



Bobby Jindal
Governor

June 29, 2011

2011 LEGISLATION SESSION

During the 2011 Regular Legislation Session, the Governor's Office of Disability Affairs tracked the following bills:

 **55** bills followed by the *GOVERNOR'S OFFICE OF DISABILITY AFFAIRS*

 **28** bills tacked through the *HOUSE OF REPRESENTATIVES*

 **27** bills tracked through the *SENATE*

 **11** Senate and House *Resolutions*

GODA appreciates all the hard work and advocacy from LaCan and other disability advocates during the legislative session. LaCan's voice was heard during the budget process. We also appreciate the work done outside of committee rooms to help ensure all legislation was in proper posture, especially HB 86 by Representative White.

Overall, the 2011 Session was victorious for the disability community of Louisiana.

GOVERNOR JINDAL'S 2011 LEGISLATIVE PACKAGE SUCCESSES

BATON ROUGE - The below legislation from the Governor's package was approved during the 2011 Regular Legislative Session.

Improving Outcomes in Higher Education

HB 549 by Speaker Jim Tucker – GRAD Act 2.0 - strengthens the GRAD Act contracts negotiated between the Board of Regents and each higher education institution in fall 2010 in three ways. It prioritizes the key Student Success metrics—graduation rates, retention rates, and percent completers—and make them required for successful performance on contract targets. Additionally, it grants operational autonomies in purchasing, personnel, facilities, and investment in a three-tiered structure based on performance. Capacity to manage these autonomies is determined by the Division



Bobby Jindal
Governor

of Administration, and for higher level autonomies require the approval of the Joint Legislative Committee on the Budget. Finally, it improves data and transparency by adding a cost-performance analysis of resources and outcomes to the Board of Regents' annual report on GRAD Act institutional progress. The bill also standardizes, expands, and coordinates student-tracking systems of course credits to facilitate on-time graduation, articulation, and transfers.

HB 526 by Representative Joel Robideaux standardizes community and technical college tuition to ensure equal access to two-year programs in every parish. The Louisiana Community and Technical College System has standardized services across parishes so that community and technical colleges are offering comparable services to every student, but tuition varies by geography based on the age of the institution. With this law, community colleges will have the authority to raise tuition to the highest rate as of July 1, 2011; technical colleges will have the authority to raise tuition over three years to \$2,000 or roughly 55 percent of the average Pell Grant, which is still lower than the 60 percent SREB average. In addition, the bill allows LCTCS to adopt a common schedule of tuition and fees so that not only is tuition the same at each school, but each credit hour costs the same, too.

SB 53 and SB 52 by Senator John Alario boosts the constitutionally protected funding of a vital merit-based college access tool, the TOPS Scholarship program. It does this by redirecting 75 percent of the annual Tobacco Settlement payment to the state to the TOPS Fund, freeing up the equivalent amount, or roughly \$43 million per year, in state general fund to protect higher education and healthcare.

Increasing Education Options for Students

SB 43 by Senator Jack Donahue encourages the expansion of high-performing charter operators by enabling long-term planning. It allows a charter authorizer to waive technical restrictions on when a charter may open following approval, allowing charter operators to receive authorization for multiple charter schools at the same time to be opened over a number of years. This allows high-quality operators to plan long-term and benefit from economies of scale. These same technical changes also prevent mid-year disruption of services to students should a school need to change operators during the school year due to unforeseen problems.



Bobby Jindal
Governor

HB 421 by Representative Steve Carter creates a mutually beneficial relationship between Louisiana businesses and charter schools—a Business-Charter Partnership—by allowing, in exchange for a gift or free use of land or a facility, the major renovation of an existing facility, or major donation of technology, preferred enrollment of up to 50 percent of school seats for dependents of company employees and a minority percentage of the charter school's board seats. Individual businesses or groups of businesses could apply to open a new school, or in collaboration with a school district, convert an existing school. This partnership is a boon for economic development and public education in three ways: It empowers communities looking for a way to attract businesses to their parishes. It gives school districts, which can also authorize charter schools, a way to involve the business community in public education. And it provides charter schools, which often face significant difficulties when trying to find a building in which to operate, a new tool to address facility concerns.

Encouraging Business Investment

SB 63 by Sen. Murray renews and extends the commercial historic rehabilitation tax, which allows taxpayers rehabilitating a historic structure located in a downtown development or cultural product district to earn a state income and corporation franchise tax credit on up to 25 percent of rehabilitation costs. This legislation extends the sunset on the tax credit from January 1, 2012 to January 1, 2016.

SB 72 by Senator Mike Michot renews and extends the Quality Jobs program for six years. The Quality Jobs program is a powerful incentive for job creation, which provides up to a six percent rebate on annual payroll expenses for up to 10 years and either a four percent sales/use tax rebate on capital expenditures or an investment tax credit equal to 1.5 percent of qualifying.

HB 348 by Representative Walt Leger extends and improves the residential historic rehabilitation tax credit, which allows homeowners rehabilitating historic or blighted homes to earn a state income tax credit on up to 25 percent of rehabilitation costs. In addition to extending the sunset of the tax credit from December 31, 2012 to January 1, 2016, the bill enacts several improvements that make the tax credit more accessible to homeowners. It also lowers the minimum rehabilitation costs to qualify from \$20,000 to \$10,000, allows any homeowner to access the 25 percent credit regardless of income level, and raises the credit for blighted homes over fifty years old to 50 percent of rehabilitation costs.



Bobby Jindal
Governor

SB 135 by Senator Dan Claitor renews and enhances the Research and Development Tax Credit. The Research and Development Tax Credit program provides up to a 40 percent refundable tax credit to businesses conducting research and development in Louisiana. This bill extends the program for another six years and converts the refundable tax credits, in order to deliver the incentive more quickly to companies.

SB 134 by Senator Dan Claitor renews and enhances the Technology Commercialization Credit and Jobs Program. The Technology Commercialization Credit and Jobs Program provides a 40 percent refundable tax credit for companies that invest in the commercialization of Louisiana technology and a six percent payroll rebate for the creation of new, direct jobs. This bill extends the program for another six years and converts the refundable tax credits for technology commercialization expenses, in order to deliver the incentive more quickly to companies.

SB 123 by Senator Danny Martiny enhance the Digital Interactive Media Tax Credit. The incentive provides a 25 percent transferable tax credit for qualified production expenditures in Louisiana and a 35 percent transferable tax credit for Louisiana resident labor expenditures. This bill increases the attractiveness of the incentive by giving companies the option of taking a refundable credit or a rebate equal to 85 percent of the face value of the credit.

Keeping Louisiana Communities Safe

HB 55 by Representative Ledricka Thierry prohibits certain sex offenders from using or accessing social networking websites, chat rooms and peer-to-peer networks. This legislation criminalizes the accessing or using of such social media by registered sex offenders who: 1) were previously convicted of indecent behavior with juveniles, pornography involving juveniles, computer-aided solicitation of a minor or video voyeurism; or 2) were previously convicted of a sex offense in which the victim of that sex offense was a minor. Whoever commits this crime will, upon first conviction, be fined up to \$10,000 and imprisoned for up to ten years. Upon a second or subsequent conviction, they will be fined up to \$20,000 and imprisoned for five-20 years.

HB 86 by Representative Bodi White will amend the sexual battery, second-degree sexual battery, oral sexual battery and molestation of a juvenile statutes to enhance the penalty for committing these crimes against such vulnerable victims, and establishes a new penalty of 25-99 years at hard labor for



Bobby Jindal
Governor

committing one of these crimes on these individuals.

HB 49 by Representative Walt Leger cracks down on human trafficking. Currently, our human trafficking statutes criminalize the actions of the human trafficker, but they do not address a person who knowingly facilitates the crime. This legislation will enable the equal punishment of a person who knowingly helps, aides or abets a human trafficker with the current punishment for the human trafficker. Also, this legislation expands the type of actions that put a criminal under the human trafficking statutes, including the advertisement of a child for sexual purposes.

HB 131 by Representative Ricky Templet works to ensure sex offenders comply with their registration requirements. Currently, a sex offender is required to get a driver's license or a state identification card which states "sex offender" on it in bold orange letters. This legislation makes it a violation of a sex offender's registration requirements if they fail to get a driver's license or identification card with "sex offender" labeled on it, are in possession of identification that is altered with the intent to defraud or if they are in possession of counterfeit identification.

HB 12 by Representative Ricky Templet criminalizes fake bath salts and synthetic marijuana. Currently, when a specific chemical compound of synthetic marijuana or bath salts is criminalized, criminal drug manufacturers change the chemical makeup of the drug in order to make a legal compound. This legislation seeks to put a stop to this cycle. It creates and criminalizes base chemical groups of synthetic Cannabinoids and Cathinones by adding those substances to Schedule I of the Controlled Dangerous Substance Act, and any manipulation or addition to these base chemical groups will be criminalized as well.

HB 94 by Representative Kay Katz transfers the Missing and Exploited Children Information Clearinghouse from the Department of Children and Family Services to the State Police, providing real-time, twenty-four hours a day, seven days a week, coordination between the National Crime Information Center and the Missing and Exploited Children Information database. This will help assist child crime victims, including those who are victims of human trafficking.



Bobby Jindal
Governor

Protecting Life

HB 636 by Representative Hoffman requires abortion facilities to post coerced abortion prevention signs and improves the availability of information online for informed consent laws. This bill requires outpatient abortion facilities to post a sign in each patient admission area, waiting room, and patient consulting room, outlining legal rights women have regarding abortion as well as a website address with information resources for alternatives to abortions. It also requires abortion facilities to inform individuals of the Department of Health and Hospital's abortion alternatives and informed consent website when an inquiry is made regarding an abortion.

Sentencing Reforms

HB 106 by Rep. Helena Moreno will increase public safety by requiring providers of home incarceration services to issue reports to the Department of Corrections on the offenders under their supervision. This will allow the department to track the use of home incarceration and determine whether it produces any benefits to our criminal justice system.

HB 415 by Rep. Joseph Lopinto creates the process to allow probation and parole officers to punish probationers and parolees with administrative sanctions for technical violations of their supervision conditions. This proposal will help reduce recidivism and ensure better compliance with the conditions of probation and parole, which will increase public safety and save money.

SB 202 by Sen. Elbert Guillory enhances the pardon and parole process to ensure members of the Pardon Board and Parole Board are equipped with the tools they need to make proper clemency decisions. This law adds the warden or deputy warden of the institution in which an offender is housed as an ex officio member of the Pardon Board when that offender applies for clemency. This also enhances the Parole Board by requiring the members to complete eight hours of annual training. Finally, this legislation authorizes the Department of Corrections to establish a validated risk and needs assessment tool, which will be used to guide the department, parole board and agents of the department in determining supervision management and strategies for offenders as well as case planning and treatment decisions to address criminal risk factors and reduce an offender's chance of recidivating.



Bobby Jindal
Governor

Investing in I-49 North

HB 370 by Representative Jane Smith bonds out \$7.5 million from the Unclaimed Property Fund in order to invest the estimated \$60 million needed to construct one of the two remaining segments for I-49 North. The \$60 million will be put towards the funding of the 4.25-mile “J Segment” – from MLK Boulevard to LA 1 – which will leave only one mile of the interstate left to complete. Specifically, this legislation will expand the purposes for using the Unclaimed Property Leverage Fund by allowing bonds to be issued by the State Bond Commission, and thus provide maximum flexibility in dedicating critical funds toward the completion of I-49 North. I-49’s continued expansion provides a critical link in our nation’s interstate system, facilitating trade and tourism.

Supporting Louisiana Veterans

HB 143 by Rep. Nick Lorusso provides death benefits for the families of 32 Louisiana National Guardsmen who lost their lives and two disability benefits for Guardsmen who have been injured dating back to September 11, 2001. The payment of a lump sum of \$250,000 for each guardsman’s beneficiary and \$100,000 for each totally and permanently disabled guardsman– means a commitment of \$8.2 million from the state included in the budget.

Making Government more Efficient

SB 269 by Senator Neil Riser streamlines the state’s disparate housing agencies, including the Louisiana Housing Finance Agency (LHFA), into one Louisiana Housing Corporation that would oversee all housing funds in the state, uniting almost 30 separate programs currently managed by five organizations. Creating a new, unified Louisiana Housing Corporation will include the reductions of staffing needs and elimination of multiple boards, while better identifying housing needs and developing policies and plans to meet those needs around the state. Specifically, the corporation will be comprised of the Louisiana Housing Finance Agency as well as disaster recovery programs funded by the Department of Housing and Urban Development Community Development Block Grants as designated by the Governor. The unified structure for housing programs will also streamline operations, ensuring that all programs operate within a high level of accountability.

HB 639 by Smiley abolishes various outdated state boards and commissions. In some cases the legislation combines the functions of similar boards or commissions. This legislation eliminates



Bobby Jindal
Governor

boards and commissions because the board or commission was never fully formed, or the board or commission is no longer serving the purpose for which it was created. ¹

2011 GOLD AWARDS

Nomination packets will go out shortly for the 2011 GOLD Awards. The event has grown every year since 2008, and we expect another great year. Nominations will be taken for the following categories:

- Youth of the Year Award
- Direct Support Professional of the Year Award
- Veteran of the Year Award
- Employer of the Year Award
- Ken Vince Memorial Award
- Volunteer of the Year
- Distinguished Merit Award
- Family of the Year Award
- Service Animal of the Year Award
- Patsy Barrett Award
- Educator of the Year Award

¹ <http://gov.louisiana.gov/index.cfm?md=newsroom&tmp=detail&catID=2&articleID=2870>