HOUSE BILL NO. 185

BY REPRESENTATIVES HAZEL, TERRY BROWN, CARPENTER, STEVE CARTER, HALL, MARCELLE, PIERRE, POPE, AND STEFANSKI AT DESMOND, CHABERT, CORTEZ, ERDEY, FANNIN, HEWITT, JOHNS, LAMBERT, LONG, MILKOVICH, MILLS, MIZE, PEACOCK, RISER, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

An Act to enact Chapter 59-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3661 through 3665, relative to military medical personnel; to establish a pilot program to authorize retired military medical personnel to provide certain healthcare services; to provide for definitions; to require progress reports and final recommendations; to provide for a termination date of the pilot program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 59-A of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3661 through 3665, is hereby enacted to read as follows:

CHAPTER 59-A. LOUISIANA MILITARY MEDICS AND CORPSMEN PILOT PROGRAM

§3661. Short title
This Chapter shall be known and may be cited as the “Louisiana Military Medics and Corpsmen Pilot Program”.

§3662. Definitions
(1) “Department” means the Louisiana Department of Veterans Affairs.
(2) “Military medical personnel” means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.
(3) “Pilot program” means the Louisiana Military Medics and Corpsmen Pilot Program established pursuant to this Chapter.

A. The department in collaboration with each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare profession, shall establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute healthcare services under the supervision of a physician or podiatrist who holds an active, unrestricted license in Louisiana. The activities shall reflect the level of training and experience of the military medical personnel.
B. The supervising physician or podiatrist shall retain responsibility for the care of the patient.
C. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in the pilot program.
D. The department shall establish general requirements for participating military medical personnel, licensees, and employers.
E. Each state agency or professional or occupational licensing board or commission that participates in the pilot program may promulgate, in accordance with the Administrative Procedure Act, any rules necessary for the implementation of the program.

§3663. Military medical personnel: pilot program

A. The department shall report to the governor and to the House and Senate committees on health and welfare no later than thirty days prior to the start of the regular legislative session each year on the progress of the pilot program and shall provide a written report of findings and recommendations upon termination of the program.

§3664. Terminating date


Approved by the Governor, May 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 2

HOUSE BILL NO. 30

BY REPRESENTATIVE SCHEINWALD AND SENATORS CARTER, CORTEZ, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAMBERT, LONG, MILKOVICH, MILLS, MIZELL, MORRELL, MÖRRISS, PEACOCK, RISER, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

To enact R.S. 47:463.192, relative to motor vehicle special prestige license plates; to provide for the “Louisiana Patriot Guard Riders” specialty license plate; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; to provide for a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.192 is hereby enacted to read as follows:

§463.192. Special prestige license plates; “Louisiana Patriot Guard Riders”
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Louisiana Patriot Guard Riders’ plate”. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.
B. The secretary shall work in conjunction with the captain and assistant captain of the Louisiana Patriot Guard Riders to select the color and design of the plate, provided that it is in compliance with all requirements of R.S. 47:463(A)(3). The design shall include the words “Louisiana Patriot Guard Riders”.
C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license plate fee and to any other fees provided in this Part.
E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Patriot Guard Riders. The monies received from the royalty fees shall be used solely for the activities of the Louisiana Patriot Guard Riders.
F. The secretary shall promulgate and adopt rules and regulations as are necessary to implement the provisions of this Section.

Section 2. The provisions of this Act shall become effective on January 1, 2018.

Approved by the Governor, May 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 3

HOUSE BILL NO. 476

BY REPRESENTATIVES HAZEL, TERRY BROWN, CARPENTER, STEVE CARTER, HALL, MARCELLE, PIERRE, POPE, AND STEFANSKI AT DESMOND, CHABERT, CORTEZ, ERDEY, FANNIN, HEWITT, JOHNS, LAMBERT, LONG, MILKOVICH, MILLS, MIZE, PEACOCK, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

An Act to amend and reenact R.S. 46:122(A)(1) and R.S. 47:463.131(A), (B)(2), and (D), relative to the Louisiana Military Family Assistance Fund; to provide relative to the Support Our Troops special prestige license plate; to provide for the design of the license plate; to provide for the license plate fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:122(A)(1) is hereby amended and reenacted to read as follows:

§122. Louisiana Military Family Assistance Fund
A.(1) Funds received by the state treasurer pursuant to the provisions of R.S. 47:120.31 and 306.3, or received by the treasurer or the Louisiana Military Family Assistance Board from other public or private donations, gifts, grants, appropriations or other revenue, including revenue derived from the Support Our Troops special prestige license plate as provided for in R.S. 47:463.131, shall be deposited and credited to a special fund hereby created in the state treasury to be known as the Louisiana Military Family Assistance Fund. The money in the fund shall be used solely as provided for in Subsection B of this Section. In addition to funds from this source, public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities may be made to the fund and accepted by the fund for military family relief and assistance as provided in this Part.

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in struck through type are deletions from existing law; words underscored
(Home Bills) and underlined and boldfaced (Senate Bills) are additions.
Section 2. R.S. 47:463.131(A), (B)(2), and (D) are hereby amended and reenacted to read as follows:

$463.131. Special prestige license plates; Support Our Troops

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige license plate to be known as the Support Our Troops plate. He shall not require any minimum number of applicants prior to establishing or issuing this plate. The license plate shall be restricted for passenger cars, pickup trucks, vans, and recreational vehicles, and shall bear the logo of a soldier and a child as developed by Support Our Troops, Inc. and the words “Support Our Troops”.

B. * * *

(2) Application for the Support Our Troops prestige license plate on or after January 1, 2018, constitutes prior written consent and instruction by the secretary to design the plate, and it shall bear the logo of a soldier and a child as developed by Support Our Troops, Inc. and the words “Support Our Troops”. * * *

D. The monies received from the additional twenty-five dollar fee shall be disbursed to Support Our Troops, Inc. the Louisiana Military Family Assistance Board. The secretary shall ensure that the application for the plate includes a statement granting such consent. * * *

Section 3. The provisions of this Act shall become effective on January 1, 2018.

Approved by the Governor, May 26, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 4

HOUSE BILL NO. 16
BY REPRESENTATIVE MCFARLAND
AN ACT

To enact R.S. 47:338.218, relative to the town of Jonesboro; to authorize the governing authority of the town, subject to voter approval, to levy and collect a hotel occupancy tax; to provide for the use of the tax proceeds; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.218 is hereby enacted to read as follows:

§338.218. Town of Jonesboro; hotel occupancy tax; authorization

A. (1) In addition to any other tax levied and collected, the governing authority of the town of Jonesboro may levy and collect a tax upon the paid occupancy of hotel rooms located within the town. The hotel occupancy tax shall not exceed three percent of the rent or fee charged for such occupancy.

(2) The word “hotel” as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hospital-like facility operated by or in connection with a hospital or vehicles. The governing authority of the town, subject to voter approval, may levy and collect a hotel occupancy tax; to provide for the use of the tax proceeds; and to provide for related matters.

(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. “Person” as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority of the town of Jonesboro shall impose the hotel occupancy tax by ordinance. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the town voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate, including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the town.

D. Except as provided in Subsection C of this Section, the governing authority of the town shall use the proceeds of the tax to fund tourism-related activities and recreation programs within the town of Jonesboro.

Section 2. This Act shall become effective on July 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later.
§41. Disclosure of records

C.(1) The state registrar shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant is any of the following:

(a) The person named in the certificate;
(b) A or is a member of the immediate or surviving family of said person, the person named in the certificate;
(c) A person or is a court proceeding as a member of the immediate or surviving family of said person, the person named in the certificate.
(d) The or is the beneficiary of an insurance policy or trust.
(e) A succession representative.

(2) The credentials of an attorney, together with a written declaration of the record in which he is interested and a written declaration or oral statement that he is a legal representative of one of the named parties referenced in Paragraph (C) of this Subsection shall constitute sufficient proof of a direct interest in the matter recorded.

(3) In addition to the provisions of Subparagraph (a) of this Paragraph, a written declaration by the attorney that he is preparing a small succession pursuant to Code of Civil Procedure Article 3431 et seq. for the deceased person whose death certificate is being requested shall constitute sufficient proof of a direct interest in the matter recorded.

Approved by the Governor, June 1, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 8
HOUSE BILL NO. 106
BY REPRESENTATIVE POPE

To enact R.S. 13:5554(FF), relative to the qualification for certain group insurance benefits for the Livingston Parish Sheriff's Office; to require service with the sheriff's office for a certain period of time; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(FF) is hereby enacted to read as follows: §5554. Group insurance; kinds; amounts; subrogation

§5554. Group insurance; kinds; amounts; subrogation

FF. Notwithstanding the provisions of Subsection D of this Section, the sheriff of Livingston Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retires from the Livingston Parish Sheriff's Office as follows:

(1) For any sheriff or deputy sheriff hired before July 1, 2017, the provisions of Paragraph (G)(1) of this Section shall apply.
(2) For any sheriff or deputy sheriff hired on or after July 1, 2017, the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full from the sheriff's general fund for all sheriffs and deputy sheriffs who are at least fifty-five years of age and who retire with at least twenty years of continuous and creditable service with the Livingston Parish Sheriff's Office, or who are any age and who retire with at least thirty years of continuous and creditable service with the Livingston Parish Sheriff's Office.

Approved by the Governor, June 1, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 9
HOUSE BILL NO. 233
BY REPRESENTATIVE THOMAS

To enact R.S. 22:436(B)(4), relative to approved unauthorized insurers; to provide for placement on the list of approved unauthorized insurers; to provide filing requirements of surplus lines insurers; to require evidence from the insurer's domiciliary jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:436(B)(4) is hereby enacted to read as follows:
§436. Approved unauthorized insurers; list; requirements; removal

B. To obtain and maintain placement on the list of approved unauthorized insurers, an unauthorized insurer shall comply with the provisions of R.S. 22:435 applicable to foreign or alien insurers, respectively, and shall annually file with the commissioner the following, unless available to the commissioner through the NAIC or from public sources:

(4) Evidence obtained from the insurer's domiciliary jurisdiction showing the types of insurance it may write in that jurisdiction.

Section 2. This Act shall become effective on July 1, 2017.

Approved by the Governor, June 1, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 10
HOUSE BILL NO. 289
BY REPRESENTATIVE THOMAS

To enact R.S. 22:41.2, relative to the disclosure of contact information; to require that each risk-bearing entity transmit accurate contact information to the commissioner; to provide guidelines for whom the contact information is needed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41.2 is hereby enacted to read as follows: §41.2. Submission of contact information

A. Each risk-bearing entity authorized by the commissioner shall provide accurate contact information to the commissioner.

B. A risk-bearing entity shall annually inform the commissioner by electronic means of the name, mailing address, phone number and electronic mail address of each individual responsible for each of the following:

(1) Receipt of and response to consumer complaints.
(2) Receipt of rules, regulations, and other directives from the commissioner.
(3) Receipt and filing of inquiries regarding the financial condition of the entity.
(4) Receipt and filing of inquiries regarding tax payments.
(5) Any other function the commissioner deems necessary to the exercise of his authority.

C. A risk-bearing entity shall inform the commissioner within thirty days of any change in the information required to be submitted in Subsection B of this Section.

Section 2. This Act shall become effective on January 1, 2018.

Approved by the Governor, June 1, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 11
HOUSE BILL NO. 290
BY REPRESENTATIVE COX

To amend and reenact R.S. 37:3415.10(D), relative to appraisal management company license applications and renewals; to change a sunset provision; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3415.10(D) is hereby amended and reenacted to read as follows: §3415.10. License application assessment; delinquent renewal

D. The provisions of this Section shall expire on December 31, 2021.

Approved by the Governor, June 1, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 12
HOUSE BILL NO. 299
BY REPRESENTATIVE COUSSAN

To repeal Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2101 and 2102, relative to the Louisiana Immersive Technologies Enterprise Commission; to dissolve the Louisiana Immersive Technologies Enterprise Commission; to transfer the ownership of certain property; to provide for certain authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2101 and 2102, is hereby repealed in its entirety.

Section 2. Ownership of all property of the Louisiana Immersive Technologies Enterprise Commission, movable or immovable, corporeal or incorporeal, shall be transferred to the University of Louisiana at Lafayette.

Section 3. Notwithstanding any other provision of law to the contrary, but including but not limited to Titles 17, 39, and 41 of the Louisiana Revised Statutes of 1950, the Board of Supervisors for the University of Louisiana at Lafayette, has the authority to grant leases of any portion of the...
To amend and reenact R.S. 22:821(37) and to enact R.S. 22:2440(C), (D)(3), and (E), 2441(E)(1), and 2443 and to repeal R.S. 22:2440(F) and 2451, relative to the Health Insurance Issuer External Review Act; to extend the period during which independent review organizations are approved by the commissioner; to require independent review organizations to immediately notify the commissioner of insurance of any material change to the organization's accreditation; to repeal certain administrative and regulatory requirements related to independent review organizations; and to repeal annual reporting fees and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:821(37) is hereby amended and reenacted and 22:2443(B)(2)(k) is hereby enacted to read as follows:

§2443. External review reporting requirements

A.(1) An independent review organization assigned pursuant to R.S. 22:2436 through 2438 to conduct an external review shall maintain written records in the aggregate, by state, and by health insurance issuer on all requests for external review for which it conducted an external review during a calendar year and, upon request, submit an annual report to the commissioner as required by Paragraph (2) of this Subsection.

(2) Each independent review organization required to maintain written records on all requests for external review pursuant to Paragraph (1) of this Subsection for which it was assigned to conduct an external review shall submit to the commissioner an annual report. The annual report shall include each of the following:

(a) The total number of requests for external review.

(b) The number of requests for external review resolved and their resolution:

(1) A synopsis of actions being taken to correct problems identified:

(2) A general description of the reason for the request for external review:

(i) The date of the resolution:

(ii) The number of requests for external review resolved and, of those resolved, the number resolved upholding the adverse determination or final adverse determination and the number resolved reversing the adverse determination or final adverse determination:

(c) The average length of time for resolution:

(d) A general description of the types of adverse determinations for which external review was sought, as provided in the format required by the commissioner:

(e) The number of external reviews conducted pursuant to R.S. 22:2436(C) that were terminated as the result of a reconsideration by the health insurance issuer of its adverse determination or final adverse determination after the receipt of additional information from the covered person or his authorized representative:

(f) A general description for each request for external review including the following:

(1) A general description of the reason for the request for external review:

(2) The date received:

(3) The date of each review:

(4) The resolution:

(5) The date of the resolution:

(6) The name of the covered person for whom the request for external review was filed:

(g) Any other information that the commissioner may request or require.

B. Each independent review organization shall retain the written records required by this Subsection for at least three years.

C. Each health insurance issuer shall maintain written records in the aggregate, by state, and for each type of health benefit plan offered by the health insurance issuer, for all requests for external review that the health insurance issuer receives notice of from the commissioner pursuant to this Part.

D. Each health insurance issuer required to maintain written records on all requests for external review pursuant to Paragraph (3) of this Subsection shall submit to the commissioner, upon request, a report in the format specified by the commissioner.
To amend and reenact R.S. 11:710(A)(8) and to enact R.S. 11:710(A)(5)(d) and (9), relative to the reemployment of retired members of the Teachers’ Retirement System of Louisiana in school nurse positions covered by the system; to authorize the reemployment of retirees as school nurses; to provide relative to earnings restrictions on such reemployment; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710(A)(8) is hereby amended and reenacted and R.S. 11:710(A)(5)(d) and (9) are hereby enacted to read as follows:

§710. Employment of retirees

A. Definitions. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

(5) “Reemployment-eligible position” means any of the following:

(a) A position for a school nurse.

(8) “School nurse” means the position provided for in R.S. 17:28.

(9) “Substitute classroom teacher” means any classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach or to proctor tests for any reason.

Section 2. This Act shall become effective on July 1, 2017, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later. Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 15

HOUSE BILL NO. 4
BY REPRESENTATIVE MIGUEZ
AN ACT

To amend and reenact R.S. 11:2252(9)(a), relative to calculation of contributions and benefits in the Firefighters’ Retirement System; to provide for the definition of earnable compensation; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2252(9)(a) is hereby amended and reenacted to read as follows:

§2252. Definitions

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by context, shall have the following meaning:

(9)(a) “Earnable compensation” shall mean the full amount of compensation earned by an employee on a regular tour of duty, including supplemental pay paid by the state of Louisiana, educational incentive pay, holiday pay, seniority incentive pay, and pay to an employee acting in a civil service classification higher than the one he holds, but shall not include overtime.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 18

HOUSE BILL NO. 1
General Appropriations
will publish in a later edition.

ACT No. 19

HOUSE BILL NO. 11
BY REPRESENTATIVE BARRAS
AN ACT

To enact R.S. 11:1441(E), relative to benefits for surviving spouses from the Assessors’ Retirement Fund; to provide for Back-Deferred Retirement Option Program benefits payable to surviving spouses of members of the fund under certain circumstances; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1441(E) is hereby enacted to read as follows:

§1441. Surviving spouse’s benefit

E. If an active, contributing member dies and meets the eligibility requirements provided in R.S. 11:1456.1(B) on the day of his death and the member’s surviving spouse is eligible for benefits payable pursuant to Subsection C of this Section, which are equal to the Option 2 benefits provided for in R.S. 11:1423, the surviving spouse may elect to receive such benefits in the same manner as described in R.S. 11:1456.1, as if the member had retired on the day following the member’s death and elected Back-Deferred Retirement Option Program benefits, and for a Back-DROP period selected by the surviving spouse which shall not exceed the duration limitations included in R.S. 11:1456.1(C). The surviving spouse shall make the elections provided for in this Subsection at the time he applies for survivor benefits.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 20

HOUSE BILL NO. 12
BY REPRESENTATIVE MACK
AN ACT

To enact R.S. 33:103(C)(1)(n), relative to the Livingston Parish Planning Commission; to authorize the governing authority of the parish to pay members a per diem for attending commission meetings; to provide...
relative to the amount of the per diem and for the number of meetings for which members may be paid; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:103(C)(1)(n) is hereby enacted to read as follows:

§103. Planning commission; membership; appointment

C. (1) All members of a commission, whether a parish or a municipal planning commission, shall serve without compensation, except as otherwise provided by this Paragraph or as otherwise provided by law, and shall hold no other public office, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part.

(m) Notwithstanding any other provision of law to the contrary, the governing authority of Livingston Parish may pay members of the parish planning commission a per diem not to exceed one hundred dollars for attendance at meetings of the commission for a maximum of twenty-four meetings per year.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 21

BY REPRESENTATIVE ABRAHAM

AN ACT

To amend and reenact R.S. 11:2259(A)(2) and to enact R.S. 11:2259(A)(3), relative to payment of benefits in the Firefighters’ Retirement System; to provide with respect to optional beneficiaries and the selection thereof; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2259(A)(2) is hereby amended and reenacted and R.S. 11:2259(A)(3) is hereby enacted to read as follows:

§2259. Optional allowances

A.  * * *

(2) The nomination made pursuant to Option 2, Option 3, or Option 4 as provided in this Subsection is irrevocable on and after the date that the first of any benefit payments becomes due.

(b) For the purposes of this Subsection, the term “person” includes a trust as provided in R.S. 11:2256.2.  * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 22

BY REPRESENTATIVE ABRAHAM

AN ACT

To repeal R.S. 11:2258(B)(2)(d), relative to retirement options in the Firefighters’ Retirement System; to provide with respect to conversion from service retirement to disability retirement; to provide an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2258(B)(2)(d) is hereby repealed in its entirety.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 23

BY REPRESENTATIVE BILL NO. 32

AN ACT

To amend and reenact R.S. 11:1821(B), (C), and (G), relative to the board of trustees of the Municipal Employees’ Retirement System of Louisiana; to provide for a trustee who is a retired member; to provide for a term; to provide for elections; to provide for implementation; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1821(B), (C), and (G) are hereby amended and reenacted to read as follows:

§1821. Board of trustees; membership; term of office; oath of office; compensation; voting power; vacancies

B. The board shall be composed of eleven trustees as follows:

(1) Three active and contributing members of the system each of whom is an elected official elected to office in accordance with the Louisiana Election Code and has at least six years of creditable service.

(2) Three active and contributing two members of the system who are not elected officials elected to office in accordance with the Louisiana Election Code, each of whom has at least six years of creditable service.

(3) One retired member of the system.

(4) The president of the Louisiana Municipal Association, who shall serve as an ex officio member during his tenure, or his designee.

(5) The chairman of the Senate Committee on Retirement, who shall serve as an ex officio member, or his designee.

(6) A member of the House Committee on Retirement appointed by the speaker of the House, who shall serve as a voting member, or the member’s designee.

(7) The commissioner of administration, who shall serve as an ex officio member, or his designee.

(8) The state treasurer, who shall serve as an ex officio member, or his designee.

C. Except as otherwise provided in this Subsection, the term of office for each of the members of the system shall elect each trustee provided for in Paragraphs (B)(1) through (3) of this Section shall be for a period of six years. No person who has been elected to serve as an active and contributing member a trustee for more than one and one-half terms shall be elected to the board for another term.

G. (1) No participating employer shall have more than two elected trustees serving. No more than two elected trustees employed by the same participating employer may serve on the board at the same time.

(2)(a) The members of the system shall elect each trustee provided for in Paragraph (B)(1) and (2) of this Section in accordance with the election rules prescribed by the board.

(b) The retired membership of the system shall elect the trustee provided for in Paragraph (B)(3) of this Section in accordance with the election rules prescribed by the board.

(3) A trustee elected pursuant to Paragraph (B)(1) or (2) of this Section Subparagraph (2)(a) of this Subsection may continue to serve his full term if he remains a member of the system regardless of change in employment which qualified him for such position.

(4) A vacancy on the board in a position held by an elected trustee shall be filled for the unexpired term by election by the members of the system as provided in Paragraph (2) of this Subsection, except that if the unexpired term is less than two years, the board may fill the vacancy by appointment for the unexpired portion of the term. If a trustee provided for in Paragraph (B)(1) or (2) of this Section retires, he may continue to serve for the remainder of the term for which he was elected; however, if he ceases to be a member, his term shall expire.

Section 2. Notwithstanding Section 2 of Act No. 225 of the 2014 Regular Session of the Legislature, the board position provided for in R.S. 11:1821(B) (3) as amended by this Act shall be filled in 2017 for an initial term of four years.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State
ACT No. 24

HOUSE BILL NO. 35
BY REPRESENTATIVE CARPENTER
AN ACT

To amend and reenact R.S. 11:2258(D), relative to disability retirement benefits of members of the Firefighters’ Retirement System; to provide for reporting to provide a presumption; and for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. It be enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2258(D) is hereby amended and reenacted to read as follows:

$2258. Disability retirement

D(1) Notwithstanding the provisions of R.S. 23:1225, when any member acquires a disability and is entitled to a disability benefit from the retirement system, the disability benefit payable for any month that the member is also receiving workers’ compensation benefits shall be reduced, if necessary, so that the total of both benefits shall not exceed the member’s average final compensation. The benefit to be paid shall be computed such that the disability benefit from the retirement system and the workers’ compensation benefit shall each be paid in respect to the ratio that each individual benefit bears to the total of both benefits, to which the member would be entitled prior to reduction, multiplied by the average final compensation of the member.

(2) On or before May thirty-first of each calendar year, the system shall submit to the workers’ compensation payor the name, social security number, and amount of reduction to the member’s benefit payable by the retirement system for the forthcoming fiscal year. The reported reduction shall be computed correct to the nearest one-half of a dollar. The system shall also submit to the workers’ compensation payor objects to the reduction amount by written notice to the system on or before June thirtieth of the same calendar year.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 25

HOUSE BILL NO. 38
BY REPRESENTATIVE ABRAHAM
AN ACT

To repeal R.S. 11:1658(C) and 1659(H), relative to the board of trustees of the District Attorneys’ Retirement System; to remove certain procedural requirements regarding setting the employer contribution rate and directing the use of funds in the funding deposit account.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. It be enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1658(C) and 1659(H) are hereby repealed in their entirety.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 26

HOUSE BILL NO. 62
BY REPRESENTATIVE HALL
AN ACT

To enact R.S. 13:5554(FF), relative to payment of group insurance premiums for retirees from the Plaquemines Parish Sheriff’s Office; to provide for qualifications for and payment of certain insurance premiums; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(FF) is hereby enacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

FF(1) Notwithstanding the provisions of Subsection D of this Section, the premium costs of group hospital, surgical, and medical expense and the first ten thousand dollars of life insurance contracted for for under the provisions of this Section shall be paid in full by the sheriff of Plaquemines Parish from the sheriff’s general fund for all sheriffs and deputy sheriffs who retired from the sheriff’s office of that parish with at least fifteen years of service with that sheriff’s office and who have either (1) at least fifteen years of service and being at least fifty-five years of age or (2) at least thirty years of service at any age. The provisions of this Paragraph shall apply to all persons hired by the Plaquemines Parish Sheriff’s Office prior to July 1, 2017.

(2) Notwithstanding the provisions of Subsection D of this Section, the Plaquemines Parish Sheriff’s Office shall pay the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance out of the sheriff’s general fund for any retired sheriff and any retired deputy sheriff who was hired on or after July 1, 2017, and retired from the Plaquemines Parish Sheriff’s Office as follows:

(a) Fifty percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff’s Office with twenty years or more of service to the Plaquemines Parish Sheriff’s Office with twenty years of service who hired on or after July 1, 2017, and retired from the Plaquemines Parish Sheriff’s Office with at least fifteen years of service and being at least fifty-five years of age.

(b) Seventy-five percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff’s Office after July 1, 2017, and retired from the Plaquemines Parish Sheriff’s Office with twenty years of service who hired on or after July 1, 2017, and retired from the Plaquemines Parish Sheriff’s Office with at least fifteen years of service and being at least fifty-five years of age.

(c) One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff’s Office with twenty-five years of service to the Plaquemines Parish Sheriff’s Office with at least fifty-five years of age.

$5554.3. Plaquemines Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

B. The following monies shall be deposited into the PREIF until the total amount of the monies including principal and earnings in the PREIF equals the sum of five million dollars:

(1) One and one-half percent of the monies received by the Plaquemines Parish Sheriff’s Office from the Sheriff’s Pension and Relief Fund; and

(2) Fifty percent of the revenues received by the Plaquemines Parish Sheriff’s Office from video poker proceeds in accordance with R.S. 27:312.

(3) Any other monies that the sheriff of Plaquemines Parish may contribute to the PREIF at his discretion.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State
C. Upon recommendation of the board established in Subsection F of this Section, the sheriff of Plaquemines Parish shall invest the monies in The PREIF as follows:

(1) Not more than fifty percent in equities.
(2) At least fifty percent in fixed income investments, provided that not more than one-half of the investment in fixed income may be invested in corporate bonds.
(c) The amount of earnings received pursuant to Paragraphs (1) and (2) of this Subsection shall be accounted for separately from the amount of the monies deposited into the PREIF pursuant to Subsection B of this Section.

D. The earnings realized on the monies invested pursuant to Subsection C of this Section and the monies deposited into the PREIF pursuant to Subsection B of this Section shall be specifically addressed by the board in the annual report for the purpose of paying the insurance premium costs, claims or premiums for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the PREIF is equal to the sum of five million dollars. In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of fifty million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 13:5554(N) shall be paid in full from the sheriff’s general fund.
E. The monies deposited pursuant to Subsection B of this Section and the accumulated earnings up to a total of five million dollars shall not be appropriated except in compliance with the provisions of Subparagraphs (d) (e) and (f) of this Subsection and shall be used only for making income-producing investments as provided in this Section.

F. Any financial audit conducted of the sheriff’s office of Plaquemines Parish shall specifically address compliance with the provisions of this Section.

G. To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of three members as follows:

(1) The sheriff, who is an active deputy sheriff elected pursuant to Subparagraph (b) of this Subsection retires, he may continue to serve for the remainder of the term for which he was elected, if less than two years remain in his term; however, if more than two years remain on his term, the board shall adopt rules governing the election of members of the board. The election of board members shall be called and supervised by the board with the assistance of the sheriff.
(2) Two active deputy sheriffs of the department elected by the other active deputy sheriffs of the department. If more than two people qualify for the election, the two candidates receiving the highest number of votes cast shall be elected to the board.
(3) Should a vacancy occur on the board, within sixty days of the date the vacancy occurs, the board shall appoint a member to fill the vacancy for the unexpired term who is qualified to serve on the board as provided in Subparagraph (b) of this Paragraph (2) of this Subsection. If a board member who is an active deputy sheriff elected pursuant to Subparagraph (b) of this Paragraph (2) of this Subsection retires, he may continue to serve for the remainder of the term for which he was elected, if less than two years remain on his term; however, if more than two years remain on his term, the board shall adopt rules governing the election of an active deputy sheriff to fill the remaining term.
(4) The members of the board shall retain a financial advisor and legal counsel to provide recommendations and legal consultation concerning the investment of the funds. The board shall adopt rules governing the selection and compensation. The board may retain the sheriff’s office in-house legal counsel, be paid a per diem for each day of attendance at meetings of the board or on authorized business of the board. The board shall establish the per diem rates.
(5) The board members of the board shall be paid a per diem for each day of attendance at meetings of the board or on authorized business of the board. The board shall establish the per diem rates.
(6) Members of the board shall serve terms concurrent with that of the sheriff.
(7) If the monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section fall below ten thousand dollars, the requirement for an investment advisory board, as provided in Subsection F of this Section, and a financial advisor and legal counsel, as provided in Paragraph (1) of this Subsection, will be extinguished.

Section 2. R.S. 13:5554.3(G) is hereby repealed in its entirety.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schleder
Secretary of State

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.

ACT No.28

HOUSE BILL NO. 2
Capital Outlay
will publish in a later edition.

ACT No. 29

HOUSE BILL NO. 89
BY REPRESENTATIVE DAVE DAVIS
AN ACT
To amend and reenact R.S. 22:1662(2), relative to claims adjusters; to allow non-licensed claims adjusters to adjust certain losses that do not exceed five hundred dollars; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1662(2) is hereby amended and reenacted to read as follows:
§1662. General exemptions
This Part does not apply to:
(2)(a) An employee of an insurer who is not regularly engaged in the adjustment or investigation of insurance claims.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schleder
Secretary of State

ACT No. 30

BY REPRESENTATIVES D. LEE AND GREGORY MILLER
AN ACT
To enact R.S. 42:1111.1 and to repeal R.S. 42:1123(36), relative to ethics; to allow public servants to accept certain donations and contributions from not-for-profit organizations or funds within the organizations following a gubernatorially declared disaster or emergency; to require disclosures to the Board of Ethics; to provide relative to the effectiveness of such provisions; to remove a substantially similar exception specific to Hurricanes Katrina and Rita; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111.1 is hereby enacted to read as follows:
§1111.1. Charitable giving to public servants during gubernatorially declared disasters and emergencies; limitations; requirements; annual reports
A. Notwithstanding any contrary provision of this Part, during the time period extending from the date of a gubernatorially declared disaster or emergency and ending on the date five years after the date the gubernatorially declared disaster or emergency was initially declared by the governor, a public servant may receive anything of economic value as a contribution or donation from a not-for-profit organization or a fund within a not-for-profit organization for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of the gubernatorially declared disaster or emergency, provided that the total value of contributions or donations received by the public servant related to the gubernatorially declared disaster or emergency from not-for-profit organizations or funds within not-for-profit organizations shall not exceed twenty-five thousand dollars.
B. Each not-for-profit organization which disburses, either directly or through a fund, a contribution or donation to a public servant that, except prohibited by this Part shall utilize objective criteria in both evaluating the need for and the disbursement of contributions or donations to public servants to ensure that fair and equitable disbursements are made and that the disbursements are based upon demonstrated and documented needs directly related to the gubernatorially declared disaster or emergency.
C. Not later than February fifteen of each year following a year that a not-for-profit organization has given either directly or through a fund, a contribution or donation to a public servant that, except for the provisions of Section A of this Section, would otherwise be prohibited by this Part, the not-for-profit organization shall file a report with the Board of Ethics containing the identification of the gubernatorially declared disaster or emergency associated with the contribution or donation, the objective criteria utilized as required by Section C of this Section, the name of each public servant to whom a contribution or donation was given, the name of the agency of each such public servant, the nature of the donation or contribution given to each such public servant, and the value of the donation or contribution given to each such public servant.

THE ADVOCATE

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Section 2. Each not-for-profit organization that gave a public servant a contribution or donation, either directly or through a fund, for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of a gubernatorially declared disaster or emergency occurring in 2016, that, except for the provisions of R.S. 42:1111.1(A) as enacted by Section 1 of this Act, was otherwise prohibited by the Code of Governmental Ethics, shall file a report no later than February 15, 2018, with the Board of Ethics containing identification of the gubernatorially declared disaster associated with the contribution or donation, the criteria used by the not-for-profit organization to determine the need for and make disbursements to public servants, the name of each public servant to whom a contribution or donation was given, the name of the agency of each such public servant, the nature of the donation or contribution given to each such public servant, and the value of the donation or contribution given to each such public servant.

Section 3. R.S. 42:1123(36) is hereby repealed in its entirety.

Section 4. The provisions of Section 1 of this Act are declared to be remedial and curative and shall be applied retroactively to January 1, 2016, as well as prospectively.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 31

HOUSE BILL NO. 107
BY REPRESENTATIVES ZERINGUE AND MAGEE
AN ACT
To amend and reenact R.S. 13:783(F)(7), relative to group insurance expenses of the clerk of court's office; to provide for the Terrebonne Parish clerk of court's group insurance expenses; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(7) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk's office * * *
F.
* * *
(7) In the parishes of Avoyelles, Bossier, Caddo, Caldwell, Cameron, Franklin, Grant, LaSalle, Ouachita, Terrebonne, Webster, and Winn, the clerk of court shall pay, from the clerk's salary fund, one hundred percent of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any employee that retires from the Avoyelles Parish clerk of court's office, Bossier Parish clerk of court's office, the Caddo Parish clerk of court's office, the Caldwell Parish clerk of court's office, the Cameron Parish clerk of court's office, the Franklin Parish clerk of court's office, the Grant Parish clerk of court's office, the LaSalle Parish clerk of court's office, the Ouachita Parish clerk of court's office, the Terrebonne Parish clerk of court's office, the Webster Parish clerk of court's office, or the Winn Parish clerk of court's office who is entitled to receive monthly benefits from the Louisiana Clerks' of Court Retirement and Relief Fund, who has at least twenty years of full-time service with the clerk of court's office prior to April 1, 2018, and who is at least fifty-five years of age. The provisions of this Paragraph shall not apply to any employee, such as supplemental insurance, that an employee may elect to purchase.

* * *

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 32

HOUSE BILL NO. 155
BY REPRESENTATIVES DANAHAY AND JIM MORRIS
AN ACT
To amend and reenact R.S. 15:587(A)(1)(a), relative to criminal identification and information; to provide relative to the Louisiana Bureau of Criminal Identification and Information; to require the bureau to make available to the House and Governmental Affairs Committee criminal history record and identification files; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information
A.(1)(a) The bureau shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and the Louisiana Department of Health, the state fire marshal when reviewing applications for the issuance of a formal license, the Louisiana Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the executive director of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney such information shall be provided only after the issuance of a formal license. Upon the charge against the attorney, the Louisiana Supreme Court Board of Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 33

HOUSE BILL NO. 159
BY REPRESENTATIVE DUSTIN MILLER
AN ACT
To enact R.S. 40:2154.1 and to repeal R.S. 40:2154(A)(14), relative to behavioral health services providers; to provide for healthcare provider licensing and regulatory functions of the Louisiana Department of Health; to provide for applicability of the Behavioral Health Services Provider Licensing Law; to require certain healthcare providers to be licensed as behavioral health services providers; to require such providers to complete applications for licenses by a certain date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2154.1 is hereby enacted to read as follows:

§2154.1. Accredited mental health rehabilitation providers; licensure required
A. Any healthcare provider that meets all of the following criteria is hereby required to obtain a license in accordance with the provisions of this Part prior to April 1, 2018, in order to provide behavioral health services:
(1) Was an accredited mental health rehabilitation provider enrolled in the Louisiana Medicaid program as of February 28, 2012.
(2) Was enrolled with the state's behavioral health management organization for the Louisiana Behavioral Health Partnership as of March 1, 2012.
(3) Maintains continuous, uninterrupted accreditation through an approved accreditation organization.
(4) Maintains continuous, uninterrupted enrollment with the statewide management organization for the Louisiana Behavioral Health Partnership.
B. Each healthcare provider required by the provisions of this Section to obtain a license shall submit a completed application to the department for an initial license by December 31, 2017.

Section 2. R.S. 40:2154(A)(14) is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 34

HOUSE BILL NO. 165
BY REPRESENTATIVE ANDERS
AN ACT
To amend R.S. 22:984, relative to the identification of a health benefit plan insurer and sponsor; to require that dental benefit plan documentation identify the plan’s insurer; to require information on the face of the identification documentation regarding the level of insurance coverage and to provide for related matters. Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
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* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldface (Senate Bills) are additions.
A. The sheriff shall prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when such the defendant has been convicted of a felony and is committed to the Department of Public Safety and Corrections, has been convicted of a misdemeanor and sentenced for a term of one year or more to any penal institution, or has been ordered committed to any mental institution or mental hospital. The sheriff shall retain a copy of the statement and submit the original to the officer in charge of the department or parish to which the defendant is sentenced.

B. * * *

(2) The clerk shall retain a copy of the statement and documents and send the original to the officer in charge of the department or parish to which the defendant has been sentenced, where they shall be preserved. The documents, or copies thereof, shall be made available to the governor, the pardon board, and the parole committee.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 37

HOUSE BILL NO. 212
BY REPRESENTATIVE GISCALD
AN ACT
To amend and reenact R.S. 29:26.1(C)(1), relative to applications for death or disability benefits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:26.1(C)(1) is hereby amended and reenacted to read as follows:

§26.1. National Guard death and disability benefits

* * *

C. Claims for benefits. (1) All claims for death or disability benefits provided for under this Section shall be submitted to the Louisiana Department of Veterans Affairs.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 38

HOUSE BILL NO. 3
General Appropriations
will publish in a later edition.

ACT No. 39

HOUSE BILL NO. 232
BY REPRESENTATIVE THOMAS
AN ACT
To amend and reenact R.S. 3:903 and 904(B), relative to the mislabeling of fresh fruits and vegetables; to clarify certain authority of the commissioner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:903 and 904(B) are hereby amended and reenacted to read as follows:

§903. Fees for inspection, classification, and grading

* * *

C. Claims for benefits. (1) All claims for death or disability benefits provided for under this Section shall be submitted to the Louisiana Department of Veterans Affairs.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 36

HOUSE BILL NO. 190
BY REPRESENTATIVE DWIGHT
AN ACT
To amend and reenact Code of Criminal Procedure Article 892(A) and (B)(2), relative to post-sentence statements by sheriffs; to provide relative to statements prepared by the sheriff indicating the amount of time a defendant has spent in custody prior to conviction; to provide for the cases in which such statements must be prepared; to provide with respect to the duties of the clerk of court relative to the sheriff’s statement and other documents; to provide relative to the dissemination of the sheriff’s statement and other documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 892(A) and (B)(2) are hereby amended and reenacted to read as follows:

Art. 892. Post-sentence statement by sheriff; accompanying documents
A true copy:

Approved by the Governor, June 3, 2017.

A true copy:

Secretary of State

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ACT No. 41

BY REPRESENTATIVE SCHENAYSER

To amend and reenact R.S. 3:2452(B) and to enact R.S. 3:2452(C), relative to the declaration of abandoned animals after a declared emergency; to provide requirements for declaring an animal abandoned after a declared emergency; and to provide for related matters.

Section 1. R.S. 3:2452(B) is hereby amended and reenacted and R.S. 3:2452(C) is hereby enacted to read as follows:

$2452. Abandoned animals

A. After a declared emergency, an animal shall be considered abandoned when such animal is receiving temporary shelter services in a facility operated by the Department of Agriculture and Forestry and the owner has not claimed the animal within thirty days of the declared emergency and a reasonable effort has been made to contact the owner.

C. The owner of an abandoned animal shall be deemed to have relinquished all rights and claims to such animal by virtue of such abandonment, except as provided in R.S. 3:2454(B).

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 42

BY SENATOR DONAHUE

To repeal R.S. 38:291(V)(5), relative to certain levee, drainage and conservation districts; to repeal provision that prohibits a commissioner of the St. Tammany Levee, Drainage and Conservation District, whose term is expired, from continuing to serve or vote notwithstanding any provision of law to the contrary; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(V)(5) is hereby repealed.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 43

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact the introductory paragraph of R.S. 34:1221(A) and 1222, relative to ports, harbors, and terminals; to provide relative to meetings, election of officers, and per diem for members of the Greater Baton Rouge Port Commission; and to provide for related matters.

Section 1. The introductory paragraph of R.S. 34:1221(A) and 1222 are hereby amended and reenacted to read as follows:

§1221. Creation of Greater Baton Rouge Port Commission; per diem; member of days per diem allowed members

A. There is hereby created a commission to be known as the Greater Baton Rouge Port Commission which shall be composed of fifteen members appointed by the governor who shall serve at the pleasure of the governor. The members shall receive per diem, provided, however, that the per diem of each member shall not exceed seventy-five dollars per day during the time the member is in actual attendance upon the board, or performing duties authorized by the board. The per diem shall be payable for a maximum of twenty-four days per year, except if an emergency is declared by the governor. During the period of an emergency as determined by the governor, the commission shall be authorized to hold as many meetings or emergency activities as the commission deems necessary and the members shall be paid per diem for such meetings or activities. Members shall be appointed as follows:

* * *

§1222. Officers of the board; meetings; quorum; per diem

The commission shall elect from among its own members at its regularly scheduled meeting each November, a president, a vice president, a secretary, and a treasurer, whose respective duties shall be prescribed by the commission. At the option of the commission the offices of the secretary and treasurer may be held by one person. The commission shall meet in regular sessions as provided in R.S. 34:1221 sessions and shall also meet in special sessions at the call of the president of the commission, or by written request of five members of the commission. A majority of the members of the commission shall constitute a quorum and all action or resolutions of the commission must be approved by the affirmative vote of not less than a majority of all members of the commission. The commission shall prescribe rules to govern its meetings and shall fix the per diem which meetings shall be held. The members shall receive per diem set by the commission, not to exceed three hundred dollars, during the time the member is in actual attendance upon the board, or performing duties authorized by the board. The per diem shall be payable for a maximum of twenty-four days per year, except when an emergency is declared by the governor. During the period of an emergency as determined by the governor, the commission shall be authorized to hold as many meetings or emergency activities as the commission deems necessary and the members shall be paid per diem for such meetings or activities.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 44

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 17:5002(A)(2), (B), (D)(1)(b) and (2)(b), the introductory paragraph of 5041, and the introductory paragraph of 5042, relative to the Taylor Opportunity Program for Students; to provide relative to the amounts of program awards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5002(A)(2), (B), (D)(1)(b) and (2)(b), the introductory paragraph of 5041, and the introductory paragraph of 5042 are hereby amended and reenacted to read as follows:

§5002. Awards and amounts

A. (1) In any public college or university in this state, shall be awarded by

(2) The award amount shall be as provided for in Subsection B or D of this Section to a student enrolled in any given institution shall be equal to the award amount paid for a student at that institution during the 2016-2017 academic year.

B. Any student who is eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter and who has enrolled:

(1) In any public college or university in this state, shall be awarded by the state an amount determined by the administering agency to equal the tuition charge by the public college or university during the 2016-2017 academic year.

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(2) At any regionally accredited independent college or university in the state which is a member of the Louisiana Association of Independent Colleges and Universities to pursue an academic undergraduate degree, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid under this Section to students attending public colleges and universities that offer academic undergraduate degrees at the baccalaureate level during the 2016-2017 academic year.

(3) In a school that has a valid and current certificate of registration issued by the Louisiana State Board of Cosmetology in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education and an appropriate proprietary school that has a valid and current license issued by the Board of Regents in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid under this Section for the tuition amounts charged to students attending public colleges and universities during the 2016-2017 academic year and who are enrolled in the permitted skill or occupational training, as may be applicable.

D. (1) Except as otherwise provided in this Subsection, a student who is eligible for a TOPS-Tech Award pursuant to this Chapter and who is enrolled:

(a) In an out-of-state college or university that is specifically designed to accommodate deaf and hard-of-hearing students under R.S. 17:5027(C), shall be awarded an amount determined by the administering agency to equal the weighted average of amounts paid under this Section for the tuition amounts charged to students attending Louisiana public colleges and universities that offer academic undergraduate degrees during the 2016-2017 academic year.

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term training education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid under this Section for the tuition amounts charged to students attending an eligible college public or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce Investment Council determine that a program is no longer aligned with those priorities, an otherwise eligible student who had previously received an award and enrolled in that program may continue to use the award.

(2) A student who graduated prior to the 2016-2017 school year, who is eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled:

(a) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid under this Section for the tuition amounts charged to students attending an eligible college public or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year.

(b) A student who graduated prior to the 2016-2017 school year, who is eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled:

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid under this Section for the tuition amounts charged to students attending an eligible college public or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year.

§5041. Maintaining eligibility; Honors, Performance, Opportunity

To maintain continued state payment of an amount equal to tuition and other amounts for any amount pursuant to an Opportunity, Performance, or Honors Award pursuant to this Chapter once enrolled in college a student shall meet all of the following:

- * * *

§5042. Maintaining eligibility; TOPS-Tech

To maintain continued state payment of an any amount equal to tuition pursuant to a TOPS-Tech Award once enrolled in an institution, a student shall meet all of the following:

- * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, on expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 45

SENATE BILL NO. 107

BY SENATOR WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 32:1261(A)(1)(k) and to enact R.S. 32:1254(O), relative to distribution and sale of motor vehicles; to provide for a licensing exception for specialty vehicle dealers who manufacture wheeled, armored personnel carriers for sale to law enforcement agencies; to provide for an expiration date; to modify certain requirements regarding sales or offers to sell made directly by the state; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1261(A)(1)(k) is hereby amended and reenacted and R.S. 32:1254(O) is hereby enacted to read as follows:

§1254. Application for license; requirements for licensure; contents; licenses; franchise filings; exceptions

- * * *

0. Notwithstanding the provisions of this Chapter and the provisions of Subsection (a) of this Paragraph in the contrary, this Chapter shall not apply to specialty vehicle dealers who manufacture wheeled, armored personnel carriers for sale to law enforcement agencies and who do not maintain or have a place of business in this state. The provisions of this Subsection shall expire on July 1, 2018.

- * * *

§1261. Unauthorized acts

A. It shall be a violation of this Chapter:

(1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or office, sales agent, or other representative thereof:

(b) Operating a bona fide retail an existing, licensed, and franchised motor vehicle dealership which is for a reasonable period not to exceed two years.

(2) At any regionally accredited independent college or university in

- * * *

- * * *

$5041. Maintaining eligibility; Honors, Performance, Opportunity

To maintain continued state payment of an amount equal to tuition and other amounts for any amount pursuant to an Opportunity, Performance, or Honors Award pursuant to this Chapter once enrolled in college a student shall meet all of the following:

- * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, on expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 46

SENATE BILL NO. 127

BY SENATOR THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 32:53(A)(3), relative to motor vehicles; to provide relative to display of a motor vehicle license plate; to prohibit coverings and devices from obstructing a motor vehicle license plate; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 32:53(A)(3) is hereby amended and reenacted to read as follows:

§53. Proper equipment required on vehicles; display of plate

A. Every permanent registration license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible. Unless authorized by the commissioner, a person shall not apply a covering or any substance to the license plate or use an electronic device or electrochromatic film that obscures from any angle the numbers, characters, year registration sticker, or name of the jurisdiction issuing the plate.

- * * *
Be it enacted by the Legislature of Louisiana:

To amend and reenact R.S. 37:2163(A)(1), relative to contractors; to provide for registration; to provide for examination and certification requirements; to exempt certain persons from the examination and certification requirements; to provide for an effective date; to provide for certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2163(A)(1) is hereby amended and reenacted to read as follows:

§2163. Bid procedures; penalty

A.(1) It is the intent of this Section that only contractors who hold an active license under the provisions of this Chapter and show proper labeling, distribution, storage, sale, offering for sale, and application of pesticides, horticulture, and apiary products shall be allowed to bid on state contracts. All bidders shall be required to present a valid state contractor’s license number in order to meet the requirements of this Paragraph. If the bidder marked “Rejected”, and shall not be read aloud.

B. (1) The examination requirement or certification requirement as provided for in Subparagraph (a) of this Paragraph shall not apply to a person who meets both of the following requirements:

(i) Was registered as an investment adviser representative or salesman with any state securities administrator on or before August 31, 2016.

(ii) Has been registered as an investment adviser representative or salesman for more than ten years.

D.(1) *   *   *

D.(4)(a) *   *   *

(4)(a) The examination requirement or certification requirement as provided for in Subparagraph (a) of this Paragraph shall not apply to a person who meets both of the following requirements:

(i) Was registered as an investment adviser representative or salesman with any state securities administrator on or before August 31, 2016.

(ii) Has been registered as an investment adviser representative or salesman for more than ten years.

A true copy:
Tom Schedler
Secretary of State

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

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Tom Schedler
Secretary of State

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State
of pesticides; license and regulate pesticide applicators and pest control companies; regulate the treatment, storage, and disposal of pesticide wastes; and perform other related functions, all in accordance with applicable law.

E. The office of animal health and food safety shall be responsible for the inspection of meat, fruits, and vegetables, the control and eradication of infectious diseases that affect the livestock and poultry industries of the state, the control of livestock theft and denying a market for stolen cattle and horses in Louisiana, the regulation of the manufacturing and sale of commercial feeds, and the enforcement of Louisiana grown products and performance of other related functions, all in accordance with applicable law.

* * *

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 53

HOUSE BILL NO. 286
BY REPRESENTATIVE SMITH

AN ACT To amend and reenact R.S. 15:574.4.2(C) and R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(3) and (C)(1) and to enact R.S. 46:1806(F), 1809(D), and 1816(C)(3), relative to restitution as a condition of parole; to provide for the payment of restitution to the Crime Victims Reparations Fund in certain cases; to provide for recovery by the victim of restitution payments directed to the Crime Victims Reparations Fund; to provide relative to the duties of the Crime Victims Reparations Board; to provide relative to the source and use of funds in the Crime Victims Reparations Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4.2(C) is hereby amended and reenacted to read as follows:

§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; rules of conduct; infectious disease testing

(1)(a) When a victim of the crime for which parole is being considered has suffered a direct pecuniary loss other than damage to or loss of property, the parole board may order restitution to be paid to the victim. (b) When such a condition is imposed, the committee shall order the offender’s ability to pay shall not revoke parole based upon this condition unless the parolee has willfully failed to comply. When the victim’s loss consists of damage to or loss of property, the committee shall impose a condition of parole payment of restitution, either in a lump sum or in monthly installments based on the earning capacity and assets of the defendant. If the victim was paid for such property loss or damage with monies from the Crime Victims Reparations Fund, the parole board may order the parolee to make such payments as reimbursement to the fund in the same amount as was paid from the fund to the victim. The condition of parole shall continue until such time as the restitution is paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

(b) If restitution to the victim is ordered as a condition of parole in accordance with the provisions of this Subsection and the victim cannot be located by the probation and parole officer within one year after the condition is imposed, the offender shall direct the restitution payments to the Crime Victims Reparations Fund as provided for in R.S. 46:1816.

(2) Nothing herein in this Subsection shall affect a victim’s civil remedy except that funds actually received shall be credited to any civil judgment arising out of the same offense. * * *

Section 2. R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(3) and (C)(1) are hereby amended and reenacted and R.S. 46:1806(F), 1809(D), and 1816(C)(3) are hereby enacted to read as follows:

§1806. Application; requirements; confidentiality

F. A victim who was owed restitution as a condition of an offender’s parole pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b) may file an application for recovery of the restitution in a written format developed by the board.

§1807. Powers and duties of board staff

B. In the performance of its powers and duties the board shall:

(1) Prescribe, distribute, and otherwise make available forms for use in making application for reparations and where appropriate, recovery of restitution funds directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(2) Receive, verify, and process applications for reparations and where appropriate, recovery of restitution funds directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(3) Make a written decision with respect to each application received by it and order payment of reparations or, where appropriate, recovery of restitution funds to victims in accordance with this Chapter.

§1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

D. (1) When a victim applies for the recovery of restitution pursuant to R.S. 46:1806(F), the board shall order the payment of the restitution to the victim if all of the following conditions apply:

(a) The board determines that an offender was ordered to pay restitution to the victim as a condition of the offender’s release on parole pursuant to R.S. 15:574.4.2(C)(1)(a).

(b) The restitution payments were directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(2) When the board orders payment pursuant to the provisions of Paragraph (1) of this Subsection, the provisions of Subsections A and B of this Section regarding criteria for and determinations of eligibility for reparations and determinations of the amount of reparations do not apply.

§1816. Crime Victims Reparations Fund; creation; sources and use of funds

B. The fund shall be composed of:

(5) Any restitution paid by an offender to a victim for damages for a crime which was the basis of a reparations award under this Chapter, and any restitution payments owed to a victim as a condition of an offender’s release on parole but directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b).

§402. Definitions

(17) “Video draw poker device” means any unit, mechanism, or device that directly dispenses coins, cash, tokens, or any thing else of value, credits that can be redeemed for cash only. The term does not include a device that directly dispenses coins, cash, tokens, or any thing else of value, except the ticket voucher required in accordance with the provisions of this Chapter. The term does not include any device authorized to be used in the conducting of charitable gaming. The term does not include video line up games, mechanical reel games, or any combination thereof, or any slot machine as defined in R.S. 27:353(14).

§405. Description and specifications of devices

D. A video draw poker device may have a mechanism that accepts ticket vouchers of any amount and cash in the form of bills with a denomination not to exceed twenty one hundred dollars.
A. Notwithstanding any provision of law to the contrary, video draw poker devices in any facility licensed pursuant to this Chapter, in any parish other than Orleans, may schedule games with no minimum wager. A video draw poker device may accept ticket vouchers or coins in the amount of the minimum wager offered by that device. Video draw poker devices may accept ticket vouchers or coins or currency of denominations of multiples of the minimum wager but shall provide one game for each amount of the minimum wager deposited in that video draw poker device. The provisions of this Subsection shall not be construed to affect the limitations on the amount of money played and the limitation on the value of prizes established in R.S. 27:410.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 55

HOUSE BILL NO. 297
BY REPRESENTATIVE ROBBY CARTER
AN ACT
To amend and reenact R.S. 3:1743(A), relative to membership on the Sweet Potato Advertising and Development Commission; to provide for a decrease in membership on the Sweet Potato Advertising and Development Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1743(A) is hereby amended and reenacted to read as follows:

§1743. Louisiana Sweet Potato Advertising and Development Commission; creation and organization

A. The Louisiana Sweet Potato Advertising and Development Commission is created with its domicile at Baton Rouge, Louisiana, to be composed of eleven members, ten of whom shall be appointed by the commissioner of agriculture and forestry. The eleventh member shall be the commissioner, or his designee, who shall serve as an ex officio member of the commission with the same rights and privileges, including voting rights, as other members. Four of the ten members to be appointed shall be practical sweet potato growers, four shall be handlers or shippers of sweet potatoes, and two shall be commercial processors.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 56

HOUSE BILL NO. 298
BY REPRESENTATIVE ROBBY CARTER
AN ACT
To amend and reenact R.S. 3:3246(D)(3), relative to certification and licensing of agricultural consultants; to provide relative to a decrease in the amount of college credit required for certification and licensing of agricultural consultants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3246(D)(3) is hereby amended and reenacted to read as follows:

§3246. Certification and licensing of agricultural consultants

D. No new applications for an agricultural consultant’s certificate shall be accepted unless the applicant furnishes satisfactory evidence that he meets the following requirements:

(3) He has earned at least four hours of college credit in each discipline area for which certification is sought. The four discipline areas requiring certification are entomology, plant pathology, weed science, and soil science.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 57

HOUSE BILL NO. 310
BY REPRESENTATIVES REYNOLDS AND FOIL
(On Recommendation of the Louisiana State Law Institute)
To amend and reenact R.S. 12:1-402(25B), 1-402(C), 1-727(A), 1-728(A), 1-1435(I), 1-1436(E) and (F), and 1-1444(A)(2) and (F)(1) and to enact R.S. 12:1-742.2 and 1-742.3, relative to corporations; to provide relative to quorum and voting requirements; to provide for the reservation of a terminated corporation’s name; to provide with respect to shareholder meetings for the election of directors or to provide personal presence or participation over nonresident directors; to provide for venue in derivative proceedings; to provide with respect to an oppressed shareholder’s right to withdraw and the judicial determination of fair value and payment terms; to provide for the reinstatement of a terminated corporation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1-140(25B), 1-402(C), 1-727(A), 1-728(A), 1-1435(I), 1-1436(E) and (F), and 1-1444(A)(2) and (F)(1) are hereby amended and reenacted and R.S. 12:1-742.2 and 1-742.3 are hereby enacted to read as follows:

§1-140. Definitions

In this Chapter:

(25B) “Votes entitled to be cast”, when used in specifying the proportion of votes required to provide a shareholder quorum or approval of an action, means the number of votes in a voting group that would be cast at a meeting at which all shares in the voting group were present and voting.

§1-727. Greater quorum or voting requirements

A. The articles of incorporation may provide for a greater voting requirement for shareholders, or voting groups of shareholders, than is provided for by this Chapter. The articles of incorporation may make a greater or lesser quorum, or for shareholders, or for a voting group of shareholders, greater or lesser than that provided by this Chapter, but the requirement may not be lower than shares having twenty-five percent of the shares entitled to vote entitled to be cast on a matter.

§1-728. Voting Quorum and voting for directors; cumulative voting

A. Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present. If a quorum is not present at an annual meeting or at a special meeting called for the election of directors, the shareholders present at the meeting in person or by proxy may, by a majority of the votes cast on the matter, adjourn the meeting to the next day, at the place and time specified in the approved motion to adjourn. The shareholders present in person or by proxy at the meeting to which the earlier meeting is adjourned shall constitute a quorum for the purpose of electing directors, even if a quorum would not otherwise be present.

§1-742.2 Jurisdiction over a director

A court may exercise personal jurisdiction over a nonresident who is or has been a director of a domestic corporation as to a cause of action arising from a breach by the nonresident of a duty owed to the corporation or its shareholders because of the nonresident’s position as a director.

§1-742.3. Venue in derivative proceeding

A derivative proceeding shall be brought in the parish where the registered office of the corporation is located.

§1-1435. Oppressed shareholder’s right to withdraw

I. A corporation’s obligation to purchase a withdrawing shareholder’s shares as provided in this Section or R.S. 12:1-1436 is subject to the rules on any limitation or requirement respecting a corporation’s acquisition of its own shares provided in as imposed by R.S. 12:1-831, and to the limitations on distribution imposed by R.S. 12:1-640, or any other provision of state or federal law applicable to the corporation, including any order, plan, directive, or enforcement action issued by an administrative or regulatory agency pursuant to state or federal law.

§1-1436. Judicial determination of fair value and payment terms for withdrawing shareholder’s shares

E. If at the conclusion of the trial the court finds that the corporation has proved that a full payment in cash of the fair value of the withdrawing shareholder’s shares would violate the provisions of R.S. 12:1-640 its payment of the judgment rendered in accordance with Subsection D of this Section would violate a limitation or requirement as described in R.S. 12:1-1435(I) or cause undue harm to the corporation or its creditors, the court shall not render the judgment specified in Subsection D of this Section, but shall instead render a final judgment that, by itself or in conjunction with earlier orders or partial judgments of the court, provides relief as close in value and effect as feasible to that contemplated by Subsection D of this Section, but adjusted as necessary to avoid the relevant violation or undue harm does both of the following:

(1) Orders the corporation to issue and deliver to the shareholder within thirty days of the date of the judgment an unsecured negotiable promissory note of the corporation which is all of the following:

(a) Payable to the order of the shareholder.
(d) A true copy: Tom Schedler Secretary of State

ACT No. 58
- - - - - - - -
HOUSE BILL NO. 625
Supplemental Appropriations
will publish in a later edition.

ACT No. 59
- - - - - - - -
HOUSE BILL NO. 317
BY REPRESENTATIVE GABLEY
BY REPRESENTATIVE SCHLEDER

To amend and reenact Children's Code Article 1117(B), relative to the surrender of children for adoption; to provide relative to the agencies who may accept the surrender of children for adoption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1117(B) is hereby amended and reenacted to read as follows:

Art. 1117. Domiciliary requirements; acceptance of surrender by agency on behalf of resident adoptive parent

B. In order for a surrender to an agency to be effective, the agency accepting the surrender shall either be the Department of Children and Family Services or have been issued a child-placing or adoption license by the Department of Children and Family Services department.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler Secretary of State

ACT No. 60
- - - - - - - -
HOUSE BILL NO. 320
BY REPRESENTATIVE HAZEL

To amend and reenact R.S. 46:121(5) and 123(C) and to enact R.S. 46:121(6), relative to military family assistance; to provide for the designation of a third party administrator; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:121(5) and 123(C) are hereby amended and reenacted and R.S. 46:121(6) is hereby enacted to read as follows:

§121. Definitions

For purposes of this Part, the following terms shall be defined as follows:

(5) “Third party administrator” shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board unless the board has entered into a cooperative agreement as provided in R.S. 46:123(C).

(6) “Veteran” means any servicemember of the United States Armed Forces who has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he or she was ordered to active duty, other than active duty for training, and received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and has been discharged under the specific authority of 10 U.S.C. 1171 or 1173, or has been determined to have a compensable service-connected disability.

(c) Has received a discharge with less than ninety days of service for a service-connected disability:

§123. Louisiana Military Family Assistance Board

C. The board may enter into a cooperative agreement with a third party administrator to accomplish the necessary administration or required claims adjudication in accordance with rules promulgated by the board. However, such agreement shall not be valid until approved by the Joint Legislative Committee on the Budget. If the board has not entered into a cooperative agreement the third party administrator shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler Secretary of State

ACT No. 61
- - - - - - - -
HOUSE BILL NO. 392
BY REPRESENTATIVE CONNICK

To enact R.S. 22:1460(I)(1)(c), relative to fire insurance rates; to provide for the determination of fire insurance rates; to prohibit certain methods of determination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1460(I)(1)(c) is hereby enacted to read as follows:

§1460. Fire insurance rates; the Property Insurance Association of Louisiana

I.(1) * * *

(c) No insurance company shall combine a higher classified public fire protection area with a lower classified public fire protection area for the purpose of determining the fire insurance rate for the combined public fire protection areas.

* * *

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler Secretary of State

ACT No. 62
- - - - - - - -
HOUSE BILL NO. 400
BY REPRESENTATIVE GAROFALO

To amend and reenact R.S. 9:5172(A) introductory paragraph) and (1) and (B) and 5173 and to enact R.S. 9:5172(A)(3) and 5173.1, relative to the cancellation of mortgages; to provide for procedure; to change certain form requirements; to provide a form for partial cancellation of a mortgage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

UBS BILL NO. 320
BY REPRESENTATIVE HAZEL

AN ACT

To amend and reenact R.S. 46:121(5) and 123(C) and to enact R.S. 46:121(6), relative to military family assistance; to provide for the designation of a third party administrator; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:121(5) and 123(C) are hereby amended and reenacted and R.S. 46:121(6) is hereby enacted to read as follows:

§121. Definitions

For purposes of this Part, the following terms shall be defined as follows:

(5) “Third party administrator” shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board unless the board has entered into a cooperative agreement as provided in R.S. 46:123(C).

(6) “Veteran” means any servicemember of the United States Armed Forces who has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he or she was ordered to active duty, other than active duty for training, and received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and has been discharged under the specific authority of 10 U.S.C. 1171 or 1173, or has been determined to have a compensable service-connected disability.

(c) Has received a discharge with less than ninety days of service for a service-connected disability:

§123. Louisiana Military Family Assistance Board

C. The board may enter into a cooperative agreement with a third party administrator to accomplish the necessary administration or required claims adjudication in accordance with rules promulgated by the board. However, such agreement shall not be valid until approved by the Joint Legislative Committee on the Budget. If the board has not entered into a cooperative agreement the third party administrator shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler Secretary of State

ACT No. 61
- - - - - - - -
HOUSE BILL NO. 392
BY REPRESENTATIVE CONNICK

AN ACT

To enact R.S. 22:1460(I)(1)(c), relative to fire insurance rates; to provide for the determination of fire insurance rates; to prohibit certain methods of determination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1460(I)(1)(c) is hereby enacted to read as follows:

§1460. Fire insurance rates; the Property Insurance Association of Louisiana

I.(1) * * *

(c) No insurance company shall combine a higher classified public fire protection area with a lower classified public fire protection area for the purpose of determining the fire insurance rate for the combined public fire protection areas.

* * *

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler Secretary of State

ACT No. 62
- - - - - - - -
HOUSE BILL NO. 400
BY REPRESENTATIVE GAROFALO

AN ACT

To amend and reenact R.S. 9:5172(A) introductory paragraph) and (1) and (B) and 5173 and to enact R.S. 9:5172(A)(3) and 5173.1, relative to the cancellation of mortgages; to provide for procedure; to change certain form requirements; to provide a form for partial cancellation of a mortgage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:5172(A)(introductory paragraph) and (1) and (B) and 5173 are hereby amended and reenacted and R.S. 9:5172(A)(3) and 5173.1 are hereby enacted to read as follows:

§5172. Cancellation; partial cancellation; licensed financial institution
A. In lieu of complying with the provisions of R.S. 9:5169, 5170, and 5171, a request for cancellation or partial cancellation may have attached to it the written act of a licensed financial institution executed before any officer or officers, declaring that the institutional meets any of the following criteria:

1. (name of officer and title) of the licensed financial institution, declaring that the obligee is a licensed financial institution as defined in Subsection C of this Section and that the institution meets any of the following criteria:

(1) Was the obligee or the authorized agent of the obligee of the obligation secured by the mortgage or privilege when the obligation was extinguished and that the secured obligation has been paid or otherwise satisfied or extinguished or

(2) Is the obligee or authorized agent of the obligee of the secured obligation and that it partially releases the mortgage or privilege and directs the recorder to partially cancel its recordation.

B. When a request for cancellation or partial cancellation is made by the licensed financial institution, in lieu of attaching a separate act of release or partial release, the financial institution may include the information required by R.S. 9:5169, 5170, and 5171 if the request is in authentic or authenticated form or otherwise complies with Subsection A of this Section.

§5173. Mortgage or privilege cancellation by financial institution-standard form
A financial institution seeking to cancel a mortgage or privilege inscription pursuant to R.S. 9:5172 may use, and the recorder of mortgages for each and every parish in the state of Louisiana shall accept, the following form as fully compliant as a request for partial cancellation and act of release. The form contained in this Section is not the exclusive form to be accepted for filing, and any other form meeting the requirements of R.S. 9:5172 may be used and filed for canceling the recordation of a mortgage or privilege:

REQUEST FOR CANCELLATION OF MORTGAGE OR PRIVILEGE AND PARTIAL RELEASE BY LICENSED FINANCIAL INSTITUTION PURSUANT TO R.S. 9:5172

State of ____________________
Parish of Recordation: ____________________
In favor of: ____________________
A mortgage or privilege granted by: ____________________
Requested mailing address: ____________________
Name of financial institution: ____________________
Name of officer and title: ____________________
Requested mailing address: ____________________
City, state, and zip code: ____________________

BE IT KNOWN THAT on this ___ day of _________________, 20___, before me, the undersigned Notary Public, appeared ____________________ (name of financial institution), herein represented by its undersigned duly authorized representative, which declared officer or officers, declares that it is a licensed financial institution as defined in R.S. 9:5172 et seq., and is the obligee or authorized agent of the obligee for the obligation secured by the mortgage or privilege described as follows:

A mortgage or privilege granted by: ____________________
In favor of: ____________________
Recording Data: ____________________

The institution hereby requests, authorizes, and directs the Clerk of Court and Ex-Officio Recorder of Mortgages for the Parish in which the above-described property is situate to record the above-described property from the mortgage or privilege described above and to partially cancel the above-described mortgage or privilege only as to such described property hereby released from the same.

The institution further expressly declares that the above-described mortgage or privilege is not released or cancelled as to any other property described in such mortgage or privilege, and such mortgage or privilege shall continue to encumber and remain in full force and effect as to all other property described therein.

The recorder of mortgages shall not be liable for any damages resulting to any person or entity as a consequence of partially cancelling a mortgage or vendor’s privilege pursuant to this form.

THUS DONE AND SIGNED, before me, Notary Public, on the date set forth above.

Name of officer and title: ____________________
Requested mailing address: ____________________
City, state, and zip code: ____________________

Notary Public: ____________________
(Printed name of notary and bar roll or notary number)

OR

THUS DONE AND SIGNED, by the two undersigned authorized officers of the above named financial institution.

Name of officer and title: ____________________
Requested mailing address: ____________________
City, state, and zip code: ____________________

NOTARY PUBLIC [Signature]
(Printed name of notary and bar roll or notary number)

OR

THUS DONE AND SIGNED, by the two undersigned authorized officers of the above named financial institution.

Name of officer and title: ____________________
Requested mailing address: ____________________
City, state, and zip code: ____________________

NOTARY PUBLIC [Signature]
(Printed name of notary and bar roll or notary number)

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
To amend and reenact R.S. 22:855(B)(1) and (2)(c) and 1568(B) and to enact R.S. 22:855(B)(2)(d), relative to producer compensation; to authorize agency fees on individual and group health insurance policies and supplemental benefit insurance policies; to provide for commissions and other forms of compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:855(B)(1) and 1568(B) are hereby amended and reenacted and R.S. 22:855(B)(2)(d) is hereby enacted to read as follows:

§855. Quoted premium shall include all charges; dollar amount required.

B. (1) No insurer or its officer, employee, producer, or other representative shall charge or receive any fee, compensation, or consideration for insurance which is not included in the premium quoted to the insured and the premium specified in the policy delivered to the insured, except for the premium tax on a surplus lines policy which shall be separately stated, and except for reimbursement for expenses due the producer, and except for a fee, if any, as authorized hereunder for all lines of insurance including but not limited to property insurance, casualty insurance, individual and group health insurance, and supplemental benefit insurance coverages.

(2) The commissioner of insurance may promulgate rules to enforce the provisions of this Section.

§1568. Producer compensation for sales of health and welfare plans.

B. In addition to a commission for: individual and group health insurance product, a health insurance producer may negotiate a charge, fee, or any other form of compensation directly with the insured, plan sponsor, or employer group as authorized by R.S. 22:855(B). The producer shall also provide notification in a separate written document of sufficient size and legibility that advises the insured that he may purchase the same health insurance policy online or by contacting a health care navigator. The notice shall inform the insured that in order to purchase a health insurance policy with his current agent he may be charged a fee and expenses that he would not incur if he purchases a policy online or through a health care navigator. The form shall be signed by the named insured.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 65

HOUSE BILL NO. 431
BY REPRESENTATIVE SCHEXNADYER
AN ACT

To amend and reenact R.S. 3:121, 124, and 125(1), relative to co-operative marketing associations; to provide for an expansion and clarification of the purposes of a co-operative marketing association; to provide for an expansion of the powers of a co-operative marketing association; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:121, 124 and 125(1) are hereby amended and reenacted to read as follows:

§121. Declaration of policy

The purpose of this Part is to promote, foster, and encourage the intelligent and orderly marketing of agricultural products through cooperation; to eliminate speculation, unnecessary middlemen, and waste; to make the distribution of agricultural products direct; and to stabilize the marketing of agricultural products.

§124. Purposes

A. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, shipping, or utilizing thereof, or with the harvesting, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, shipping, or utilizing thereof, or with the marketing or selling of the agricultural products of its members, or to engage in any lawful activity for which corporations may be formed under the laws of the state of Louisiana.

B. Every group of persons contemplating the organization of an association under this Part is urged to communicate with the dean of the college of agriculture of the Louisiana State University and Agricultural and Mechanical College, who will inform them whatever a survey of the marketing conditions affecting the commodities proposed to be handled may indicate regarding probable success.

§125. Powers

Each association incorporated under this Part shall have the following powers:

(1) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, or utilization of any agricultural product; or to engage in any activity in connection with the marketing, selling, or supplying to its members of machinery, equipment, or supplies, or in connection with the purchase, hiring, or use by its members of supplies, machinery, equipment, or supplies, or in any case, the financing of any of the activities; or in the financing of the above enumerated activities; or to represent the interest of its members; or to engage in any lawful activity for which corporations may be formed under the laws of the state of Louisiana.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE
PAGE 18

* As it appears in the enrolled bill

CODING: Words in **bold** are additions from existing law; words in *italics* (House Bills) and *boldfaced* (Senate Bills) are additions.
Section 1. Subpart ZZ of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.331, is hereby enacted to read as follows:

**SUBPART ZZ. LOUISIANA HORSE RESCUE ASSOCIATION DONATION**

$120.331. Income tax checkoff; donation for Louisiana Horse Rescue Association

A. Every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current-year return all or any portion of the total amount of the refund to which he is entitled to be donated to the Louisiana Horse Rescue Association in lieu of that amount being paid to him as a refund. In this case, the refund shall be reduced by the amount so designated. The designation shall be made at the time of filing the current-year tax return and shall be made upon the income tax return form as prescribed by the secretary of the Department of Revenue. Donated monies shall be administered by the secretary and distributed to the Louisiana Horse Rescue Association in accordance with the provisions of R.S. 47:120.331. No donation made under the provisions of this Subpart shall be invalid for want of an authentic act.

B. The House Committee on Ways and Means may, at its discretion, request a report from the Louisiana Horse Rescue Association relative to its operations. The forms and content of such reports shall be prescribed by the chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the organization's activities. The committee may summon any person employed by or associated with the Louisiana Horse Rescue Association to provide testimony with respect to the report.

Section 2. The provisions of this Act shall be effective for taxable years beginning on or after January 1, 2018.

Approved by the Governor, June 3, 2017.

A true copy.

Tom Schedler
Secretary of State
or other national certifying or accrediting agency to perform microbiological or residue testing of organic or inorganic samples and has a microbiologist on staff, and has been approved by the Department of Agriculture and Forestry.

(2) “Chain of custody form” means a document approved by the department which verifies species, destination, origin, and turtle group and which is used for transporting turtles within the state of Louisiana only.

(4) “Farm-raised turtle” means any reptile of the order Testudines which is bred, born, raised, or kept, by a licensed turtle farmer within a closed circumscribed pond for the purpose of buying, selling, or trading in commerce.

(5) “Health certificate” means a document which verifies a certificate of inspection, attaches a laboratory report and certifies that the turtles or turtle eggs are free of visible signs of infectious, contagious, or communicable diseases, and which is signed by a veterinarian who is licensed in this state, federally accredited and approved by the Department of Agriculture and Forestry. A health certificate shall be required before turtles or turtle eggs may be shipped or transported or before they are moved from a certified turtle farm for interstate commerce. A health certificate may be used in place of a certificate of inspection for movement of turtles or turtle eggs in interstate commerce.

(6) “Licensed turtle farm” means any individual, firm, corporation, or entity engaged in the collection, hatching, sale, shipping, or distribution of farm-raised turtles or turtle eggs, using the Siebeling method or any other sanitization method which may be required by the Department of Agriculture and Forestry.

A. Each licensed turtle farmer shall maintain accurate records including information that may be required by the department.

B. Each licensed turtle farmer shall maintain accurate records and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.

D. Each person applying for a turtle farmer license shall complete a written application as provided by the commissioner, pay the required license fee, and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.

§2358.4. Licensing; fees; renewal

D. Each person applying for a turtle farmer license shall complete a written application as provided by the commissioner, pay the required license fee, and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.

§2358.7. Records

A. Each licensed turtle farmer shall maintain accurate records including the source of the turtle or turtle egg, and any other information that may be required by the commissioner.

§2358.13. Violations

Violations of this Part shall include but shall not be limited to the following:

1. Engaging in the farming of turtles or turtle eggs without first obtaining a turtle farmer license.

2. Failing to dispose of all turtles or turtle eggs in a quarantined group as required to ensure public safety and enhance the prisoner’s opportunity for reconsideration of the prisoner’s case.

3. Failing to dispose of all turtles or turtle eggs in a quarantined group as required to ensure public safety and enhance the prisoner’s opportunity for reconsideration of the prisoner’s case.

4. Shipping or moving farm-raised turtles or turtle eggs without a certificate of inspection or a health certificate for any purpose other than testing the required documentation.

5. Willfully disposing of improperly any antibiotic solution.

6. Violating any provision of this Part or any rule or regulation adopted under the provisions of this Part.

§2358.14. Licensing; fees; renewal

D. Each person applying for a turtle farmer license shall complete a written application as provided by the commissioner, pay the required license fee, and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.

§2358.7. Records

A. Each licensed turtle farmer shall maintain accurate records including the source of the turtle or turtle egg, and any other information that may be required by the commissioner.

§2358.13. Violations

Violations of this Part shall include but shall not be limited to the following:

1. Engaging in the farming of turtles or turtle eggs without first obtaining a turtle farmer license.

2. Failing to dispose of all turtles or turtle eggs in a quarantined group as required to ensure public safety and enhance the prisoner’s opportunity for reconsideration of the prisoner’s case.

3. Failing to dispose of all turtles or turtle eggs in a quarantined group as required to ensure public safety and enhance the prisoner’s opportunity for reconsideration of the prisoner’s case.

4. Shipping or moving farm-raised turtles or turtle eggs without a certificate of inspection or a health certificate for any purpose other than testing the required documentation.

5. Willfully disposing of improperly any antibiotic solution.

6. Violating any provision of this Part or any rule or regulation adopted under the provisions of this Part.

§2358.14. Licensing; fees; renewal

D. Each person applying for a turtle farmer license shall complete a written application as provided by the commissioner, pay the required license fee, and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.
require public school governing authorities to adopt rules and regulations to implement such instruction; and to provide for related matters.

Be it enacted by the Legislature of the State of Louisiana:

Section 1. R.S. 17:267 and 3996(b)(4) are hereby enacted to read as follows:

§267. Litter prevention and awareness; required instruction
A. Instruction in litter prevention and awareness shall be provided to each public school student in kindergarten through grade five. Such instruction shall be integrated into the existing curriculum and may include instructional materials created and developed for students in Louisiana to assist such students in making environmentally sound decisions and understanding the vital role they play in preserving the beauty of the state.
B. Each public school governing authority shall adopt rules and regulations necessary for the implementation of this Section.

§3996. Charter schools; exemptions; requirements
A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

(44) Instruction in litter prevention and awareness, R.S. 17:267.

Approved by the Governor, June 7, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 73

SENATE BILL NO. 58

Prefiled pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918, to enact R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7, and to repeal certain Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:831 through 856, Chapter 17 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896, Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901 through 906, and R.S. 28:919 and 920, relative to the statewide human services districts and authorities; to provide for legislative intent; to provide for definitions; to provide for board and district identification; to provide for governing board membership; to provide for education and training for board members; to provide for sole-source contracting to specific community partners; to provide for interagency council actions and obligations; to provide for coordination with the Louisiana Department of Health; to repeal expired statutes; to repeal duplicate provisions of law; to provide for an effective date; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918 are hereby amended and reenacted and R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7 are hereby enacted to read as follows:

CHAPTER 21. STATEWIDE HUMAN SERVICES DELIVERY
PART I. HUMAN SERVICES DISTRICTS AND AUTHORITIES
GENERAL PROVISIONS
§910. Legislative intent and public policy
A. The legislation finds and declares that state-funded behavioral healthcare and developmental disabilities services are better directed at a local level to ensure local accountability, responsiveness to the unique needs of the community, and the establishment of local partnerships and relationships with other local agencies that serve individuals in the community.
B. The legislation also finds and declares that the statutory creation of the ten statewide human services districts and authorities was intended to serve this purpose and each has done so since initial inception and completion of the readiness assessment enacted by the legislature.
C. The legislature further finds and declares that it is now time to move past the readiness assessment phase of operation of the statewide human services districts and authorities through a modernization and consolidation of the law established in this Part.
D. The legislature therefore declares that this Part establishes the evolution of the statewide human services districts and authorities to create a more robust opportunity for them to excel at their mission of being the community director.
THE ADVOCATE
* As it appears in the enrolled bill
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(6) Two members who represent law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.

(7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

B. The Imperial Calcasieu Human Services Authority shall be governed by a board of eight members who are residents of the five parishes within the statutory governance area of the authority. Five members shall consist of one representative from each parish within the statutory governance area of the authority who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) One member with professional expertise in the field of mental health.

(2) One member with professional expertise in the field of addictive disorders.

(3) One member with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents either the judiciary, with particular emphasis on specialty courts; or law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.

(6) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(7) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

C. The Central Louisiana Human Services District shall be governed by a board of eleven members who are residents of the eight parishes within the statutory governance area of the district. Eight members shall consist of one representative from each parish within the statutory governance area of the district. Seven members shall consist of one appointee from each parish within the statutory governance area of the authority who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) One member with professional expertise in the field of mental health.

(2) One member with professional expertise in the field of addictive disorders.

(3) One member with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents the judiciary, with particular emphasis on specialty courts; or law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.

(6) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(7) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(10) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(11) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

D. The Northwest Louisiana Human Services District shall be governed by a board of twelve members who are residents of the nine parishes within the statutory governance area of the district. Nine members shall consist of one representative from each parish within the statutory governance area of the district who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) Two members with professional expertise in the field of mental health.

(2) Two members with professional expertise in the field of addictive disorders.

(3) Two members with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents the judiciary, with particular emphasis on specialty courts; or law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.

(6) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(7) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(10) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(11) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

(12) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

E. Appointees shall serve terms of three years. No board member shall serve more than three consecutive three-year terms.

F. Effective January 1, 2018, all boards established pursuant to this Section shall comply with the enumerated requirements of this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the replaced board member shall begin a new three-year term. It shall be the responsibility of the executive
director of each district or authority provided for in this Section to ensure that the board of the district or authority satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the statutory governance area to ensure compliance with the board requirements of this Section.

§913.1. Governing board for Jefferson Parish Human Services Authority; membership; appointment; terms

A. The Metropolitan Human Services District shall be governed by a board of thirteen members. The board shall include nine residents from the parish of Orleans and two residents each from the parishes of St. Bernard and Jefferson. The board shall include one member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. No board member shall serve more than three consecutive three-year terms.

B. Each member shall serve for a three-year term. No board member shall serve more than two consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities to ensure compliance with the board requirements of this Section.

§913.2. Governing board for Florida Parishes Human Services Authority; membership; appointment; terms

A. The Jefferson Parish Human Services Authority shall be governed by a board of nine members. The board shall include three residents from the parish of St. Tammany; two residents each from the parishes of Livingston and Tangipahoa; and one resident each from the parishes of St. Helena and Washington.

B. The members shall be appointed by the governing authority of each parish. All appointments shall require ratification by a plurality of the legislative delegation representing the five parishes which are included in the authority.

C. The Florida Parishes Human Services Authority board shall be comprised of the following nine members:

(1) One member with professional expertise in the field of mental health.
(2) One member with professional expertise in the field of addictive disorders.
(3) One member with professional expertise in the field of developmental disabilities.
(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
(5) One member who represents the judiciary, with particular emphasis on specialty courts.
(6) One member who represents law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the parish.

D. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district’s statutory governance area to ensure compliance with the board requirements of this Section.

§913.3. Governing board for South Central Louisiana Human Services Authority; membership; appointment; terms

A. The South Central Louisiana Human Services Authority shall be governed by a board of nine members. The board shall include two residents from the parishes of Lafourche and Terrebonne and one resident each from the parishes of Assumption, St. Charles, St. James, St. John the Baptist, and St. Mary who do not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district’s statutory governance area to ensure compliance with the board requirements of this Section.

B. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district’s statutory governance area to ensure compliance with the board requirements of this Section.

§913.4. Governing board for Northeast Delta Human Services Authority; membership; appointment; terms

A. The Northeast Delta Human Services Authority shall be governed by a board of seventeen members. The board shall include four residents from the parishes of Morehouse and Lincoln; and one resident each from the parishes of Caldwell, East Carroll, Franklin, Jackson, Madison, Richland, Tensas, Union, and West Carroll.

B. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district’s statutory governance area to ensure compliance with the board requirements of this Section.
B. The members shall be appointed by the governing authority of each parish, with the exception of Ouachita Parish, in which they shall be appointed by the Ouachita Council of Government. All appointments shall require ratification by the parish governing authority. The Parish shall have the right to delegate to the district a list of qualified candidates nominated by the governing authority of each parish. All appointments shall require ratification by the governing authority of each parish.

C. The seventeen-member board shall be comprised as follows:
1. Two members with professional expertise in the field of mental health.
2. Two members with professional expertise in the field of addictive disorders.
3. Two members with professional expertise in the field of developmental disabilities.
4. One member with professional expertise in finance, accounting, business enterprise, or auditing.
5. One member who represents the judiciary, with particular emphasis on specialty courts.
6. Three members who represent law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.
7. Two members who are parents, consumers, or advocates in the field of mental health.
8. Two members who are parents, consumers, or advocates in the field of addictive disorders.
9. Two members who are parents, consumers, or advocates in the field of developmental disabilities.

D. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

E. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the authority’s statutory governance area to ensure compliance with the board requirements of this Section.

§913.6. Governing board for Capital Area Human Services District; membership; terms
A. The Capital Area Human Services District shall be governed by a board of seventeen members. The board shall include two residents of each of the following parishes: Ascension, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana. Five of the members shall be residents of East Baton Rouge Parish. The members shall be appointed by the governor from among a list of qualified candidates nominated by the governing authority of each parish. The candidates from Ascension Parish shall be nominated by the parish president. The seventeen-member board shall be comprised as follows:
1. Two members with professional expertise in the field of mental health.
2. Two members with professional expertise in the field of addictive disorders.
3. Two members with professional expertise in the field of developmental disabilities.
4. One member with professional expertise in finance, accounting, business enterprise, or auditing.
5. One member who represents the judiciary, with particular emphasis on specialty courts.
6. Three members who represent law enforcement, school-based healthcare, public health, or the coroner’s office based on the needs of the respective appointing parishes.
7. Two members who are parents, consumers, or advocates in the field of mental health.
8. Two members who are parents, consumers, or advocates in the field of addictive disorders.

C. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

D. The following provisions shall apply to all district and authority governing boards:
1. Each board member shall serve without compensation, but shall be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees for each day in actual attendance at board meetings. Expenses shall include the cost of local transportation, lodging, and meals for the duration of the board member’s term for any board meeting held outside the normal geographic boundaries of the district or authority.
2. The chairman shall be selected by a majority vote of the board. The term of the chairman shall be established under the board’s bylaws.
3. No member of the board or of his immediate family shall own or have any interest in any public or private enterprise that can provide important information to the board members during any board meeting.
4. Procedures for the operation of the board shall be subject to the Code of Governmental Ethics.

§914. Requirements for districts and authorities: board education and awareness
A. The board shall be briefed by the executive director on the following issues in the manner deemed appropriate by the executive director:
1. Mission and purpose of the district or authority.
2. How the mission and purpose are practically applied in the community.
3. Relationships in the community that are crucial to the district or authority’s success.
4. How those relationships are established, maintained, and built upon.
5. How each member of the board serves as a delegate to foster those crucial community relationships.
6. Role of the district or authority in times of disaster.
7. Funding for the district or authority, including state and federal funding, grant or loan sources, and earned revenue sources.
10. Audits by the legislative auditor within the past five years.

B. The executive director may include representatives from the Louisiana Department of Health, office of the Louisiana legislative auditor, Louisiana Ethics Administration, office of the Louisiana attorney general, or any other entity that can provide important information to the board members during any board meeting.

C. A new board member orientation shall be held upon appointment of any new member and the executive director shall brief the new board member on the issues set forth in Subsection A of this Section.

D. Regardless of when elected, all district and authority boards shall adopt:
1. A policy statement ensuring recognition that one of the functions of the board is to establish a mission, vision, and policies for the operation of the district or authority.
2. A policy statement ensuring recognition that the board shall be empowered to set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.
3. A policy statement ensuring recognition that the board shall be empowered to set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.
4. A policy statement ensuring recognition that the board shall be empowered to set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.
5. A policy statement ensuring recognition that the board shall be empowered to set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.

E. The district or authority’s responsibility to prioritize and provide for state-funded services, as established in R.S. 28:821 et seq., in order to meet the needs of the individuals in their statutory governance area. Each fiscal year, every district and authority shall allocate a minimum of an amount equal to nine percent of its state general fund appropriation for the provision of services mandated by the division of administration, as established in R.S. 28:821 et seq., for the purpose of developing developmental disabilities and their families. The state general fund appropriation for which the minimum nine percent is calculated may be adjusted to align with any budget reductions mandated by the division of administration.

§915. Districts and authorities: sole source contracting
A. Pursuant to a contract with the department, all human services districts and authorities shall:

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* As it appears in the enrolled bill
(1) Perform the functions which provide community-based services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care of mental and emotional illness.

(2) Continue to be responsible for the maintenance of those properties which are provided by the state on the effective date of this Chapter.

(3) Continue to be responsible for the provision of services pursuant to statutory requirements and any other form of contract or agreement by which the district or authority provides services and levies charges.

(4) Manage through their governing board the services required by Paragraphs (1) through (4) of this Section and operate within the scope of a contract with the department. Each district or authority shall be operated in a manner that meets and competes with other programs and services and assures equal access to care, diagnosis, training, treatment, case management, and education related to addictive disorders, including but not limited to alcohol, drug abuse, or gambling.

(5) Perform community-based functions which provide services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care relating to personal health, as determined to be feasible by the department.

(6) Maintain services specified in Paragraphs (1) through (4) of this Subsection on at least the same level as the state maintains similar programs or services.

(7) Continue to be responsible for the provision of services pursuant to statutory requirements and any other form of contract or agreement by which the district or authority provides services and levies charges.

(8) To enter into contracts with the judicial branch to be a provider of behavioral health services ordered by the court through any statutory authorized specialty court program which requires certain behavioral health treatments. Such sole-source contracts shall be limited to a district court physically located within the statutory governance area of the human services district or authority.

(9) To enter into contracts with a correctional facility to be a provider of behavioral health services if the correctional facility is in need of such services as part of an emergency department diversion program, or upon successful completion of a re-entry program that requires ongoing services.

(10) To carry out responsibilities relative to developmental disabilities and intellectual disabilities services delivery provided in R.S. 28:451.3.

(11) Each human services district or authority shall constitute a body corporate and politic of the consolidation of the districts and functions relating to the care, diagnosis, training, treatment, case management, and education of persons with intellectual disabilities, persons with developmental disabilities and persons with autism.

(12) To perform the functions which provide services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care relating to addictive disorders, including but not limited to alcohol, drug abuse, or gambling.

(13) To perform the functions which provide services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care relating to personal health, as determined to be feasible by the department.

(14) To enter into contracts with the judicial branch to be a provider of behavioral health services ordered by the court through any statutory authorized specialty court program which requires certain behavioral health treatments. Such sole-source contracts shall be limited to a district court physically located within the statutory governance area of the human services district or authority.

(15) To enter into contracts with a correctional facility to be a provider of behavioral health services if the correctional facility is in need of such services as part of an emergency department diversion program, or upon successful completion of a re-entry program that requires ongoing services.

(16) To carry out responsibilities relative to developmental disabilities and intellectual disabilities services delivery provided in R.S. 28:451.3.
sections. Human Services Interagency Council; membership and responsibilities. All council members shall have the opportunity to present information, request information, and engage in dialogue regarding any matter before the council. C. The council shall meet at least once quarterly, but may meet more often if called by the chair. The council shall meet at locations that rotate throughout the state, as appropriate, to provide ease of travel for the members of the council. A quorum is not required and council members may participate by phone during any meeting in which a vote of the council members is not being requested, but a quorum shall be required for any vote to be taken on a matter requiring such a vote. D. (1) Beginning February 1, 2018, the secretary shall submit a single comprehensive annual report on the operations of the districts and authorities to the Senate and House committees on health and welfare. The annual report shall include, at a minimum, a detailed list of services provided and operated by each district or authority, a financial summary of the operations of each district or authority, and other information demonstrating the performance of each district or authority for the previous fiscal year. The report shall include the secretary’s assessment and recommendations based on the data in the report. The report shall also include recommendations by the council and recommendations of any individual district or authority in the event that they wish to provide additional information or commentary regarding the data in the report. The report shall also include information on the meetings of the council and recommendations on how to build upon the work of the council. G. (2) The board of directors and committees on health and welfare, either committee may issue notice of intent to convene a hearing separately or jointly for the purpose of conducting a public hearing on the report that was submitted. The department and each human service district or authority may be called collectively or independently to appear before the committee. H. At least once annually, the council shall convene a meeting to include the board chairperson or his designee from each of the ten human services districts and authorities. All council members, including those from each of the ten human services districts and authorities shall have the opportunity to participate if they so choose. This meeting shall be hosted by the Louisiana Department of Health at its central office in Baton Rouge. The purpose of this meeting shall include but is not limited to facilitating and fostering the exchange of best practices to improve service delivery. Each council member shall provide a status of services delivered in their statutory governance area. Each board chairperson, or his designee board member, shall give a presentation on the status of service delivery in his district or authority and shall include specifics on practices that are yielding the best results regarding scope of service and client access. All statewide board members shall have the opportunity to learn from the council and other board members and obtain knowledge on best practices through discussion and dialogue at this annual meeting. §918. Louisiana Department of Health; responsibility and authority. A. The secretary, upon consultation with the human services districts and authorities, shall be responsible for policy, development, implementation, and monitoring of the state’s human services system to assure the provision of the appropriate and reasonable delivery of behavioral health, intellectual disability, and developmental disabilities services funded by appropriations from the state as well as any public health or other human services contracted to the district or authority by the department. B. (1) The secretary of the department shall have the authority to enter into a sole source contract with districts or authorities for the provision of behavioral health services, developmental disabilities and intellectual disability services, and selected public health services and in the monitoring of services delivered, actual expenditures, and remaining forecasted expenditures for each human service district or authority in order to make appropriate funding determinations. When necessary, the department, in consultation with the human services districts or authorities, shall submit such data and information to the legislature prior to making any recommendation of funds adjustment for the subsequent fiscal year. (2) The contract shall establish performance indicators, quality outcomes, and reporting requirements for the human services districts and authorities, and any other boards, councils, or committees as required. The contract shall contract the provision of services to the district, and the district is prepared to accept and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district.

(2) The readiness assessment shall evaluate the operational preparedness of the district based on a set of uniform criteria established by the interagency council and approved by the secretary. (3) The readiness assessment shall be conducted by a survey team pursuant to R.S. 23:918 and R.S. 23:919. The team members shall have experience in behavioral health, developmental disabilities, financial management, human resources, or experience in startup and operation of an existing district. The survey team shall be selected by the secretary or his designee and shall include representation from both the interagency council and the department. The survey team shall visit the district and conduct a survey of the district to request a readiness assessment by the department. The department may secure outside audit expertise when deemed necessary by the department to assist in a readiness assessment team.

(4) At the completion of each readiness assessment, the assessment team shall conduct an exit conference with the district board. If the assessment team has determined the district is prepared to accept responsibility for the provision of services, the team shall, within thirty days of the completed exit conference, notify the secretary in writing that both the department and the district have agreed that the district is ready to accept and be accountable for such service provision. The document of notification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team, as well as a description of which elements are being implemented to address each one.

(5) All districts and authorities shall participate in surveys to ensure compliance with the statewide human services system of care, framework, and accountability plan. The interagency council shall recommend to the secretary a schedule for surveys, with such surveys beginning within one year after the standards are approved. Each district and authority shall be surveyed at least every two years. The survey team members shall be selected by the secretary or his designee and shall include a minimum of two human services district or authority members, as well as any other board, council, or committee of experts as needed. Each survey shall be designed to, at a minimum, ensure each district and authority maintains competency standards for human resources, adequate financial controls, operational and clinical protocols, and shall be used as an opportunity to share best practices.

(6) A triennially published report by reference the provisions of the framework and accountability plan in the delivery of behavioral health services and intellectual disability and developmental disabilities disability services, as well as and may provide for the delivery of public health or any other human services contracted by the department and funded by appropriations. The framework contract shall include but not be limited to:

(1) Definitions of eligible and priority populations in accordance with the department’s statewide human services system of care, including behavioral health, developmental disabilities, intellectual disabilities, and other designated service populations as approved by the legislature. (2) Definitions of core and targeted services, including the development of indicators and a monitoring plan to measure the provision of and access to these services. Core services are the minimum and essential services that are necessary for the survival of individuals in urban and rural areas. Targeted services are mandated specialized services available to priority populations based on the source and availability of funds. (3) Standards for intake and access to institutional and community services.

(4) The accountability plan shall include but not be limited to:

(1) Development and implementation of a plan for the provision of statewide monitoring of human services system performance, including the establishment of a minimum A minimum required data set of consumer-focused and systems outcome measurements required for reliable outcome measurement that use consistent definitions and measurement compared to the state’s human services system, and reporting requirements for the human services districts and authorities.

(2) Development and implementation of a plan for provision of statewide monitoring to assure A mechanism to survey and monitor quality of care and protection of consumer rights through consistent and reliable outcome measurement.

(3) Development and implementation of standards Standards for subcontractor agreements funded by appropriations from the state to assure
compliance with the state human services plan and applicable state and federal laws, rules, regulations, and court orders and to provide remedies for correction of noncompliance and sanctions for failure to comply.

§4(2) Ongoing standards for operational performance, including human resources competency, contracting and procurement, clinical protocols, financial controls, and consumer satisfaction.

(8) Conditions and cause for termination of the contract by either party pursuant to the provisions of Subsection E of this Section.

E.(1)(a) The secretary of the department shall have the authority to issue sanctions for noncompliance with the terms of the contract. Sanctions may include but are not limited to appointment of temporary management to terminate the contract at the expense of the district, monetary penalties, and suspension or termination of the contract. The contracts between the districts and authorities and the department shall include a provision for corrective action or termination of the contract if a deficiency continues after such time as the district or authority has been given the opportunity to correct it. The department shall notify the district or authority in writing of any deficiency. The district or authority shall have a period of time set forth in the contract to submit a corrective action plan to correct any noticed deficiency. If the deficiency continues after such period of time, or if the district or authority does not make a good faith effort to correct the deficiency, the contract shall have a provision for termination by the department. Written notice providing that the district is in noncompliance and such noncompliance constitutes a threat to public health or well-being shall be provided to the speaker of the House of Representatives, the president of the Senate, and the governor. In the event a contract is terminated under this provision, the department shall assume responsibility and oversight for the provision of services with funds appropriated to the district until such time as the district has met the compliance standards and has successfully completed a new readiness assessment.

(b) The department shall submit written notice to the Senate and House committees on health and welfare if a district or authority is in noncompliance with their contract and a corrective action plan has been requested. The department shall inform the committees of the time line for the district or authority to come into compliance with their contract and shall inform the committees when the matter is resolved.

(c) If a district or authority has been placed under temporary management by the department, and subsequently resumes compliance with their contract, the department shall submit written notice to the Senate and House committees on health and welfare, meeting separately or jointly, if required before imposing the sanction of temporary management by the department.

(d) The department shall submit written notice to the Senate and House committees on health and welfare, if a district or authority is in noncompliance with their contract and a corrective action plan has been requested. The department shall inform the committees of the time line for the district or authority to come into compliance with their contract and shall inform the committees when the matter is resolved.

§1321. Special identification cards; issuance; veteran designation; disabled veteran designation; university logo; “I’m a Cajun” designation; needs accommodation designation; disbursement of funds; renewal by mail or electronic commerce of Class “D” or “E” drivers' licenses; disposition of certain fees; exception

(3) Upon request of an applicant for a special identification card who needs accommodation, a designation that the applicant needs accommodation shall be exhibited on the driver's license, upon presentation of a statement from a qualified medical professional licensed in Louisiana or any other state or territory of the United States verifying the medical reason, including any mental, physical, or developmental disability, the applicant needs accommodation as established by administrative rule. No additional fee shall be charged to include such designation.

(2) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations to implement this Subsection, including a waiver of liability for the release of any medical information. Such rules shall be effective no later than July 1, 2018. Notwithstanding the provisions of R.S. 49:968(2), the senate and house committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

(1) The department shall inform the committees of the time line for the district or authority to come into compliance with their contract and shall inform the committees when the matter is resolved.

This Act shall become effective upon signature by the governor, as provided by Article III, Section 3. The act is a reenactment of Title 49, Chapter 11 of the Louisiana Revised Statutes, effective July 1, 2017.
Section 1. R.S. 29:40, 102, 116, 120(C)(1), 132, and 136 are hereby amended and reenacted to read as follows:
§102. Article 2. Persons subject to this code
A. This code applies to all members of the state military forces when not subject to the uniform Code or state active duty under R.S. 29:7, there shall be a court-martial classified

B. For purposes of Article 112a of this code, members of the state military forces shall be considered to be in a duty status at all times during said membership.
C. However, the processing of charges and all proceedings, including trial, may be conducted without regard to the duty status of the accused.
D. Subject matter jurisdiction for judicial or nonjudicial punishment exists if there is a clear and convincing nexus between an offense and the effect that offense has on the effect that the Commission or the state. An offense committed outside the state may be tried and punished outside the state or within the state.

For members of the state military forces on active duty service in the Army National Guard of the United States under Title 10, United States Code, this code shall apply if the federal convening authority declines to convene a court-martial under the Uniform Code of Military Justice.

§116. Article 16. Courts-martial classified
A. The three kinds of courts-martial in the state military forces are:
(1) general courts-martial, consisting of:
   (a) military judge and not less than six members; or
   (b) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;
(2) special courts-martial, consisting of a military judge and not less than six members; or
(3) military judge, if before the court is assembled the accused, knowing the identity of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;
(4) summary courts-martial, consisting of one commissioned officer.
B. A waiver of the right to a trial by members may be waived by the accused, but such waiver shall be exercised no later than forty-five days prior to commencement of trial on the merits in the court-martial. A waiver, once exercised, may not be revoked by the accused.

§120. Article 20. Summary courts-martial
A. A summary court-martial may sentence to:
(1) Confinement of not more than thirty days.

§132. Article 32. Preliminary hearing
A. Preliminary Hearing Required.
(1) The specification may be referred to a general court-martial for trial unless a thorough and impartial investigation of all the matters committed to the investigation under the Code have been made. This investigation shall include inquiry into the truth of the facts of the case, the witness who has knowledge of the case, and the identification of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves.
(2) The purpose of the preliminary hearing shall be limited to the following:
(a) determining whether there is probable cause to believe an offense has been committed and the accused is the person who committed the offense; and
(b) determining whether the convening authority has court-martial jurisdiction over the offense and the accused.
(c) The cause of the charges; and
(d) recommending a disposition that should be made of the case.
B. The accused shall be advised of the charges against him and of his right to be represented by counsel of his own choosing and shall be given an opportunity, on his own expense or military counsel of his own selection if such counsel is available and to present anything he may desire in his behalf. Upon his own request he shall be represented by civilian counsel if provided by him at his own expense or military counsel of his own selection if such counsel is available and to present anything he may desire in his behalf. The investigating or presiding officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, the accused shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused. Hearing officer. (1) A preliminary hearing conducted pursuant to Subsection A of this Section shall be conducted by a judge advocate who is not a military judge, and the military judge is not a military judge, and after consultation with the military judge, approves. (2) Whenever practicable, the judge advocate or other hearing officer detailed to conduct a preliminary hearing shall be equal to or senior in grade to the military counsel detailed to represent the accused at a preliminary hearing conducted pursuant to Subsection A of this Section, the judge advocate or other officer that conducted the preliminary hearing shall prepare a report that addresses the matters specified in Paragraph (A)(1) and Paragraph (A)(2) of this Section.
D. The requirements of this Section are binding on all persons administering this code but failure to follow the requirements does not divest a military court of jurisdiction.

§136. Article 36. Governor may prescribe rules
A. The governor or adjutant general may promulgate additional rules and regulations concerning the conduct of courts-martial procedure. All rules and regulations made under this Section shall be uniform and consistent with the Uniform Military Justice Act of the United States.

B. The modes of proof in cases before courts-martial under this code shall be as herein provided or as provided in the most recent edition of the Manual for Courts-Martial, United States, except when such rules are contrary to or inconsistent with this code.
C. The governor or adjutant general may promulgate additional rules and regulations concerning courts-martial procedure. All rules and regulations made under this Section shall be uniform and consistent with the Uniform Military Justice Act of the United States.
Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 8, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 76

SENATE BILL NO. 55

BY SENATORS MILLS AND THOMPSON AND REPRESENTATIVES

BAGNERIS, BILLIOT, HENSGENS, HOFFMANN, HOWARD, JACKSON,

JOHNSON, LEBAS, LYONS, DUSTIN MILLER, MORENO, NORTON, POPE,

STAGNI, THIBAUT AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:973(A) and 978(F) and to enact R.S. 40:978.3, relating to prescribing controlled dangerous substance, to provide for automatic renewal in the prescription monitoring program; to provide for mandated access of the program by prescribers; to provide for exceptions; to provide for continuing education requirements; to provide for rulemaking; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:973(A) and 978c(F) are hereby amended and reenacted to read as follows:

§973. Licensing requirements

(A) Every person who conducts research with, manufactures, distributes, procures, possesses, prescribes, or dispenses any controlled dangerous substance within this state or who proposes to engage in the research, manufacture, distribution, procurement, possession, prescribing, or dispensing of any controlled dangerous substance within this state shall obtain a controlled dangerous substance license from the Board of Pharmacy in accordance with the rules and regulations promulgated by it prior to engaging in such activity.

(B) (1) Upon initial application or upon renewal of a controlled dangerous substance license from the Board of Pharmacy a prescribing practitioner shall automatically and without further action be registered as a participant in the Prescription Monitoring Program established in R.S. 40:1001 et seq. For purposes of this Subsection, practitioner shall include those with prescription authority for controlled substances in Louisiana, excluding veterinarians.

(2) A practitioner or his delegate shall access and review the patient’s record in the Prescription Monitoring Program prior to initially prescribing any Schedule II controlled dangerous substance opiod to a patient and shall access the Prescription Monitoring Program and review the patient’s record at least every ninety days if the patient’s course of treatment continues for more than ninety days at least every ninety days for the treatment of non-cancer-related chronic or intractable pain. The requirement established in this Subsection shall not apply to the following instances:

(a) The drug is prescribed or administered to a hospice patient or to any other patient who has been diagnosed as terminally ill.

(b) The drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain.

(c) The drug is ordered or administered to a patient being treated in a hospital.

(d) The Prescription Monitoring Program is inaccessible or not functioning properly due to an internal or external electronic issue. However, the prescriber or his delegate shall check the Prescription Monitoring Program once electronic accessibility has been restored and note the cause for the delay in the patient’s chart.

(e) No more than a single seven-day supply of the drug is prescribed or administered to a patient.

The provisions of this Subsection shall be enforced by the health profession licensing board that regulates the prescriber. Each health profession licensing board that regulates prescribers shall promulgate rules and regulations in accordance with the Administrative Procedure Act to mandate with the provisions of this Subsection. If a health profession licensing board becomes aware of a prescriber’s failure to comply with this Subsection, the board shall treat the notification as a complaint against the license, but shall not consider such notice as evidence of deviation from standard of care.

Section 2. R.S. 40:978.3 is hereby enacted to read as follows:

§978.3. Continuing education for the prescribing of controlled substances

A. The continuing education requirement established in this Section shall apply to all practitioners with prescriptive authority in Louisiana that have a controlled dangerous substance license in Louisiana.

B. Each licensing board that regulates practitioners with prescriptive authority in Louisiana shall establish continuing education requirements as a prerequisite to license renewal. Each board shall develop continuing education criteria, to include drug diversion training, best practice prescribing of controlled substances, appropriate treatment for addiction, and any other matters regarding the prescribing of controlled dangerous substances that are deemed appropriate by the board. Rules and regulations to implement this Section shall be promulgated in accordance with the Administrative Procedure Act. Such rules shall include all of the following:

(1) Each practitioner with prescriptive authority in Louisiana who holds a controlled dangerous substance license shall obtain three credit hours of continuing education as a prerequisite to license renewal with their professional licensing board. Successful completion of this requirement once shall satisfy the requirement in full.

(2) A practitioner with prescriptive authority in Louisiana who has a controlled dangerous substance license shall be exempt from the continuing education requirements for license renewal established in this Section if he completes and submits to his licensing board a certification form developed by his licensing board attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire applicable reporting period. The licensing board shall verify the attestation of the prescriber through the Prescription Monitoring Program.

C. The licensing board shall provide its members with information on how to access the continuing education courses as required by this Section and shall retain annual compliance documentation that shall be submitted to the Senate and House committees on health and welfare to demonstrate aggregate prescriber compliance. No license shall be renewed for an individual who fails to comply with the provisions of this Section.

D. The continuing education hours required by this Section shall be considered among the credit hours required of the prescriber by the licensing board on and after August 1, 2017, and shall not be considered an additional requirement to be met by a prescriber.

Section 3. This Section, Section 1, and Section 4 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Section 4. Section 2 of this Act shall become effective on January 1, 2018.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 77

HOUSE BILL NO. 14

BY REPRESENTATIVES FALCONER AND SCHRODER

AN ACT

To enact R.S. 25:212.2, relative to the Madisonville branch library in St. Tammany Parish; to authorize the governing authority of St. Tammany Parish to name the library in honor of a living person; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:212.2 is hereby enacted to read as follows:

§212.2. Naming of the Madisonville branch library by governing authority

The governing authority of St. Tammany Parish may name the Madisonville branch library in honor of Peter L. “Pete” Gitz.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 78

HOUSE BILL NO. 665

BY REPRESENTATIVE CONNICK

AN ACT

To amend and reenact R.S. 14:35.3(B)(5) and 37.7(B)(2) and R.S. 46:2132(4), relative to victims of domestic abuse to amend the definition of “household member” for purposes of domestic abuse battery, domestic abuse aggravated assault, and domestic abuse assistance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:35.3(B)(5) and 37.7(B)(2) are hereby amended and reenacted to read as follows:

THE ADVOCATE
§35.3. Domestic abuse battery

B. For purposes of this Section:

(5) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

§37.7. Domestic abuse aggravated assault

B. For purposes of this Section:

(2) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

§2132. Definitions

As used in this Part:

(4) “Family members” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. “Household members” means any person present or formerly living in the same residence with the defendant or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

ACT No. 80

BY REPRESENTATIVE JIMMY HARRIS

AN ACT

To amend and reenact R.S. 33:9078(D) and (F)(2) and (4), relative to Orleans Parish; to provide relative to the Kenilworth Improvement District; to provide relative to the governing board of the district; to provide relative to the members of the board of directors of the Kenilworth Civic and Improvement Association; to provide relative to the parcel fee imposed on the district; to provide relative to the maximum rate, expiration, and renewal of the fee; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9078(D) and (F)(2) and (4) are hereby amended and reenacted to read as follows:

§9078. Kenilworth Improvement District

D. Governance.

(4) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of nine members appointed as follows:

(a) The board of directors of the Kenilworth Civic and Improvement Association shall appoint five members, one of whom shall be the president of the Kenilworth Civic and Improvement Association.

(b) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided in the bylaws of the board.

(c) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided by the bylaws and may hold special meetings at such times and places within the district as may be prescribed by the bylaws.

(d) The board shall keep minutes of all meetings and shall make them available through the board’s secretary to residents of the district.

(e) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

(f) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

§35.3. Domestic abuse battery

B. For purposes of this Section:

(5) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

§37.7. Domestic abuse aggravated assault

B. For purposes of this Section:

(2) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

§2132. Definitions

As used in this Part:

(4) “Family members” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. “Household members” means any person present or formerly living in the same residence with the defendant or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

ACT No. 80

BY REPRESENTATIVE JIMMY HARRIS

AN ACT

To amend and reenact R.S. 33:9078(D) and (F)(2) and (4), relative to Orleans Parish; to provide relative to the Kenilworth Improvement District; to provide relative to the governing board of the district; to provide relative to the members of the board of directors of the Kenilworth Civic and Improvement Association; to provide relative to the parcel fee imposed on the district; to provide relative to the maximum rate, expiration, and renewal of the fee; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9078(D) and (F)(2) and (4) are hereby amended and reenacted to read as follows:

§9078. Kenilworth Improvement District

D. Governance.

(4) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of nine members appointed as follows:

(a) The board of directors of the Kenilworth Civic and Improvement Association shall appoint five members, one of whom shall be the president of the Kenilworth Civic and Improvement Association.

(b) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided in the bylaws of the board.

(c) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed by the bylaws.

(d) The board shall keep minutes of all meetings and shall make them available through the board’s secretary to residents of the district.

(e) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

(f) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

§35.3. Domestic abuse battery

B. For purposes of this Section:

(5) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

§37.7. Domestic abuse aggravated assault

B. For purposes of this Section:

(2) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

§2132. Definitions

As used in this Part:

(4) “Family members” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. “Household members” means any person present or formerly living in the same residence with the defendant or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

ACT No. 80

BY REPRESENTATIVE JIMMY HARRIS

AN ACT

To amend and reenact R.S. 33:9078(D) and (F)(2) and (4), relative to Orleans Parish; to provide relative to the Kenilworth Improvement District; to provide relative to the governing board of the district; to provide relative to the members of the board of directors of the Kenilworth Civic and Improvement Association; to provide relative to the parcel fee imposed on the district; to provide relative to the maximum rate, expiration, and renewal of the fee; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9078(D) and (F)(2) and (4) are hereby amended and reenacted to read as follows:

§9078. Kenilworth Improvement District

D. Governance.

(4) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of nine members appointed as follows:

(a) The board of directors of the Kenilworth Civic and Improvement Association shall appoint five members, one of whom shall be the president of the Kenilworth Civic and Improvement Association.

(b) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided in the bylaws of the board.

(c) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed by the bylaws.

(d) The board shall keep minutes of all meetings and shall make them available through the board’s secretary to residents of the district.

(e) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

(f) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

§35.3. Domestic abuse battery

B. For purposes of this Section:

(5) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

§37.7. Domestic abuse aggravated assault

B. For purposes of this Section:

(2) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender or a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child present or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.
subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 81

BY REPRESENTATIVE GUINN
AN ACT

To amend and reenact R.S. 47:463.46(Section Heading) and (C)(2) and R.S. 56:10(B)(6)(b) and (10), relative to the Quail Unlimited prestige license plate; to rename the “Quail Unlimited” prestige license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.46(Section Heading) and (C)(2) are hereby amended and reenacted to read as follows:
§463.46. Special prestige license plates; Louisiana Quail Unlimited Forever plate

C. * * *

(2) Five percent of the net proceeds from the twenty-six dollar fee imposed by Subsection B of this Section shall be used to promote the existence of the Louisiana Quail Unlimited Forever prestige license plate and its availability for use on passenger vehicles.

Section 2. R.S. 56:10(B)(6)(b) and (10) are hereby amended and reenacted to read as follows:
§10. Annual report to governor; estimate of proposed expenditures; conditions for drug substitutions established by law.

B. * * *

(6) * * *

(b) * * *

(ii) Five percent of the net proceeds derived from the fifty dollar fee imposed by R.S. 47:463.46(B) for the Louisiana quail unlimited Quail Forever prestige plate shall be used to promote the existence of the Louisiana quail unlimited Quail Forever prestige plate and its availability for use on passenger cars, pickup trucks, recreational vehicles, and vans.

(10) There is hereby created within the Conservation Fund a special account known as the “quail account” which shall consist of those revenues collected from the sale of the quail unlimited Louisiana Quail Forever license plates provided for in R.S. 47:463.46. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the purpose of conserving, restoring, and enhancing quail habitat in Louisiana. * * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 83

BY REPRESENTATIVE FALCONER
AN ACT

To amend and reenact Section 3 of Act No. 164 of the 1984 Regular Session of the Legislature, relative to the city of Mandeville; to provide relative to the municipal police civil service system; to provide relative to the personnel director responsible for the administration of such system; to provide relative to the appointment of such director; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be enacted by the Legislature of Louisiana:
Section 1. Section 3 of Act No. 164 of the 1984 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

* * *

Section 3. Personnel director; classification and compensation plan; rules and rulemaking
A. * * *

(1) To develop, to maintain, and to administer a classification plan to consist of classes designated by standard titles and descriptions designed to provide for all positions in the classified service. The adoption of such classification plan shall be by rule of the board after public hearing.

(2) To develop and to administer a compensation plan for all positions in the classified civil service. Such compensation plan shall be effective only upon approval by the board after public hearing thereon and approval by the municipal governing authority.

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
PAGE 31
(3)(a) To develop such rules and regulations in accordance with this Section as are necessary to carry out the provisions of this Act and to submit such proposed rules and regulations to the board for review and public hearing and adoption, amendment, or rejection. The board is hereby authorized to adopt, to amend, or to repeal and to execute any such rule or part thereof.

(b) For the purposes of this Subsection, the personnel director shall be responsible for the development of rules and regulations with respect to the following:

(i) Policies and procedures for the administration of the classification plan and for the compensation plan.

(ii) Policies and methods for administering competitive tests to determine the merit and fitness of candidates.

(iii) Establishment and maintenance of employment eligibility lists and procedures for certification of individuals from such eligibility lists for the filling of vacancies.

(iv) Procedures for layoff, suspension, demotion, and dismissal of employees which shall provide for public hearing before the board in cases of suspension, demotion, or dismissal of permanent employees.

(v) Hours of work, attendance, and sick and vacation leave regulations.

(vi) Prohibition against political activities of employees and assessment for political purposes.

(vii) Other policies, procedures, and practices as necessary to administer the classified civil service system.

C. In lieu of appointing a personnel director, as provided in this Section, the board may assume all the powers and duties of the personnel director as provided in this Section.

* * *

Section 2. This Act shall take effect and become operative on the first day of January following an election at which a majority of the voters of the city of Mandeville approve an amendment of the city’s home rule charter to provide that the human resources director of the classified civil service system established by the charter shall be the personnel director of the classified civil service system established by Act No. 164 of the 1984 Regular Session of the Legislature.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 84

HOUSE BILL NO. 223

BY REPRESENTATIVE MORENO AND SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 14:95.10(A), (C), and (E), R.S. 15:590(8), R.S. 46:2136.3(A)(introductory paragraph) and (1) and 2151(B), Code of Evidence Article 412(A) and (D), and Code of Criminal Procedure Article 387(A) (introductory paragraph) and to enact R.S. 14:2(E)(b)(7), 34.9, and 34.9.1, relative to domestic abuse; to provide relative to the definition of “dating partner”; to create the crimes of battery of a dating partner and aggravated assault using a firearm by persons convicted of certain offenses of battery of a dating partner; to add offenses of abuse involving dating partners to the types of offenses for which certain information is obtained upon arrest and conviction; to provide relative to the possession of firearms by persons subject to a permanent injunction or protective order for acts of abuse involving dating partners; to provide relative to admissibility of evidence of similar crimes, wrongs, or acts in cases of abuse involving dating partners; to provide relative to the information required when instituting the prosecution for an offense involving abuse against a dating partner; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.10(A), (C), and (E) are hereby amended and reenacted and R.S. 2151(B), 34.9, and 34.9.1 are hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, “crime of violence” means an offense that has, as an element, an attempt, use, or threatened use of the deadly force or force that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as “crimes of violence”:

* * *

(47) Aggravated assault upon a dating partner.

§34.9. Battery of a dating partner

A. Battery of a dating partner is the intentional use of force or violence committed by one dating partner upon the person of another dating partner.

B. For purposes of this Section:

(1) “Battery” means an injury to flesh or skin caused by heat, electricity, friction, radiation, or any other chemical or thermal reaction.
intentional use of force or violence committed by one household member, family member, or dating partner upon another household member, family member, or dating partner shall constitute a prior conviction.

C. The term “convicted” shall exclude any of the following offenses to possess a firearm: a person convicted of domestic abuse battery or battery of a dating partner for purposes of this Section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned or had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not possess firearms.

D. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of domestic abuse battery or battery of a dating partner as defined in Subsection A of this Section shall not apply to any person who has not been convicted of domestic abuse battery or any of the offenses set forth in Subsection A of this Section for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

§2136.2. R.S. 15:590(b) is hereby amended and reenacted to read as follows:

§509. Obtaining and filing fingerprint and identification data

The bureau shall obtain and file the name, fingerprints, description, photographs, and any other pertinent identifying data as the deputy secretary deems necessary, of any person who meets any of the following:

- Has been arrested, or has been issued a summons and subsequently convicted, for a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against any family member or household member as those terms are defined by R.S. 14:35.3 or any household member as defined by R.S. 14:35.3 or that prohibits the use of force or violence against a dating partner as defined by R.S. 14:34.9;

§2136.3. Prohibition on the possession of firearms by a person against whom a protective order is issued

A. Any person against whom the court has issued a permanent injunction or a restraining order, or who is a person against whom a protective order is issued under the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 3567, Code of Criminal Procedure Article 3607.1, or Code of Criminal Procedure Articles 30, 367.1, 367.3, 367.35, 380, or 3871.1 shall be prohibited from possessing a firearm for the duration of the injunction or protective order if both of the following occur:

- The permanent injunction or protective order includes a finding that the person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member, or household member or dating partner.

§2151. Dating violence

B. For purposes of this Section, “dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived with the offender, with whom a romantic or intimate relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;

- The type of relationship;

- The frequency of interaction between the persons involved in the relationship.

Section 4. Code of Evidence Article 412.4(A) and (D) are hereby amended and reenacted to read as follows:

A. Evidence of similar crimes, wrongs, or acts in domestic abuse cases may not be considered in the right of involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived with the offender, with whom a romantic or intimate relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;

- The type of relationship;

- The frequency of interaction between the persons involved in the relationship.

D. For purposes of this Article:

A. “Abusive behavior” means any behavior of the offender involving the use or threatened use of force against the person or property of a family member, or household member or dating partner of the alleged offender.

B. “‘Dating partner’ means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived with the offender, with whom a romantic or intimate relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;

- The type of relationship;

- The frequency of interaction between the persons involved in the relationship.
lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.

(3) “Household member” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children.

(4) “Household member” means any person having reached the age of majority presently or formerly living in the same residence with the offender as a spouse, whether married or not, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Section 5. Code of Criminal Procedure Article 387(A)(introductory paragraph) is hereby amended and reenacted to read as follows:

Art. 387. Additional information required when prosecuting certain offenses

A. When instituting the prosecution of an offense involving a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against any family member or household member as those terms are defined by R.S. 14:35.3 or any household member as defined by R.S. 14:35.3 or that prohibits the use of force or violence against a dating partner as defined by R.S. 14:34.9, the district attorney, or city prosecutor for criminal prosecution, in city court, shall include the following information in the indictment, information, or affidavit:

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler

Secretary of State

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ACT No. 85

HOUSE BILL NO. 329

BY REPRESENTATIVE BAGNERIS

To amend and reenact R.S. 33:9077(D) and (F)(5)(b), relative to Orleans Parish; to provide relative to the Lake Barrington Subdivision Improvement District; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the special taxes and fees levied within the district; to provide relative to the renewal of such taxes and fees; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9077(D) and (F)(5)(b) are hereby amended and reenacted to read as follows:

§9077. Lake Barrington Subdivision Improvement District

D. Governance. (1) In order to provide for the orderly development of the district and effectuation of the services to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the area, the district shall be managed by a seven-member board of commissioners, referred to in this Section as the “board”. Each member of the board shall be a qualified voter and resident of the district and shall be appointed as follows:

(a) Three members shall be appointed by the board of directors of the Lake Barrington Homeowners Association.

(b) One member shall be appointed by the mayor of the city of New Orleans.

(c) One member shall be appointed jointly by any members of the governing board of the Lake Barrington Homeowners Association.

(d) One member shall be appointed jointly by any members of the Louisiana House of Representatives who represent the area which comprises the district.

(e) One member shall be appointed jointly by any members of the Louisiana Senate who represent the area which comprises the district.

(f) Members shall serve four years terms after initial terms as provided in Subparagraph (b) of this Paragraph.

(2) Two members shall serve an initial term of one year; two shall serve an initial term of three years; and one shall serve an initial term of four years, as determined by lot at the first meeting of the board. Such members shall serve until their successors have been appointed and qualified.

(3) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(4) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary.

The duties of the officers shall be fixed by the bylaws adopted by the board.

(5) A majority of the members of the board shall constitute a quorum for the transaction of business.

(6) The members of the board shall serve without compensation.

(7) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler

Secretary of State

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ACT No. 86

HOUSE BILL NO. 452

BY REPRESENTATIVES ABRAMSON, ANDERS, ARMES, BAGNERIS, BILLIOT, CARMODY, STEVE CARTER, FOIL, GISCLAIR, LANCE HARRIS, HORTON, JAY MORRIS, JIM MORRIS, STOKES, TALBOT, THOMAS, AND WHITE AND SENATOR WALSWORTH

To amend and reenact R.S. 17:437.1(B) and to enact R.S. 17:3996(B)(13), relative to training for certain school employees; to make requirement
for in-service training in suicide prevention applicable to nonpublic and charter school personnel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:707(D) is hereby amended and reenacted and R.S. 17:3996(B)(13) is hereby enacted to read as follows:

§437.1. Suicide prevention; in-service training; materials and supplies; limitation on liability

* * *

B. The board shall adopt rules to require that all public and approved nonpublic school teachers, school counselors, and principals and, as determined by the board, other school administrators for whom such training is not required pursuant to public policy in at least two hours of in-service training in suicide prevention and that such training begin no later than the 2008-2009 school year. Such rules shall include provisions permitting such training to be provided by self-review of suitable materials.

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grade levels and limiting the authority of the Department of Revenue to issue a cease and desist order to any person or business that issues a novelty item or an indication that it is not a valid identification document, credential, or a United States passport or foreign government visa. 

Rico, any foreign country or government, a United States government-issued cease and desist order may be served by regular mail with a proof of mailing issued by the United States Postal Service, or hand delivered by a representative of the department. If the cease and desist order is served by mail with proof of mailing, it shall be deemed delivered on the seventh calendar day after the date of mailing. The presumption of delivery in this Subsection shall not apply if the cease and desist order is returned as undeliverable.

E.(1) If the person or business subject to the cease and desist order cannot be served or does not comply with the cease and desist order, the department may file a petition for injunctive relief as provided in the Code of Civil Procedure for injunctions in the district court. There shall be no suspension or stay of an order or judgment of the district court granting the department an evidentiary or permanent injunction.

(2) In the suit for an injunction, the department may demand of the defendant a penalty of not more than five hundred dollars for each day the defendant engaged in any activity prohibited by the cease and desist order issued by the department and court costs. Judgment for penalty and court costs may be rendered in the same judgment in which the injunction is made final.

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 87

HOUSE BILL NO. 487
BY REPRESENTATIVE TERRY LANDRY
AN ACT

To amend and reenact R.S. 32:410.1(A), (B), (C), (D), and (E) and to enact R.S. 14:707(D), relative to fictitious, fraudulent, or facsimile identification documents; to prohibit novelty, unofficial, or fraudulent credentials issued by governmental entities; to clarify unacceptable defenses for violations of this prohibition; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:707(D) is hereby enacted to read as follows:

§70.7. Unlawful production, manufacturing, distribution, or possession of fraudulent documents for identification purposes

* * *

D. It shall not be a defense to prosecution for a violation of this Section that a fraudulent document for identification purposes contains words indicating that it is a novelty item or an indication that it is not a document for identification purposes.

Section 2. R.S. 32:410.1(A), (B), (C), (D), and (E) are hereby amended and reenacted to read as follows:

§410.1. Novelty or unofficial credentials; prohibited

A. It shall be unlawful for any person to manufacture, advertise for sale, sell, or possess any fictitious or facsimile credential that is intended to simulate a valid credential issued by any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any foreign country or government, a United States government-issued credential, or a United States passport or foreign government visa.

B. For purposes of this Section, a valid credential shall include but is not limited to any driver's license, driver permit, temporary driver's license, restricted or hardship driver's license, government-issued identification card, school-issued identification card, vehicle registration certificate, or vehicle license plate.

C. The following language shall appear on every item that can be interpreted as a novelty credential in a size or font equal in size to the largest print appearing anywhere on the novelty item: “This document is a novelty item and cannot be used for any official purposes or as a lawful means of identification for the operation of a motor vehicle on any public highway or street.” It shall not be a defense to a violation of this Section that a fictitious or facsimile credential contains words indicating that it is a novelty item or an indication that it is not a valid identification document, vehicle registration certificate, or vehicle license plate.

D. The Department of Public Safety and Corrections, office of motor vehicles, may issue a cease and desist order to any person or business who manufactures, advertises for sale, sells, or possesses any credential, including any novelty or unofficial credential, which is not in compliance with the provisions of this Section. Any such cease and desist order may be served by regular mail with a proof of mailing issued by the Department of Revenue.
The council shall serve in an advisory capacity to the board and establish an Interagency Heroin and Opioid Coordination Plan.

(2) The plan shall include but not be limited to all of the following:
(a) Parish-level data on opioid overdoses and the dispensing of overdose-reversal medication.
(b) Progress of current initiatives in the state relating to the heroin and opioid epidemic.
(c) Specific impacts to agencies in addressing education, treatment including the use of medication-assisted treatment, prevention, overdose, and recovery.

F. The Interagency Heroin and Opioid Coordination Plan shall be submitted annually to the board, governor, president of the Senate, speaker of the House, and chief justice of the Louisiana Supreme Court at the end of each calendar year.

G. The council shall coordinate parish-level data on opioid overdoses and usage of overdose-reversal medication as current and accurate statewide data is critical in educating both those involved in policy development and the citizens of this state.

H. The council shall also coordinate a central online location to disseminate information and resources, including the Interagency Heroin and Opioid Coordination Plan.

I. The secretary of the Louisiana Department of Health, or his designee, shall serve as chairman of the council. The council may also elect a vice chairman and other officers as they may deem appropriate.

J. A majority of the voting membership of the council shall constitute a quorum for the transaction of business. All official actions of the council shall require the affirmative vote of not less than a majority of the members present.

K. Council members shall not receive compensation or a per diem for their services or attendance at council meetings, except for those travel-related expenses already provided for by their agency.

L. The council shall be domiciled in East Baton Rouge Parish.

M. Each department participating on the council shall assist as needed in providing staff support for the council, including but not limited to the scheduling of meetings, providing public notice of scheduled meetings, and posting information about the council and its meeting minutes online.

N. The council shall meet at least once every quarter, with meetings to be called by the chair.

Approved by the Governor, June 12, 2017.

Tom Schedler
Secretary of State

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ACT No. 90

HOUSE BILL NO. 509
BY REPRESENTATIVE SCHRODER
AN ACT

To amend and reenact R.S. 14:79(A)(1)(a), (b), and (C) and Code of Criminal Procedure Article 320(6), relative to the issuance and violation of protective orders; to provide relative to the issuance of temporary restraining orders; to provide relative to the issuance of protective orders and the prohibition on communication and contact as conditions of release on bail for certain offenses; and to provide for related matters.

Be it enacted by the legislature of Louisiana:

Section 1. R.S. 14:79(A)(1)(a), (b), and (C) are hereby amended and reenacted to read as follows:

§79. Violation of protective orders

(1) The council shall serve in an advisory capacity to the board and establish an Interagency Heroin and Opioid Coordination Plan.

D.(1)  The council shall serve in an advisory capacity to the board and establish an Interagency Heroin and Opioid Coordination Plan.
a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect within the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than three months nor more than two years. At least thirty days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:353.3.

Section 2. Code of Criminal Procedure Article 320(G) is hereby amended and reenacted to read as follows:

Art. 320. Conditions of bail undertaking

G. Domestic offenses, stalking, and sex offenses. (1) In determining conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member, as defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse battery under the provisions of R.S. 14:35.3, or who is alleged to have committed the offense of stalking under the provisions of R.S. 14:40.2, or who is alleged to have committed a sexual assault as defined in R.S. 46:2184, or who is alleged to have committed the offense of first degree rape under the provisions of R.S. 14:42, the court shall consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim. If the court determines that the defendant poses such a threat or danger, it shall require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also consider any statistical evidence prepared by the United States Department of Justice relative to the likelihood of such defendant or any person in general who has raped or molested victims under the age of thirteen years to commit sexual offenses against a victim under the age of thirteen in the future.

(2) If the defendant is alleged to have committed any of the offenses included in Paragraph (1) of this Subsection, the court may require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense or with any of the victim's immediate family members, while the case is pending. This condition does not apply if the victim consents in person or through a communication through the local prosecuting agency.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 91

HOUSE BILL NO. 524
BY REPRESENTATIVE SCHRODER
AN ACT

To repeal Code of Civil Procedure Article 1426.1(E), relative to discovery in civil matters; to provide relative to the authority of a district attorney to move to stay discovery in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1426.1(E) is hereby repealed in its entirety.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 92

HOUSE BILL NO. 540
BY REPRESENTATIVE DEVILLIER
AN ACT

To enact R.S. 33:423.27, relative to the Eunice police department; to provide that the board of aldermen may authorize the police chief to appoint, discipline, and discharge police personnel; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:423.27 is hereby enacted to read as follows:

§423.27. City of Eunice: authority over police personnel by chief of police

Notwithstanding the provisions of R.S. 33:423 or any other provision of law to the contrary, in and for the city of Eunice, the board of aldermen may, by resolution, designate the chief of police as the appointing authority of the police department and hereby authorize him to appoint, discipline, and discharge police personnel subject to the budgetary limitations established by the mayor and board of aldermen pertaining to the number of allotted positions for the police department.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State
employees of the class shall be demoted to lower classes and priority to positions shall be governed by the total promotional seniority earned in the class, from highest to lowest. If two or more persons possess an equal amount of promotional seniority, the names of such persons shall be placed on the reinstatement list in the order of departmental seniority, from highest to lowest.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

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**ACT No. 94**
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**HOUSE BILL NO. 97**
BY REPRESENTATIVE BACALA

To amend and reenact R.S. 40:2405.8(B), relative to homicide investigator training; to provide an exception to homicide investigator training requirements for peace officers investigating vehicular homicide; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405.8(B) is hereby amended and reenacted to read as follows:

§2405.8. Additional peace officer training requirements

B. Homicide Investigator. The council shall create and maintain a current list of those peace officers who have successfully completed the homicide investigator training program for purposes of coordinating homicide investigations occurring in the state. Except for peace officers investigating vehicular cases of vehicular homicide as defined in R.S. 14:321 in and after January 1, 2017, only peace officers who successfully complete the homicide investigator training program or receive a waiver of compliance based on prior training or experience as a homicide investigator shall be assigned to lead investigations in homicide cases.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

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**ACT No. 95**
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**HOUSE BILL NO. 114**
BY REPRESENTATIVE CHAD BROWN

To amend and reenact R.S. 26:351(2)(c) and (4)(a), relative to alcoholic beverages; to provide for container size limitations of certain alcoholic beverages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:351(2)(c) and (4)(a) are hereby amended and reenacted to read as follows:

§351. Limitation on size of containers of beverages of high alcoholic content; standards of fill

Exempt for wines, no manufacturer or wholesaler in this state shall have in his possession any beverages of high alcoholic content outside of his bonded stockroom unless they are in containers of no greater capacity than 1.75 liters. The standards of fill shall be the following:

(2)(a) All wine, sold in or shipped into this state shall be in the following containers: twenty liters, nineteen and five-tenths liters, eighteen liters, seventeen liters, sixteen liters, fifteen liters, fourteen liters, thirteen liters, twelve liters, eleven liters, ten liters, nine liters, eight liters, seven liters, six liters, five liters, four liters, three liters, three liters and five-tenths liters, one liter, seven hundred fifty milliliters, five hundred milliliters, three hundred seventy-five milliliters, three hundred fifty-five milliliters, two hundred fifty liters, and one hundred eighty-seven milliliters.

(4)(a) Wines bottled subject to the standards of fill prescribed in Paragraph (2) of this Subsection shall be packed with the following number of containers per shipping case or shipping container:

<table>
<thead>
<tr>
<th>Container sizes</th>
<th>Containers per case</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 through 20 liters</td>
<td>1</td>
</tr>
<tr>
<td>4 liters</td>
<td>3</td>
</tr>
<tr>
<td>1.5 liters</td>
<td>4</td>
</tr>
<tr>
<td>1 liter</td>
<td>6</td>
</tr>
<tr>
<td>750 milliliters</td>
<td>12</td>
</tr>
<tr>
<td>500 milliliters</td>
<td>12</td>
</tr>
<tr>
<td>375 milliliters</td>
<td>24</td>
</tr>
<tr>
<td>355 milliliters</td>
<td>24</td>
</tr>
<tr>
<td>250 milliliters</td>
<td>24</td>
</tr>
<tr>
<td>187 milliliters</td>
<td>24</td>
</tr>
</tbody>
</table>

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

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**ACT No. 96**
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**HOUSE BILL NO. 129**
BY REPRESENTATIVE STEVE CARTER

To amend and reenact Code of Civil Procedure Articles 3421 and 3422, relative to successions; to provide for the definition of a small succession; to provide related to court costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 3421 and 3422 are hereby amended and reenacted to read as follows:

Art. 3421. Small successions defined

A small succession, within the meaning of this Title, is the succession or the ancillary succession of a person who at any time has died leaving and the decedent’s property in Louisiana having a gross value of seventy-five thousand dollars or less valued as of the date of death or, if the date of death occurred at least twenty-five years prior to the date of filing of a small succession affidavit as authorized in this Title, leaving property in Louisiana of any value.

Art. 3422. Court costs; compensation

In judicial proceedings under this Title, the following schedule of costs, commissions compensation, and fees shall prevail:

(1) Court costs for successions less than seventy-five thousand dollars shall be one-half the court costs in similar proceedings in larger successions, but the minimum costs in any case shall be five dollars; and
(2) The commission compensation of the succession representative shall be not more than five percent of the gross assets of the succession.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

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**ACT No. 97**
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**HOUSE BILL NO. 171**
BY REPRESENTATIVE DAVIS

To amend and reenact Code of Civil Procedure Articles 3421 and 3422, relative to successions; to provide for the definition of a small succession; to provide related to court costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A), 10.7(1)(D)(2)(introductory paragraph) and (c)(i) and (E)(6), 24.4(F)(2)/h) and (3)(a) and (b)(ii) and (iii) and (J)(1)(introductory paragraph) and (a), 100.1(A) (1), (C)(6), and (D), 183.2(B)(2)/a), 194(D), 223(B), 407.23(A)(2), (3), (4), (5), (6), (7), (9), 407.23(B)(2) and (3)c/a), 407.51(A)(5), (7), and (12) and (L)(1) and (1), 216.21(17), 1519.2C)(1), 1681(B), 1902(4), 2925(A)(2)(h), and (3), and (4), 3023(A)(2)(a), (6), (9), 3095(A)(1)(b) and (c) and (D), 3165.2C)(1)(introductory paragraph), 3168(controllable períod), 3335(1)(1), 3351.2C)(1), 3803(B)(1)(c), 3995(A) (3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b), 5023(D)(1) and (2)(a), 5024(A) (3)(a), 5025(7), 5029(B)(1)(b)(2), 5061, 5064, 5067(A)(2), 5068(B) and (C), 5081(F) and (G), 5101(B)(1)(introductory paragraph) and (2) and (C), and 5102(B)(1)(introductory paragraph) and (2) and (C); to provide for technical corrections in various education laws in Title 17 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

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* As it appears in the enrolled bill

THE ADVOCATE

CODING: Words in normal type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
program, local revenues, and federal grants, for each city, parish, or other local public school board by district and by school level, to the extent possible, in an easily understandable format on the state Department of Education website. Such data shall include but not be limited to comparative pupil expenses reported by the school system for personnel, transportation, and other major categories of common expenditures as determined by the state Department of Education. Student membership counts and any weighted student counts generated to student need characteristics as provided in the minimum foundation program formula, calculations of the amounts of minimum foundation program funding allocated to each city, parish, or other local public school board through the minimum foundation program, amounts provided to and removed from calculations for each city, parish, or other local public school board including the source of funding shifts between city, parish, or other local public school board, and expenditures of funds by school system relating to the amounts generated by the weighted student characteristics and factors through the formula applied to city, parish, or other local public school board shall also be reported.

(6)

(b) The board shall appoint a task force to assist in developing forms and questions to be utilized used in the exit interview.

(33)

(b) The board may submit the report required by this Paragraph in electronic format; if is further authorized, but is not required, to may submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.

§10.3. School and district accountability; prohibited testing; exceptions
A. A student with an exceptionality as defined in R.S. 17:1942(B), but who is not deemed gifted and talented, and who is not pursuing a regular diploma shall not be administered any test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, unless the student's parent or other legal guardian, in writing, requests a test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, that the student be administered the test or the student's Individualized Education Plan meeting a written list of accommodations that is part of the student's Individualized Education Plan under the direction of the board. However, any such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test.

(b) The board may submit the report required by this Paragraph in electronic format; if is further authorized, but is not required, to may submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.

§10.7.1. Return of certain schools from the Recovery School District to the transferring school system; time line; conditions; funding
A.(1) Any child who has been adjudicated delinquent or who is not pursuing a regular diploma, and who is not deemed gifted and talented, and who is not pursuing a regular diploma shall not be administered any test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, unless the student's parent or other legal guardian, in writing, that the student be administered the test or the student's Individualized Education Plan meeting a written list of accommodations that is part of the student's Individualized Education Plan under the direction of the board. However, any such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test.

(b) The board may submit the report required by this Paragraph in electronic format; if is further authorized, but is not required, to may submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.

§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment Program; parish or city school board comprehensive pupil progression plans; waivers
F.

(2) For assessments to be administered during the 2015-2016 school year:

(h) The questions included in the end-of-course assessments administered in grades nine through eleven shall be developed using the same methodology utilized used for such assessments for the 2014-2015 school year.

(3)(a) In lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education and approved by the State Board of Elementary and Secondary Education. The alternate assessment shall be the assessment of accommodations that are sensitive to measuring progress in their learning and that recognize their individual needs. Such assessments shall include at a minimum verbalized test questions and shall provide for in this Subsection, and the alternate assessment shall be used for information, accountability, compliance, and planning purposes as provided by the State Board of Elementary and Secondary Education.

(b) Students with persistent academic disabilities shall be allowed to take academic assessments that are sensitive to measuring progress in their learning and that recognize their individual needs. Academic assessments shall be geared specifically toward accommodating students to enable them to perform on standards-based assessments prescribed in Subparagraphs (3)(c) and (d) of this Subsection. Such accommodations shall include at a minimum verbalized test questions and shall provide for writing assistance of a scribe and any other accommodations deemed appropriate by the student’s Individualized Education Plan under the direction of the board.

(3)(b) The board may submit the report required by this Paragraph in electronic format; if is further authorized, but is not required, to may submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.

§100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula
A.(1) Any child who has been adjudicated delinquent of or as a member of a family in need of services by a court or who is in the custody of the office of juvenile justice shall not be administered any test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, unless the student's parent or other legal guardian, in writing, requests that the student be administered the test or the student's Individualized Education Plan meeting a written list of accommodations that is part of the student's Individualized Education Plan under the direction of the board. However, any such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test.

(b) The board may submit the report required by this Paragraph in electronic format; if is further authorized, but is not required, to may submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.
School principals may suspend from school any such programs.

§183.2. Career option description

B. (2) If an Individualized Education Program team determines that state-established benchmarks on the required state assessments are no longer a condition for promotion or graduation for a student, the team shall:

(1) Within thirty days of the student entering the course or grade level, establish minimum performance requirements in the student’s Individualized Education Plan Program relevant to promotion or graduation requirements, including but not limited to end-of-course assessments, and that shall be incorporated for awarding course credits. The state board shall make available a list of multiple state assessments and guidance for use in establishing minimum score requirements on the assessments that an Individualized Education Program team may, but shall not be required to, use for this purpose. The Individualized Education Program team shall consider establishing minimum performance requirements for annual academic and functional goals designed to meet the student’s needs that result from the student’s disability and that will enable the student to be involved in and make progress in the general education curriculum, and to meet other educational needs of the student that result from the student’s disability, including the student’s postsecondary goals related to training, education, employment, and, where appropriate, independent living skills.

§194. Administration of nutrition program; general powers of governing authorities of nutrition program providers; funds for privately supplied programs for profit prohibited; exceptions

D. The state Department of Education and any governing authority of a nutrition program provider may use the simplified acquisition procedures for contracts established by the Federal Acquisition Regulation (10 CFR 200.319(b)) for all purchases up to the Small Purchase Threshold set by 41 U.S.C. 403(11), 134 in order to support procurement of local agricultural products and the USDA Farm to School initiatives. No such authority in this statute shall be in, and such authority shall not conflict with the United States Department of Agriculture child nutrition program requirements, including 2 CFR 200.319(b).

§223. Discipline of pupils; suspension from school, corporal punishment

B. In addition, school principals may suspend from school any pupil for good cause, as stated in R.S. 17:416. Principals shall notify the visiting teacher or supervisor of child welfare and attendance of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher or supervisor of child welfare and attendance shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

§407.22. Legislative findings and intent

A. The legislature finds and declares that:

(2) Publicly funded early childhood programs should prioritize kindergarten readiness and public monies should fund programs that excel at achieving high levels of kindergarten readiness, or progression towards kindergarten readiness, as applicable for the ages of children served.

(3) Parents who choose to send their children to publically funded early childhood programs should have clear and actionable information on the quality of the programs available.

(4) Providers of publically funded early childhood programs should be held accountable for the public monies they receive, but given the autonomy to implement an educational program that promotes and achieves kindergarten readiness. All providers should report on their ability to achieve target scores.

(5) State entities involved in the oversight or provision of early childhood programs should collaborate, set standards of educational achievement for young children that align with standards established for children enrolled in grades kindergarten through twelve, and hold providers of publically funded early childhood programs accountable without imposing undue regulation on said such programs.

(6) There are high quality early childhood programs in this state that can serve as a model for increasing standards of achievement and financial efficiency in promoting the highest quality early childhood programs for all children.

(7) Publicly funded early childhood programs receive a significant amount of public monies that can and should be maximized in pursuit of high quality early childhood programs that achieve high levels of kindergarten readiness or progression towards kindergarten readiness, as applicable for the ages of children served.

(9) A fragmented system of standards, funding, and oversight of the state’s publically funded early childhood programs serves as a barrier to providing every child with the high quality services and program which he deserves and to providing parents with the information needed to make an informed choice when selecting the programs that best fit the needs of their children.

§407.23. Early Childhood Care and Education Network; creation; components; duties and responsibilities

B. To facilitate the creation of this network, the state board shall:

(2) Establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year-old children to be used in public funded public funded early childhood programs.

(3)(a) Create a uniform assessment and accountability system for public funded early childhood education programs that includes a letter grade indicative of student performance.

§407.51. Advisory Council

A. The board shall establish an Advisory Council on Early Childhood Care and Education that shall consist of the following members:

(5) Two representatives of local education agencies operating publically funded early childhood programs other than Head Start, selected by the state board.

(7) Two representatives of approved nonpublic schools with publically funded early childhood care and education programs, selected by the state board.

(12) One parent of a child currently enrolled in a publically funded publically funded early learning center or prekindergarten program, selected by the state board.

L. The department shall provide the council with reports not less than annually of the following activities, provided that data is available, pursuant to which the chair or members agreed upon by the chair and the state superintendent of education:

(1) A description of each publically funded early care and education program, including the eligibility criteria, the program requirements, average number of hours and days of the program, and the amount of total funding and source of funding for each program. The description shall also include a specific description of the fee structure for the Child Care Assistance Program.

(2) The number of children served in each publically funded publically funded early childhood care and education program in Louisiana, broken down by the age of the child and amount of public funding per child per program.

§416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student’s Individualized Education Plan Program team shall review and revise the student’s behavior intervention plan to include an appropriate and necessary behavioral support. Thereafter, if the student’s challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student’s plans at least once every three weeks.

§436.3. Students with diabetes; management and treatment plans; provision of care; unlicensed diabetes care assistants; student self-monitoring and treatment

C. (1) For purposes of this Section, “unlicensed diabetes care assistant” means a school employee who volunteers to be trained in accordance with this Section. “Unlicensed diabetes care assistant” also means an employee of an entity that contracts with the school or school system to provide school nurses who are responsible for providing health care services required by law or state Department of Education regulation.

(6) The State Board of Elementary and Secondary Education and the Louisiana State Board of Nursing jointly shall promulgate rules and regulations specifying methods and a curriculum for the training of unlicensed diabetes care assistants in accordance with the Administrative Procedure Act. The rules and regulations shall provide the guidelines as required by this Section and the latest National Diabetes Education Program, “Helping the Student with Diabetes Succeed: A Guide for School Personnel”. In developing such rules and regulations, the boards shall include the following in the rule-making process:

§440. School employees; prohibition on use of social security numbers as personal identifiers

C. No teacher or school employee in the course of his employment shall be required to include or provide his social security number on any form or other written document unless:
(2) The form or written document is required for employment, retirement, application for leave, or an individualized education plan Individualized Education Program.

§444. Promotions to and employment into positions of higher salary and tenure

B.

(4)

(c)(1) The board and the employee may enter into subsequent contracts of employment. Not less than one hundred and twenty days prior to the termination of such a contract, the superintendent shall notify the employee of termination of employment under such contract, or in lieu thereof the board and the employee may negotiate and enter into a contract for subsequent employment.

§1519.2. State hospitals operated by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College as part of the Louisiana State University Health Sciences Center

C.(1) Notwithstanding any provision of law to the contrary, in the event the board determines it is in the best interest of the state, the legislature has authorized the closure of a hospital, and the building is no longer being used for the provision of health care services, or the board receives an inquiry from a financially viable party regarding the purchase of a hospital listed in Subsection B of this Section, hereafter hereinafter in this Section referred to as the property, the board shall notify the commissioner of administration within five business days that it is considering the option of selling the property or is in receipt of such an inquiry. The board shall participate in and cooperate with the commissioner of administration in reviewing the benefits and consequences of selling the property.

§1681. Children of police officers and deputy sheriffs; definitions

B. College or university means any institution of postsecondary education situated in this state, operated by an agency, board, or other body created by the constitution or laws of this state, operated in whole or in part with funds appropriated for that purpose by the legislature, and authorized to confer degrees in the arts and sciences.

§1982. Definitions

As used in this Part, the following words, terms, and phrases shall have the meanings ascribed to them in this Section as follows:

(4) "Individualized education program, Education Program" means a written statement developed for a student eligible for special education services pursuant to Section 602(a)(29) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1411 et seq.

§2925. Individual graduation plans

A.

(2) By the end of the eighth grade, each student’s Individual Graduation Plan or the student’s Individualized Education Plan, if applicable, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school.

Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Elementary and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. The plan shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required core courses are completed.

(3) By the end of the tenth grade, each student’s Individual Graduation Plan or the student’s Individualized Education Plan, if applicable, shall outline high school graduation requirements relevant to the student’s chosen postsecondary goals. Each student, with the assistance of his parent or other legal custodian and school counselor, shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals.

Each student’s Individual Graduation Plan, or the student’s Individualized Education Plan, if applicable, shall include the recommended sequence of courses for successful completion of a standard diploma and shall be reviewed annually and updated or revised as needed.

(4) The Individual Graduation Plan shall be sufficiently flexible to allow the student to change his program of study, yet be sufficiently structured to ensure that the student will meet the high school graduation requirements for his chosen major or the requirements of the student’s Individualized Education Plan, if applicable, and be qualified for admission to a postsecondary education institution or to enter the workforce.

§3023. Powers and duties

A. The board may:

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
year, on the status of statewide articulation and transfer of credit across all educational institutions in Louisiana as provided in this Chapter. Such report shall, at a minimum, include the following:

§3351. General powers, duties, and functions of postsecondary education management boards

II. (4) The provisions of this Subsection shall be implemented as expeditiously as and to the maximum extent possible utilizing any and all available funding sources, including funding provided by the legislature.

§3351.20. Mandatory fees

C. Each management board shall establish a need-based financial assistance fund at each of its member institutions. Each institution shall allocate to its fund funds from its operating budget in an amount not less than five percent of revenues realized by the institution from fees assessed pursuant to this Section. Such funds shall be utilized to provide need-based financial assistance to students at that institution who are eligible to receive a Pell Grant.

§3803. Investment authority; treasurer

B. Grant of authority. (1) The state treasurer is hereby authorized and directed to invest offshore revenues which are deposited into any fund created pursuant to the constitution or statutes of the state which are determined by the state treasurer to be available for investment in the following permitted investments:

(0)(i) Investment grade commercial paper issued in the United States, traded in the United States markets, denominated in United States dollars, with a short-term rating of at least A-1 by Standard & Poor's Financial Services LLC or Moody's Investor Service, Inc. or the equivalent rating by a Nationally Recognized Statistical Rating Organization (NRSRO) nationally recognized statistical rating organization.

(ii) Investment grade corporate notes and bonds issued in the United States, traded in United States markets, denominated in United States dollars, rated Baa or better by Moody's Investor Service, Inc. or BBB or better by Standard & Poor's Financial Services LLC, and the trades of which are settled through The Depository Trust & Clearing Corporation (DTCC), a national clearinghouse in the United States for the settlement of securities trades.

§3995. Charter school funding

A. (3) Notwithstanding Paragraph (1) of this Subsection and unless otherwise provided for in the approved minimum foundation program formula:

(b) The local school board shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, and as revised in subsequent years as appropriate, based upon student characteristics or needs to distribute the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, 2B, 3, 3B, 4, and 5 charter schools that are located within the geographic boundaries of the local school system.

§5002. Awards and amounts

D. (1) Except as otherwise provided in this Subsection, a student who is eligible for a TOPS-Tech Award pursuant to this Chapter and who is enrolled:

(a) In an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level, shall be awarded by the state an amount determined by the administering agency to equal the tuition charged by the college or university during the 2016-2017 academic year.

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph, such nonpublic high school located in this state in the 2000-2001 academic school year or

$5021. Louisiana high school graduation

A. (2) (2)

D. (1) Any student who is the dependent child of a member of the United States Armed Forces who is not a resident of this state, is living in this state at the time of change of station orders but does not claim Louisiana as his state of legal residence, and who graduates from a public or approved nonpublic high school in this state in the 2000-2001 academic school year or thereafter shall meet the requirements of this Section if he actually resided in Louisiana during his entire tenth grade year of high school and was enrolled for at least the twelve months prior to September 20, 2005.

§5023. Residency requirements

D. (1) Any student who is the dependent child of a member of the United States Armed Forces who is not a resident of this state, is living in this state at the time of change of station orders but does not claim Louisiana as his state of legal residence, and who graduates from a public or approved nonpublic high school in this state in the 2000-2001 academic school year or thereafter shall meet the requirements of this Section if he actually resided in Louisiana during his entire tenth grade year of high school and was enrolled for at least the twelve months prior to September 20, 2005.

§5024. Academic requirements

A.
§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who has graduated from or attended during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(7) For the purposes of this Section, any core curriculum course that is taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student’s Individualized Education Plan Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.

§5029. Alternative initial eligibility requirements

B. A student who completes a home study program shall be eligible to receive an award pursuant to this Chapter if each of the following conditions is met:

(1) The student shall have begun his studies in the approved home study program no later than the conclusion of the tenth grade year.

§5061. Administering agency

The provisions of this Chapter shall be administered by the Louisiana Student Financial Assistance Commission Board of Regents. The administering agency may provide by rule adopted as provided by the Administrative Procedure Act for all matters necessary to the implementation of this Chapter.

§5064. School boards

Each city and parish, city, parish, or other local public school board for the high school under its jurisdiction or the principals of such public schools and the principal or headmaster of each nonpublic high school approved by the State Board of Education shall, using the criteria in Subpart B of Part I of this Chapter as the minimum qualifications for selection, identify and certify to the administering agency those achieving the required academic standards to qualify for an award pursuant to this Chapter.

§5067. Program information reporting system; implementation; requirements; applicability; participation by eligible institutions and others

A. * * *

(2) In formulating and developing the information reporting system, the Board of Regents shall consult with and seek written recommendations from the Louisiana Student Financial Assistance Commission, each college or university, each board or agency that accredits the institution of higher education, each institution of higher education, the Louisiana Association of Independent Colleges and Universities, legislators, and knowledgeable others as determined appropriate by the Board of Regents.

§5068. Miscellaneous

B. Notwithstanding any other provision of this Chapter to the contrary, any public or private entity, including any nonprofit organization, may make a directed donation to any eligible postsecondary institution for a student who is a recipient of a Louisiana Taylor Opportunity Program for Students eligibility award.

Annually, the Louisiana Student Financial Assistance Commission, in accordance with the Administrative Procedure Act, shall determine the extent to which the receiving the award influenced the decision of the student to attend a Louisiana college or university.

§5081. TOPS-Tech Early Start Award; purpose; eligibility; limitations; administration; implementation; reports

F(1) The provisions of this Section shall be administered by the Louisiana Student Financial Assistance Commission, herein referred to as the “administering agency.” Except as otherwise provided by this Section, the authority granted to and limitations placed on the administering agency by Part I of this Chapter relating to other awards pursuant to the Taylor Opportunity Program for Students shall be deemed to also apply to the administration of the TOPS-Tech Early Start Award.

(2) The administering agency shall adopt, in accordance with the Administrative Procedure Act, rules to implement and administer the provisions of this Section. Such rules shall include but not be limited to necessary guidelines, policies, procedures, forms, and time lines.

G. Prior to the convening of each regular legislative session, the Louisiana Student Financial Assistance Commission administering agency shall submit to the Board of Elementary and Secondary Education a written review and analysis of TOPS-Tech Early Start awards relative to award use by students and the benefits therefrom as well as the impact on subsequent use by students of TOPS-Tech awards.

§5010. Initial eligibility for program awards; students displaced by certain natural disasters; waivers and exceptions; limitations

B. (1) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable to a student displaced during the 2005-2006 school year, the Louisiana Student Financial Assistance Commission administering agency, in accordance with the Administrative Procedure Act, shall provide by rule as follows:

(2)(a) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable to a student displaced during the 2005-2006 school year to a displaced student, the Louisiana Student Financial Assistance Commission administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission administering agency that a failure to comply with the requirement or condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

(b) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable to a student displaced during the 2005-2006 school year to a non-displaced student, the Louisiana Student Financial Assistance Commission administering agency, in consultation with the commissioner of higher education and the Louisiana Senate Student Financial Assistance Commission, herein referred to as the “administering agency,” shall by rule waive any provision of Part I of this Chapter that imposes on such displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission administering agency that a failure to comply with the requirement or condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

C. The Louisiana Student Financial Assistance Commission administering agency shall take all administrative action necessary to expedite full implementation of the provisions of this Section. The commission administering agency shall also disseminate information to displaced students and others regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

§5102. Continuing eligibility for program awards; students displaced by certain natural disasters; waivers and exceptions; limitations

B. (1) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the Louisiana Student Financial Assistance Commission administering agency, in accordance with the Administrative Procedure Act, shall provide by rule as follows:

(2)(a) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the Louisiana Student Financial Assistance Commission administering agency, in consultation with the commissioner of higher education and the Senate Committee on Education, shall by rule waive any provision of Part I of this Chapter that imposes on such displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission administering agency that a failure to comply with the requirement or condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.
failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

(ii) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award, and for any student displaced during the 2005-2006 academic year to a federal correctional institution or a correctional institution of another state and that service of the concurrent terms of imprisonment in a federal correctional institution or a correctional institution of another state, when serving a concurrent sentence in a federal correctional institution or department to which the defendant is sentenced, the Department of Public Safety and Corrections, sentenced for a term of one year or more to any penal institution, or ordered committed to any mental institution or mental hospital, the sheriff shall retain a copy of the statement and submit the original to the officer in charge of the institution in department to which the defendant is sentenced.

B.(1) When a sheriff’s statement is required pursuant to Paragraph A of this Article, the clerk of court shall also prepare the following documents:

(a) A copy of the indictment under which the defendant was convicted.

(b) A copy of the Uniform Sentencing Commitment Order in the format authorized by the Louisiana Supreme Court which shall include the name and address of the judge, the district attorney, and the defense attorney who participated in the sentencing trial. If the department needs information relating to the sentence not provided in the Uniform Sentencing Commitment Order, it may request that information from the court.

Section 2. The provisions of this Act shall become effective on December 1, 2017.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schleder
Secretary of State

ACT No. 98

HOUSE BILL NO. 204

BY REPRESENTATIVE BILLIOT

An Act

To amend and reenact Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1), relative to criminal sentences; to provide for documentation regarding criminal cases; to remove the requirement that the court provide a copy of the court minutes to the Department of Public Safety and Corrections in certain cases; to require the court to provide the department with a certified copy of the Uniform Sentencing Commitment Order; to authorize the department to request additional information from the court when necessary; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1) are hereby amended and reenacted to read as follows:

A. 883.1. Uniform Sentencing Commitment Order in the format authorized by the Louisiana Supreme Court be forwarded to the Louisiana Department of Public Safety and Corrections in the format authorized by the Louisiana Supreme Court.

B. Notwithstanding any other provision of this Section to the contrary, thirty percent of the funds collected by the city court of Morgan City pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special fund created for this purpose. The fund shall be referred to as the Morgan City Indigent Defender Fund.

$2005.1. New Iberia

B. Notwithstanding any other provision of this Section to the contrary, thirty percent of the funds collected by the city court of New Iberia pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special fund created for this purpose. The fund shall be referred to as the New Iberia Indigent Defender Fund.

$2013. Jeanerette

B. Notwithstanding any other provision of this Section to the contrary, thirty percent of the funds collected by the city court of Breaux Bridge pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special fund created for this purpose. The fund shall be referred to as the Breaux Bridge Indigent Defender Fund.

$2488.77. Collection of fines, forfeitures, penalties, and costs

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schleder
Secretary of State

ACT No. 100

HOUSE BILL NO. 225

BY REPRESENTATIVE PEARSON

An Act

To amend and reenact R.S. 40:964 and to enact R.S. 40:964(Schedule I) (A)(57) through (60), (D)(5), (Schedule II)(B)(29), (F)(2), and (Schedule V)(D) (4) and (F)(1), relative to the Uniform Controlled Dangerous Substances
Law; to amend the definition of marijuana; to add certain substances to Schedules I, II, and V; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:963(25) is hereby amended and reenacted and R.S. 40:964(Schedule I)(A)(57) through (60), (D)(5), (Schedule II)(B)(29), (F)(2), and (Schedule V)(D)(4) and (F)(1) are hereby enacted to read as follows:

§961. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(25) “Marijuana” means all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the United States Food and Drug Administration.

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, others, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, ethers, others, salts, or salts of isomers is possible within the specific chemical designation:

* * *

(57) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamido)

* * *

(58) Furanylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide)

* * *

(59) Acrylfentanyl (N-[1-(2-phenylethyl)piperidin-4-yl]phenylacrylamine)

* * *

(60) 3,4-Dichloro-N-[1-(dimethylamino)cyclohexyl]methyl-benzamide (AH-7921)

* * *

B. Depressants. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, others, salts, or salts of isomers, esters, and ethers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(5) Etizolam

* * *

SCHEDULE II

* * *

B. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, others, salts, or salts of isomers, esters, and ethers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(29) Thiadifenail

* * *

F. Hallucinogenic substances:

* * *

(2) Dronabinol [delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

* * *

SCHEDULE V

* * *

B. Depressants. Unless specifically excepted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(4) Brivaracetam (2,2-oxo-4-propylpyrrolidin-1-yl)butanamide, also referred to as BRV; UCB-34714; Briviact.

* * *

F. Hallucinogens

(1) 2,5-Methylenedioxy-4-methyl-1-piperidinecarboxylic acid (MDMA)

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 102

HOUSE BILL NO. 328

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact R.S. 9:5176(D), relative to the extinction of rights; to provide for acknowledgment of the extinction of rights; to provide with regard to attorney fees and costs in actions related to the extinction of rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5176(D) is hereby amended and reenacted to read as follows:

§5176. Extinction of certain rights; acknowledgment by owner or holder

D. The prevailing party in an action pursuant to this Section may be awarded reasonable attorney fees in addition to the costs of the action from the person who demanded or refused delivery of the written acknowledgment. In an action pursuant to this Section, the court may order the losing party or parties to pay the costs of the action and reasonable attorney fees incurred by the prevailing party or parties.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State
To amend and reenact R.S. 15:151(A), relative to the Louisiana Public Defender Board; to provide relative to the quorum of the board; to change the quorum of voting members necessary for transacting business; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:151(A) is hereby amended and reenacted to read as follows:

§151. Quorum; compensation; officers; records
A. Eight A majority of the voting members shall constitute a quorum for transacting business. A vote of a majority of the membership of the board shall be required to take action on any issue.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 104

HOUSE BILL NO. 485
BY REPRESENTATIVE JEFFERSON

To amend and reenact Code of Criminal Procedure Article 404(A), (C), (D), (E), and (F) and to enac Code of Criminal Procedure Article 404(G) and (H). Effective date of the Forty-First Judicial District Court, January 1, 2009, the function of the jury commission shall be performed by the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of the parish of East Feliciana Parish and West Feliciana Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

F. In the parishes of East Feliciana and West Feliciana, the function of the jury commission shall be performed by the clerks of court of East Feliciana Parish and West Feliciana Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of the parish of East Feliciana Parish and West Feliciana Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 105

SENATE BILL NO. 9
BY SENATOR ALLAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

To amend and reenact Civil Code Arts. 655 and 656, relative to servitudes; to provide relative to natural servitudes; to provide relative to natural servitudes; to provide relative to natural servitudes; to provide relative to natural servitudes; to provide relative to servitudes; to provide certain terms and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 655 and 656 are hereby amended and reenacted to read as follows:

Art. 655. Natural Drainage
An estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from the dominant estate situated above unless an act of man has created the flow.

Art. 656. Obligations of the owners
The servient estate situated below may not do anything to prevent the flow of the water. The owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State
To amend and reenact R.S. 40:1131(5), relative to emergency medical services; to provide for a definition of auto-injector; to provide for an effective date; and to provide for related matters.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 107

SENATE BILL NO. 23

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:2852(D) and to repeal R.S. 40:2852(E), relative to facilities providing housing or temporary residence for individuals arrested for commission of a crime; to remove accreditation requirement; and to provide for related matters.

Section 1. R.S. 40:2852(D) is hereby amended and reenacted to read as follows:

§2852. Facilities providing housing or temporary residence to individuals referred by judicial agencies

D. All facilities shall be accredited by the American Correctional Association for a period of twenty-four months from the date of opening as a judicial agency referred residential facility and shall maintain accreditation by the American Correctional Association at all times thereafter.

*   *   *

Section 2. R.S. 40:2852(E) is hereby repealed.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 109

SENATE BILL NO. 77

BY SENATOR LAMBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 56:322.2(D), relative to shad gill nets; for the commercial harvest of shad and skipjack by properly licensed shad gill net commercial fishermen. Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.

Section 1. R.S. 56:322.2(D) is hereby amended and reenacted to read as follows:

§322.2. Shad gill nets; commercial harvest of shad and skipjack herring

D.(1) The closed season for commercially harvesting shad and skipjack as provided for in this Section shall include the months of July, August, September, and October of each year. Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.

(2) During the open season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed shad gill net commercial fishermen. Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.

(3) During the closed season and any Saturday or Sunday during open season, shad shall be taken with a shad gill net for bait purposes only and with the following limitations:

(a) The shad gill net shall not exceed one hundred fifty feet in length.
(b) No more than fifty pounds of shad shall be taken per day.
(c) The gill net shall be attended at all times.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 110

SENATE BILL NO. 94

BY SENATORS GARY SMITH, ALARIO, APPEL, BISHOP, BOUDREAUX, CARTER, CHABERT, CHAFTOFF, COLOMB, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE, AND REPRESENTATIVES BACALA, BARRAS, BERTHELLOT, BIILOT, BROADWATER, CHAD BROWN, TERRY BROWN, COUSSAN, COX, DWIGHT, EDMONDS, GAINES, GAROFALO, LANCE HARRIS, JOHNSON, NANCY LANDRY, LYONS, MIGUEZ, GREGORY MILLER, REYNOLDS, SCHEXNAYDER, STOKES AND THIBAUT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT
To provide relative to state highways; to designate the parallel bridges crossing the Reserve Relief Canal on Interstate 10 in St. John the Baptist Parish as the “Spencer Chauvin Memorial Bridge”; to designate a portion of United States Highway 190 in West Baton Rouge Parish as the “Trooper Francis C. Zinna Memorial Highway”; to designate that portion of United States Highway 190 within the corporate limits of the town of Livonia as the “Lawrence Russo Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The parallel bridges crossing the Reserve Relief Canal on Interstate 10 in St. John the Baptist Parish are hereby designated as the “Spencer Chauvin Memorial Bridge”.

Section 2. Notwithstanding any other law to the contrary, that portion of United States Highway 190 across the Mississippi River Bridge to its intersection with Louisiana Highway 415 is hereby designated as the “Trooper Francis C. Zinna Memorial Highway”.

Section 3. Notwithstanding any other law to the contrary, that portion of United States Highway 190 within the corporate limits of the town of Livonia in Pointe Coupee Parish is hereby designated as the “Lawrence Russo Memorial Highway”.

Section 4. The Department of Transportation and Development is hereby directed to construct and maintain appropriate signs of these designations provided local or private monies are received by the department equal to the department’s actual costs for the material, fabrication cost, mounting posts, and installation required for installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 112
SENATE BILL NO. 230
BY SENATOR WARD
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To authorize and provide for the lease to Williams, Inc. of any right, title, and interest the state may claim in and to the surface of certain immovable property located in Iberville Parish; to provide for a description of the surface of the land to be leased; to provide for the reservation of mineral and timber rights; to provide for the discretion of the administrator of the state land office to negotiate such other terms and conditions as he shall, in his sole and exclusive discretion, deem necessary; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The administrator of the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to lease any right, title, and interest the state may have to all or any portion of the following described parcel of property, excluding mineral and timber rights, to Williams, Inc.:

A certain tract of land located in Iberville Parish, Louisiana, more particularly described as follows:
Commencing at the southwest corner of Lot No. 5, Section 30, T11S-R12E, proceed north along the west section line of Section 30 for a distance of 634 feet to the northwest corner of Lot No. 5, Section 30, T11S-R12E, said point being the Point of Beginning; thence proceed due north for a distance of 300 feet to a point on the south bank of the existing pipeline canal; thence proceed N 41° 00’ E for a distance of 200 feet to a point on the north bank of the existing pipeline canal; thence proceed S 62° 00’ E for a distance of 5,000’ to a point on the north bank of the existing pipeline canal; thence proceed S 64° 00’ E for a distance of 5,500’ to a point on the north bank of the existing pipeline canal; thence proceed S 51° 00’ E for a distance of 2,800 feet to the intersection with the northerly meander line of Section 10, T12S-R12E; thence proceed westerly along the northern meander line of Section 10 for a distance of 5,800 feet to the intersection with the east line of Lot No. 1, Section 9, T12S-R12E; thence proceed northerly along the eastern meander line of Lot No. 1, Section 9, T12S-R12E for a distance of 2,250 feet to the intersection with the south line of Lot No. 6, Section 4, T12S-R12E; thence proceed northerly along the eastern meander line of Lot Nos. 6 and 1, Section 4, T12S-R12E for a distance of 6,350 feet to the intersection with the west line of Lot No. 5, Section 30, T11S-R12E; thence proceed westerly along the northern meander line of Lot No. 5, Section 30, T11S-R12E for a distance of 1,025 feet to the Point of Beginning, said described tract of land containing 650 acres, more or less.

Section 2. The administrator of the office of state lands is hereby authorized to enter into any such agreement, covenant, term, condition, and stipulation as he shall, in his sole and exclusive discretion, deem necessary and appropriate, and in the best interests of the state; and to execute such documents as may be necessary to properly effectuate the lease of the surface of the property described in Section 1, excluding mineral and timber rights, to Williams, Inc. in exchange of proportionate consideration equivalent to the fair market value of a surface lease for the property during the full term of the lease.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 112
SENATE BILL NO. 230
BY SENATOR LAFLEUR
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 36:851(A), and to repeal Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.41 through 380.46, Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.61 through 380.66, Chapter 5-J of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.71 and 380.74 through 380.76, Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.101 through 380.106, Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.121 through 380.126, and rats. 36:744(P), (T), (U), (X), (Z), and 801.11, relative to museums; to amend Article VI of Chapter 5 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.41 through 380.46, R.S. 25:380.61 through 380.66, R.S. 25:380.71 and 380.74 through 380.76, R.S. 36:744(P), (T), (U), (X), (Z), and 801.11, relative to museums; to remove certain museums from the jurisdiction of the Department of State and to delete all statutory provisions relative to such museums and their governing boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:851(A) is hereby amended and reenacted to read as follows:
§851. Transfer; merger and consolidation of functions
A. The powers, duties, functions, responsibilities, programs, and operations as vested by the constitution and laws of this state, of each of the agencies transferred by the provisions of R.S. 36:209(B), 259(C), 409(O), and 610(D), and 744(U) and 744(X) upon and after the date of each such transfer shall be exercised by and be under the administration and control of the secretary of the department to which each is transferred, except for those functions of each which are required to be performed and administered by the undersecretary of each department, as heretofore provided for each by this Title.

* * *

Section 2. Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.41 through 380.46, and R.S. 36:744(P) and 801.11 are hereby repealed.

Section 3. Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13 are hereby repealed.

Section 4. Chapter 5-J of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.71 and 380.74 through 380.76, and R.S. 36:744(U) are hereby repealed.

Section 5. Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17 are hereby repealed.

Section 6. Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.121 through 380.126, and R.S. 36:744(Z) and 801.19 are hereby repealed.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State