



Police Jury Association

NEWS LETTER

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June 29, 2009

2009 REGULAR SESSION FINAL LEGISLATIVE REPORT

The Legislature adjourned the 2009 Regular Session at 6:00 pm on Thursday, June 25th. The PJAL had an excellent session. All but one bill in the PJAL Package passed the Legislature and we believe will be signed into law by Governor Jindal. The one bill from our package that did not pass was voluntarily left on the Senate calendar at the request of the PJAL. The PJAL was also able to defeat a number of measures the aimed at roll-forward of millage rates. The only measure that passed was a dramatically amended version of HB 83 which makes minor adjustments to the notice provisions of roll-forward meetings.

PJAL PACKAGE UPDATE

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| HB 88 | McVea | Allows any part-time elected official, such as a police juror, to be employed in the government of the U.S. This bill was brought to enable police jurors to work with the US Census Bureau in the upcoming census.
AWAITING SIGNATURE OF THE GOVERNOR |
| HB 353 | Monica | Increases the contract limit for public works projects from \$100K to \$150K. This bill was brought because the current contract limit is not adequate to meet the needs of parishes. The increase to \$150K was a compromise with the contractor associations and LABI and the bill has consensus support.
SIGNED BY THE GOVERNOR |
| HB 604 | Aubert | Provides for the exchange of surplus property of a police jury for needed property owned by a private person, if all parties agree. Municipalities can already do such exchanges.
AWAITING SIGNATURE OF THE GOVERNOR |
| HB 765 | Gallot | Constitutional Amendment to provide for a change in the distribution fo Mineral Severance Tax Revenue to provide more of those funds being provided to parish government.
WILL BE ON STATEWIDE BALLOT – NOV. 2, 2010 |
| HB 777 | Champagne | Clarifies that appointments to certain boards and commissions and appointments to fill vacancies in elective offices are not prohibited “other transactions” under the Ethics Code. The Senate Committee did add an amendment to address an Ethics issue pertaining to the LA Community and Technical College Board.
AWAITING SIGNATURE OF THE GOVERNOR |
| HB 782 | Ellington | Provides additional service charge on wireless phone services. This bill was brought to make sure that prepaid wireless users were paying their fair share of the costs of operating 911. The bill was amended to make the charge 2% of the costs.
AWAITING SIGNATURE OF THE GOVERNOR |
| HB 823 | Danahay | Provides that special service districts that do not have high speed internet service are exempt from the requirements relating to the receipt of bids via high speed internet.
AWAITING SIGNATURE OF THE GOVERNOR |

OTHER ISSUES OF INTEREST

BID LIMIT FOR MATERIALS AND SUPPLIES

SB 84

SB 84 increases the bid limit for purchases of materials and supplies from \$20K to \$30K. It leaves in place the law that allows for three quotes between \$10 and \$30K and no requirement for purchases under \$10K. The new limit will take effect on August 15, 2009 if not vetoed by the Governor.

RED LIGHT AND SPEED CAMERAS

There were multiple attempts to bar or limit local governments from contracting for the use of red light and speed cameras. All such attempts were defeated. The Legislature seemed to agree that this issue should be left to the discretion of you, the local elected officials. Your continuing to make these decisions after due consideration and with sufficient oversight should help fend off future attempts to pass such legislation in the future. Make sure that you communicate over the interim with your local delegation. Make sure they know that you want this to remain a local decision. The parishes already operating these enforcement devices are Livingston, Lafayette, East Baton Rouge, Orleans, and Jefferson.

ROLL FORWARD OF MILLAGES

There were over 15 bills that would have repealed or severely limited the ability of parish governments from rolling millage rates forward. The PJAL was able to defeat all but two of those bills, HB 902 & 903. Those two bills were significantly amended so as to make them inapplicable to elected bodies, such as a police jury, nor will it apply to fire districts and ports districts. As to the other non-elected entities, the measure will limit the taxing bodies ability to roll-forward each year. Those bodies would only be allowed to roll-forward to the extent that total revenues increase by no more that 2.5% over the prior year. The measure still must be approved by voters on the Nov. 2, 2010 ballot.

ROLL FORWARD MEETING NOTICE PROVISIONS

HB 83 provides three changes to the current notice provisions for meetings in which the roll forward of millages will be considered:

1. The current newspaper notices shall be run "no less than 30 days before the meeting"
2. The same notice as is published in the newspaper shall be on the taxing bodies website, but only if the taxing body maintains a website, and shall remain there until the issue is voted yea or nay
3. If the matter is not disposed of at the initial roll forward meeting, the notice of any subsequent meetings where the roll forward issue will be taken up shall meet the requirements for the initial meeting, EXCEPT that subsequent meeting will not have to be noticed in the newspaper

This language is actually less restrictive than the language we had agreed to in HB 380 by Rep. Cromer. The final language of HB 83 is dramatically less burdensome than the language of the original version of the bill, which had a requirement for personal notice to the members of the legislative delegation, full copies of the taxing body's current and proposed budgets and estimates of the impact of the roll forward on the "median family home" in the area (which information is not readily available from any source).

SALES & USE TAX ISSUES

SB 268

This bill began as a far reaching change in the manner of handling payment under protest and attorneys fees in sales and use tax disputes. The author, Sen. Donahue, worked well with the PJAL, LMA, LATA and individual local tax collectors to craft legislation that improved the system of allowing taxpayers to put up a bond or other security in lieu of payment under protest, when there is a dispute over an audit finding. This revised system will be of benefit to taxpayers, but will not impair the ability of collectors who prevail in the litigation from collecting 100% of the taxes found to be due. The legislation also clarifies the ability of local collectors to hire attorneys on a contingency fee basis, while at the same time clarifying when the tax payer will be liable for attorneys fees.

HB 819

This bill, pushed by the paper industry and other manufacturers, with the assistance of LABI, would have dramatically re-written the law with regard to how a moveable becomes recognized as a component part of an immovable. The importance of this designation is that repairs to a movable are subject to sales and use taxation, while repairs to an immovable (and its component parts) are not subject to sales and use taxation. The defeat of this legislation avoids a significant reduction in sales and use taxes, particularly for parishes that have an active wood and paper industry or other manufacturing, such as petrochemical plants.

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