

# 2010 REGULAR SESSION HIGHLIGHTS

## OPEN PRIMARY

**Act 570** provides for an open primary election system for congressional offices beginning next year. The candidate who receives a majority of the votes cast in a primary election would be elected. If one candidate does not receive a majority, the top two candidates would compete in the general election without regard to the candidates' party affiliation or lack thereof.

## TAX PROPOSITION BALLOTS

**Act 591** requires notices of election and ballot propositions for tax increases or bond issuances to state the proposed increase in the tax rate or an estimate of the millage rate in the first year of issue.

## HIGHER EDUCATION

**Act 741**, the "Grad Act," allows colleges to increase tuition in exchange for entering into a six-year agreement to achieve certain performance objectives.

**Act 447** gives the Board of Regents greater authority. The bill originally sought to consolidate the Board of Regents with the LSU, Southern University, and University of Louisiana systems' management bodies.

## TOPS

**Act 201** doubles the amount of Opportunity, TOPS-Tech, Performance, or Honors Awards from the Tuition Opportunity Program for Students awarded to Louisiana National Guardsmen.

**Act 758** provides that beginning with the 2013-2014 school year, students who graduate from a public or nonpublic high school must have completed at least 19 units of a specified high school core curriculum to be eligible for a TOPS Opportunity, Performance, or Honors award.

## ELEMENTARY & SECONDARY EDUCATION

**Act 323** requires the state superintendent of education to have the same qualifications as a superintendent of a local school board.

**Act 749** allows BESE to exempt school districts from certain laws, rules, regulations, and policies applicable to public schools and to public school officers and employees for four years for the purpose of increasing the quality of instruction and academic achievement if a school district requests such. A request for a waiver must be submitted in writing only if a majority of the teachers at the school, voting by secret ballot, approve the waiver request.

**Act 54** requires annual formal evaluations by local boards and charter school governing authorities for all teachers and administrators regardless of years of employment in such positions. By the 2012-2013 school year, 50% of such evaluations must be based on evidence of growth in student achievement using a value-added assessment model as determined by BESE for grade levels and subjects for which value-added data is available.

**Act 691** allows home study students to participate in interscholastic athletics at public and nonpublic high schools that are members of the Louisiana High School Athletic Association if certain conditions are met.

**Act 720** prohibits the interference by members of local school boards in personnel actions taken by the superintendent of a local public school system and amends the hiring and removal process of superintendents by the board.

**Act 666** requires students under 18 who withdraw from school without graduating to reenroll, enroll in a high school equivalency diploma program, or enlist in the Louisiana National Guard or a branch of the U.S. Armed Forces for at least two years and earn a high school equivalency diploma.

## SCHOOL BUS DRIVERS

**Act 401** disqualifies commercial driver's license holders from operating school buses for 10 years after conviction of DWI offenses or refusing to submit to an alcohol concentration or drug test.

## RETIREMENT SYSTEM REFORM

**Act 921** changes the "rehired retiree" laws for teachers. Prohibits retirees, after June 2010, from receiving retirement benefits during their period of reemployment unless they are reemployed as K-12 classroom teachers in subject areas where there is a certified shortage for teachers.

**Act 634** allows garnishment of public retirement benefits to pay fines, restitution, or cost of incarceration for elected officials or public employees convicted of a felony associated with their office.

## MOTOR VEHICLES/SAFETY

**Act 203** makes texting while driving by all drivers and using a cell phone while driving by those 17 and under a primary offense for which a driver may be stopped.

**Act 402** decreases to 50% the service-related disability threshold for veterans' exemption from driver's license fees.

**Act 82** prohibits the impoundment of a Louisiana resident's motor vehicle stopped for a first violation when the operator and the vehicle present no imminent danger to the public.

**Act 319** repeals both the DMV's authority to raise driver's license fees and the \$15 license fee increase that took effect in March. Applicants who already paid the increase will receive a refund no later than September 1.

**Act 844** requires the suspension of the driver's license of drivers who prematurely disable an ignition interlock device installed as a condition of reinstated driving privileges.

**Act 405** requires designated restriction codes to be imprinted on the licenses of drivers who are required to have an ignition interlock device installed and maintained as a condition of reinstatement.

**Act 837** prohibits towing and storage companies from charging gate fees for releasing a towed vehicle before or after business hours.

## HEALTH

**Act 490** authorizes the denial or revocation of a license for an abortion facility if an investigation determines that an applicant or licensee has violated licensing laws and the prevention of certain involved persons from owning or operating another abortion clinic in Louisiana in the future.

**Act 888** requires an obstetric ultrasound prior to an abortion.

**Act 950** excludes doctors from medical malpractice coverage when performing elective abortions.

**Act 941** prevents new federal health care reform plans from paying for elective abortions.

**Act 912** requires insurers to offer dependent coverage to age 26 for children on their parents' or custodial grandparents' health insurance and forbids insurers from increasing premiums for extended coverage.

## RELIGIOUS FREEDOM

**Act 793** provides that government may not substantially burden a person's exercise of religion unless it demonstrates that application of the burden to the person is the least restrictive means of furthering a compelling governmental interest.

## LAW ENFORCEMENT TRAINING

**Act 578** requires manufacturers of electronic control devices or "stun guns" to provide all peace officers with training in the use and effect of the devices and requires all peace officers to complete the training course.

## CRIME

**Act 565** makes synthetic marijuana a Schedule 1 controlled substance.

**Act 361** creates the crime of illegally selling or marketing any product to circumvent drug, urine, or alcohol screening tests.

**Act 831** provides for a minimum mandatory sentence of one year for intentional and malicious acts of cruelty to any infirmed person, disabled adult, or aged person.

**Act 584** provides that any defendant who has been arrested for domestic abuse battery shall not be released on his own recognizance.

**Act 126** requires anyone alleged to have committed domestic violence, domestic abuse battery, or stalking when the court determines that he poses a threat or danger to the victim to wear or carry a global positioning system (GPS) device as a condition of release with the informed consent of the victim of the alleged crime.

**Act 314** authorizes courts to order parents or legal guardians to perform community service after adjudication of a misdemeanor-grade delinquent act by a child.

**Act 755** creates the crime of cyberbullying. Offenders under 17 are subject to counseling.

**Act 993** creates the crime of "sexting," and prohibits persons under 17 from transmitting indecent visual depictions of themselves to another by computer or other telecommunication device and prohibits persons under 17 from possessing or transmitting such image.

**Act 973** and **Act 911** mandate life imprisonment without parole for a second felony sex offense on a child under 13.

## PUBLIC BID CONTRACTS

**Act 945** permanently disqualifies those convicted of public bribery, corrupt influencing, extortion, or money laundering from bidding on state contracts and bans for five years those convicted of certain acts of theft and related crimes.

## FIREARMS

**Act 790** allows the possession of firearms in a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

## CHILD SUPPORT/CUSTODY

**Act 686** increases the fine from \$25 per day to \$50 per day for failure to pay child support in accordance with the provisions of the income assignment notice and removes the limitation on the total amount of the fine.

**Act 739** prohibits a court from entering a final order modifying the terms of an existing child custody or visitation order until 90 days after the termination of the deployment or active military service of a parent.

## SEAFOOD CERTIFICATION

**Act 294** authorizes the secretary of the Dept. of Wildlife and Fisheries to develop certification standards for Louisiana wild fish and seafood, including wild-caught shrimp.

## OIL SPILL RELIEF FRAUD

**Act 658** Creates the Oil Spill Relief Integrity Act authorizing actions against fraudulent claims in oil spill relief programs, allowing private citizens to seek recovery on behalf of programs and themselves, and providing whistleblower protections.

## PROPOSED CONSTITUTIONAL AMENDMENTS

October 2, 2010, Ballot

### HOMELAND SECURITY

**Senate Bill 209** would include all employees of the Governor's Office of Homeland Security and Emergency Preparedness in the unclassified service of the state civil service.

### LEGISLATIVE SESSIONS

**Senate Bill 5** would move the convening of the legislature in regular sessions to the second Monday in March for even-numbered years and April for odd-numbered years. The standard effective date of enacted legislation would be August first.

### PROPERTY SALES TAX

**House Bill 509** would authorize a bidder at a tax sale to bid down the existing 5% penalty in increments of one-tenth of 1%; require the payment of penalties by a bidder at ad valorem property tax sales; and require the payment of interest, penalties, and costs by a taxpayer who is delinquent on the payment of taxes on movables.

November 2, 2010, Ballot

### SEVERANCE TAX

**House Bill 765** would decrease the amount of severance tax retained by the state on natural resources other than sulphur, lignite, and timber and would increase the maximum amount remitted to the parish governing authority where a severance occurs from \$850,000 to \$1.85 million for FY 2011-2012 and to \$2.85 million thereafter.

## AD VALOREM TAXES

**House Bill 903** would further limit the power of taxing authorities whose governing boards are not elected to increase millage rates without voter approval. Special fire protection or fire department districts; ports, port harbor, and terminal districts; and millages levied by certain levee districts would be excluded from this limitation.

## SALARY INCREASES

**Senate Bill 67** provides that any salary increase enacted by law, including for statewide elected officials, members of the Public Service Commission, and legislators, will not be implemented until a subsequent term of office.

## PUBLIC RETIREMENT

**House Bill 229** would require a two-thirds vote of the Legislature to authorize any state employee benefit provision having an actuarial cost.

## VETERANS/AD VALOREM TAXES

**House Bill 246** would authorize parishes to hold elections to determine whether they want to allow the first \$150,000 value of homes occupied by disabled veterans with a service-connected disability rating of 100% to remain tax free.

## EXPROPRIATED PROPERTY

**House Bill 276** would remove the requirement that a public agency must offer to sell back to the owner property expropriated as a threat to public health.

## JURY TRIALS

**House Bill 940** would require a defendant who wants to waive a trial by jury to make an irrevocable decision at least 45 days prior to the trial date except in capital cases.

## HOMESTEAD EXEMPTION

**Senate Bill 21** would grant a two-year extension of the homestead exemption from five years to seven for homeowners who are unable to re-occupy their homes following a disaster. A local assessor may grant a displaced homeowner up to three more additional years on a case-by-case basis.

## WORKERS COMP

**Senate Bill 42** would require a five-judge panel of a court of appeal to rehear arguments in cases dealing with a reversal or modification of a worker's compensation claim when one judge on the original three-judge panel dissents.