUND (DIRECT) | (\$60,424,270) |
| INTER-AGENCY TRANSFER | \$28,177,455 |
| MISC STATUTORY DEDICATIONS | \$86,687,778 |
| FEES & SELF GENERATED CASH | \$87,064,480 |
| REAPPROPRIATED CASH | \$16,450,547 |
| SUBTOTAL CASH | \$1,106,947,573 |
| REVENUE BONDS | \$177,950,000 |
| SUBTOTAL CASH & REVENUE BONDS | \$1,284,897,573 |
| GENERAL OBLIGATION BONDS | |
| PRIORITY 1 | \$1,540,615,000 |
| PRIORITY 2 | \$277,535,000 |
| PRIORITY 3 | \$14,500,000 |
| PRIORITY 4 | \$0 |
| SUBTOTAL PRIORITIES 1-4 | \$1,832,650,000 |
| PRIORITY 5 | \$1,156,290,000 |
| SUBTOTAL GENERAL OBLIGATION BONDS | \$2,988,940,000 |
| BND\$ NRP (Reallocated bond proceeds) | \$10,455,700 |
| TOTAL OF HB 2 | \$4,284,293,273 |
| | |
| Cash Line of Credit/Bond Sale Limit | \$1,696,475,000 |
| Cash Line of Credit/Bond Sale commitment for Pr.1 projects | (\$1,540,615,000) |
| Cash Line of Credit/Bond Sale amount avail for Pr.2 | \$155,860,000 |