

Session Wrap

2019 Regular Session

Louisiana Legislature



House Legislative Services
Louisiana House of Representatives

June 10, 2019



All included legislation completed the legislative process.

Regular Session, the numbers



2019 Regular Session

- Odd years are limited, “fiscal” sessions
- Legislators could file:
 - Unlimited fiscal bills
 - Unlimited local bills
 - Only 5 general bills
- Session convened April 8
- Session adjourned June 6

Instruments filed

- 863 bills:
 - 620 House Bills
 - 243 Senate Bills
- 32 constitutional amendments
- 872 resolutions and study requests

Balanced State Budget, FY 2019-2020



Appropriation Bills

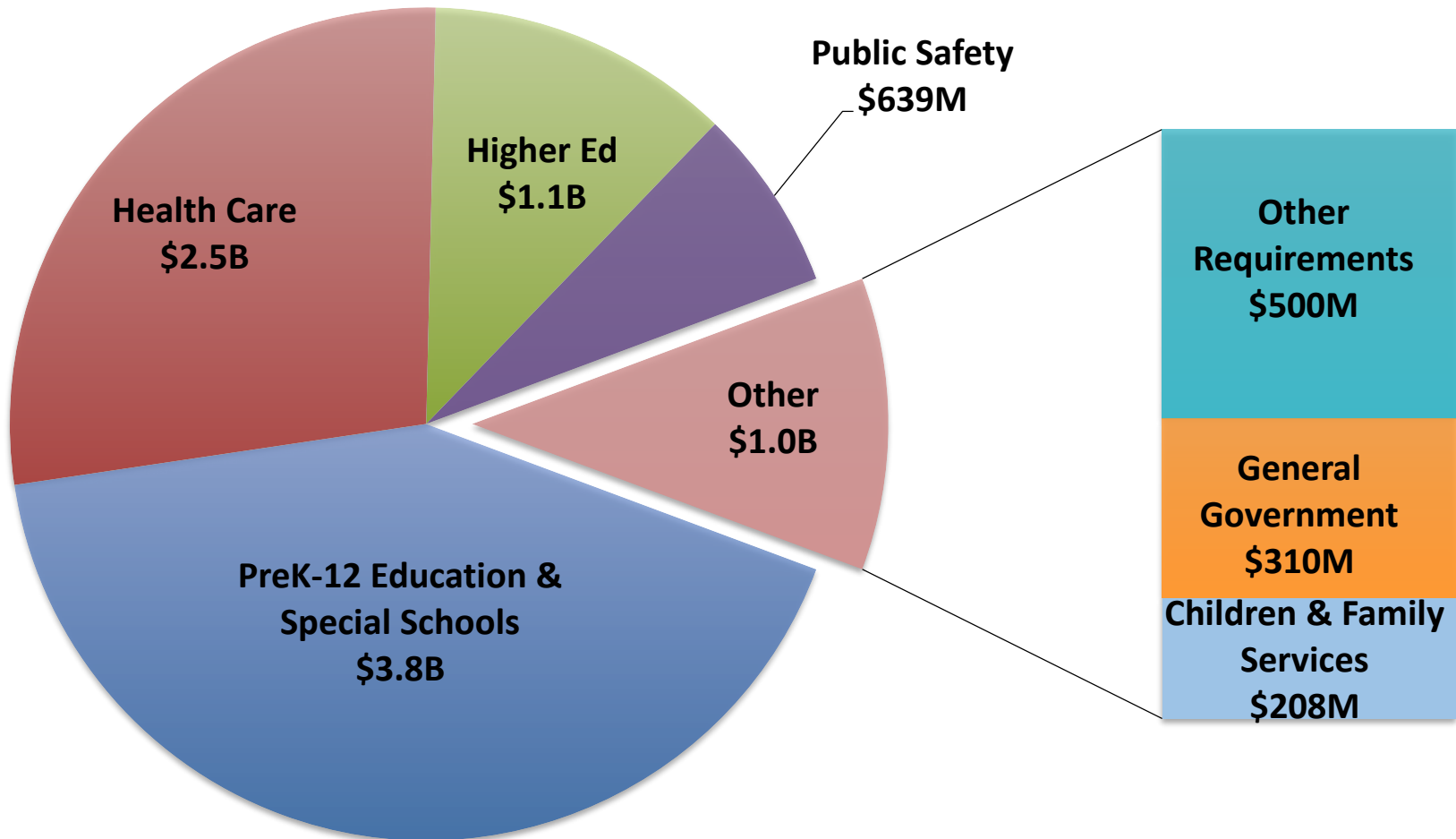
- The General Appropriation Bill, [HB 105](#), contains \$30.1B for the ordinary operating expenditures of the executive branch for FY 2019-2020, a 1.6% increase over FY 2018-2019.
- When added to all other funds, including appropriations for the operation of the judiciary and the legislature, monetary judgments, and ancillary funding, the total amount of appropriations for FY 2019-2020 is \$34.9B.



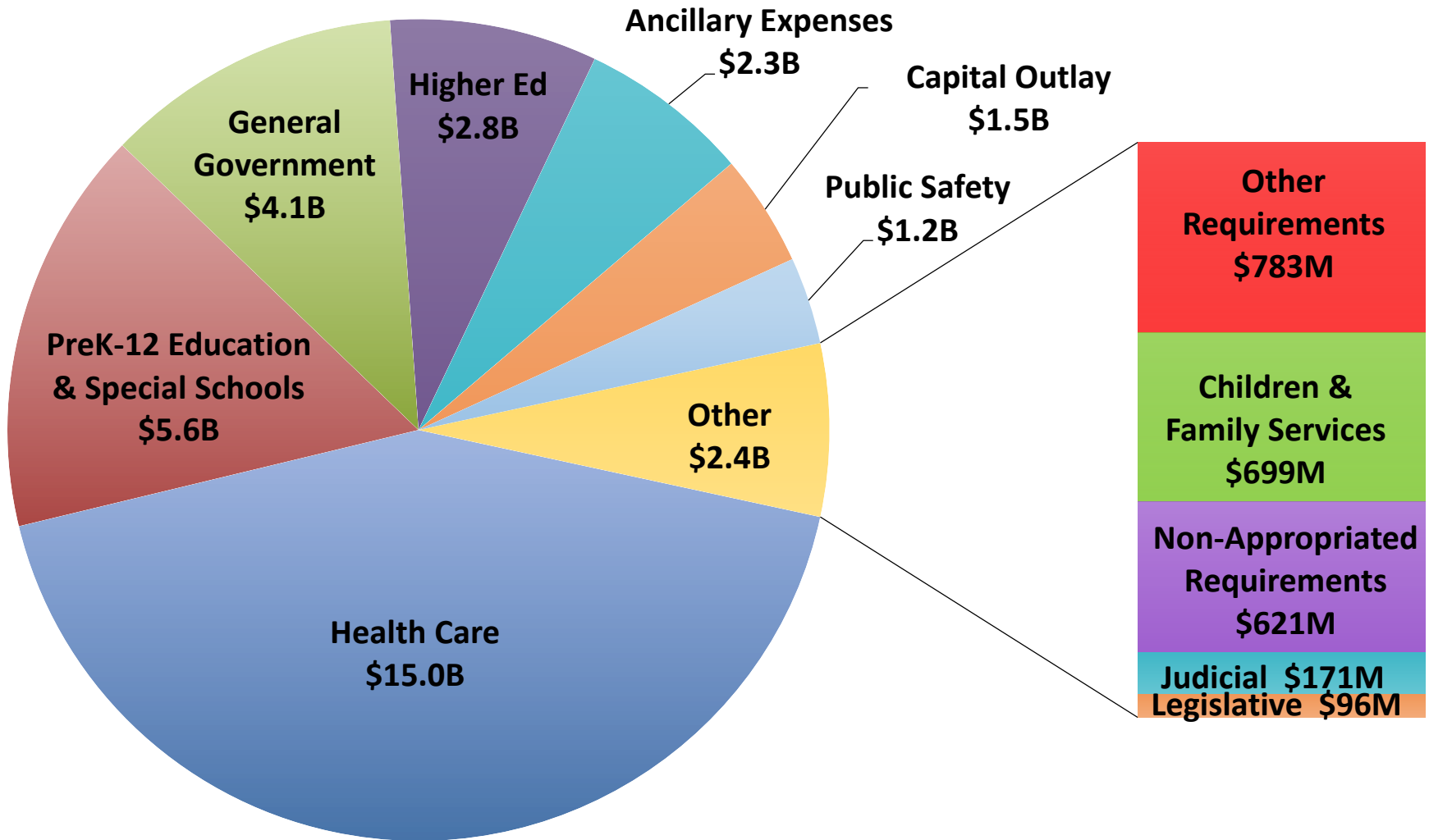
\$30.1B General Appropriations

- \$14.3B in federal funds
- \$9.0B in state general funds
- \$3.1B in statutory dedications
- \$2.9B in fees and self-generated revenues
- \$938M in interagency transfers

State General Fund, HB 105



Total FY 19-20 Appropriations



Capital Outlay Budget



Priority 2 (P2) = \$300M

- Proposed new funding for projects
- Eligible for a cash line of credit

Priority 5 (P5) = \$1.3B

- Both reauthorizations of existing funding and proposed new funding for projects
- Eligible for a non-cash line of credit



Priority 1 (P1) = \$770M

- Reauthorization of previously funded projects
- Eligible for a cash line of credit

**2019-2020 Capital
Outlay Budget:
\$4.1B**

Cash = \$1.7B

- \$838M from the Transportation Trust Fund
- \$45M from the FY 2017-2018 surplus

Infrastructure Funding



[HB 578](#) dedicates Deepwater Horizon litigation proceeds to the Construction Subfund of the Transportation Trust Fund, for transportation projects.

Projects include:

- Phase II, LA 1 Improvement Project between Golden Meadow and Leeville
- LA 415 Bridge at the Intracoastal Canal
- I-49 South
- LA Highway 3241 from I-12 to Bush, La.
- I-49 North Inter-City Connector in Caddo Parish
- New Cameron Parish Ferry
- On-System Bridge Program for the replacement and rehabilitation of highway bridges on any federal-aid system, railroads, and state highway bridges ineligible for federal funding
- Sugarhouse Road Extension/Eddie Williams Boulevard to LA 43 Highway 1, Phase I and II
- Two Cranes for the Port of New Orleans
- Hooper Road Widening from LA 3034 to LA 37

Education Funding

The FY 19-20 MFP formula was approved in [SCR 3](#), and included:

- \$1,000 pay raise for certificated personnel, including classroom teachers;
 - \$500 pay raise for non-certificated support personnel; and
 - An additional \$38.9 million associated with a 1.375% increase in the base per pupil amount, the first such increase since 2015.
- The legislature appropriated \$3.8 billion for the FY 19-20 MFP formula.

Outside of the MFP:

- The voucher program was appropriated \$42M for the 2019-2020 school year;
- \$20 million for early childhood care and education;
- TOPS was fully funded at \$311M.



New Revenue

New Revenue

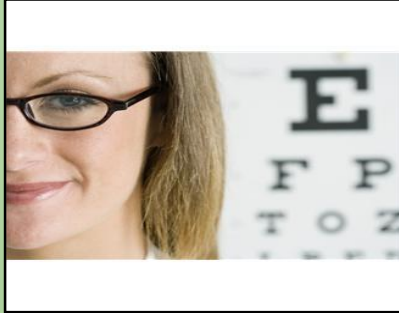
- [HB 507](#) levies a 7% fee on the gross sales of medical marijuana and dedicates the avails into the Community and Family Support System Fund. Excludes medical marijuana from sales and use tax.
- [HB 560](#) levies a 3% tax on retail sales of industrial hemp and cannabidiol (CBD) products and dedicates the avails of the excise tax to the Early Childhood Education Fund.

Tax Changes

- [HB 301](#) exempts raw materials destined for the Outer Continental Shelf from ad valorem taxes. Contingent on voter approval of constitutional amendment on October 12, 2019.
- [HB 263](#) requires the earliest taxable year of loss be applied first when calculating net operating loss.



Tax Deductions



[SB 59](#) extends rural healthcare income tax reduction to physician assistants and optometrists.



Angela Downs (center) with family

The Angela Downs Act ([HB 90](#)) creates a state sales tax rebate for purchases of a motor vehicle that has been or will be modified for persons with orthopedic disabilities.



[SB 225](#) exempts student farmer feed, seed, and fertilizer purchases from sales and use tax

Land-Based Casino

[HB 544](#) sets out terms agreed to by Harrah's, state and local government, and other interested stakeholders, for renewal of the land-based casino operating contract.

Annual Harrah's Payments:

- \$6M to New Orleans for support services
- \$3.4M to local university cancer research
- \$3M license fee to Gaming Control Board (2022)
 - \$500K of fee to Compulsive & Problem Gaming Fund (2022)
- 18.5% revenue, or \$60M, to Gaming Control Board
- Revenue payments in excess of above allocated to:
 - Support Education in La. Fund (SELF);
 - La. Early Childhood Education Fund;
 - Community Water Enrichment & Other Improvements Fund; and
 - Orleans Parish for capital infrastructure projects.

Non-Gaming Economic Development:

- Limitations under existing law on non-gaming activity were eased, allowing operation of dining, event, and lodging facilities.
- Harrah's expected to invest \$325M in 5 years to on-site improvements and facility construction.

Criminal Justice

Post-Conviction DNA Testing ([HB 275](#))

- Extends time period for petitioners to apply to August 31, 2024;
- Extends time period for preservation of evidence that may be tested for DNA; and
- Revises the accreditation requirements for crime laboratories that perform the DNA testing.

Wrongful Conviction ([HB 492](#))

- Amends how compensation is awarded and paid to a petitioner found to be factually innocent.
- The court shall award \$80,000 for loss of life opportunities and to help cover services the petitioner may need, such as housing, education, or any other service.

Criminal Justice

Protecting Children

Background checks ([HB 99](#))

Youth athletic programs that aren't affiliated with organizations like religious or educational institutions currently lack oversight of the people who work with children. Criminal background checks will now be required for head coaches that aren't related to the athletes they coach.

Reporting ([SB 238](#))

Employees at abortion clinics will now be mandatory reporters for human trafficking & sex offenses.

New Crimes

Harassment of a school or recreation athletic contest official ([HB 184](#))

Prohibits harassment of officials at, or in proximity to, athletic events, as well as entering or remaining at an athletic contest after being forbidden.

Interfering with emergency communication ([HB 180](#))

Prohibits acts intended to block another's access to a communication device, for the purpose of preventing the person from calling 911, obtaining medial assistance, or making a police report.

Criminal Justice - Cybersecurity

Trespass Against State Computers ([HB 74](#))

Updates existing law to allow prosecution of more modern forms of “hacking,” where the purpose is to obtain or transmit protected information, or cause harm to the computers themselves through measures such as denial of service attacks and malicious software.

Communication Interference ([HB 7](#))

Prohibits willful or malicious interference of any communication: 1) of the state, 2) for military or civil defense, or 3) controlled by a public utility. This new crime will allow the state and law enforcement to more easily respond to intentional disruptions in communication during a natural disaster, before a state of emergency is declared.

Louisiana Cybersecurity Information Sharing Act ([SB 46](#))

Framework for the A.G., DPS&C, and GOHSEP to share cyber threat indicators and defensive measures with each other.

Cyber Incident & Response ([SCR 123](#))

Task force to run exercises that test the state’s infrastructure in response to cyber attack in order to identify vulnerabilities and recommend measures to strengthen that infrastructure.

Study of Cybersecurity Issues in Private Business ([HCR 67](#))

In order to better protect state information systems and networks from indirect attack via private vendors with which the state contracts, this resolution requests that LED study the ability of private businesses to adhere to NIST Cybersecurity Framework Standards in terms of cost, time, and resource.

Criminal Justice - Sentencing

Habitual offender sentencing ([HB 518](#))

A conviction for a nonviolent felony that has been set aside and dismissed after defendant has completed the conditions of a deferred sentence, shall not be considered a prior offense for subsequent prosecution of the person as a habitual offender for a non-violent felony offense.

DWI & Driver's License Suspension ([HB 278](#))

Grants credit, under certain situations, towards suspension time to an individual that installs an approved ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence.

Fines & Driver's License Suspension

[HB 397](#) and [HB 611](#) prohibit the suspension of a driver's license because the defendant is financially unable to pay a criminal fine. The latter provides for extensions to pay and community service in lieu of paying the fine, and also delays the effective date of 2017 legislation regarding criminal financial obligations to 2021.

Criminal Justice - Corrections

Parish Jails

[HB 551](#) increases the per diem paid by DPS&C to parishes for housing state inmates in local jails and institutions.

Juvenile Detention

[HB 267](#) authorizes the use of arts-based programming at juvenile detention facilities.



Solan Peterson

Solan's Law ([HB 158](#))

- A child shall not be detained prior to adjudication for reasons such as punishment, to satisfy a victim, or because a more appropriate facility isn't available unless there has been a serious offense or a history of serious offenses.
- Detention screening will be used to determine if secured detention is appropriate for a child, based on factors such as risk to public safety and risk of flight, with a presumption against detention for most offenses.
- The screening process will be modeled after existing programs already operating with success in select jurisdictions.

Victim Rights & Protections

Heather's Law ([HB 36](#))

- In cases of domestic abuse protective orders, the petitioner will now be informed that:
 - The TRO or protective order does not automatically create criminal charges against the defendant, &
 - Petitioner has a right to initiate criminal proceedings.
- Currently, a copy of a protective order must be provided, to be kept on file with, the local law enforcement agency in the parish where the petitioner lives. The law will also now require every agency to have someone review each protective order they receive.



Heather Mouton

Material Witness Arrest Warrants

[SB 146](#) prohibits the use of material witness arrest warrants in certain cases where victims of a sex offense or intimate partner violence are unwilling to testify.

Reparations

[HB 85](#) Reparations shall not be denied or reduced because a victim has a juvenile record, is on probation or parole, or has been incarcerated, for a crime unrelated to one giving rise to the reparations.

Evidence

Expert Testimony

- [HB 226](#) authorizes the use of expert testimony on eyewitness identification and memory in *criminal* cases under these conditions:
 - There cannot be physical or scientific evidence corroborating an eyewitness identification of the defendant;
 - The witness must be qualified by the court to give an expert opinion under current law requirements; and
 - No opinion can be offered on the accuracy of an eyewitness identification.

Hearsay

- [HB 489](#) adds an exception to the hearsay rule for statements made to healthcare providers by victims of a sex offense during a forensic medical examination, where the statement is documented in writing by the healthcare provider at the time of the examination.

Prior Bad Acts

- [SB 156](#) allows victims of domestic abuse, dating violence, human trafficking, and sexual assault to access criminal history records of witnesses or parties in *civil* action.
- The use of such records is limited for the purpose of showing evidence of similar crimes, wrongs, or acts under Art. 412.5.

Civil Law

Mineral Rights ([SB 115](#))

- Threshold for consent of co-owners in indivision will decrease from 80% to 75% undivided interest in co-owned land or mineral servitudes in order to exercise rights conveyed by a mineral lease, mineral servitude, or geological survey lease or permit.
- This change will only apply prospectively, and only to contracts entered into after August 1, 2019.

Private Works Act ([HB 203](#))

In addition to updating terminology in the PWA and related provisions of law, the bill addresses:

- PWA definitions;
- Ranking of privileges;
- Subrogation, scope of claims, and claims procedure;
- Notice requirements, content, and penalties;
- Bond requirements; and
- Recordation.



Civil Law

Suits Against the State

Prohibition on Nondisclosure Agreements ([HB 197](#))

1. Claim is one based on sexual harassment or sexual assault;
2. Against state or local government, or any agency, official, or employee thereof; and
3. Public funds are used to pay the settlement.

Personal Liability of Harasser ([SB 182](#))

1. Claim is one based on sexual harassment;
 2. Against state government, or any agency, official, or employee thereof; and
 3. State determines based on specified factors if harasser should be responsible for reimbursing the state all, or a portion, of the judgment or settlement.
- + Requires that any settlement agreement be public record.
 - + Also requires additional sexual harassment policies and notice to public servants regarding personal liability.

Marriage of minors ([SB 172](#))

1. Minors under 16 cannot enter into a contract of marriage.
2. Minors 16 and 17 years old cannot marry anyone older by 3 years or more.
3. Minors 16 and 17 years old can only marry with judicial authorization and written concurrence from both parents, the custodial parent, or a tutor.
4. Judicial authorization requires: 1) Best interest of the minor determination (factors included in law), 2) in camera interviews with each spouse separately, and 3) consideration of whether there is evidence of trafficking, sexual assault, domestic violence, coercion, duress, or undue influence.
5. Bill also provides for: nullity due to impediment of age, emancipation by marriage, officiating marriage ceremonies, marriage licenses and applications, and reporting requirements.

Judiciary

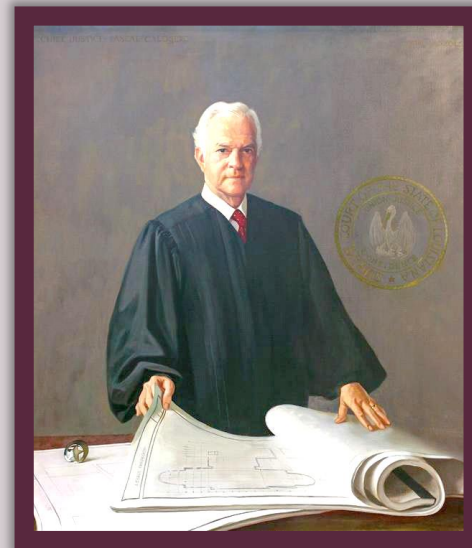
City Court Records

[HB 50](#) makes existing law on retention & destruction of records in certain city courts applicable to all city courts.

- Requirements for destruction of records related to eviction and misdemeanor convictions; and
- Scanning or an approved digital imaging exception required prior to destruction.

Chief Justice Pascal F. Calogero, Jr. Courthouse

[HB 389](#) names the Louisiana Supreme Court building after its longest serving Chief Justice



(Photo credit: Louisiana Supreme Court Portrait Collection)

Judiciary



Constables & Marshals

- Adds minimum fees to which constables and marshals shall be entitled for various services performed; and
- Dedicates 60% of funds collected in excess of those minimum fees to constable and marshal equipment and training funds.

Attorney Advertising

- Resolution requests that the Louisiana Supreme Court and State Bar Association review the professional rules governing solicitation advertising by attorneys; and
- Assess the need to revisions in light of case law overturning some existing rules, and in the interest of protecting the public and preserving ethical integrity of the profession.



Military & Veterans

HB 30

Adds military ID cards to the forms of identification that will be accepted at polls for voter verification.



HB 391

Creates the Veterans First Business Initiative. LED will create a database for businesses it certifies as veteran-owned. The program is intended to promote veteran-owned businesses, and encourage entrepreneurship and networking between business and veterans looking for employment. These businesses will also be able to post an insignia that indicates they are veteran-owned.

HB 86

Provides that veterans who were honorably discharged shall be considered “bona fide residents” for the purpose of obtaining a Louisiana hunting or fishing license.



1st Responders

[SB 129](#)

Rivers Lacrouts Act

Adds police and other public safety officers to those allowed to stand on public roadways for the purpose of soliciting contributions on behalf of charitable organizations.

[HB 285](#)

Expands workers' compensation coverage to include medical benefits for volunteer reserve police officers and deputies injured in the line of duty.

[SB 107](#)

Adds post traumatic stress disorder as a compensable claim for certain public employees under workers' compensation.



Rivers Lacrouts (front row) in the House Chamber along with members of the House of Representatives, firemen, and Muscular Dystrophy Association representatives.

Transportation

[HB 575](#)

Establishes statewide requirements for transportation network (“ridesharing”) companies, vehicles, and drivers

[HB 455](#)

Establishes a regulatory framework for the use of automated, driverless trucks on the state’s highways

[HB 157](#)

A Class “E” temporary instructional permit is no longer required to enroll in driver’s education classes, but will be required to take road instruction, as well as road and written exams.

[HB 567](#)

Authorizes the Department of Transportation and Development and the Transportation Authority to contract with private entities to manage existing or new tolls, including collection and violation enforcement.

Transportation



Katie Bug Grantham

Katie Bug's Law ([SB 138](#))

Expands the requirement for post-accident drug testing to cases where a collision causes “suspected serious injury.”

[SB 76](#) updates passenger safety laws for the proper restraint and seating of children up to 18 years old, according to industry standards.

License Plates



[HB 68](#)
War of 1812



[HB 115](#)
Purple Heart Disabled
Veteran



[HB 317](#)
Louisiana REALTORS



[HB 318](#)
Team Gleason Foundation



[HB 481](#)
St. Michael the Archangel
High School



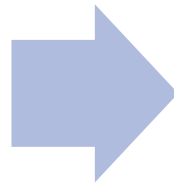
[HB 309](#) Spanish Heritage
[HB 365](#) Disabled Peace Officer
[HB 481](#) Best Bank

Digital Credentials



Act 625 of the 2016 Regular Session created LA Wallet, an app that is 100% legal for driving purposes.

Agencies approving LA Wallet for ID verification since 2018, include all levels of law enforcement, Governor's Office, Alcohol and Tobacco Control, Secretary of State, casinos and other gambling establishments.



[HB 378](#) authorizes digitization of ANY credential authorized or required by the state.

- Digital credentials are as valid as tangible credentials as long as they're viewed within the app.
- State agencies may also renew credentials through LA Wallet.

Agriculture & Natural Resources

In 2018, Congress passed the Agriculture Improvement Act. Among other things, the act removed hemp from Schedule I controlled substances, making it an ordinary agricultural commodity.

[HB 138](#) excludes industrial hemp from controlled dangerous substances in state law.

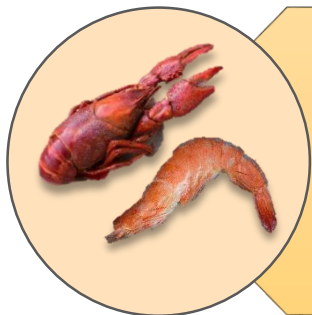
[HB 491](#) authorizes individuals licensed by the Dept. of Agriculture and Forestry to cultivate, process, handle, and transport industrial hemp.



[SCR 51](#) creates the Louisiana Task Force on Lead-Free Water to study the problem of lead contamination in state and local water systems.

[SB 170](#) creates the Rural Water Infrastructure Committee within the Governor's Office.

Product Labeling



Shrimp & Crawfish of Foreign Origin ([HB 335](#))

- Restaurants will now be required to inform patrons if they are serving imported shrimp or crawfish.
- Notice must be given in writing on a sign or a menu, with specific requirements on how the notice must be printed.
- Failure to provide proper notice will be a violation of the sanitary code.



Mislabeling of “Milk” Products ([SB 39](#))

- Bill prohibits the sale of plant-based products labeled as milk.
- “Milk” may come from cows, goats, sheep, water buffalo, camels, and hooved mammals.
- Enforcement by LDH will follow the federal law and enforcement by the FDA.



Truth in Labeling for Food Products Act ([SB 152](#))

- This applies to edible food products sold for human consumption.
- Prohibits the use of false or misleading labels and branding, and selling a “food product” as an “agricultural product” (such as meat, sugar, or rice).
- Obligation is on person or company placing the label on the food product.

Health and Social Services



The Pearl family, with Evie in her mom's arms

Evie's Law

[HB 143](#) prohibits disability-based discrimination against potential organ transplant recipients.



[SB 109](#) extends the foster care program to age 21.



[HB 358](#) allows patients to use metered-dose inhalers for medical marijuana.



[HB 284](#) requires a medical practitioner to indicate on prescriptions when more than a seven-day supply of opioids is medically necessary.

Abortion

[SB 184](#) prohibits the abortion of an unborn human being with a detectable heartbeat.

[HB 425](#) proposes a constitutional amendment to declare that no provision of the state constitution protects a right to abortion or requires the funding of abortion.

[HB 484](#) establishes medical record retention requirements for abortion facilities.

[SB 221](#) requires abortion clinics to provide certain written information to any woman seeking an abortion.

[HB 133](#) revises the outpatient licensing laws to require that abortions induced with drugs or chemicals be performed in such facilities.

Senior Citizens

[SB 174](#)

Increases the minimum annual appropriation for the councils on aging.

[HB 305](#)

Increases potential damages when a deceptive act is knowingly committed against an elder person or person with a disability using a telephone, e-mail, or text messaging.

[HCR 63](#)

Requests a multi-agency study of ways to reduce the incidence of elder abuse.

[HB 296](#)

Requires training for law enforcement and first responders on interaction with people who have Alzheimer's and other dementia-related conditions.



Health Insurance

Prescription Coverage

- [HB 119](#) If a prescription is denied based on step therapy, fail first protocols, or nonformulary status, the insurer must give the provider a list of covered comparable alternatives.
- [HB 370](#) Step therapy and fail first protocols cannot be used to restrict a prescription benefit for the treatment of stage-four advanced, metastatic cancer if the prescription meets certain conditions.

Required Benefits/Coverage

- [HB 308](#) - state-mandated & benchmark benefits, without lifetime or any annual limits
- [HB 345](#) - breast and ovarian cancer susceptibility screening, when recommended by a provider
- [HB 347](#) - diagnostic imaging, at same level of coverage provided for mammography examinations

Healthcare Coverage for Louisiana Families Protection Act ([SB 173](#))

- Provides for open enrollment, rate setting, and coverage for dependent children up to age 26;
- Prohibits preexisting condition exclusions and annual and lifetime limits; and
- Will only go into effect if the Patient Protection and Affordable Care Act is found unconstitutional.

Alcohol & Tobacco



[HB 244](#) adds vapor and alternative nicotine products to the set of products regulated by the Office of Alcohol and Tobacco Control.



- [HB 349](#) authorizes third party delivery companies to include low alcohol content beverages with food orders.
- [HB 508](#) allows a Class B liquor retailer to deliver manufacturer-sealed alcoholic beverages off-premises.
- [SB 34](#) removes bottle-size limits on wine shipped directly to consumers.

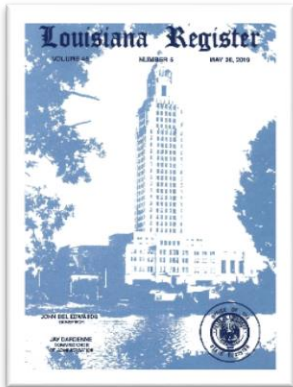
Small Business Protection Act

SB 241



Currently, a state agency must prepare an economic impact statement to be published in the *La. Register* with a notice of intent for a proposed rule that may adversely impact small business.

Beginning February 1, 2020, a regulatory flexibility analysis will also have to be prepared and published in the *La. Register*.



The Secretary of State must designate a small business advocate from existing staff to coordinate posting proposed rules and regulations that may affect small business on the Commercial Division's website.

Education

[HB 53](#) requires student ID cards include the phone number for the National Suicide Prevention hotline and, if possible, a local suicide prevention number.

[SB 243](#) creates the Dual Enrollment Framework Task Force to make recommendations regarding universal access to dual enrollment courses. Also extends participation to any Louisiana public postsecondary institution.



Postsecondary Education

Removes the ability of a professional or occupational licensing board to deny or suspend a license due to delinquency or default on a student loan payment.

[HB 423](#)

Requests the Board of Regents study and make recommendations regarding student debt relief measures.

[HCR 96](#)

[SB 117](#)

Requires transparency in textbook pricing for students and creates an incentive model for the adoption of low and no-cost course materials through eBook and open educational resources.

[SB 203](#)

Extends Go-Youth Challenge grants for students to pursue a certificate, diploma, or associate or baccalaureate degree.



Local Government



[HB 189](#) prohibits political subdivisions from asking about a prospective employee's arrest record on an initial application form. Positions that require a background check are exempt from this law.

[SB 37](#) authorizes the Office of Debt Recovery to collect delinquent debts on behalf of local governmental subdivisions.

[HB 82](#) requires local governments to publish and disclose to voters the cost to voters of elections on bonds, debts, and taxes cost.

Constitutional Amendments

October 12, 2019



November 3, 2020

- [HB 62](#) provides appropriations from the Education Excellence Fund for the Louisiana Educational Television Authority, Thrive Academy, and laboratory schools operated by public postsecondary institutions.
- [HB 234](#) exempts raw materials destined for the Outer Continental Shelf from ad valorem taxes.
- [HB 428](#) extends the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes and fees.
- [SB 79](#) authorizes ad valorem tax exemptions in Orleans Parish to promote affordable housing.

[HB 425](#) declares that no provision of the state constitution protects a right to abortion or requires the funding of abortion.