



Police Jury Association

NEWS LETTER

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2010 REGULAR SESSION FINAL LEGISLATIVE REPORT

SUCCESSFUL SESSION FOR THE POLICE JURY ASSOCIATION OF LOUISIANA

The PJAL had a very successful 2010 Regular Session. The PJAL was able to pass the bills it strongly favored while defeating those that it most opposed. There were some compromises along the way, but the PJAL held firm and only agreed to a compromise amendment if it addressed our primary concerns with the underlying legislation. No significant legislation was passed over the objection of the PJAL. This success is a result of our members remaining in contact with their Legislators and the diligence of the PJAL staff in persistently communicating your concerns. In the words of one lobbyist on a bill that we successfully defeated...the PJAL is a "worthy adversary, you beat us...we need to try to work with you next time". We also reached compromises on legislation pertaining to contract auditors for sales tax collections and roll-forward of ad valorem millages with agreement from the other side in both cases that this is their **final** effort on these issues.

BUDGET ISSUES

One of our primary concerns this session was the State Budget. Despite massive cuts to many, many areas of the State Budget the PJAL was able to maintain the same level of funding for the Parish Transportation Act as last year. **THANK YOUR LEGISLATOR FOR STANDING WITH US!**

Parish Road Program (per R.S. 48:751-756 A (1)) \$ 34,000,000

Parish Road Program (per R.S. 48:751-756 A (3)) \$ 4,445,000

Mass Transit Program (per R.S. 48:756 B-E) \$ 4,955,000

Off-system Roads and Bridges Match Program \$ 3,000,000

Total: 46.4 Million

Local Government Assistance Program (LGAP) \$10,000,000

Community Water Enrichment Program \$10,000,000

In this Budget climate keeping level funding was like winning an increase.

CULVERT BILL PASSES

HB 941

HB 941 by Rep. Mills is the bill drafted in response to Resolution No. 7, unanimously adopted at the 2010 PJAL Annual Convention in Calcasieu Parish. This bill takes the various statements of law that control when and under what circumstances a parish or municipality is allowed to install a culvert and puts them in the new RS 33:4883. Currently the law has to be collected by reading statutes, Constitutional provisions and AG opinions. If signed by the Governor, this single statute will not change to law but will put serve as a resource so that you and your constituents can easily read and understand when and under what circumstances a culvert can be installed and when the parish can pay the costs. This should eliminate a lot of confusion on this issue.

PRECINCT SPLITTING BILL PASSES WITH PJAL AMENDMENTS

HB 627

HB 627 addresses the issue of the precinct freeze that has been in place since 2009. In order to ensure an accurate census count that could easily be utilized in the redistricting process that will take place next year after the 2010 Census numbers are released in early 2011, precinct lines have been frozen and parishes have been prohibited from changing those precinct lines. Now that the Census is near completion parishes will face the task of redistricting. Without the ability to divide precincts, local redistricting will be difficult. The PJAL urged several amendments to the original version of the bill and the Legislature agreed to those amendments. The original bill would have, in our view, been too restrictive as to when a parish could split a precinct. We urged, and the Legislature ultimately agreed, to allow splitting of

precincts to accomplish traditional redistricting principles, which includes incumbent protection, maintenance of core districts and communities of interest, and compliance with the Voting Rights Act.

PROPANE BILL DIES IN LAST MINUTES OF SESSION HB 1321

HB 1321 by Rep. M. Jackson proposed on behalf of the Propane Association to limit the ability of local governments to regulate the location of propane tanks. We attempted, through the final day of the session, to work with the proponents of the bill to come up with language that was agreeable to all parties. We held to our core position of protecting local authority, and the bill failed to win Legislative approval.

HUGE MEDICAL SALES TAX EXEMPTION DEFEATED HB 1404

HB 1404 by Rep. Mills proposed to grant a sales and use tax exemption to doctors that was projected to cost millions of dollars a year to local governments. Currently the law provides that a local government MAY grant a full or partial exemption from local sales and use taxes for certain types of medications administered by a doctor in his office. Some jurisdictions have exercised this option, but many have decided that they cannot do without the revenue that this existing taxable transaction generates.

PAROCHIAL RETIREMENT LEGISLATION SB 85 & SB 100

SB 85 passed with the support of the PJAL and will provide flexibility to the PERS Board in adjusting both the Parish and employee contributions to keep the system sound.

SB 100 was defeated, with the PJAL strongly in opposition. It proposed to change all current parish employees, even those that had already vested, to a 60 final average compensation calculation. This would have effectively reduced virtually every parish employee's retirement benefits. The PJAL opposed the bill on the grounds that PERS should keep its promise to the employees who were hired on a promise of a 36 month calculation.

Of note: In the testimony on these bills it was disclosed that PERS is 97% actuarially funded (even after the tough stock market in 2008) and PERS is on track to fully fund its unfunded accrued liability by 2015, which is 14 years ahead of scheduled. It is clear that the Parochial Employees Retirement System is one of the most fiscally sound of all public retirement systems in the State. Thanks to our PERS Board.

SALES TAX ISSUES RESOLVED THROUGH COMPROMISE HB 666, HB 667 HB 845 & SB 567

HB 666 revises the law on when attorney fees are recoverable in a sales tax dispute. While maintaining the ability for local collectors to collect attorney fees in cases where the taxpayer or vendor has acted in bad faith or clearly owes taxes that he refuses to pay, it does allow a taxpayer who has a justifiable claim or argument that the taxes were not owed. This comes up mainly where there is an issue of law.

HB 667 revises the law pertaining to assessments by the local collector without an audit. It makes clear that a local collector cannot arbitrarily issue an assessment for taxes without a good faith effort to conduct an audit, but maintains the authority of a local collector to issue an assessment without an audit in certain circumstances, such as when the taxpayer appears to be trying to evade his obligation.

HB 845 revises the law on contract auditors hired by local sales tax collectors to make sure that they have a requisite level of training and/or experience. This will protect local collectors from unqualified auditors and give the taxpayers confidence that the audits performed by these auditors are legally correct.

SB 567 revises the law with regard to local sales tax disputes, creating a more efficient arbitration process. The arbitration process is an option to the taxpayer, but will not impair the authority of the local collector to ultimately have the dispute resolved in the Courts if needed. It should lead to more non-judicial resolutions of sales tax disputes.

TRAFFIC CAMERAS

There were a number of bills filed to limit or even repeal local government authority to utilize traffic cameras to assist in photo enforcement of traffic laws. None of the proposed legislation passed the Legislature this session. Ultimately, the Legislature took the position that this issue should be decided on a local level. Whether your parish uses photo enforcement or not, the PJAL fought for, and was successful in defending, your authority to make that decision based upon what your constituents want.

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