



2017 Regular Session of the Louisiana Legislature



House Legislative Services
Louisiana House of Representatives

June 13, 2017



2017 Regular Session, the numbers



Odd years are limited “fiscal” sessions

- Legislators could file:
 - Unlimited number of fiscal bills
 - Unlimited number of local bills
 - But only 5 general bills
- Session convened April 10
- Session adjourned June 8



House and Senate Instruments

- 949 Total Bills Filed:
 - 692 House Bills
 - 257 Senate Bills
- 717 Resolutions and Study Requests Filed
- Constitutional amendments
 - 50 constitutional amendments filed
 - 3 will be submitted to the voters

Budgetary Review

[HB 590](#)

- Establishes a Joint Legislative Committee on the Budget (JLCB) subcommittee to make recommendations on special funds that dedicate state revenue; and
- Requires 50% of dedicated funds be reviewed every two years.

[SB 232](#)

- Cash Management Review Board (CMRB) must review all state agency requests for state treasury escrow funds;
- Prohibits holding state money in escrow funds unless the agency immediately gives written notice to CMRB; and
- Directs Department of Justice and state treasury to transfer \$5,300,335 to the State Emergency Response Fund.

[HB 132](#)

- Requires Commissioner of Administration to review and approve the initial allocation of expenditures by category each fiscal year; and
- Report to and approval by JLCB for transfers of funds between categories above \$50,000.

Solar Energy Tax Credit

[HB 187](#)



- **Purchased Systems**

- Any taxpayer whose claim for a credit was denied, or would have been denied, for any portion of the original claim for a credit shall be granted the **full** amount of the credit for the purchase of an eligible solar energy system prior to December 31, 2015.
- Authorizes that credits for systems purchased before December 31, 2015 that taxpayers did not receive due to the \$10 million caps, be allowed in three equal parts over fiscal years 2017-2018 through 2019-2020 and not to exceed \$5 million per fiscal year.
- Changes the sunset date of the credit for purchased systems from December 31, 2017 to January 1, 2016.

- **Leased Systems**

- Changes the amount of the credit for systems installed between January 2014 and July 2015, from 38% of the first \$20,000 of the cost of purchase to 38% of the first \$25,000 of the cost of purchase.

Motion Picture Production Tax Credit

[HB 508](#)

- Changes the Motion Picture Production Tax Credits transfer fee from \$200 per credit to 2% of the value of the credit being transferred.
- Creates, and deposits the fee into, the Louisiana Entertainment Development Fund.
- Funds are allocated to the Department of Economic Development for education development initiatives, matching grants for filmmakers, a loan guarantee program, and a deal-closing fund.

[SB 254](#)

- Establishes a maximum amount of tax credit issuance of \$150 million per fiscal year.
- If under-realized in any year, the amount of the credit not claimed can be added to the next year's cap.
- For credits sold back directly to the Department of Revenue, the amount charged against the claims cap is 100% of the face value.
- Increases the discounted value of credits redeemed through buyback from the state to 90%.
- Sunsets the program on July 1, 2025.

Sound Recording Investor Tax Credit



[HB 646](#)

- Creates two tiers of credit based on the payroll of qualified music companies;
- Requires that credits not reduce tax liability by more than 50%;
- Allows a 5-year carryforward of unused credit;
- Qualifying expenditure verification costs are lowered;
- Removes the infrastructure components of the existing credit; and
- Extends the credit to 2021.

Additional Tax Credits

[HB 237](#)

Extends the Enterprise Zone Program to 2021

[HB 300](#)

Extends the Research and Development Tax Credit Program to 2021, restores the refundability of credits in FY 2019, and alters the credit rates

[HB 313](#)

Makes short-term rental property eligible for the franchise tax credit

[HB 337](#)

Individual income tax credit for improvements made to the residences of individuals with certain disabilities

Additional Tax Credits

[HB 425](#)

Includes taxes paid under protest in the ad valorem tax credit for vessels in Outer Continental Shelf waters

[HB 427](#)

Extends medical provider tax credit to primary care nurse practitioners, changes qualification requirements, and caps the total amount of tax credits per year

[HB 454](#)

Extends the Angel Investor Tax Credit to 2021 and changes the amount of the credit

[SB 150](#)

Makes the current cap and rates effective for the remainder of the Ports of Louisiana Tax Credits Program

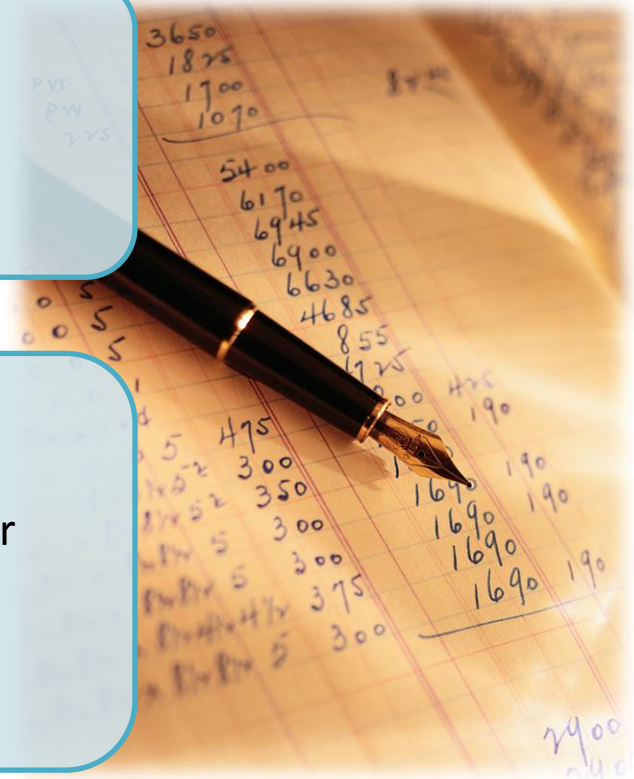
Income Tax

[HB 555](#)

- Deduction from gross income for amounts received as dividend income by any member of a defined regulated group of entities.

[HB 639](#)

- Exclusion from the gross income of an out-of-state business or individual on income earned for disaster or emergency related services provided in the state from 10 days before the declaration to 60 days after the end of the disaster.



Sales Tax Exclusions/Exemptions

[HB 264](#)

- Adds fixed fee and guaranteed maximum price construction contracts to those excluded from new state or local sales tax

[HB 396](#)

- Exclusion for sales of gold, silver, or numismatic coins, and platinum, gold, or silver bullion

[HB 629](#)

- Exempts polyroll tubing for commercial farm irrigation from state sales tax
- Gives qualifying radiation therapy treatment centers a sales tax exemption
- Limits the tax exclusion for purchases of fuels and gas to residential purchases

[SB 93](#)

- Exclusion for surface preparation, coating, and painting of aircraft that have out-of-state FAA registration

Other Tax Measures

[HB 461](#) Severance tax exemptions for inactive and orphaned wells

- Changes the incentive for returning an inactive well to production from a five-year exemption to a 50% rate reduction for 10 years and establishes an effective period beginning July 1, 2018 through June 30, 2023
- Establishes an incentive for production from an orphan well to be taxed at 75% rate for 10 years from July 1, 2018 to June 30, 2023

[HB 582](#) Telecommunications Tax for the Deaf

- Decreases the monthly tax on land lines from 5 cents monthly to 4.5 cents monthly
- Expands the tax to include cell phones and wireless handset devices
 - Exempts those devices used only for data purposes and prepaid wireless devices
- Expands the use of monies in the fund to include captioning and American sign language services to be utilized at the legislature

Justice Reinvestment Task Force

The [Task Force](#) was created to study the state's criminal justice system and recommend strategic changes to "get more public safety for each dollar spent." Beginning work in June 2016, the Task Force, comprised of legislators, judges, defense lawyers, prosecutors, law enforcement, faith leaders, and community advocates, was directed to develop recommendations for statutory and budgetary changes affecting sentencing and corrections practices with the goal of reducing the population and associated spending, expanding research-based supervision and sentencing practices, and strategically reinvesting savings to reduce recidivism and improve reentry outcomes.

As a result of the Task Force's work, a [Final Report](#) was issued in March of 2017, and ten legislative instruments were introduced with the overall goal of ensuring clarity and consistency in sentencing, focusing prison beds on those who pose a serious threat to public safety, strengthening community supervision, clearing away barriers to successful reentry, and reinvesting savings into evidence-backed programs, prison alternatives, and victims services.

Criminal Justice Reform

Alternatives to Incarceration ([SB 139](#))

- Probation: Expands eligibility for felony probation and certain probation programs; makes changes to the duration of probation; authorizes "earned compliance credits;" and provides for administrative sanctions and revocation for probation violations.
- Good Time: Amends offender earning rates for diminution of sentence; addresses how changes in the earning rate will be applied; and amends prohibitions on certain offenders from earning good time.
- Administrative Parole: Created to allow an offender to be released on his parole eligibility date when certain requirements are met.
- Parole: Expands eligibility and addresses how changes in eligibility will be applied; authorizes "earned compliance credits;" and provides for detainers, administrative sanctions, and revocations for parole violations.
- Medical Parole & Furlough: Provides eligibility requirements for medical parole; and requires the committee on parole to establish a medical treatment furlough program.

Criminal Justice Reform

Sentencing ([SB 220](#))

- Revises penalties for certain property- and drug-related offenses;
- Removes certain offenses from the list of "crimes of violence;" and
- Creates the Louisiana Felony Class System Task Force to study and recommend a clear and consistent sentencing scheme for felonies.

Habitual Offenders ([SB 221](#))

- Amends the "habitual offender law" to decrease certain minimum sentences;
- Removes nonviolent, nonsexual offenses and certain drug offenses as a basis for enhanced penalties under the habitual offender law; and
- Amends cleansing periods for application of the habitual offender law.

Victim Notification Process ([HB 116](#))

- Requires the development of a system that will provide electronic registration and notification for crime victims; and
- Allows registered victims to submit reentry statements to recommend certain parole conditions.

Criminal Justice Reform

Criminal Financial Obligations ([HB 249](#))

- A court must determine whether payment in full of all financial obligations imposed upon the defendant, such as criminal fines, fees, costs, and restitution, would cause substantial financial hardship to the defendant or his dependents.
- Upon such finding, a court is authorized to modify or waive the obligation based on the offender's ability to pay.

Occupational Licensing ([HB 519](#))

- Removes many of the restrictions placed on ex-offenders and licensing entities when an otherwise qualified ex-offender applies for an occupational license;
- The licenses issued to ex-offenders will no longer be “provisional” in nature, and the waiting periods were removed, but a license may be revoked if the offender is subsequently convicted of a felony or other crime that bears on the occupation itself, and some recordkeeping and reporting requirements remain; and
- The bill only extends these provisions to nonviolent/nonsexual offenders.

Criminal Justice Reform

SNAP/TANF Benefits ([HB 681](#))

- A person convicted of a drug-related felony will no longer lose their eligibility for SNAP and TANF benefits for the year following their conviction, or release from prison.

Child Support ([HB 680](#))

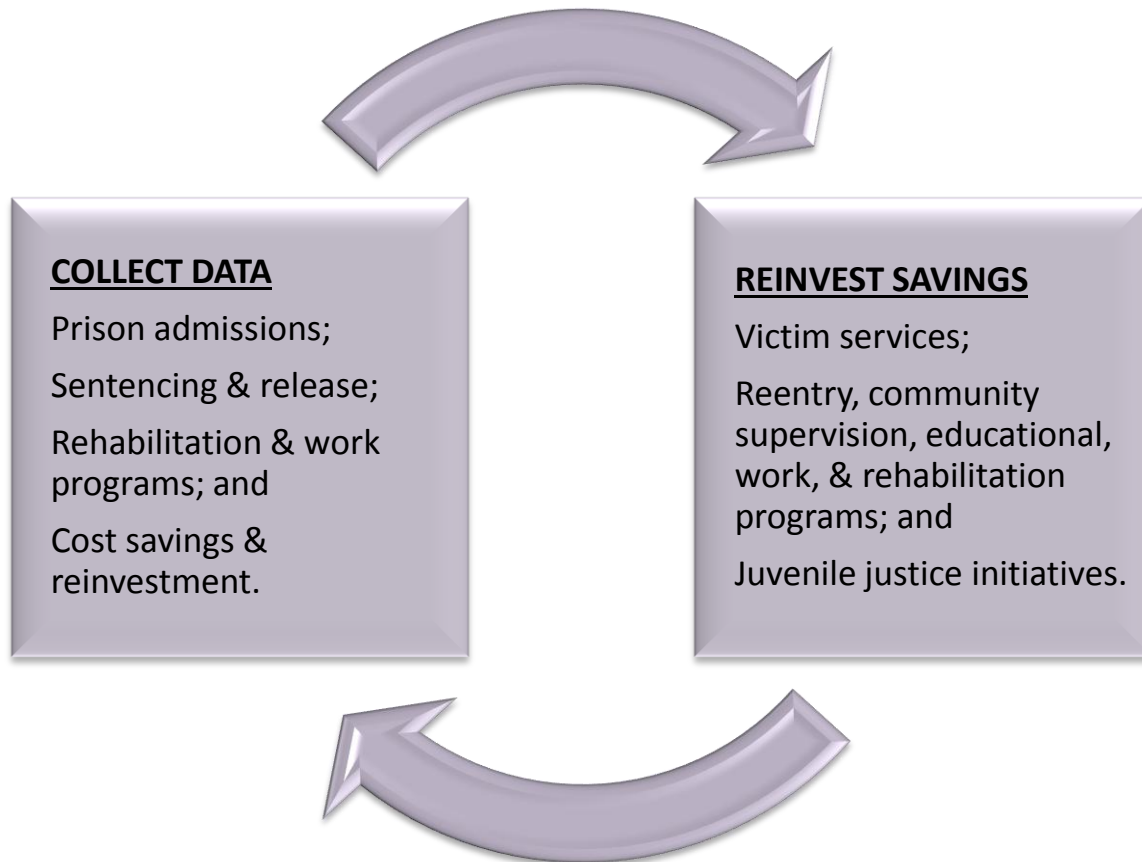
- Allows temporary suspension or modification of a child support order while the obligor is incarcerated, but only if:
 - The incarceration is unrelated to any offense against the child or other parent, or due to nonpayment of support;
 - The obligor would not have the means to pay the support while incarcerated; and
 - The obligor is incarcerated for more than 180 days.
- The law also provides for certain notices, grounds for objection by custodial parent, and termination of support.

Criminal Justice Reform

Juveniles Offenders Serving Life Sentences ([SB 16](#))

- For 1st degree rape or aggravated kidnapping: time served before becoming parole eligible is reduced from 30 years to 25 years of the sentence imposed.
- For 1st or 2nd degree murder:
 - Indicted on or after August 1, 2017:
 - 1st degree murder: offenders shall be eligible for parole after serving 25 years unless the D.A. files notice of intent to seek life without parole within 180 days of indictment and the court rules that the offender shall not be eligible for parole after a hearing on the matter.
 - 2nd degree murder: offenders shall be eligible for parole after serving 25 years if certain conditions are met.
 - Indicted prior to August 1, 2017: offenders shall be eligible for parole after serving 25 years if certain conditions are met, unless:
 - A parole eligibility hearing has not been held before August 1st, the D.A. files notice of intent to seek life without parole within 90 days of August 1st, and the court rules after a hearing that the sentence will be imposed without parole eligibility; or
 - A parole eligibility hearing was held before August 1st, and the court ordered the sentence be imposed without parole eligibility.

Criminal Justice Reinvestment



HB 489

1st year, 70% of the total savings will be dedicated as follows:

30% - alternative sentencing
20% - victims services
50% - reentry, release, education, work, & treatment programs

After the 1st year:

20% - juvenile justice initiatives
50% - as allocated 1st year

Criminal Justice

Rehabilitation Before Release ([HB 615](#))

- Allows the committee on parole to extend the release date of an offender who has been granted parole, if it determines that to ensure public safety and the offender's opportunity for success, completion of one or more specific rehabilitative programs is required prior to the his release.

Courts

- [HB 94](#) Authorizes the creation of a reentry division of court in all district courts, and requires that each district court secure funding before establishing a reentry division.
- [HB 83](#) Authorizes incarcerated defendants to appear at the following proceedings by way of simultaneous audio-visual transmission:
 - At the entry of a guilty plea;
 - At any preliminary matter, or pretrial conference that does not involve testimony; and
 - At any revocation hearing for a probation violation.

Criminal Justice - Victims

Sexual Assault Advocacy ([HB 309](#))

- Victims have the right to have a sexual assault advocate;
- Any communication with the advocate is confidential and privileged;
- The victim is entitled to have the advocate prior to and while undergoing a forensic medical exam or being interviewed by law enforcement or a D.A.; and
- Several procedural safeguards are included in the bill regarding the manner in which a victim should be interviewed, and how their records or testimony can be used in court proceedings.

Protective Orders ([HB 509](#))

- Increases penalties for violating protective orders; and
- Allows the court to impose no-contact orders on a defendant who is released on bail for certain domestic abuse-related offenses.

Criminal Justice – Domestic Abuse

Expanded Domestic Abuse Protections

- [HB 27](#) expands the application of domestic abuse protections and penalties to anyone who lives together, or used to live together, in an intimate or sexual relationship, and children of, or living with, the offender.
- [HB 223](#) creates the crimes of “battery of a dating partner” and “aggravated assault upon a dating partner,” and prohibits certain persons convicted of battery of a dating partner from possessing a firearm.

Review of Abuse & Stalking Laws

- [HCR 79](#) – The State Law Institute will study all state laws regarding domestic abuse, domestic violence, and stalking, and make recommendations regarding the need for the following:
 - Comprehensive definitions for domestic, physical, & sexual abuse;
 - Recognition of physical, sexual, financial, & psychological abusive;
 - Consistency in language, sentencing, and assessment of costs;
 - Clarity regarding the types of protective orders available, how victims can be protected from third-party abuse, and grounds for divorce; and
 - Expedited hearings for custody & visitation under protective orders.

Law Enforcement

Louisiana Uniform Law Enforcement Statewide Reporting Database ([HB 481](#))

Reporting by law enforcement agencies will include the submission of the following information:

P.O.S.T.
certification &
decertification

Final dispositions in
disciplinary actions
that result in
involuntary
termination

Resignations in lieu
of termination, &
resignations pending
an investigation

Civil judgments
related to serious
bodily injury or 1983
civil rights violations

Criminal judgments
where officer
misconduct gave rise
to the cause of
action

The legislation also requires that:

Qualified law
enforcement
agencies have
electronic access
to the database

All peace officers must be certified by the council within one calendar year from the date of initial employment. This prohibits agency hopping by assuring that the one year period for certification is not interrupted if a peace officer leaves the employing agency to be employed as a peace officer in another agency

Agencies certify
that they have
received the
relevant database
records prior to
hiring an officer

Law Enforcement

P.O.S.T. Training & Certification

- Under [HB 277](#), all peace officers will have minimum training standards of:
 - 400 hours of basic core curriculum,
 - At least 20 hours of annual, in-service training, and
 - Instruction on de-escalation, recognizing policing bias, sudden in-custody deaths, crisis intervention, and interaction with persons with developmental disabilities.
- [HB 473](#) provides circumstances under which a peace officer's certification will be revoked by law, and circumstances under which certification may be revoked by the Peace Officer Standards & Training Council after a hearing is held.

Officer-Involved Incident Investigation

- Following an officer-involved incident, when death or serious bodily injury is caused by, or takes place in the custody of, a law enforcement officer, current law allows that officer up to 30 days to secure legal counsel without being questioned about the incident under investigation.
- [HB 276](#) changes the time periods for police employees or law enforcement officers to hire legal counsel. Under the new law, the officer would have:
 - Up to 14 days to hire counsel for officer-involved incident investigations, or
 - Up to 30 days if the officer is confined to a medical facility, or if multiple officers are involved in the officer-involved incident.

Military & Veterans

Travel

- Under [HB 318](#), airports throughout the state will provide free parking for disabled veterans.

Military Medics & Corpsmen Pilot Program

- [HB 185](#) expands civilian job opportunities for medical professionals from the armed services.
- The Department of Veterans Affairs, state agencies, & licensing boards will create a pilot program to recognize veterans' military medical certifications, so they can practice within their specialty under a licensed physician's supervision.

Transition to Civilian Workforce

- [HCR 104](#) requests a study to determine whether employment practices & occupational requirements can be modified to eliminate barriers that prevent service members from applying their service training & expertise to comparable civilian careers.

Military & Veterans

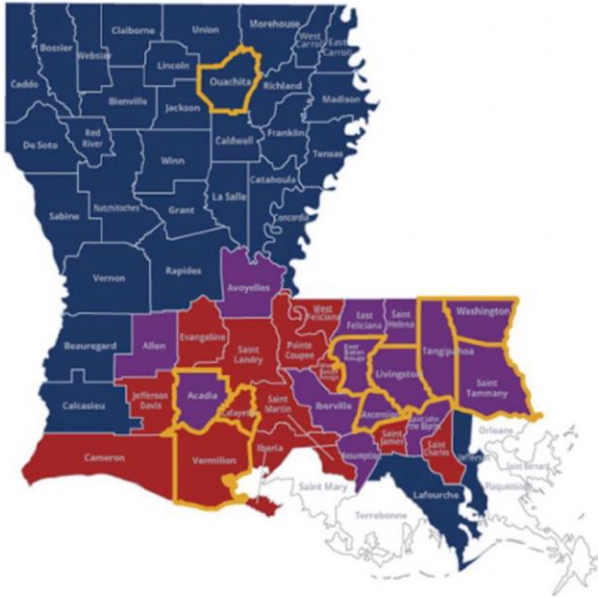


[SB 135](#) creates a specialty prestige license plate for Blue Star Mothers, who have had children serve in the armed forces and dedicate themselves to service through support of military families, active service members, and veterans.

[HR 196](#) recognizes the sacrifice of those who have lost family members serving in the armed forces. The Gold Star Families Honoring Committee will study best practices for memorials & funding to determine how Louisiana can best honor these families and their sacrifices.



2016 Flood Recovery



IMPACTED PARISHES

-  March 2016 flood
-  August 2016 flood
-  Parishes affected by both
-  Most impacted areas

[HB 20](#) gives exemptions for public schools unable to complete the mandatory instructional time and days of attendance because of a natural disaster.

[HB 90](#) allows public servants to accept donations from nonprofit organizations.

[HB 251](#) extends the time an owner has to claim an animal before it is considered abandoned after a declared emergency.

[SB 109](#) provides for the suspension/extension of legal deadlines due to the hardships caused by the 2016 floods.

Contractors

HB 675

- Requires residential building and home improvement contractors provide the following information to contracting parties:
 - their name;
 - contractor license number;
 - classification; and
 - proof of liability insurance and workers' compensation coverage.
- Must provide evidence of a license or registration in good standing to a permitting authority prior to any permit being issued.



Postsecondary Education

[HB 113](#)

- Extends the authority of the higher education management boards to establish and increase fees at their institutions from June 2017 to June 2020.

[HB 688](#)

- Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for specified crimes, prior to making an admission decision.
- After a student has been accepted for admission, an institution may inquire further about criminal conviction history for the purpose of offering counseling and making decisions about participation in campus life.
- Institutions cannot deny, based solely on criminal history, admission or continuation in an academic program designed to prepare students for a career that requires an occupational license or a teaching certificate. Requires institutions to offer counseling regarding the licensing or certification requirements.



Taylor Opportunity Program for Students (TOPS)



SCR 110 creates a task force of legislators to do an in-depth study of the program and report to the legislature by February 15, 2018, regarding the following:

Program's purpose & history

Role of TOPS in relation to tuition and fees & other financial assistance programs

Ways to ensure the program's long-term viability

Funding for K-12 Education

There are over 720,000 students who attend Louisiana public schools in kindergarten through 12th grade. Per student funding is in excess of \$12,000 when federal, state, and local revenues are combined.



The FY 2017-2018 Minimum Foundation Program (MFP) formula, which is the main source of state support for public elementary and secondary schools, was approved in [HCR 7](#).

The Board of Elementary and Secondary Education submits the MFP resolution to the legislature each year. The legislature cannot make changes to the formula. The legislature can request BESE amend the formula and resubmit it though, as it did this year.

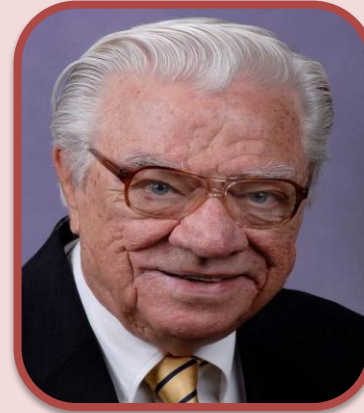
At a special meeting on May 11, BESE adopted a revised resolution containing an Emergency Assistance provision with two hold harmless components for school districts facing significant student enrollment loss – those affected by the natural disasters during the 2016-2017 school year and those facing a possible loss of students due to military deployment.

K-12 Education



[HB 79](#)

- Prohibits the use of corporal punishment on students with exceptionalities and students who are eligible for services under Section 504 of the Rehabilitation Act of 1973 and have an Individual Accommodation Plan.



[SB 1](#)

- Renames the Louisiana School of Math, Science, and the Arts as the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts in honor of its founder and long-time legislator Jimmy D. Long.

Health

Prescription Drug Price Transparency

- [SB 59](#) requires drug manufacturers provide specific pricing information to the Board of Pharmacy. The board will develop a website that contains this information.
- [HB 436](#) requires drug manufacturers report quarterly the current wholesale acquisition price of prescription drugs to the Board of Pharmacy.

Drinking Water

- [HB 533](#) requires the Department of Health lead a state-level collaboration to improve the quality of public drinking water until 2020.

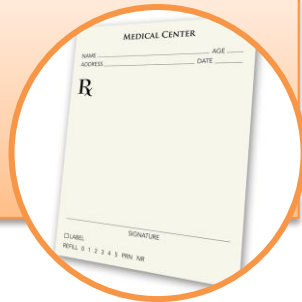
Right to Try Act

- [HB 179](#) adds devices of a robotic nature to the Right To Try Act, state law that allows access to experimental drugs and treatment for persons with a terminal illness.

Opioid Epidemic Reforms

- First-time opioid prescriptions can only be written for a seven-day supply.
- If the patient's condition requires a longer prescription than seven days, the prescriber may issue it after the initial prescription.

[HB 192](#)



- Creates the Advisory Council on Heroin and Opioid Prevention and Education.
- Must establish an Interagency Heroin and Opioid Coordination Plan.
- Coordinate parish-level data on opioid overdoses and usage of overdose-reversal medication.

[HB 490](#)



Insurance

[HB 393](#)

- Gives homeowners the option to cancel the content (personal property) coverage of their homeowners policy when their home is uninhabitable following a declared disaster. The existing law was enacted following Hurricanes Katrina and Rita, but only applied to those two disasters.

[HB 407](#)

- Allows insurance agents to negotiate a fee with the insured for individual health insurance policies. Currently, agents are only allowed to negotiate a fee for group health insurance policies.

[HB 435](#)

- Balance Billing Disclosure – prior to a non-emergency surgery, hospitals are required to disclose to patients whether they may be billed for any out-of-network charges for the procedure. A facility must provide the patient with a list of all providers, to allow the patient to determine if the providers are in-network or out-of-network.

Animals



[HB 466](#) creates the Animal Control Advisory Task Force, which empowers the state veterinarian to:

- support local and municipal animal control efforts;
- support law enforcement in the investigation and prosecution of animal cruelty cases;
- make recommendations concerning the care and keeping of animals; and
- coordinate a statewide pet database.



[SB 64](#) allows animal shelters to post pictures of animals on the Internet and social media. Also regulates the operation, training, and inspection of animal shelters.

Transportation



[HB 241](#) establishes and implements a curriculum within the driver education and prelicensing training courses relative to litter prevention and managing a routine traffic stop. The curriculum must include:

- instruction concerning law enforcement procedures for traffic stops;
- instruction on the importance of officers, drivers, and passengers maintaining integrity and respect during traffic stops;
- demonstrations of appropriate interactions with law enforcement; and
- demonstrations of the proper actions to be taken during traffic stops.



[HB 692](#) requires law enforcement officers to use electronic means to verify compulsory motor vehicle liability insurance.

New Specialty License Plates



[HB 28](#) Acadiana High School



[HB 30](#) Patriot Guard Riders



[HB 65](#) Sabine Pass Lighthouse



[SB 135](#) Blue Star Mothers

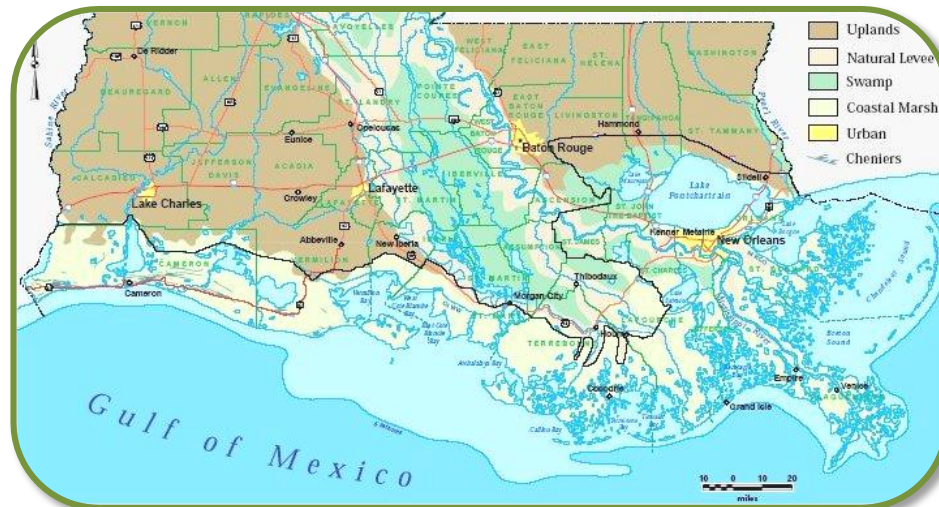


[SB 239](#) Krewe of NYX

Coastal Protection

SCR 1 approves the comprehensive master plan for integrated coastal protection. This plan must be approved every five years.

HR 1 and **SR 1** approve the annual integrated coastal protection plan for Fiscal Year 2018.



Constitutional Amendments

October 14, 2017*

*[HB 142](#) calls a special election to submit proposed constitutional amendments on October 14, 2017, because a statewide election was not scheduled for 2017.

[HB 145](#) creates a property tax exemption for the surviving spouse of a 1st responder killed while performing their duties. Includes EMTs, paramedics, firefighters, and law enforcement officers.



[HB 354](#) dedicates the proceeds of any new gas tax to be used exclusively for project delivery, construction, and maintenance.

[SB 140](#) creates a property tax exemption on materials and other property delivered to a construction site to be made part of a building or other construction.