

# Louisiana Federation of Teachers

# Weekly Legislative Digest

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2015 Regular Legislative Session

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This is the final edition of the 2015 Weekly Legislative Digest. A complete wrap-up of the bills followed by LFT during the session will be posted on the LFT Web site.

## Schools get last-minute \$36 million bump

### Resolution by Rep. John Bel Edwards pumps money into education budget

Just as he did two years ago, Rep. John Bel Edwards (D-Amite) found a way to increase funding for schools even after public education's Minimum Foundation Program formula had been rejected.

As the session drew to a close, the Senate finally approved Rep. Edwards' HCR 231, which calls for an additional 1.375%, or \$36 million, to be included in the budget for public education. It had been held up while waiting for the House to take a crucial vote on the controversial SAVE plan.

Once the House approved the scheme that makes Gov. Bobby Jindal's final budget appear to be revenue-neutral, the Senate voted unanimously to okay the resolution.

Because the legislature is allowed to either accept or reject the MFP, but not change it, Rep. Edwards' resolution calls for the additional money to be appropriated outside of the funding formula.

However, it asks Board of Elementary and Secondary Education to recognize the additional funding and include it in the MFP to be adopted for the 2016-17 school year.

The additional funding increases the base student allocation from \$3,961 to \$4,051, and ensures that raises granted to classroom teachers last year will be continued this year.

## Lawmakers okay COLA; Jindal may veto

Governor Bobby Jindal may poke state retirees in the eye one more time before following his presidential aspirations to Iowa, New Hampshire and beyond.

Capitol insiders say there is a strong possibility he will veto a hard-won 1.5% cost of living adjustment for state retirees, even though the \$30 average increase won't even cover an increase in health insurance premiums.

Even without the threatened veto, HB 42 by Rep. Sam Jones (D-Franklin) took a rocky road to passage. There is enough money in the retirement systems' experience accounts – money earned on investments – to pay for the COLA, but many lawmakers believed that system debt was a more important priority.

The bill was first saved from defeat by an amendment that delayed the COLA until next year. In the waning moments of the session, however, Rep. Jack Montoucet (D-Crowley) went to bat for retirees. He refused to allow passage of his own \$100 million bill aimed at balancing the budget unless the House of Representatives reversed itself and made the COLA available this year.

## SAVE act rescues Louisiana's \$24 billion budget

After acrimonious debate, the House of Representatives approved a scheme variously described as a scam, sham, gimmick, fraud and fiction so that Gov. Bobby Jindal could claim that the budget is a revenue-neutral balance of tax increases and credits.

The 59-44 vote capped a session in which all other issues took a distant second place to the state's budget crisis. In April, the session convened with lawmakers facing a \$1.6 billion shortfall.

The so-called SAVE act allowed lawmakers to adopt a \$24 billion budget without violating a pledge that Gov. Jindal made to Americans for Tax Reform, a Washington, D.C. special interest group. That pledge is widely seen as a key to the governor's plan to run for president.

Even its supporters in the House said the SAVE act is a bad idea. Rep. Chris Broadwater (R-Hammond), the bill's floor leader, said "I am going to be embarrassed when I go back home" and try to explain his vote to constituents.

"I won't try to candy coat it," Broadwater said, adding that he would not have drafted the bill himself and that he believes it is bad policy.

But without the plan, Broadwater said, Gov. Jindal would surely veto the budget, leaving higher education open to cuts totaling well over \$300 million.

Leading the opposition to the bill, Rep. John Bel Edwards (D-Amite) called it "pure fiction, a contrived gimmick.

"The only real thing about it is the bad precedent it sets," Rep. Edwards said. Future legislatures could adopt massive tax increases masked by similar strategies, according to the Amite Democrat.

Rep. Edwards urged colleagues to defy the governor, reject the bill and then override a promised gubernatorial veto.

But Rep. Broadwater cautioned the House that, although there were enough votes in the House to override a veto, the Senate probably could not muster the required two-thirds majority.

The SAVE act had already been rejected by the House, but Senators amended its language onto a number of other bills. The version that reached the House floor was in SB 93 by Sen. Robert Adley (R-Benton).

The sole purpose of the SAVE act is to make it appear that some \$400 million in various tax increases were offset by tax credits. It imposes a fee on college students that is offset by a matching tax credit. Students will not actually pay the fee or collect the credit. Instead, money from the other tax increases will be funneled to higher education.

## **Payroll deduct redux already in the works**

One of the most anticipated fights that never came to the floor of the House will certainly be on the agenda in 2016, with Rep. Stuart Bishop (R-Lafayette) promising to bring back a bill aimed at silencing the voices of teachers, school employees, firefighters, police officers and other public servants.

Rep. Bishop told reporter Jeremy Alford that a bill banning payroll dues deduction for public employees will be HB 4 when lawmakers convene in March of 2016. This year, passing his HB 418 was one of the biggest goals of the Louisiana Association of Business and Industry.

That bill was approved by the House Labor and Industrial Relations Committee, but never came to a vote on the floor of the House.

A coalition comprising the LFT, Louisiana Association of Educators, unions representing police, fire and other public employees and the Louisiana AFL-CIO worked to keep the measure bottled up.

Aiding in that effort was the one overriding concern of this session: a budget with a whopping \$1.6 billion hole in it. The budget so dominated this year's fiscal session that lawmakers had neither the time nor the stomach for the kind of fight that payroll deduction was sure to generate.

Other issues that got short shrift in the session were highway construction, religious rights and abortion. Even the most controversial education issue on the agenda, Common Core, was resolved without much drama or fanfare because of the dark shadow cast by the budget debate.

## **Common Core compromise bills all adopted**

A trio of bills intended to defang the controversy raging over Common Core State Standards easily passed both houses of the Legislature and are awaiting the signature of Gov. Bobby Jindal. The governor, who originally supported Common Core, has said he will sign the bills because they comport with his newfound opposition to the concept.

HB 373 by Rep. Brett Geymann (R-Lake Charles) sets a legislative framework for curriculum changes already being studied by a commission of the Board of elementary and Secondary Education.

The bill:

- Requires BESE to begin reviewing and developing state content standards in English and math by July 1.
- Requires BESE to hold at least one meeting for standards review in each congressional district.
- Requires BESE to provide the minutes of each meeting to members of the legislature not later than 30 days after the meeting.
- Requires BESE to post the proposed new standards by February 21, 2016 and to adopt the standards by March 4, 2016.
- Requires BESE to promulgate the standards in accordance with the state Administrative Procedures Act.
- Requires the Speaker of the House and the President of the Senate to each appoint a member to serve as liaison to the BESE process.
- Provides that if the governor suspends or vetoes the new rules, BESE must make revisions and act without delay to promulgate rules for the revised standards.

HB 542 by Rep. John Schroder (R-Covington) says that no more than 49.9 percent of questions on next year's state mandated standardized tests can come from the Partnership for the Assessment of Readiness for College and Careers (PARCC) blueprint. It also prohibits the state from contracting with PARCC to provide the tests.

SB 42 by Sen. Conrad Appel (R-Metairie) guarantees that any changes to the state curriculum adhere to the Administrative Procedures Act, a legal process that ensures transparency and public input. Changes would then have to be vetted by the joint House and Senate Education Committees and submitted to the governor for an up-or-down vote. Portions of the bill mirror parts of HB 373.