(3) In general, the judicial expense fund is established and may be used for any purposes connected with, incidental to or related to the proper administration or function of the said court or the office of the judge thereof, and is in addition to any and all other funds, salaries, expenses, or other monies that are new or hereafter provided, authorized, or established by law for any of the aforesaid purposes.

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

ACT No. 115

HOUSE BILL NO. 17
BY REPRESENTATIVE TERRY BROWN

To enact R.S. 51:703(K), relative to the disclosure of certain account information; to provide for the release of certain account information of a decedent by a dealer; to provide for certain documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 51:703(K) is hereby enacted to read as follows:
$703. Registration of dealers, salesmen, and investment advisers and investment adviser representatives; surety bonds; records; disclosures

K. A dealer or any affiliate may release account information of a decedent to any representative or attorney for the estate of the decedent when the dealer or affiliate receives written notice of the customer's death and satisfactory evidence of that person's authority to represent the estate of the decedent. Satisfactory evidence may include an affidavit executed by the person attesting to such relationship with the estate.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 116

HOUSE BILL NO. 18
BY REPRESENTATIVES JENKINS AND GLOVER

To provide relative to state highways; to designate the portion of Louisiana Highway 1 from East Dalzell Street to Crofton Street in the city of Shreveport, Louisiana, as the “Deacon Cleophus Banks, Jr. Memorial Highway”; to designate a portion of Louisiana Highway 31 in the city of Breaux Bridge, Louisiana, as “Dr. Martin Luther King, Jr. Memorial Drive”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The portion of Louisiana Highway 1 from East Dalzell Street to Crofton Street in the city of Shreveport, Louisiana, shall be hereinafter known and designated as the “Deacon Cleophus Banks, Jr. Memorial Highway”.

Section 2. The portion of Louisiana Highway 31 between its intersection with Bridge Street and its intersection with Louisiana Highway 94 in the city of Breaux Bridge, Louisiana, shall be hereinafter known and designated as the “Dr. Martin Luther King, Jr. Memorial Drive”.

Section 3. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting 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. 117

HOUSE BILL NO. 19
BY REPRESENTATIVE MAGEE

To amend and reenact R.S. 33:1243(A)(1), relative to penalties for violations of parish ordinances; to authorize the imposition of community service as a penalty for violating a parish ordinance; to provide for the maximum penalties for violations of a parish ordinance; to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:1243(A)(1) is hereby amended to read as follows:
§1243. Penalties for violations of parish ordinances
(3) The maximum fine for the violation of any ordinance of the Parish of Jefferson shall be $1,000.00.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 118

HOUSE BILL NO. 20
BY REPRESENTATIVE MAGEE

To provide relative to state highways; to designate a portion of Louisiana Highway 1 in Jefferson Parish; to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:1243(A)(1) is hereby amended to read as follows:
§1243. Penalties for violations of parish ordinances
(3) The maximum fine for the violation of any ordinance of the Parish of Jefferson shall be $1,000.00.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 119

HOUSE BILL NO. 21
BY REPRESENTATIVE WHITE

To enact R.S. 15:255(S), relative to witness fees for off-duty law enforcement officers; to authorize the transfer of certain witness fee surplus funds within Washington Parish; to provide for the transfer procedures and use of such funds; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:255(S) is hereby enacted to read as follows:
$255. Witness fees to off-duty law enforcement officers

S. No later than March thirty-first of each year, the governing authority of Washington Parish may transfer to the criminal court fund of Washington Parish all surplus monies in its special fund that exceed five thousand dollars at the end of each calendar year. As used in this Subsection, “special fund” means the special fund provided for in Subsection D of this Section, and “surplus monies” means the amount of money which is in each special fund at the end of each calendar year and which is in excess of the total amount paid from each special fund as witness fees for off-duty law enforcement officers in that calendar year. The surplus monies authorized to be transferred by this Subsection may be used for any purpose for which the other monies in the criminal court fund of the parish may be used. No money obligated to be paid to any officer or agency for an off-duty law enforcement court appearance shall be considered surplus monies pursuant to this Subsection.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State
number of hours of community service a person may be ordered to perform; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:1248(A)(1) is hereby amended and reenacted to read as follows:

§1243. Maximum penalties
A.(1) Except as otherwise provided in this Section, the maximum penalty which may be imposed for violation of any parish ordinance shall be a fine of five hundred dollars and imprisonment of thirty days in the parish jail. A maximum of one hundred hours of community service may be imposed for a violation of any parish ordinance in addition to, or in lieu of, any penalty provided for in this Section.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 118

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 47:463.73(D), (F), and (G), relative to motor vehicle special prestige license plates; to provide for the “Acadiana High School” special prestige license plate; to provide for the creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.73(D), (F), and (G) are hereby amended and reenacted to read as follows:

§463.73. Special prestige license plate; Louisiana parochial, public, and private high schools

D. The department shall collect the royalty fee for each public high school prestige license plate and shall forward such fee to the respective school board of the school for which the plate was issued. Royalty fees collected for parochial or private high school prestige license plates shall be forwarded directly to such parochial or private high school. The fees shall be used solely for school and instructional activities.

F. Upon the signing of a contract authorizing the use of the logo of any parochial, public, or private high school, the secretary of the Department of Public Safety and Corrections shall establish prestige plates for such high school in accordance with the provisions of this Section. The contract shall include an agreement on the part of the school to use the royalty fee as provided in Subsection D of this Section.

G. The secretary shall establish special prestige license plates for Archbishop Hannan High School, Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint Katharine Drexel Preparatory School, Academy High School, and any other parochial, public, or private Louisiana high school in accordance with the provisions of this Section as it was enacted.

Section 2. The provisions 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

ACT No. 119

BY REPRESENTATIVES HOWARD, TERRY BROWN, STEVE CARTER, FRANKLIN, GISCLAIR, GUINN, PIERRE, POPE, AND STEFANSKI AND SENATOR JOHN SMITH

AN ACT

To redesignate a portion of United States Highway 171 in the village of Anacoco, Louisiana, as the “Sergeant James Edward Martin Memorial Highway”; to provide relative to a potential route designation conflict; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any provision of law to the contrary, the portion of United States Highway 171 situated within the limits of the village of Anacoco, Louisiana, in Vernon Parish, which is otherwise known as the “Purple Heart Highway”, shall be known and redesignated as the “Sergeant James Edward Martin Memorial Highway”.

Section 2. To the extent that this designation is in conflict with Act No. 75 of the 2003 Regular Session of the Legislature, which included this portion of United States Highway 171 in the route designated the “Purple Heart Highway”, this designation shall control and supersede the provisions set forth in Act No. 75 of the 2003 Regular Session of the Legislature.

Section 3. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this redesignation 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. 120

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 11:710(A)(3) and (4)(b) and (F) and to enact R.S. 11:710(B)(3), relative to the reemployment of retirees of the Teachers’ Retirement System of Louisiana in positions covered by the system; to authorize the reemployment of school psychologists in critical shortage areas; 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)(3) and (4)(b) and (F) are hereby amended and reenacted and R.S. 11:710(B)(3) is 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:

(3) “Critical shortage” means any situation where there exists a shortage of certified teachers in a certain subject area or a shortage of certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, or school psychologists, as further provided in this Section.

(4) “Reemployment-eligible critical shortage position” or “critical shortage position” means any of the following:

(b) A position for a full-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, or school psychologist whose position of employment requires a full-time educational diagnostician certificate approved and issued by the state Department of Education in a school district where a critical shortage exists.

B.(1)

(3) Except as provided in R.S. 11:710(A)(6), any person whose retirement benefit is calculated using an accrual rate less than two and one-half percent or whose benefit was actuarially reduced pursuant to R.S. 11:786(B)(2) or 761(A)(2)(b) or (4)(b) shall not be authorized to return to service pursuant to Subparagraph (A)(3) of this Section, unless the person has been retired for at least thirty-six months.

F.(1) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the Board of Elementary and Secondary Education and the board of trustees of this system have received certification that a critical shortage exists. Prior to making such certification for any full-time critical shortage position, the employer shall cause to be advertised in the official journal of the employer’s governing authority, on two separate occasions, notice that a shortage of certified teachers exists and the positions sought to be filled. Additionally, the employer shall cause notice to be posted at the career development office, or similar such entity, of every post-secondary institution within one a hundred twenty-mile radius of the employer’s governing authority. If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed, unless fewer than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

⊕ (2) On an annual basis, the superintendent and personnel director of the school employing a retiree who returns to active service in a position defined in Subparagraph (A)(4)(a) of this Section shall certify to the Board of Elementary and Secondary Education and the board of trustees of this system that a critical shortage of speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, or school psychologists exists in the school district.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.
Section 3. This Act shall be 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 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 121

BY REPRESENTATIVES HILL AND HOWARD
AN ACT

To designate a portion of Louisiana Highway 377 in the populated place of Dido, Louisiana, in Vernon Parish, as the “Corporal Leonard Carroll Bond Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 377 in the populated place of Dido, Louisiana, in Vernon Parish, shall hereinafter be known and designated as the “Corporal Leonard Carroll Bond Memorial Highway”.

Section 2. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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

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ACT No. 122

BY REPRESENTATIVE HOWARD
AN ACT

To redesignate a portion of Louisiana Highway 118 in the populated place of Peason, Louisiana, in Sabine Parish as the “Joe Kirk Memorial Highway”; to designate a portion of Louisiana Highway 26 in Jefferson Davis Parish as the “Michael Phillips Memorial Highway”; and to designate the portion of Louisiana Highway 102 in the city of Jennings, Louisiana, as the “Burton “Burt” LeBlanc Memorial Highway”; to provide relative to a potential route designation conflict; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any provision of law to the contrary, the portion of Louisiana Highway 118 that originates at United States Highway 171 and continues for 9.92 miles, in the populated place of Peason, Louisiana, in Sabine Parish, shall be known and redesignated as the “Joe Kirk Memorial Highway”.

Section 2. To the extent that Section 1 of this Act is in conflict with Act No. 256 of the 2011 Regular Session of the Legislature, which included this portion of United States Highway 118 in the route designated the “Louisiana Maneuvers and Purple Heart Memorial Highway”; this designation shall control and supersede the provisions set forth in Act No. 256 of the 2011 Regular Session of the Legislature.

Section 3. The portion of Louisiana Highway 26 between mile marker sixty-two and sixty-three in Jefferson Davis Parish shall be known and designated as the “Michael Phillips Memorial Highway”.

Section 4. The portion of Louisiana Highway 102 between mile marker twenty-six and twenty-seven in the city of Jennings, Louisiana, shall be known and designated as the “Burton “Burt” LeBlanc Memorial Highway”.

Section 5. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage reflecting 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

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ACT No. 123

BY REPRESENTATIVE ROBBY CARTER
AN ACT

To amend and reenact R.S. 33:4169(C), relative to the creation and implementation of a special prestige license plate; to provide for the establishment of the “Sabine Pass Lighthouse” special prestige license plate; to provide for collection, issuance, and design of such license plates; to provide relative to the fee and distribution of such fees; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4169(C) is hereby amended and reenacted to read as follows:

§4169. Collection contracts for sewerage service charges; access charges; enforcement procedures for delinquent charges

* * *

C.(1) In the parish of Jefferson, any such contract as authorized in Subsections A and B of this Section may be executed for a term up to twenty-five years.

(b) Notwithstanding any other provision of law to the contrary, a municipality, parish, water district, or private water company operating a water system serving customers in the area served by Sewerage District No. 1 for Tangipahoa Parish shall collect the service charges imposed by the sewerage district from the water customers of the municipality, parish, water district, or private water company.

(b) The governing authority of Tangipahoa Parish may enact ordinances to enforce the provisions of this Paragraph, which may include provisions requiring the disconnection of water services for failure to timely pay such service charges imposed by the district; to require certain water system operators to collect such 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 it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4169(C) is hereby amended and reenacted to read as follows:

§4169. Collection contracts for sewerage service charges; access charges; enforcement procedures for delinquent charges

* * *

C.(1) In the parish of Jefferson, any such contract as authorized in Subsections A and B of this Section may be executed for a term up to twenty-five years.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 124

BY REPRESENTATIVE PUGH
AN ACT

To amend and reenact R.S. 33:4169(C), relative to Sewerage District No. 1 for Tangipahoa Parish; to provide relative to the collection of fees imposed by the district; to require certain water system operators to collect such 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 it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4169(C) is hereby amended and reenacted to read as follows:

§4169. Collection contracts for sewerage service charges; access charges; enforcement procedures for delinquent charges

* * *

C.(1) In the parish of Jefferson, any such contract as authorized in Subsections A and B of this Section may be executed for a term up to twenty-five years.

(b) Notwithstanding any other provision of law to the contrary, a municipality, parish, water district, or private water company operating a water system serving customers in the area served by Sewerage District No. 1 for Tangipahoa Parish shall collect the service charges imposed by the sewerage district from the water customers of the municipality, parish, water district, or private water company.

(b) The governing authority of Tangipahoa Parish may enact ordinances to enforce the provisions of this Paragraph, which may include provisions requiring the disconnection of water services for failure to timely pay such service charges imposed by the district; to require certain water system operators to collect such 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 it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4169(C) is hereby amended and reenacted to read as follows:

§4169. Collection contracts for sewerage service charges; access charges; enforcement procedures for delinquent charges

* * *

C.(1) In the parish of Jefferson, any such contract as authorized in Subsections A and B of this Section may be executed for a term up to twenty-five years.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 125

BY REPRESENTATIVE HENSGENS
AN ACT

To enact R.S. 47:463.192, relative to motor vehicle special prestige license plates; to provide for the establishment of the “Sabine Pass Lighthouse” special prestige license plate; to provide for creation, issuance, and design of such license plates; to provide relative to the fee and distribution of such fees; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; to provide an effective 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 plate: “Sabine Pass Lighthouse”

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 “Sabine Pass Lighthouse” plate provided there is a minimum of one thousand applicants for such plate. These license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.
ACT No. 127

HOUSE BILL NO. 76
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(37), relative to hotel occupancy taxes in West Feliciana Parish; to authorize the West Feliciana Parish Tourist Commission to levy additional hotel occupancy taxes, subject to voter approval; to provide relative to the hotel occupancy tax levied by West Feliciana Parish; 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. 33:4574.1.1(A)(37) is hereby amended and reenacted to read as follows:

§4574.1.1. Occupancy taxes levied by the commissions
A. For the purposes set forth in this Subsection or Paragraph (F)(3) of this Section, a commission created pursuant to R.S. 33:4574(B) is authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. Such tax shall not exceed the following percentages of the rent or fee charged for such occupancy:

   *   *   *
   (37)(a) West Feliciana Parish Tourist Commission, two percent.
   (b) In addition to taxes authorized by Subparagraph (a) of this Paragraph, the West Feliciana Parish Tourist Commission may levy an additional two percent tax if the levy of the additional tax is approved by a majority of the electors of West Feliciana Parish who vote on a proposition authorizing the levy of the tax. The commission may call an election for the purpose of submitting such a proposition to the voters.
   (c) Notwithstanding any other provision of law to the contrary, the additional tax authorized to be levied by the commission in Subparagraph (b) of this Paragraph shall not affect the occupancy tax levied by the parish of West Feliciana on July 1, 2017, or on the day following such approval by the legislature, whichever is later.

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

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ACT No. 128

HOUSE BILL NO. 77
BY REPRESENTATIVES BERTHELOT AND BISHOP
AN ACT

To amend and reenact R.S. 30:2531(A)(2)(b) and (B)(2)(b) and 2531.1(D)(1), relative to littering; to provide for criminal and civil penalties; to provide for community service; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2531(A)(2)(b) and (B)(2)(b) and 2531.1(D)(1) are hereby amended and reenacted to read as follows:

§2531. Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs
A. *   *   *
   (2) Whoever violates the provisions of this Subsection shall:
   *   *   *
   (b) Upon second conviction, be fined one thousand nine hundred dollars and sentenced to serve sixteen twenty hours of community service in a litter abatement work program as approved by the court.

B. *   *   *
   (2) Persons found liable under the provisions of this Subsection shall be assessed the following civil penalties and costs:
   *   *   *
   (b) For a second and each subsequent violation, such person shall either be fined one thousand nine hundred dollars or be given the option to perform sixteen twenty hours of community service in a litter abatement work program in lieu of the one thousand nine hundred dollar fine.

§2531.1. Gross littering prohibited; civil penalties; indemnification
*   *   *
D(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than one thousand dollars not more than two thousand nine hundred dollars and sentenced to serve eight sixteen hours of community service in a litter abatement work program as approved by the court.

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CHAPTER 34. REENTRY COURTS

§5401. District courts; reentry courts; subject matter

A. The district courts, as enumerated in Subsection C of this Section, by rule, adopted by a majority vote of the judges sitting en banc, may assign a certain division of the court as a reentry division of court. Prior to the creation of a reentry division of court, each district court shall secure funding to establish and maintain a reentry division of court. However, failure to do so will have no effect upon any judgment, finding, or sentence. The reentry division of court shall establish a workforce development sentencing program, which shall establish guidelines for the issuance of sentences including inmate rehabilitation and workforce development. The reentry division of court and sentencing program shall work in conjunction with the Louisiana Workforce Commission and all efforts shall be coordinated and consistent with the provisions of R.S. 23:1 et seq.

B. Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(1) The court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

(a) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as described in R.S. 15:1199.7(A) and (C).

(b) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the Louisiana Supreme Court.

(c) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.

(d) The defendant is not sentenced to a term of incarceration which exceeds ten years.

(e) The defendant shall not have any prior felony convictions for any offenses as defined in R.S. 15:541.

(f) The crime before the court shall not be a crime of violence as defined in R.S. 14:2(B), including domestic violence.

(g) The defendant cannot be sentenced as a multiple offender at the present charge pursuant to R.S. 15:529.1.

(h) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(B) shall not be pending against the defendant.

(i) The crime before the court shall not be a charge of any crime that resulted in the death of a person.

(2) Upon a determination that the defendant meets the eligibility and suitability criteria provided for in Paragraph (1) of this Subsection, the court shall advise the defendant that he may be eligible for enrollment in the workforce development sentencing program.

Prior to sentence, the court shall contact the Department of Public Safety and Corrections Reentry Services to determine if there is adequate capacity for enrollment or if bed space is available.

Section 2. R.S. 13:5401(C) is hereby repealed in its entirety.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 132

BY REPRESENTATIVE JOHNSON

AN ACT

To designate a portion of Louisiana Highway 1 in the town of Simmesport, Louisiana, as “Joe Simon Boulevard”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 1 within the limits of the town of Simmesport, Louisiana, in Avoyelles Parish, shall be hereinafter known and designated as “Joe Simon Boulevard”.

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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
To amend and reenact R.S. 13:996.66(A), relative to the judicial expense fund for the Twenty-Fifth Judicial District Court; to increase certain fees and costs in civil and criminal matters; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:996.66(A) is hereby amended and reenacted to read as follows:

§996.66. Judicial Expense Fund for Twenty-Fifth Judicial District

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Twenty-Fifth Judicial District shall collect from every person filing any type of civil suit or proceeding, and who is not otherwise exempted by law from the payment of court costs, a sum to be determined by the judges of the district, sitting en banc, which sum shall not exceed fifteen thirty-five dollars, subject to the provisions of Code of Civil Procedure Article 5181 et seq. In all criminal cases over which the Twenty-Fifth Judicial District Court has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after plea of guilty, or who forfeits his bond, a sum likewise determined but which shall not exceed fifteen thirty-five dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.

Section 2. In accordance with the provisions of R.S. 13:62, the increase in court costs or fees as provided for in this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its 2018 Report to the Louisiana Legislature.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 134

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HOUSE BILL NO. 109

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact R.S. 47:337:14(E), relative to the central sales tax collection commission of St. Landry Parish; to provide relative to the membership of the commission; 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. 47:337:14(E) is hereby amended and reenacted as follows:

§337.14. Central collection commission

(1) Notwithstanding any other provision of this Section to the contrary, the central collection commission of the parish of St. Landry shall be composed of nine members selected as follows:

(2) The parish school board shall select two representatives one representative.

(3) The solid waste commission shall select two representatives one representative.

(4) The city of Opelousas shall select two representatives one representative.

(5) The city of Eunice shall select one representative.

(6) Two at-large members shall be selected to the commission by the St. Landry Parish Municipal Association.

(7) The parish governing authority shall select one representative.

(8) The parish sheriff shall select one representative.

(9) The St. Landry Economic and Industrial Development District shall select one representative.

(10) The central collection commission of the parish of St. Landry shall be representative of the parish's population by race and gender to ensure diversity.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 135

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HOUSE BILL NO. 120

BY REPRESENTATIVE JACKSON

AN ACT

To amend and reenact R.S. 13:5530(A)(1), (2), (4), and (12)(a), (b), and (c), relative to sheriffs; to provide for an increase in certain fees in civil matters; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5530(A)(1), (2), (4), and (12)(a), (b), and (c) are hereby amended and reenacted to read as follows:

§5530. Fees in civil matters

A. Sheriffs shall be entitled to no more than the following fees and compensation of office in all civil matters:

(1) For all service and returns of legal documents, notices, and subpoenas, twenty thirty dollars.

(2) For service of each notice to vacate on defendant or occupants, twenty thirty dollars.

(3) If the defendant or occupants do not vacate the premises named in the writ upon service of notice to vacate and the sheriffs are required to do anything further to obtain possession, they shall be entitled to an additional fee of twenty thirty dollars.

Section 2. In accordance with the provisions of R.S. 13:62, the increase in court costs or fees as provided for in this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its 2018 Report to the Louisiana Legislature.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 136

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HOUSE BILL NO. 130

BY REPRESENTATIVE DEVILLIER AND SENATOR WALSORTH

AN ACT

To amend and reenact R.S. 17:3882(4) through (7), 3902(B)(5), 3991(B)(1)(a) and (b)(i), and 3997(D)(2), to enact R.S. 17:3882(3) and 3973(4), and to repeal R.S. 17:3973(1), relative to students; to provide that economically disadvantaged students shall be included as a factor in determining teacher evaluations and requirements for enrollment of at-risk students in certain charter schools; to remove references to students eligible for free and reduced price meals as factors used in such teacher evaluations and charter school enrollment requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3882(4) through (7), 3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and 3997(D)(2) are hereby amended and reenacted and R.S. 17:3882(3) and 3973(4) are hereby enacted to read as follows:

§3882. Definitions.

For the purposes of this Part, the following definitions shall apply:

(4) “Economic disadvantage” means any one of the following characteristics of a student:

(5) Is eligible for Louisiana's food assistance program for low-income families.

(6) Is eligible for Louisiana's disaster food assistance program.

(7) Is eligible for Louisiana's program for assistance to needy families with children to assist parents in becoming self-sufficient.

(8) Is eligible for Louisiana's healthcare program for families and individuals with limited financial resources.

(9) Is eligible for reduced price meals based on the latest available data.

(10) Is an English Language Learner.

(11) Is identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program.

(12) Is incarcerated with the office of juvenile justice or in an adult facility.

(13) Has been placed into the custody of the state.

(14) “Evaluation” means the process by which a local board monitors the continuing performance of its teachers and administrators.

(15) “Local board” means a city, parish, or other local public school board.

(16) “Performance expectations” means the elements of effective leadership approved by the board that shall be included as evaluation criteria for all building-level administrators.

(17) “Teacher” or “Administrator” means any person whose employment requires professional certification issued under the rules of the board.

§3902. Evaluation program; process

B. The elements of evaluation and standards for effectiveness shall be defined by the board pursuant to rules and regulations promulgated for
such purpose. Such rules and regulations shall require that, at a minimum, local evaluation plans contain the following elements:

(5) Measure of effectiveness. Fifty percent of such evaluations shall be based on evidence of growth in student achievement as determined by the Board. Data derived from a value-added assessment model, as determined by the state board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available and for personnel for whom value-added data is not available, the board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, eligibility for free or reduced price meals, economic disadvantage, student attendance, and student discipline. However, neither the value-added model nor the measures of student growth determined by the state board shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is not available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available, the state board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, eligibility for free or reduced price meals, economic disadvantage, student attendance, and student discipline. The state board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

§3973. Definitions
As used in this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this Section except when the context clearly indicates a different meaning:

(d) “Economically disadvantaged” means any one of the following characteristics of a student:
(a) Is eligible for Louisiana’s food assistance program for low-income families.
(b) Is eligible for Louisiana’s disaster food assistance program.
(c) Is eligible for Louisiana’s program for assistance to needy families with children to assist parents in becoming self-sufficient.
(d) Is eligible for Louisiana’s healthcare program for families and individuals with limited financial resources.
(e) Is eligible for reduced price meals based on the latest available data.
(f) Is an English Language Learner.
(g) Is identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program within the Elementary and Secondary Education Act.
(h) Has been placed into the custody of the state.

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

B. Each proposed charter shall contain or make provision for the following:
(1)(a)(i) That for Type 1 and Type 2 charter schools created as new schools, and charter schools created as a result of a conversion after the 2011-2012 school year, the percentage of the total number of pupils students enrolled in the charter school based on the October first pupil student membership who are at-risk, in the manner provided in R.S. 17:3973(1), and (e), economically disadvantaged and students with exceptionalities as defined in R.S. 17:1942, not including gifted and talented, may be comprised of the average percentage of pupils students enrolled in the local public school districts from which the charter school enrolls its students who are eligible to participate in the federal free and reduced lunch program; or who have been identified as a student with an exceptionality as defined in R.S. 17:1942, not including gifted and talented, until otherwise agreed to as part of the charter agreement, by the chartering authority, shall be equal to not less than the percentage of the total of pupils students enrolled in the school in the school year prior to the establishment of the charter school that were eligible to participate in the federal free and reduced cost lunch program economically disadvantaged and shall be equal to not less than the percentage of the total of pupils students enrolled in the school in the school year prior to the establishment of the charter school who were identified as a student with an exceptionality as defined in R.S. 17:1942, not including gifted and talented. * * *

§3997. Charter school employees

D.
(2) Fifty percent of each teacher and administrator evaluation conducted pursuant to Paragraph (1) of this Subsection shall be based on evidence of growth in student achievement as determined by the state board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available, the state board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, eligibility for free or reduced price meals, economic disadvantage, student attendance, and student discipline. The state board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

Section 2. R.S. 17:3973(1) is hereby repealed in its entirety.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

* * *

ACT No. 137

HOUSE BILL NO. 140
BY REPRESENTATIVE GREGORY MILLER
AN ACT
To amend and reenact R.S. 47:1965 and to enact R.S. 40:36(H), relative to records relating to ad valorem tax assessments; to require the registrar of vital records to provide information to assessors concerning deaths occurring in the state; to provide with respect to requirements and procedures; to provide for effectiveness; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:36(H) is hereby enacted to read as follows:
§36. State registrar as custodian

H. The state registrar of vital records shall provide a monthly report to each assessor concerning the deaths which occurred in the state during the preceding calendar month, as provided for in R.S. 47:1965.

Section 2. R.S. 47:1965 is hereby amended and reenacted to read as follows:
§1965. Listing and assessing of property in name of deceased owner
A. An assessment made in the name of a party deceased shall be good and valid throughout the state unless notification in writing of the death and of whether or not the succession has been opened and when and where, shall have been made in due season to the assessor by the heirs or parties interested. In all cases property assessed in the name of the owner as appears on the record of the recorder of mortgages at the date of listing shall be deemed properly assessed.
B. By the tenth day of each month, the state registrar of vital records shall send to each assessor a report certified as correct over his signature or the signature of his authorized representative, containing the name, address, date of birth, sex, and the last four digits of the social security number, as such information exists in the database of the Louisiana Department of Health, of any person sixteen years of age or older who died in the state within the preceding calendar month. The method and method of transmission of the report shall be determined by the registrar of vital records.

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

* * *

ACT No. 138

HOUSE BILL NO. 142
BY REPRESENTATIVE PUGH
AN ACT
To provide for a special statewide election to be held on October 14, 2017, for the purpose of submitting proposed constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters. Be it enacted by the Legislature of Louisiana:
Section 1. A special statewide election shall be held on Saturday, October 14, 2017, for the purpose of submitting to the electorate of the state proposed constitutional amendments as contained in joint resolutions concurred in by each house of the legislature during the 2017 Regular Session of the Legislature of Louisiana.

Section 2. The election for which provision is made in this Act shall be held in compliance with and subject to the applicable provisions of the Louisiana Election Code.

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 in 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. This Act shall be void and of no effect if no proposed constitutional amendment as contained in a joint resolution that specifies the special statewide election provided for in this Act as the statewide election at which the proposed constitutional amendment shall be submitted to the electors is concurred in by each house of the legislature during the 2017 Regular Session of the Legislature of Louisiana. Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State  

ACT No. 139

HOUSE BILL NO. 146
BY REPRESENTATIVE DEVILLIERS
AN ACT

To enact R.S. 46:1053(C)(2)(h), relative to Hospital Service District No. 1 of St. Landry Parish; to provide relative to the per diem paid to members of the governing board of the district; 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. 46:1053(C)(2)(h) is hereby enacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

C.
(2)

(b) Notwithstanding any other provision of law to the contrary, the governing authority of St. Landry Parish may grant a per diem to each member of the commission of Hospital Service District No. 1 of St. Landry Parish in an amount of not less than forty dollars nor more than one hundred dollars for each day of attendance at meetings of the commission, not to exceed twelve meetings per year, payable out of the funds of the hospital service district.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State  

ACT No. 140

BY REPRESENTATIVE GARGALDO
AN ACT

To amend and reenact R.S. 33:1236(21)(b) and (30)(b), relative to St. Bernard Parish; to authorize the parish governing authority to enact ordinances requiring property owners to remove deleterious growths, trash, debris, and other noxious matter; to provide relative to liens granted in favor of the parish governing authority with respect to such properties; 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. 33:1236(21)(b) and (30)(b) are hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

(21)

(b)(i) The governing authority of the parish as defined in R.S. 33:1236(21)(b) and (30)(b), relative to St. Bernard Parish; to authorize the parish governing authority to enact ordinances requiring property owners to remove deleterious growths, trash, debris, and other noxious matter; to provide relative to liens granted in favor of the parish governing authority with respect to such properties; and to provide for related matters.

(30)

(b)(i) In the exercise of the authority herein granted, the governing authority of the parishes of Jefferson, Orleans, Madison, and St. Tammany, and any other parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census St. Bernard may enact ordinances requiring the growth or accumulation of grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, or discarded or noxious matter.

(ii) Upon failure of any such property owner to pay the charges, the governing authority may file a certified copy of said the charges with the defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

(iii) In the exercise of the authority herein granted, the governing authority of the parishes of Jefferson and Ascension may require or compel property owners to remove trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery or other metal, iron, or any other discarded items on their property, when such items are being stored or kept in violation of any zoning or other regulatory ordinance.

(iv) In the exercise of the authority herein granted, the governing authority of the parishes of Orleans and Jefferson, Madison, and St. Tammany, and any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census St. Bernard shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821 and R.S. 9:4821(A)(1).

(v) The parish may, at its option, enact ordinances to add cutting and removal charges to the annual ad valorem tax bill of the property involved.

(vi) In the exercise of the authority herein granted, the parish may require or compel property owners to remove trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery or other metal, iron, or any other discarded items on their property, when such items are being stored or kept in violation of any zoning or other regulatory ordinance.

(vii) Upon failure of any such property owner to pay the charges, the governing authority may file a certified copy of said the charges with the defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

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 underlined and boldfaced (Senate Bills) are additions.

PAGE 56
The Advocate

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* As it appears in the enrolled bill

CODING: Words in **it**alics are deletions from existing law; words **underlined** (House Bills) and **boldfaced** (Senate Bills) are additions.

### ACT No. 141

**By Representative Carpenter**

To enact R.S. 13:5713(M), relative to autopsy reports; to provide relative to the disclosure of information related to an autopsy; and to provide for related matters.

Section 1. R.S. 13:5713(M) is hereby enacted to read as follows:

§5713. Duty to hold autopsies, investigations, etc.

M. Upon request, the Department of Children and Family Services shall be entitled to obtain at no charge the name, age, preliminary diagnosis, and manner of death of a deceased minor from the officer of the coroner conducting the autopsy while the final autopsy is pending.

Section 2. This Act shall become effective upon approval 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. 142

**By Representative Dustin Miller**

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Landry Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Section 1. The secretary of the Louisiana Department of Health, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the St. Landry Parish School Board:

A certain tract of land lying and being situated near Opelousas in the Parish of St. Landry, Louisiana, located in Sections 32, 33 and 138, Township 6 South, Range 4 East, Southwestern Land District, and more particularly described as follows:

Commencing at the northwest corner of Linwood Subdivision, Block A, said corner being on the Easterly right of way of Cottonwood Street at its intersection with Judson Walsh Drive;

Thence South 08 degrees, 50 minutes 08 seconds West a distance of 1369.92 feet to Point “A” being the Northwest corner of tract and the point of beginning;

Thence South 08 degrees, 50 minutes 08 seconds West a distance of 998.90 feet to Point “B”, being the Northwest corner of tract and the point of beginning;

Thence South 08 degrees, 50 minutes 08 seconds West a distance of 1369.92 feet to Point “A” being on the centerline of Bayou Callahan re-aligned by the Louisiana Department of Public Works under Contract No. 6221;

Thence along aforementioned re-aligned centerline of Bayou Callahan North 66 degrees 22 minutes 22 seconds West a distance of 226.19 feet to Point “C”;

Thence North 08 degrees, 50 minutes 08 seconds East a distance of 1224.69 feet to Point “D”, the point of beginning, containing an area of 17.83 acres, and as more particularly shown on Map File No. 1-321-1, dated January, 1971, prepared by Louisiana Department of Public Works.

Being a part of the same property acquired by Linwood Realty Company, Inc., from Kenneth Boagni by Act dated June 22, 1962, recorded in COB G-13, page 366, of public records of St. Landry Parish, Louisiana.

Section 2. The secretary of the Louisiana Department of Health is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Louisiana Department of Health and the St. Landry Parish School Board, in exchange for consideration proportionate to the appraised value of the property.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

### ACT No. 143

**By Representative Carpenter**

To amend and reenact R.S. 18:171(C)(1) and (2), relative to reports to election officials concerning persons with felony convictions; to provide relative to the duties of registrars of voters and officials in the Department of State and the Department of Public Safety and Corrections relative to such reports; to provide for the information required to be reported; to provide deadlines for such reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:171(C)(1) and (2) are hereby amended and reenacted to read as follows:

§171. Report of convictions of felony

C.(1) By January 1, 1992, the The secretary of the Department of Public Safety and Corrections shall send to the Department of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person who has a felony conviction and who is currently under the custody or supervision of the Department of Public Safety and Corrections.

C.(2) Beginning February 1, 1992, the The secretary of the Department of Public Safety and Corrections shall send to the Department of State a supplemental report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person who has a felony conviction, who is currently under the custody or supervision of the Department of Public Safety and Corrections, and whose name was not on the report sent by January 1, 1992, pursuant to Paragraph (1) of this Subsection or any subsequent supplemental report. The secretary shall also indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of the Department of Public Safety and Corrections and whether the individual has been granted or is eligible to be granted a first offender pardon. Such supplemental report shall be sent to the Department of State on no less than a quarterly basis. Upon receipt of any supplemental report, the Department of State shall confirm that the information therein has been entered into the department’s databases and provide for correction, if necessary.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State
To designate a bridge located on Louisiana Highway 2 in Caddo Parish as the “Hart’s Ferry Bridge”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The Louisiana Highway 2 bridge which crosses over James Bayou in Caddo Parish shall be hereinafter known and designated as the “Hart’s Ferry Bridge”.

Section 2. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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 such signage.

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. 4:715(B)(2), R.S. 14:32(D)(3) and 39(D)(3), R.S. 17:43(B)(2) and 1942(B), R.S. 21:51(C) and 52(A)(a) and (b), R.S. 22:245, 1027(A), and 1038(B)(2)(a) and (E), R.S. 36:259(N), R.S. 37:2446:1(B)(7) and 2651(7)(b)(v)(h), R.S. 40:1580.1(A) and 2208, R.S. 42:1119(B)(2)(a)(ii), R.S. 45:1355(A), the heading of Chapter 30-A of Title 46 of the Louisiana Revised Statutes of 1950, R.S. 46:2261, 2262(A) and (C), 2262.(introductory paragraph), (4), and (12), 2263(3), (4), and (6) through (8), 2264(A), (C), and (D), 2265(A) (introductory paragraph), (9), and (10), 2266(1) and (3) through (5), 2352(7) (a) and (10)(a)(introductory paragraph), 2361, 2362(2) through (6), 2363 through 2365, 2367, 2368(B) and (2), R.S. 47:630(A)(5), the heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, R.S. 49:181(A), and Code of Criminal Procedure Article 401.1(B)(introductory paragraph), relative to terminology referring to the deaf and hard of hearing; to delete and make substitutions for terms which are derogatory, inaccurate, or obsolete; to provide for consistency in usage of terms referring to the deaf and hard of hearing and to hearing loss; to provide for revision of terminology relative to the deaf and hard of hearing in administrative rules, policy documents, professional resources, reference materials, manuals, and other publications; to provide for legislative intent; to provide for construction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:715(B)(2) is hereby amended and reenacted to read as follows:

§715. Personnel to hold games; commissions or salaries; equipment and supplies; expenses

*   *   *

B.

(2) Notwithstanding any provision of law to the contrary, any person, association, or corporation licensed to hold, operate, or conduct any games of chance that benefit persons with visual impairments, hearing impairments, hearing loss, paraplegia, quadriplegia, intellectual disabilities, or persons sixty years of age or older, under any license issued pursuant to this Chapter, may compensate for services rendered, any fifteen employees who assist in the holding, operating, or conducting of such games. The rate of compensation for each employee shall be for each hour of each day that the employee works an amount not to exceed ninety dollars per session for any employee. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject to the reporting provisions of R.S. 4:716. Compensation provided for in this Subsection shall not constitute a violation of the prohibition against the payment or giving of a commission, salary, compensation, reward, or recompense to any person holding, operating, or conducting, or assisting in the holding, operation, or conduct of any such game.

Section 2. R.S. 14:32(D)(3) and 39(D)(3) are hereby amended and reenacted to read as follows:

§32. Negligent homicide

*   *   *

D. The provisions of this Section shall not apply to:

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is using the dog as a guide or for service.

*   *   *

§39. Negligent injuring

*   *   *

D. The provisions of this Section shall not apply to:

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is using the dog as a guide or for service.

Section 3. R.S. 17:43(B)(2) and 1942(B) are hereby amended and reenacted to read as follows:

§43. Special schools defined; benefits for certificated teachers; legislative policy

*   *   *

B.

(2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired may attain tenure in the educational program, either the educational program for the hearing impaired deaf and hard of hearing or the educational program for the hearing impaired, for which they are certified. Teachers at the Louisiana Special Education Center may attain tenure at the Louisiana...
B. A “student with an exceptionality”, including a student with a disability, is any student who is evaluated according to state and federal regulation or state and federal law to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as is deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency, a student experiencing developmental delay ages three through eight.

Section 4, R.S. 21:51(C) and 52(A) and (B) are hereby amended and reenacted to read as follows:

§51. Pet animals; prohibitions relative to hotels and motels; penalty; exemptions

C. This Section shall not apply to guide dogs or service dogs used by blind persons, visually impaired persons, deaf person, hearing impaired persons who are deaf or hard of hearing, and other persons with physical disabilities who have been taught to use such dogs at a qualified dog guide service school.

§52. Guide or service dog; rights and privileges of owners and trainers; penalties for violations

A. Any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is accompanied by a properly controlled dog which such person has been taught to use as a guide or for service at a qualified dog guide or service school, or any person who is qualified to provide training for a guide dog or service animal and is accompanied by a guide dog in training, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public accommodation, amusement, or resort, and other places to which the general public is invited; and shall be entitled to take such dog into such conveyances and places, subject only to the accommodations and limitations applicable to all persons not so accompanied, provided that the dog shall not occupy a seat in any public conveyance.

B. Any person, firm, or corporation, or agent, representative, or employee of any person, firm, or corporation who deprives any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability, or any person who is accompanied by a guide dog in training of any right conferred by Subsection A of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not to exceed ninety days, or both, within the discretion of the judge; and for every such offense upon conviction thereof, shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not to exceed ninety

Subsection A of this Section, shall be deemed guilty of a misdemeanor, and

E. The provisions of this Section shall apply to any new policy, contract, program, or plan issued by an entity subject to the provisions of this Section on or after January 1, 2004. Any such policy, contract, program, or plan in effect prior to January 1, 2004, shall convert to the provisions of this Section on or before the renewal date but in no event later than January 1, 2005. Any policy affected by the provisions of this Section shall apply to an insured or enrollee who is deaf or hard of hearing impaired for services performed by a qualified interpreter/translator, other than a family member of the covered patient, when such services are used by the covered patient in connection with medical treatment or diagnostic consultations performed by the health care provider.

Section 9. R.S. 42:1119(B)(2)(a)(i) is hereby amended and reenacted to read as follows:

$1119. Nepotism

B. 

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection: (a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach or is temporarily authorized to teach while pursuing certification. Any local school board in a parish having a population of fewer than sixty thousand according to the last federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a special education teacher.
related services professional provided that such family member is licensed in an appropriate field for special education related services and such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the school board. A special education related services professional shall include the following when employed to provide special education services: a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of hearing impaired students who are deaf or hard of hearing, teacher of visually impaired students, or nurse. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching or service location of such employee.

Section 10. R.S. 45:1355(A) is hereby amended and reenacted to read as follows: §1355. Disasters; deaf and hearing impaired hard of hearing persons informed
A. During any time of a disaster, or threat of a disaster, television stations shall transmit information or instructions in connection with the disaster, or threat of disaster, to the deaf and hearing impaired persons hard of hearing by scrolling or other appropriate means of communication in order to provide such persons with the same information or instructions as is provided to hearing persons.

Section 11. The heading of Chapter 30-A of Title 46 of the Louisiana Revised Statutes of 1950, R.S. 46:2261, 2262(A) and (C), 2262.1(introductory paragraph), (4), and (12), 2263(3), (4), and (6) through (8), 2264(A), (C), and (D), 2265(A)introductory paragraph), (9), and (10), 2266(A) through (G) and (3) through (5), 2266(A) through (D) and (10) through (12), 2266B through (D), 2266C(B) through (D), 2266D through 2365, 2367, 2368(B), and 2372 are hereby amended and reenacted to read as follows:

CHAPTER 30-A. IDENTIFICATION OF HEARING IMPAIRMENT LOSS IN INFANTS LAW

§2261. Short title
This Chapter may be cited as the “Identification of Hearing Impairment Loss in Infants”.

Purpose
A. The purpose of the program for early identification of hearing impairment loss is to identify hearing impaired deaf or hard of hearing infants at the earliest possible time so that medical treatment, early audiological evaluation, selection of amplification, and early educational intervention can be provided.

C. Early identification and management of the hearing impaired deaf or hard of hearing infant are essential if that infant is to acquire the vital language and speech skills needed to achieve maximum potential educationally, emotionally, and socially.

§2262. Bill of Rights
In order to ensure that children who are deaf or hard of hearing impaired have the same rights and potential to become independent and self-actualizing as children who are not deaf or hard of hearing impaired, the Deaf Child’s Bill of Rights is established so that children who are deaf or hard of hearing impaired are entitled:

(4) To adult role models who are deaf or hard of hearing impaired.

(12) Where appropriate, to have deaf and hard of hearing impaired adults directly involved in planning the extent, content, and purpose of all programs that affect their education.

§2263. Definitions
Except where the context clearly indicates otherwise, in this Chapter:

(3) “Hearing impaired Deaf or hard of hearing infant” means an infant who has a disorder of the auditory system of any type or degree, causing a hearing impairment hearing loss sufficient to interfere with the development of language and speech skills. The term “hearing impaired infant” includes, as a subset,

(4) “Infants at risk” “Infants susceptible to a hearing disability” means those infants who are at risk for susceptible to hearing impairment loss because they have one or more risk factors.

(6) “Program” means the program that the office of public health establishes to provide for the early identification and follow-up of infants at risk susceptible to a hearing disability, of deaf or hard of hearing impaired infants, and of infants who have a risk factor for developing a progressive hearing impairment loss.

(7)(a) “Risk factors” means those criteria or factors, any one of which identifies an infant as being at risk for susceptible to hearing impairment loss.

(a) The risk factors that identify those neonates, infants from birth through the first twenty-eight days, who are at risk for susceptible to sensorineural hearing impairment loss include the following:

(i) Family history of congenital or delayed onset childhood sensorineural impairment.

(ii) Congenital infection known or suspected to be associated with sensorineural hearing impairment loss such as toxoplasmosis, syphilis, rubella, cytomegalovirus, and herpes.

(iii) Craniofacial anomalies including morphologic abnormalities of the pinna and ear canal, absent pituitary, low hairline, et cetera.

(iv) Birth weight less than one thousand five hundred grams or less than three and three tenths pounds.

(v) Hyperbilirubinemia at a level exceeding indication for exchange transfusion.

(vi) Otoxic medications, including but not limited to the aminoglycosides used for more than five days, such as gentamicin, tobramycin, kanamycin, streptomycin, and loop diuretics used in combination with aminoglycosides.

(vii) Bacterial meningitis.

(viii) Severe depression at birth, which may include infants with Apgar scores of zero to three at five minutes or those who fail to initiate spontaneous respiration by ten minutes or those with hypotonia persisting to two hours of age.

(ix) Prolonged mechanical ventilation for a duration equal to or greater than ten days, such as persistent pulmonary hypertension.

(x) Stigmata or other findings associated with a syndrome known to include sensorineural hearing loss, such as Waardenburg or Usher Syndrome.

(xi) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing impaired children.

(b) The factors that identify those infants aged twenty-nine days to two years who are at risk for susceptible to sensorineural hearing impairment loss include the following:

(i) Parent or caregiver concerns regarding hearing, speech, language, or auditory tone.

(ii) Bacterial meningitis.

(iii) Neonatal risk factors that may be associated with progressive sensorineural hearing loss, such as cytomegalovirus, prolonged mechanical ventilation, and inherited neurodevelopmental disorders.

(iv) Head trauma, especially with either longitudinal or transverse fracture of the temporal bone.

(v) Stigmata or other findings associated with syndromes known to include sensorineural hearing loss, such as Waardenburg or Usher Syndrome.

(vi) Otoxic medications, including but not limited to the aminoglycosides used for more than five days, such as gentamicin, tobramycin, kanamycin, streptomycin, and loop diuretics used in combination with aminoglycosides.

(vii) Neurodegenerative disorders such as neurofibromatosis, myoclonic epilepsy, Werdni-Hoffman disease, Tay-Sachs or Tay-Sachs disease, infantile Gaucher’s disease, Niemann-Pick disease, any metachromatic leukodystrophy, or any infantile demyelinating neuropathy.

(viii) Childhood infectious diseases known to be associated with sensorineural hearing loss, such as mumps or measles.

(ix) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing impaired children.

(6) “Screening for hearing impairment loss” means employing a device for identifying whether an infant has a disorder of the auditory system, but may not necessarily provide a comprehensive determination of hearing thresholds in the speech range. Procedures may include auditory brainstem response (ABR) screening, or other devices approved by the office upon recommendation of the advisory council.

§2264. Identification of hearing impairment loss in infants
Any office of public health in the Louisiana Department of Health shall establish, in consultation with the advice of the Louisiana Commission for the Deaf and the advisory council created in R.S. 46:2265, a program for the early identification and follow-up of infants at risk susceptible to a hearing disability deaf or hard of hearing impaired infants, and infants at risk of susceptible to developing a progressive hearing impairment loss.

(1) Develop criteria or factors to identify those infants at risk for hearing impairment loss, and infants at risk of developing a progressive hearing impairment loss, who are deaf or hard of hearing impaired, and infants who may develop a progressive hearing impairment loss, including the risk factors set forth in this Chapter, and develop an at-risk susceptibility questionnaire for infant hearing loss.

(2) Create an at-risk susceptibility registry to include, but not be limited to, the identification of infants at risk for susceptible to hearing impairment loss, deaf or hard of hearing impaired infants, and infants at risk of susceptible to developing a progressive hearing impairment loss.

(3) Provide to the hospitals and other birthing sites the at-risk susceptibility questionnaire for infant hearing loss, and require that the same be completed for any newborn prior to discharge from the hospital or other birthing site. As to infants at risk infants susceptible to a hearing disability, copies of the completed at-risk susceptibility questionnaire shall be distributed to the parents or guardians of the infant.

(4) For all newborn infants that the hospital of birth or that hospital to which the newborn infant may be transferred provide screening for
hearing impairment loss by auditory brainstem response (ABR) screening, or evoked otoacoustic emissions (EOAE) screening, or any other screening device approved by the office before discharge. The results of that screening for hearing impairment loss shall be provided to the at-risk susceptibility registry of the office of public health, the parent or guardian, and if known, the primary care physician and the provider of audiological services.

(5) Develop and provide to the hospitals or other birthing sites appropriate written instructions and information for parents or guardians of infants at risk of developing a progressive hearing impairment, and of infants at risk of developing hearing impaired infants, and of infants at risk of susceptible to developing a progressive hearing impairment loss.

(7) Establish a telephone hotline to communicate information about hearing impairment loss, hearing impaired infants, and other hearing impairments, and to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person who is deaf or hard of hearing and a qualified interpreter/transliterator. An intermediary interpreter/transliterator may be needed for non-manual hearing impaired persons who are deaf or hard of hearing and shall be provided.

§2363. Waiver

The right of a hearing impaired person who is deaf or hard of hearing to the services of an interpreter/transliterator may not be waived except by a hearing impaired person who is deaf or hard of hearing who requests a waiver. The failure of the hearing impaired person who is deaf or hard of hearing to request the services of an interpreter/transliterator is not a waiver of that right.

§2364. Interpreter/transliterator required

A. Whenever a hearing impaired person who is deaf or hard of hearing is a party or witness at any stage involving direct communication with hearing impaired persons who are deaf or hard of hearing, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to interpret or transcribe the proceedings to the hearing impaired person who is deaf or hard of hearing and to interpret or transcribe the hearing impaired person's testimony of the person who is deaf or hard of hearing.

B. Whenever a juvenile whose parent is hearing impaired deaf or hard of hearing is brought before a court for any reason, the court shall appoint and pay for a qualified interpreter/transliterator to interpret or transcribe the proceedings to the hearing impaired deaf or hard of hearing parent and to interpret or transcribe the hearing impaired parent's testimony.

C. If any hearing or proceeding of any department, board, licensing authority, commission, or administrative agency of the state or of its political subdivision is held, the appointing authority shall appoint and pay for a qualified interpreter/transliterator for hearing impaired deaf or hard of hearing participants.

D. Whenever a hearing impaired person who is deaf or hard of hearing is a witness before any legislative committee or subcommittee, or legislative research or study committee, or subcommittee or commission authorized by the state legislature or by any political subdivision of the state, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to interpret or transcribe the proceedings to the hearing impaired deaf or hard of hearing person who is deaf or hard of hearing and to interpret/transliterate the hearing impaired person's testimony.

E.1) Whenever a hearing impaired person who is deaf or hard of hearing is arrested for an alleged violation of a criminal law, including local ordinance, the arresting officer shall procure and the court with jurisdiction over the alleged violation shall pay for a qualified interpreter/transliterator for any interrogation, warning, notification of rights, or taking of a statement.

(2) No hearing impaired person who is deaf or hard of hearing who has been arrested and who is otherwise eligible for release shall be held in custody pending arrival of an interpreter/transliterator.

(3) No answer, statement, or admission, written or oral, made by a hearing impaired person who is deaf or hard of hearing in reply to a question of a law enforcement officer or to an appointed or designated counsel appointed for indigent persons, the appointing authority shall appoint and pay for a qualified interpreter/transliterator for hearing impaired indigent people who are deaf or hard of hearing to assist in communication with counsel in all phases of the preparation and presentation of the case.
§2365. Determination of interpreter's/transliterator's qualifications
A. Before appointing an interpreter/transliterator, the appointing authority shall make a preliminary determination, based on the hearing impaired person's needs, the certification or licensure needs of the person who is deaf or hard of hearing and upon the recommendation of the Louisiana Commission for the Deaf. If the interpreter/transliterator is not able to facilitate effective communication with the hearing impaired person who is deaf or hard of hearing, the appointing authority shall provide another qualified interpreter/transliterator.

B. Upon request of the person for whom the interpreter/transliterator is appointed, or on the appointing authority's own motion, an interpreter/translator shall be reappointed for the ability to accurately convey information to the particular hearing impaired person who is deaf or hard of hearing.

§2366. Coordination of interpreter/transliterator requests
A. Whenever an interpreter/transliterator is required under this Chapter, the appointing authority shall not commence proceedings until the appointed interpreter/transliterator is in full view of and spatially situated to assure effective communication with the hearing impaired person who is deaf or hard of hearing.

§2367. Interpreter/transliterator in full view
Whenever an interpreter/transliterator is required to be appointed under this Chapter, the appointing authority shall not commence proceedings until the appointed interpreter/transliterator is in full view of and spatially situated to assure effective communication with the hearing impaired person who is deaf or hard of hearing.

§2368. Coordination of interpreter/transliterator requests
A. Whenever an interpreter/transliterator is required under this Chapter, the appointing authority shall use one of the interpreters/translators on the Louisiana Commission for the Deaf list. If none of the listed interpreters/translators is available or is able to provide effective communication with the particular hearing impaired person who is deaf or hard of hearing, then the appointing authority shall appoint any other person who is able to accurately communicate with and convey information to and from the particular hearing impaired person involved who is deaf or hard of hearing.

§2372. Visual recording
The appointing authority, on his own motion or on the motion of a party to the proceedings, may order that the testimony of the hearing impaired person who is deaf or hard of hearing and the interpretation/transliteration thereof be electronically or visually recorded for use in verification of the official transcript of the proceedings.

Section 12. R.S. 47:630(A)(3) is hereby amended and reenacted to read as follows:

§6301. Rebates; donations to school tuition organizations
A. * * *

(3) In order for a donation from a taxpayer to qualify for the rebate, the donation shall be used by the school tuition organization to provide scholarships for tuition and fees for students to attend a qualified school in accordance with the provisions of this Section. No more than five percent of a donation shall be used by the school tuition organization for administrative or promotional costs. No scholarship shall be designated, referred to, or in any way named after a private entity nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school. However this Paragraph shall not prohibit a donation in a sum of one hundred dollars or more to be earmarked for a student with a disability. A student shall be considered to have a disability if such student is evaluated according to state and federal regulations or policy and is deemed to have a mental disability, hearing impairment loss (including deafness), multiple disabilities, deafblindness, speech language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, dyslexia and related disorders, or autism, and as a result requires special education and related services.

Section 13. The heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950 and R.S. 49:181(A) are hereby amended and reenacted to read as follows:

PART X. EMPLOYMENT AND LICENSING
EXAMINATIONS–INTERPRETERS FOR DEAF PERSONS
THE DEAF AND HARD OF HEARING

§181. Interpreters for deaf or severely hearing impaired persons taking state examinations
A. Any deaf or severely hearing impaired person who is deaf or hard of hearing and takes an examination which is a prerequisite for employment or licensing by the state or any of its agencies is entitled to be furnished, upon request, with an interpreter by the state or its agency.

B. When a deaf or hard of hearing impaired person is summoned for jury duty, the court shall:

* * *

Section 15. (A) The legislature hereby finds that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of those persons by society.

(B) It is hereby declared that the intent of the legislature is to delete from the law the words of this state that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature is to modify this Act to eliminate the words of this Act that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.

(C) It is the intent of the legislature that no provision of this Act shall impair, alter, or affect in any way any provision of any present law or administrative rule.

(D) Nothing in this Act shall be construed to expand or diminish any right of or benefit for any person provided by any existing law or administrative rule.

Section 16. (A) Each agency, board, commission, department, office, and other instrumentality of the state to which the legislature has delegated authority to promulgate rules and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is hereby authorized and requested to employ the preferred terminology enacted in Sections 1 through 14 of this Act for referring to the deaf and hard of hearing and to hearing loss in duly promulgated administrative rules, policy publications, and materials published in paper format or electronically, whether for internal use or public use, including but not limited to informational brochures, resource guides, reference materials, manuals, and the content of any Internet website or other electronic media.

The provisions of this Section shall apply prospectively; however, nothing herein shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending existing administrative rules for the purpose of instituting the preferred terminology provided for in this Act.

(B) The legislative services offices of the House of Representatives and the Senate are hereby authorized and requested to publish guidance in legislative drafting manuals and in any other professional resources as those offices may deem appropriate concerning use of the preferred terminology for referring to the deaf and hard of hearing and to hearing loss provided for in this Act.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 147

HOUSE BILL NO. 268
BY REPRESENTATIVE JIMMY HARRIS
AN ACT
To enact R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1, relative to criminal history records checks; to provide for the criminal history records checks; to provide for the use of these records; to provide for a definition; and to provide relative to public use, including but not limited to informational brochures, resource guides, reference materials, manuals, and the content of any Internet website or other electronic media.

§587.5. Agencies with access to federal tax information; criminal history information
A. For purposes of this Section, "agency" means any agency that has an agreement with the Internal Revenue Service to access federal tax information. "Agency" shall include all of the following:

(1) Department of Revenue.
(2) Department of Justice; collections section and information technology section.
(3) Division of Administration; office of technology services.
(4) Department of Children and Family Services; child support enforcement and family support.
(5) Louisiana Department of Health; medicaid eligibility section.
(6) Louisiana Workforce Commission; office of unemployment insurance administration.

B. Nothing in this Act shall be construed to expand or diminish any right of or benefit for any person provided by any existing law or administrative rule.

C. It is hereby declared that the intent of the legislature is to delete from the law the words of this state that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.

D. The legislature hereby finds that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of those persons by society.

E. It is hereby declared that the intent of the legislature is to modify this Act to eliminate the words of this Act that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.

F. It is the intent of the legislature that no provision of this Act shall impair, alter, or affect in any way any provision of any present law or administrative rule.

G. Nothing in this Act shall be construed to expand or diminish any right of or benefit for any person provided by any existing law or administrative rule.

H. In order for a donation from a taxpayer to qualify for the rebate, the donation shall be used by the school tuition organization to provide scholarships for tuition and fees for students to attend a qualified school in accordance with the provisions of this Section. No more than five percent of a donation shall be used by the school tuition organization for administrative or promotional costs. No scholarship shall be designated, referred to, or in any way named after a private entity nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school. However this Paragraph shall not prohibit a donation in a sum of one hundred dollars or more to be earmarked for a student with a disability. A student shall be considered to have a disability if such student is evaluated according to state and federal regulations or policy and is deemed to have a mental disability, hearing impairment loss (including deafness), multiple disabilities, deafblindness, speech language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, dyslexia and related disorders, or autism, and as a result requires special education and related services.

I. Section 13. The heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950 and R.S. 49:181(A) are hereby amended and reenacted to read as follows:

THE DEAF AND HARD OF HEARING

CHAPTER 1. EMPLOYMENT AND LICENSING

PART X. EMPLOYMENT AND LICENSING

EXAMINATIONS–INTERPRETERS FOR DEAF PERSONS

THE DEAF AND HARD OF HEARING

§181. Interpreters for deaf or severely hearing impaired persons taking state examinations
A. Any deaf or severely hearing impaired person who is deaf or hard of hearing and takes an examination which is a prerequisite for employment or licensing by the state or any of its agencies is entitled to be furnished, upon request, with an interpreter by the state or its agency.

B. When a deaf or hard of hearing impaired person is summoned for jury duty, the court shall:

* * *

THE ADVOCATE
CODING: Words in square braces are deletions from existing law, words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
the fingerprints to the Federal Bureau of Investigation for a national criminal history records check and shall provide the agency with the national criminal history record information of the current or prospective employee, contractor, or subcontractor.

C. A local criminal history records check shall also be requested by an agency for a current or prospective employee, contractor, or subcontractor. The request shall be sent to any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school within the last five years.

D.(1) Fingerprinting and national, state, and local criminal history records checks are to be used by the agency to determine the suitability of the current or prospective employee, contractor, or subcontractor to access federal tax information and records.

D.(2) Prospective employees shall be subject to fingerprinting and national, state, and local criminal history records checks only after a conditional offer of employment has been made.

D.(3) Current employees, contractors, and subcontractors with access to federal tax information shall be subject to fingerprinting and national, state, and local criminal history records checks at a minimum of every ten years.

E. The costs of providing the information required under this Section shall be charged by the bureau, as specified in R.S. 15:587(B), to the agency for furnishing information contained in the bureau's criminal history and identification files, including any additional costs of providing the national criminal history records check, which pertains to the current or prospective employee, contractor, or subcontractor.

§587.6. Division of administration, office of technology services; access to criminal history information or state-issued REAL ID information
A.(1) Pursuant to R.S. 39:15.1.2, current or prospective employees, contractors, or subcontractors of the division of administration, office of technology services, who have access to criminal history record information or state-issued REAL ID information shall submit to a criminal history records check to be conducted by the Louisiana Bureau of Criminal Identification and Information.

A.(2) Pursuant to R.S. 15:587.5, the attorney general is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the attorney general shall promulgate rules and regulations with regard to this matter.

§613. Criminal history information; access to restricted data
The division of administration, office of technology services, is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.6. Pursuant to this authorization and to implement the requirements of R.S. 15:587.6, the commissioner of administration shall promulgate rules and regulations with regard to this matter.

§701.1. Criminal history information; access to federal tax information
The Department of Justice, collections section and information technology section, is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the attorney general shall promulgate rules and regulations with regard to this matter.

Section 4. R.S. 39:15.1.1 and 15.1.2 are hereby enacted to read as follows:

(1) Criminal history information; access to federal tax information
The division of administration, office of technology services, is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to this matter.

§701.3. Criminal history information; access to federal tax information

The Department of Revenue is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to this matter.

Section 5. R.S. 46:51.3 is hereby enacted to read as follows:

§51.3. Criminal history information; access to federal tax information

The Department of Children and Family Services, office of child support enforcement and family support, is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to this matter.

Section 6. R.S. 47:1504.1 is hereby enacted to read as follows:

§1504.1. Criminal history information; access to federal tax information
The Department of Revenue is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to this matter.

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

ACT No. 148

-HOUSE BILL NO. 280
BY REPRESENTATIVES MARINO AND STOKES
AN ACT
To amend and reenact R.S. 40:79(A)(2)(a), relative to adoptions; to provide relative to birth certificates in certain cases of adoptions by step-parents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:79(A)(2)(a) is hereby amended and reenacted to read as follows:

§79. Record of adoption decree
A. * * *

(2)(a) If the child is adopted by a married couple, the names of both parties shall be recorded as the parents, even if one of the petitioning parties dies prior to entry of the final judgment of adoption. However, if the child is adopted by a step-parent who was married to the legal parent of the child and the legal parent dies prior to the filing of the petition for adoption, the names of both the deceased legal parent and the step-parent shall be recorded on the child’s birth certificate at the request of the step-parent.

Section 2. The provisions of this Act amending R.S. 40:79(A)(2)(a) are declared to be remedial and curative and shall be applied retroactively to June 1, 2016, as well as prospectively.

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

THE ADVOCATE
CODING: Words in italics are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.

PAGE 63
To amend and reenact R.S. 46:1053(C)(2)(d), relative to the Calcasieu Cameron Hospital Service District; to provide relative to the per diem paid to members of the board of commissioners of the district; 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. 46:1053(C)(2)(d) is hereby amended and reenacted to read as follows:

§1053.  Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

C. (2) * * *

(d) The governing authorities of Calcasieu Parish and Cameron Parish may permit a per diem to each member of the commission of the Calcasieu Cameron Hospital Service District in an amount of not less than twenty-five dollars nor more than three hundred dollars for each day of his attendance at meetings of the commission, not to exceed twelve meetings per year payable out of the funds of the hospital service district.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 150

TO AMEND AND REENACT R.S. 47:1519(B) AND 1520(A)(1)(c), (e), AND (g) AND (2), (B), AND (C) AND TO ENACT R.S. 47:1519(D) AND 1520(A)(3), RELATIVE TO TAX RETURNS AND TAXES; TO PROVIDE FOR THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER; TO AUTHORIZE THE SECRETARY TO REQUIRE THE ELECTRONIC FILING OF TAX RETURNS; TO PROVIDE EXCEPTIONS TO PROVIDE WITH RESPECT TO CERTAIN PENALTIES; TO REQUIRE RULEMAKING; TO PROVIDE FOR EFFECTIVENESS; AND TO PROVIDE FOR RELATED MATTERS.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1519(B) and 1520(A)(1)(c), (e), and (g) and (2), (B), and (C) and to enact R.S. 47:1519(D) and 1520(A)(3), relative to tax returns and payments; to provide for the payment of taxes by electronic funds transfer; to authorize the secretary to require the electronic filing of tax returns; to provide for exceptions; to provide with respect to certain penalties; to require rulemaking; to provide for effectiveness; and to provide for related matters.

The electronic filing requirement shall be implemented by the Secretary of the Department of Revenue by electronic funds transfer under any of the following circumstances:

(i) The tax due in connection with the filing of any return, report, or other document exceeds fifteen thousand dollars.

(ii) Sixty percent of the returns due on or after January 1, 2008.

(iii) Ninety percent of the returns due on or after January 1, 2019.

B. (1) For taxable periods beginning on or after January 1, 2008, and ending on or before December 31, 2009, the secretary of the Department of Revenue may require payments by electronic funds transfer under any of the following circumstances:

(a) The tax due in connection with the filing of any return, report, or other document exceeds five thousand dollars.

(b) The tax return is required to be filed electronically as follows:

(i) Sixty percent of the returns due on or after January 1, 2010.

(ii) Sixty percent of the returns due on or after January 1, 2011.

(c) Individual income tax returns prepared by a tax preparer that prepares and files more than one hundred state individual income tax returns during any calendar year may be required to be filed electronically as follows:

(i) Thirty percent of the returns due on or after January 1, 2008.

(ii) Forty percent of the returns due on or after January 1, 2009.

(d) Any return or report that a professional athletic team or professional athlete is required to file with the Department of Revenue for the administration of the Sports Facilities Assistance Fund.

The electronic filing requirement shall be implemented by the Department of Revenue by electronic funds transfer under any of the following circumstances:

(i) The tax due in connection with the filing of any return, report, or other document exceeds fifteen thousand dollars.

(ii) Sixty percent of the returns due on or after January 1, 2008.

(iii) Ninety percent of the returns due on or after January 1, 2019.

E. Any return or report that a professional athletic team or professional athlete is required to file with the Department of Revenue for the administration of the Sports Facilities Assistance Fund.

The electronic filing requirement shall be implemented by the Department of Revenue by electronic funds transfer under any of the following circumstances:

(i) The tax due in connection with the filing of any return, report, or other document exceeds fifteen thousand dollars.

(ii) Sixty percent of the returns due on or after January 1, 2008.

(iii) Ninety percent of the returns due on or after January 1, 2019.

The person is required to file a report pursuant to R.S. 47:843 et seq.

F. With respect to all other tax returns or reports other than individual income tax returns or reports, the secretary may require electronic filing of any tax return or report.

The electronic filing requirement shall be implemented by the Department of Revenue by electronic funds transfer under any of the following circumstances:

(i) The tax due in connection with the filing of any return, report, or other document exceeds five thousand dollars.

(ii) Sixty percent of the returns due on or after January 1, 2008.

(iii) Ninety percent of the returns due on or after January 1, 2019.

The person is required to file a return, statement, or other document filed by electronic means that shall have the same validity and consequence as the actual signature and/or written declaration for such a return, statement, or other document.

C. The secretary may prescribe alternative methods for signing, subscribing, or verifying a return, statement, or other document filed by electronic means that shall have the same validity and consequence as the actual signature and/or written declaration for such a return, statement, or other document.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 291

TO AMEND AND REENACT R.S. 46:1053(C)(2)(d), RELATIVE TO THE CALCASIEU CAMERON HOSPITAL SERVICE DISTRICT; TO PROVIDE RELATIVE TO THE PER DIEM PAID TO MEMBERS OF THE BOARD OF COMMISSIONERS OF THE DISTRICT; AND TO PROVIDE FOR RELATED MATTERS.

Section 1. R.S. 46:1053(C)(2)(d) is hereby amended and reenacted to read as follows:

§1053.  Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

C. (2) * * *

(d) The governing authorities of Calcasieu Parish and Cameron Parish may permit a per diem to each member of the commission of the Calcasieu Cameron Hospital Service District in an amount of not less than twenty-five dollars nor more than three hundred dollars for each day of his attendance at meetings of the commission, not to exceed twelve meetings per year payable out of the funds of the hospital service district.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 286

TO AMEND AND REENACT R.S. 47:1519(B) AND 1520(A)(1)(c), (e), AND (g) AND (2), (B), AND (C) AND TO ENACT R.S. 47:1519(D) AND 1520(A)(3), RELATIVE TO TAX RETURNS AND TAXES; TO PROVIDE FOR THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER; TO AUTHORIZE THE SECRETARY TO REQUIRE THE ELECTRONIC FILING OF TAX RETURNS; TO PROVIDE EXCEPTIONS TO PROVIDE WITH RESPECT TO CERTAIN PENALTIES; TO REQUIRE RULEMAKING; TO PROVIDE FOR EFFECTIVENESS; AND TO PROVIDE FOR RELATED MATTERS.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1519(B) and 1520(A)(1)(c), (e), and (g) and (2), (B), and (C) and to enact R.S. 47:1519(D) and 1520(A)(3), relative to tax returns and payments; to provide for the payment of taxes by electronic funds transfer; to authorize the secretary to require the electronic filing of tax returns; to provide for exceptions; to provide with respect to certain penalties; to require rulemaking; to provide for effectiveness; and to provide for related matters.

The electronic filing requirement shall be implemented by the Department of Revenue by electronic funds transfer under any of the following circumstances:

(i) The tax due in connection with the filing of any return, report, or other document exceeds fifteen thousand dollars.

(ii) Sixty percent of the returns due on or after January 1, 2008.

(iii) Ninety percent of the returns due on or after January 1, 2019.

The person is required to file a return, statement, or other document filed by electronic means that shall have the same validity and consequence as the actual signature and/or written declaration for such a return, statement, or other document.

C. The secretary may prescribe alternative methods for signing, subscribing, or verifying a return, statement, or other document filed by electronic means that shall have the same validity and consequence as the actual signature and/or written declaration for such a return, statement, or other document.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State
To amend and reenact Children’s Code Articles 1004(B), (D), (F), and (I), 1035(B), 1036(C)(introductory paragraph), (D)(introductory paragraph), and (E), and 1036.2(E), relative to termination of parental rights; to provide relative to grounds for termination; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 1004(B), (D), (F), and (I), 1035(B), 1036(C)(introductory paragraph), (D)(introductory paragraph), and (E), and 1036.2(E) are hereby amended and reenacted as follows:

Art. 1004. Petition for termination of parental rights; authorization to file

B. Counsel appointed for the child pursuant to Article 607 may petition for the termination of parental rights of the parent of the child if the petition alleges a ground authorized by Article 1015(4)(j), or

C. Under Article 1015(5)(b), the department of social services may designate private counsel authorized to petition for the termination of parental rights of the parent of the child when any of the following apply:

(1) The child has been subjected to abuse or neglect after the child is returned to the parent’s care and custody while under department supervision, and termination is authorized by Article 1015(5)(b)(1)(C).

(2) The parent’s parental rights to one or more of the child’s siblings have been terminated due to neglect or abuse and prior attempts to rehabilitate the parent have been unsuccessful, and termination is authorized by Article 1015(5)(b)(1)(C).

(3) The child has been abandoned and termination is authorized by Article 1015(5)(b)(1)(C).

(4) The child has been placed in the custody of the state and termination is authorized by Article 1015(5)(b)(1)(C).

(5) The child is in foster care because the parent is incarcerated and termination is authorized by Article 1015(5)(b)(1)(C).

F. By special appointment for a particular case, the court or the district attorney may designate private counsel authorized to petition for the termination of parental rights of the parent of the child on the ground of abandonment authorized by Article 1015(5)(b)(1)(C).

I. When a child is conceived as the result of a sex offense as defined in R.S. 15:541, the victim of the sex offense who is the custodial parent may petition to terminate the rights of the perpetrator of the sex offense. Termination shall result in the loss of custody, visitation, contact, and other parental rights of the perpetrator regarding the child, but shall not affect the inheritance rights of the child. The perpetrator shall be cast in judgment for court costs.

Art. 1035. Burden of proof

B. The parent asserting a mental or physical disability as an affirmative defense to abandonment under Article 1015(5)(b) bears the burden of proof by a preponderance of the evidence.

Art. 1036. Proof of parental misconduct

C. Under Article 1015(6)(b), lack of parental compliance with a case plan may be evidenced by one or more of the following:

D. Under Article 1015(6)(b), lack of any reasonable expectation of significant improvement in the parent’s conduct in the near future may be evidenced by one or more of the following:

E. Under Article 1015(6)(b), a sentence of at least five years of imprisonment raises a presumption of the parent’s inability to care for the child for an extended period of time, although the incarceration of a parent shall not in and of itself be sufficient to deprive a parent of his parental rights.

Art. 1036.2. Incarcerated parent; duties; assessment

E. The notification form given to the incarcerated parent shall be substantially as follows:

NOTE OF INTENT TO PROVIDE A REASONABLE PLAN FOR THE APPROPRIATE CARE OF YOUR CHILD AND TERMINATION OF PARENTAL RIGHTS

NOTICE TO PARENT: YOUR CHILD(REN) HAS/HAVE BEEN PLACED IN THE CUSTODY OF THE LOUISIANA DEPARTMENT OF CHILDREN AND FAMILY SERVICES BY ORDER OF THE __________________________ Parish juvenile court __________________________ on __________________________.

PLEASE BE ADVISED OF THE FOLLOWING:

Louisiana law provides that you may name a person who is willing and able to serve as the custodian of your child(ren) and to offer a wholesome and stable environment for your child(ren). Failure to furnish a reasonable plan for the appropriate care of your child(ren) may result in the termination of your parental rights.

Please refer to Louisiana Children’s Code, Title X, Articles 1001 to 1043, especially Articles 1015(4)(j) and 1036(E), for the details of Louisiana law regarding the termination of parental rights. A copy of the law is attached to this notice.

You are hereby notified that Louisiana law requires that you provide a reasonable plan for the appropriate care of your child(ren), other than foster care, within sixty (60) days of your receipt of this notice, which date is __________________________. Your plan shall include the names, addresses, cellular numbers, telephone numbers, and other contact information of every suitable alternative caregiver. You may provide additional information by filling out this form and mailing it in the stamped, self-addressed envelope given to you by the department before __________________________. If you fail or refuse to do so, you may lose all rights to your child(ren). Your plan will be examined to determine if it is reasonable and appropriate. Please provide your plan in detail no later than __________________________ to the following person:

NAME: __________________________
ADDRESS: __________________________
CITY/STATE/ZIP: __________________________
TELEPHONE: __________________________

NOTE: IF YOU HAVE ANY QUESTIONS OR NEED ANY ASSISTANCE, CONTACT THE ABOVE PERSON OR YOUR ATTORNEY IMMEDIATELY.

Copies of the law, La. Ch.C. Arts. 1001-1043, are attached. PLEASE READ.

I, __________________________, hereby certify that a copy of this notice with La. Ch.C. Arts. 1001-1043 attached, was delivered to

PERSONAL DELIVERY AT THE FOLLOWING LOCATION __________________________

I, __________________________, have received a copy of this notice, together with the attached laws (La. Ch.C. Arts. 1001-1043), and acknowledge that I understand fully that my rights may be terminated and my child(ren) adopted by others if I do not provide a reasonable plan of appropriate care while I am incarcerated, other than continued foster care, within sixty (60) days of my receipt of this notice on __________________________.

Signature of caseworker

Signature of parent

Witness: __________________________

Date: __________________________

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

ACT No. 152

HOUSE BILL NO. 451
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 33:9091.3(D)(1)(a) and (F)(1) and (3)(a) and (c), relative to the Audubon Area Security District; to provide for membership on the governing board of the district; to provide relative to the parcel fee levied within the district; to provide relative to the amount, 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. 33:9091.3(D)(1)(a) and (F)(1) and (3)(a) and (c) are hereby amended and reenacted to read as follows:

§9091.3. The Audubon Area Security District

D. Governance. (1) The district shall be governed by a nine-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:

(a) The president of the Audubon Area Zoning Association, referred to in this Section as the “association”, shall be a member or he may designate a member of the board of directors of the association to serve as a member.

F. Parcel fee. The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land and shall not exceed five hundred fifty dollars per year for each parcel for calendar year 2019; however, the maximum fee amount may be increased by twenty-five dollars per year for each calendar year after 2019.
(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. The proposition shall state that the governing authority of the city of New Orleans shall cease levying any other tax for district purposes on and after January 1, 2008. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized as provided in this Subsection. No other election shall be required except as provided by this Paragraph.

(c) The fee shall be levied beginning on January 1, 2009. The fee shall expire on December 31, 2018; at the end of the term provided for in the proposition authorizing the fee, not to exceed ten years, but may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held simultaneously at the same time as the normal primary or regularly scheduled election for in the city of New Orleans. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Section 2. The provisions of this Act shall not affect the parcel fee being levied within the Audubon Area Security District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the parcel fee until such time as it expires, as provided in the proposition approved by a majority of the district's registered voters voting on the proposition at an election held on November 4, 2008. The governing authority of the city shall then begin to levy a parcel fee as provided in this Act, if the parcel fee has been approved by a majority of the district's registered voters as provided in this Act.

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 signed by the governor and subsequently approved by the legislature, this Act shall become effective on the date following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 153

BY REPRESENTATIVES GISCLAIR AND GAROFALO

To amend and reenact R.S. 56:332(N)(2)(c) and to enact R.S. 56:332(N)(2)(d), relative to crab fishing; to authorize the Wildlife and Fisheries Commission to prohibit crab traps in state-owned water bottoms during closed season; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:332(N)(2)(c) is hereby amended and reenacted and R.S. 56:332(N)(2)(d) is hereby enacted to read as follows:

§332. Crabs; release of crabs in berry stage; method of taking crabs; time controls directly or indirectly ten percent or more of the applicant

(a) Life, health, and accident producer; variable annuity producer

(b) Limited lines credit insurance producer

(c) Limited lines producer

Surplus Lines:

(i) First time applicant

(ii) Two or more lines

Additional or renewal company appointment

Additional or renewal company appointment

Additional or renewal company appointment

Renewal fee (every two years)

Renewal fee (every two years)

Renewal fee (every two years)

Fee for failure to file producer license renewal timely

§1546. Application for license

B.(1)(a) A business entity acting as an insurance producer is required to shall obtain an insurance producer license.

(i) Every member, partner, officer, director, and person who controls directly or indirectly ten percent or more of the applicant a resident business entity shall be registered with the Department of Insurance under such business entity's license.

(ii) A non-resident business entity shall provide to the commissioner upon request the name of every member, partner, officer, director, and person who controls directly or indirectly ten percent or more of the non-resident business entity.

(iii) For purposes of this Section, “control” has the same meaning as provided in R.S. 22:691.2.

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

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 155

BY REPRESENTATIVE LANCE HARRIS

To designate a portion of Louisiana Highway 1 in the city of Alexandria, Louisiana, as the “Deputy Marshal Glen Denning DeVanie Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 1 between North MacArthur Drive and Airbase Road in the city of Alexandria, Louisiana, in Rapides Parish shall be known and designated as the “Deputy Marshal Glen Denning DeVanie Memorial Highway”.

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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.
To amend and reenact R.S. 46:1053(V)(2), relative to Hospital Service District No. 1 of the parish of Pointe Coupee; to provide relative to the governing authority of Pointe Coupee Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1053(V)(2) is hereby amended and reenacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; removal of commissioners; certain powers

V. (2) Notwithstanding any other provision of law to the contrary, three members appointed to the board of commissioners of the Hospital Service District No. 1 of the parish of Pointe Coupee may be members of the governing authority of Pointe Coupee Parish.

Section 2. If three members of the governing authority of Pointe Coupee Parish are serving on the board of commissioners of Hospital Service District No. 1 of the parish of Pointe Coupee on the effective date of this Act, then the term of one of such members shall terminate on that date, as determined by lot; however, any such member shall remain in office until his successor is appointed and takes office.

Section 3. This Act shall become effective on February 1, 2019.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 157

HOUSE BILL NO. 611
BY REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 48:1844, relative to interstate highways; to designate a certain portion of Interstate 49 in the city of Shreveport, Louisiana, as the T.J. Hawkins, Craig E. Lear, Cooper Road USA Expressway; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:1844 is hereby enacted to read as follows:

§1844. T.J. Hawkins, Craig E. Lear, Cooper Road USA Expressway

Notwithstanding any other law to the contrary, that portion of Interstate 49 from its intersection with Interstate 220 to its intersection with Louisiana Highway 1 in the city of Shreveport, Louisiana, shall be known and designated as the “T.J. Hawkins, Craig E. Lear, Cooper Road USA Expressway”.

Section 2. This Act shall only take effect and become operative if and when the portion of Interstate 49 from its intersection with Interstate 220 to its intersection with Louisiana Highway 1 in the city of Shreveport, Louisiana, is completed by the Department of Transportation and Development or its contractors.

Section 3. Upon completion of the designated portion of Interstate 49, the Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation, 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

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ACT No. 158

HOUSE BILL NO. 627
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 13:964(H) and 964.1(B) and to repeal R.S. 13:964.2, relative to court reporters; to provide for an increase in transcript fees in the Fourteenth Judicial District; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:964(H) and 964.1(B) are hereby amended and reenacted to read as follows:

§964. Court reporters for fourteenth judicial district Fourteenth Judicial District

* * *

H. In all cases which are reported and transcribed for appeal, a fee of two dollars and twenty-five cents per page for each copy, shall be charged by and paid to the reporter. In those cases which are reported but not transcribed, one-half of the fees provided herein in this Subsection for originals shall be charged by and paid to the reporter. Such fees shall be retained by the reporter as compensation, in addition to the salary provided for in Subsection G of this Section, and shall be taxed as costs of the suit in which the testimony is taken.

* * *

§964.1. Fourteenth Judicial District; indigent transcript fund; reporter’s fees

B. Court reporters shall be paid two dollars and twenty-five cents per thirty-one page for such work, and twenty-five dollars and twenty-five cents per page for each copy, as funds become available; all such payments to be made from the criminal indigent transcript fund by the court administrator.

* * *

Section 2. R.S. 13:964.2 is hereby repealed in its entirety.

Section 3. In accordance with the provisions of R.S. 13:62, the provisions of this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its 2018 Report to the Louisiana Legislature.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 159

HOUSE BILL NO. 643
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:821(B)(19)(c) and to enact R.S. 22:821(B)(23)(d), relative to license fees collected by the commissioner of insurance; to provide for an annual license renewal fee for viatical settlement providers; to provide for a late renewal fee for insurance claims adjusters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:821(B)(19)(c) is hereby amended and reenacted and R.S. 22:821(B)(23)(d) is hereby enacted to read as follows:

§821. Fees

B. The following fees and licenses shall be collected in advance by the commissioner of insurance:

* * *

(19) For viatical settlement licenses:

* * *

(c) Viatical settlement provider

First time applicant ....................................................................................... $1,000.00

Annual renewal .......................................................................................... $300.00

* * *

(23) For claims adjuster licenses and registrations:

* * *

(d) Fee for failure to file adjuster license renewal timely (per license) $50.00

* * *

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

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 160

HOUSE BILL NO. 674
BY REPRESENTATIVE GISCLAIR
AN ACT

To authorize the use of certain state property near Grand Isle for seafood research; to provide relative to protecting the state’s natural resources; to provide relative to the use of certain waters for oyster farming research; to provide relative to the specification of the boundaries and size of the areas in which the research will be conducted; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

* * *

As it appears in the enrolled bill
Section 1(A) The Grand Isle Port Commission may use, in accordance with this Act, the following described state water bottoms, water columns, and water surfaces above the specified elevations of water bottoms:

An area of approximately twenty-five and one-half acres in Caminada Pass, Jefferson Parish, Louisiana, circumscribed by lines connecting the following points (projection in North American datum, 1983):

1. The Northeast corner is located at 29 degrees, 16 minutes, 54.27 seconds, North, 90 degrees, 02 minutes, 38.54 seconds, West.
2. The Northwest corner is located at 29 degrees, 16 minutes, 55.44 seconds, North, 90 degrees, 02 minutes, 38.54 seconds, West.
3. The Southwest corner is located at 29 degrees, 16 minutes, 54.27 seconds, North, 90 degrees, 02 minutes, 38.54 seconds, West.
4. The Southwesterly corner is located at 29 degrees, 16 minutes, 54.27 seconds, North, 90 degrees, 02 minutes, 38.54 seconds, West.

Section 1. R.S. 46:1056(A) and (B) are hereby amended and reenacted to read as follows:

A true copy:

Tom Schedler
Secretary of State

ACT No. 163
SENATE BILL NO. 52
BY SENATOR LONG
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enacting R.S. 13:5554(FF), relative to the premium costs of group hospital insurance contracted for under the provisions of this Section if the Sheriff or deputy sheriff retired with twenty-five years or more of creditable service from the Natchitoches Parish Sheriff's Office and meets the regular retirement eligibility requirements of the Sheriffs' Pension and Relief Fund, as follows:

1. 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 contracted for under the provisions of this Section if the sheriff or deputy sheriff retired with twenty-five years or more of creditable service with the Natchitoches Parish Sheriff's Office.
2. Fifty percent of 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 if the sheriff or deputy sheriff retired with fifteen years of creditable service with the Natchitoches Parish Sheriff's Office.
3. Fifty percent of 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 if the sheriff or deputy sheriff retired with ten years of creditable service with the Natchitoches Parish Sheriff's Office.

F. Except as provided in Subsection D Paragraph (D)(3) of this Section, members of the board shall be appointed for a term of four years, beginning on July 1st of the year in which the appointment is made. No member shall serve more than three consecutive terms.

A true copy:

Tom Schedler
Secretary of State

ACT No. 163
SENATE BILL NO. 39
BY SENATOR BOUDREAUX
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 37:1263(F), relative to the Louisiana State Board of Medical Examiners; to provide for term limits; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1263(F) is hereby amended and reenacted to read as follows:

§1263. Louisiana State Board of Medical Examiners; membership; qualifications; appointment; removal; terms

THE ADVOCATE

* As it appears in the enrolled bill

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

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(5) The provisions of Paragraph (G)(1) of this Section shall apply to all persons hired by the Natchitoches Parish Sheriff’s Office before August 1, 2017.

A. No physician shall perform or induce an abortion upon any pregnant woman who is under the age of eighteen years and who is not emancipated judicially or by marriage unless the physician or a qualified person acting as agent of the physician pursuant to R.S. 40:1061.17(B)(4)(c) has received one of the following documents provided for in either Paragraph (1) or (2) of this Subsection:

(1g) A notarized statement signed by the mother, father, legal guardian, or tutor of the unemancipated minor declaring that the affiant has been informed that the minor intends to seek an abortion and that the affiant consents to the abortion. The affiant shall provide sufficient evidence of identity that shall be expressly specified in the affidavit to establish an articulable basis for a reasonably prudent person to believe that the affiant is or was an emancipated minor:

(i) The lawful mother.
(ii) The lawful father.
(iii) The legal guardian.
(iv) The lawful tutor of the minor.

(b) A copy of a valid and unexpired driver's license or a government-issued identification card of the individual giving consent on behalf of the unemancipated minor as provided for in Subparagraph (a) of this Paragraph.

B. The following provisions shall apply to all applications for court orders by minors seeking abortions and appeals from denials of applications:

* * *

(3) * * *

(ii) Such evaluation and counseling session shall be for the purpose of developing trustworthy and reliable expert opinion concerning the minor's sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion decision in order to aid the court in its decision and to make the state's resources available to the court for this purpose. Persons conducting such sessions may shall employ the information and printed materials referred to in R.S. 40:1061.17 in examining how well the minor interviewed is informed about pregnancy, fetal development, abortion risks and consequences, the indicators of human trafficking, and abortion alternatives, and should shall also endeavor to verify that the minor is seeking an abortion of her own free will and is not acting under intimidation, threats, abuse, undue pressure, or extortion by any other persons and is not a victim of a coerced abortion as defined in Children's Code Art. 603(9).

(iii) For purposes of providing screening to protect the safety and well-being of the minor, such evaluation and counseling session shall also endeavor to ascertain whether the minor is pregnant as a result of sexual activity which occurred under the law of this state, or as a result of forced sexual exploitation as defined in Children's Code Art. 603(9), and shall inform the minor of resources available for her protection.

(iv) The results of such evaluation and counseling shall be reported to the court by the most expeditious means, commensurate with security and confidentiality, to assure receipt by the court prior to or at the ex parte hearing.

(4)(a) If the minor has not been interviewed in such evaluation and counseling session prior to the ex parte hearing, such that the court does not have the benefit of the required report, then the court may appoint a certified child advocate attorney to be present with the minor at the ex parte hearing for the purpose of assisting the minor in communicating to the court whether her abortion decision is made with sufficient maturity and free and informed consent, commensurate with the duty of confidentiality. A certified child advocate attorney shall be given sufficient time on the same day as the ex parte hearing to review with the minor the information and printed materials referred to in R.S. 40:1061.17, in evaluating how well the minor is informed about pregnancy, fetal development, abortion risks and consequences, the indicators of human trafficking, and abortion alternatives, the certified child advocate attorney shall also endeavor to assist in the court's determination of whether the minor is seeking the abortion of her own free will and is not acting under intimidation, threats, undue pressure, or extortion by any other persons, and is not in need of assistance or protective orders if the minor is a victim of commercial sexual exploitation as defined in Children's Code Art. 603(9), or any crime against the child as defined in Children's Code Art. 603(12).

(b) If the court, using reasoned judgment and evidentiary evaluation, finds, by clear and convincing evidence, that the minor is sufficiently mature and well informed enough to make the decision concerning the abortion on her own, and further finds that the minor is not a victim of coerced abortion, and is seeking the abortion of her own free will, the court shall issue an order authorizing the minor to act on the matter without parental consultation or consent.

(c) Whether or not the court authorizes the abortion, if the court finds by a preponderance of the evidence that the minor is a victim of commercial sexual exploitation as defined in Children's Code Art. 603(9) or any crime against the child as defined in Children's Code Art. 603(12), the court may issue any appropriate protective orders or afford the minor the continued services of a court-appointed special advocate, or both.

$1061.14.1. Fraudulent interference with parental consent

A. Any person giving parental consent pursuant to R.S. 40:1061.14(A)(1) on behalf of a minor on whom an abortion was completed shall be subject to R.S. 14:70.7 providing penalties for the unlawful production, manufacturing, distributing or possessing of fraudulent documents for identification purposes.

B. Any employee of a licensed outpatient abortion facility who knowingly aids and abets a person who is not the mother, father, legal guardian, or tutor of a minor on whom an abortion was performed in the execution or acceptance of the written consent requirements as required by R.S. 40:1061.14(A)(1), shall be subject to the penalties in R.S. 40:1061.29.
§1061.19. Records
A. Each physician shall retain and make part of the medical record of each pregnant woman upon whom an abortion is performed or induced, copies of the following:

- * * *

(2) The consent form or court order required by R.S. 40:1061.11, if applicable.

If the pregnant woman is an unemancipated minor, one of the following:

(a) A notarized consent form and copies of identification as provided for in R.S. 40:1061.14(A)(1).

(b) A court order required by R.S. 40:1061.14(B), if applicable.

§1061.21. Reports
A. An individual abortion report for each abortion performed or induced shall be completed by the attending physician. The report shall be confidential and shall not contain the name or address of the woman. The report shall include:

- * * *

(5)(a) Age of pregnant woman.

(b) If the pregnant woman is a minor, a notation of whether the abortion was performed pursuant to either notarized parental consent or a judicial bypass order as provided for in R.S. 40:1061.14.

Section 2. If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable in accordance with R.S. 24:175 and the balance of this Act shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 166
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SENATE BILL NO. 184
BY SENATOR LÜNEAU

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

To amend and reenact R.S. 22:2062(A)(1) and to enact R.S. 22:2062(A)(2)(c), relative to the Louisiana Insurance Guaranty Association; to provide with respect to the exhaustion of other coverage; to provide for the exclusion of a credit against uninsured and underinsured motorist policies upon the insololvency of the insurer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2062(A)(1) is hereby amended and reenacted and R.S. 22:2062(A)(2)(c) is hereby enacted to read as follows:

§2062. Exhaustion of other coverage
A.(1) Any person having a claim against an insurer shall be required first to exhaust all coverage provided by any other policy other than his own uninsured or underinsured motorist policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same facts, injury or loss that gave rise to the covered claim against the association. The requirement to exhaust shall apply without regard to whether or not the other insurance policy is a policy written by a member insurer. However, no person shall be required to exhaust any right under the policy of an insolvent insurer or any right under a life insurance policy or annuity.

(2) Any amount payable on a covered claim under this Part shall be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy as provided herein. The association and the insured shall receive a full credit for the stated limits, unless the claimant demonstrates that the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy. If the claimant demonstrates that the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy, or if there are no applicable stated limits under the policy, the association and the insured shall receive a full credit for the total recovery.

- * * *

(c) The provisions of this Paragraph shall not apply to uninsured or underinsured motorist policies.

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Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 167
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SENATE BILL NO. 200
BY SENATOR ERDEY

AN ACT
To enact R.S. 33:3887(C), relative to the Livingston Parish Sewer District; to provide for an increase in the membership of the board of supervisors; 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. 33:3887(C) is hereby enacted to read as follows:

§3887. Supervising board

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C. Notwithstanding the provisions of Subsection A of this Section, the board of supervisors of the Livingston Parish Sewer District shall consist of seven members, subject to all other requirements of qualifications for office provided in Subsection A.

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. 168
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SENATE BILL NO. 204
BY SENATOR GARY SMITH

AN ACT
To enact R.S. 25:2224 to authorize St. John the Baptist Parish to name the St. John the Baptist Parish Library’s central branch in honor of a living person; 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. 25:2224 is hereby enacted to read as follows:

§2224. Naming of library by governing authority of St. John the Baptist Parish
Notwithstanding R.S. 42:287 or any other law to the contrary, the governing authority of St. John the Baptist Parish may name the parish library’s central branch in LaPlace in honor of Norris Butch Millet Sr., a living person who has served on the St. John the Baptist Parish Library Board of Control since 1966 and is a past board president and vice president.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 169
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SENATE BILL NO. 210
BY SENATOR ERDEY

AN ACT
To amend and reenact R.S. 38:1759, relative to the board of commissioners of Gravity Drainage District No. 2 of Livingston Parish; to increase the membership of the board of commissioners; 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. 38:1759 is hereby amended and reenacted to read as follows:

§1759. Appointment and terms of commissioners
A. The police jury organizing the drainage district shall appoint five commissioners in each district, two of the commissioners for the term of two years and three for the term of four years, and all selections or appointments thereafter shall be for the term of four years. The appointment of commissioners by the police jury shall be made upon the petition or recommendation of a majority in number of acres or a majority of the resident land owners in the district where the district contains forty or fewer land owners. Where more than forty land owners are embraced in the district, the appointment shall be made upon the recommendation or petition of twenty-five of the land owners of the district. Where there is a contest over the appointment of commissioners, the police jury shall give the appointment to those commissioners who are recommended by the land owners owning the greatest number of acres of land in the districts. In the absence of any petition or recommendation, the police jury may appoint commissioners in their discretion.

B. Notwithstanding the provisions of Subsection A of this Section, the board of commissioners of Gravity Drainage District No. 2 of Livingston Parish shall consist of seven members, subject to all other requirements of qualifications for office provided in Subsection A of this Section.

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 upon the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

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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.
ACT No. 170

SENATE BILL NO. 211
BY SENATOR GARY SMITH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 40:1563.1(A)(20) and (C), (D), and (E) and to enact R.S. 14:206.1 and R.S. 40:1563.1(A)(21) and (F), relative to life safety and property protection contracting; to create the crime of life safety and property protection contracting without authority; to provide the elements of the crime; to provide penalties; to provide relative to the authority of the fire marshal to investigate the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:206.1 is hereby amended to read as follows:

§1563.1. Authority to make arrests and carry firearms; arson task force
A. The fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, shall have the authority to investigate and cause the arrest of any person suspected of violating crimes enumerated in this Section.
B. The fire marshal shall issue a commission to any state arson investigator who successfully completes the requirements for P.O.S.T. certification or P.O.S.T. qualification, or both, by a local arson investigator who shall not grant to that local arson investigator any authority other than the authority granted by a commission issued pursuant to this Subsection.
(2) The chief of each fire protection district, each fire department, and each volunteer fire department who issues a commission to a local arson investigator allowing him to carry and use firearms and to arrest individuals suspected of violating crimes enumerated in this Subsection shall not grant any authority other than the powers, functions, duties, and responsibilities which are set forth for local arson investigators in this Section.

§206.1. Engaging in life safety and property protection contracting without authority prohibited; penalty
A. It shall be unlawful for any person to engage in the business of life safety and property protection contracting, as defined in R.S. 40:1664.3, unless he holds a license as required by R.S. 40:1664.4.
B. It shall be sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in life safety and property protection contracting without authority from the office of state fire marshal.
(1) Any person violating this Section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than ninety days, fined not more than five hundred dollars per day of the violation, or both.
(2) Notwithstanding any action taken by the office of state fire marshal, any person who does not possess a license as required by R.S. 40:1664.4, and who violates any provision of this Section and causes harm or damage to another in excess of five hundred dollars, upon conviction, shall be imprisoned for up to six months, fined not less than five hundred dollars nor more than five thousand dollars, or both.

§206.1. Engaging in life safety and property protection contracting without authority
(20) R.S. 40:1563.1(A)(20) and (C), (D), and (E) are hereby amended and reenacted and R.S. 40:1563.1(A)(21) and (F) are hereby enacted to read as follows:

§1563.1. Authority to make arrests and carry firearms; arson task force
A. The fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, shall have the authority to investigate and cause the arrest of any person suspected of violating the following criminal laws:
B. The fire marshal shall have the authority to commission local certified arson investigators to serve on a multi-jurisdictional arson task force operated by the fire marshal. The fire marshal shall have the power to promulgate rules and regulations to accomplish the operations and functions of the task force and to issue orders for the enforcement of such rules and regulations.

E.
F. The fire marshal shall have the authority to commission local certified arson investigators to serve on a multi-jurisdictional arson task force operated by the fire marshal. The fire marshal shall have the power to promulgate rules and regulations to accomplish the operations and functions of the task force and to issue orders for the enforcement of such rules and regulations.

ACT No. 171

SENATE BILL NO. 219
BY SENATOR FANNIN
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To authorize and provide for hospital service district board membership in any parish with a population greater than sixteen thousand and less than seventeen thousand, according to the latest federal decennial census; to provide for board composition; to provide for minimum qualifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any provision of law to the contrary, the governing authority of any parish with a population greater than sixteen thousand and less than seventeen thousand, according to the latest federal decennial census, shall have a hospital service district board governed by five commissioners, to provide for related matters. One commission member who shall have managerial expertise and is employed by a manufacturer located in the parish, and one commission member who shall possess medical expertise and is a physician or medical doctor. The powers granted by those commissions, and the use of firearms by the persons to whom those commissions are issued shall be subject to all of the following provisions:

(1) The chief of each fire protection district, each fire department, and each volunteer fire department who issues a commission to a local arson investigator may require that the local arson investigator be certified by the Council on Peace Officer Standards and Training (P.O.S.T.) or be qualified by the P.O.S.T. Council on Peace Officer Standards and Training, or both.
(2) The chief of each fire protection district, each fire department, and each volunteer fire department who requires that local arson investigators to whom that chief issues commissions be P.O.S.T. certified or P.O.S.T. qualified, or both, shall pay the cost of providing to those local arson investigators the training necessary to obtain the P.O.S.T. certification or the P.O.S.T. qualification, or both.
(3) Local arson investigators who are required by their chief to be P.O.S.T. certified or P.O.S.T. qualified, or both, are specifically authorized to attend any school or training course which is operated by a commercial entity or which is designated by public agency and which is open to peace officers from more than one law enforcement agency. Each person or agency operating a school or a training course which is attended by local arson investigators shall award the appropriate document or documents to each local arson investigator who successfully completes the requirements for P.O.S.T. certification or for P.O.S.T. qualification, or both. The Louisiana Commission on Law Enforcement and Administration of Criminal Justice and the Council on Peace Officer Standards and Training shall make the provisions which are necessary to enable local arson investigators to attend the required schools and training courses and for those local arson investigators who successfully complete the requirements for P.O.S.T. certification or P.O.S.T. qualification, or both, to receive the appropriate documents to demonstrate the P.O.S.T. certification or P.O.S.T. qualification, or both.
(4) Possession of a P.O.S.T. certification or P.O.S.T. qualification, or both, by a local arson investigator who shall not grant to that local arson investigator any authority other than the authority granted by a commission issued pursuant to this Subsection.

THE ADVOCATE CODING: Words in strike-through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
PAGE 71
Be it enacted by the Legislature of Louisiana:

To amend and reenact Code of Criminal Procedure Article 323(B), relative to bail; to provide that a secured personal surety specifically relate to identified property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 323(B) is hereby amended and reenacted to read as follows:

Art. 323. Secured personal surety

B. Bail without surety may be secured by a mortgage on the immovable property of the defendant pursuant to this Article or unsecured. A secured personal surety may establish a mortgage over immovable property in favor of the state of Louisiana or the proper political subdivision to secure a bail undertaking. The security applies only to and limited to that immovable property described in the mortgage.

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. 173
SENATE BILL NO. 236
BY SENATOR LAFLUR
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 9:5217, R.S. 13:844, R.S. 44:40(A), (B), (C), (E), and (G) and R.S. 13:844(A), to provide standards for documents to be recorded; to provide indexing standards; to provide means to maintain copies of recorded documents; to provide indexing standards; to provide plans for recording electronic documents; to provide relative to redaction and contents of certain personal information in filings and recordings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5217 is hereby amended and reenacted to read as follows:

§5217. Recorder's fees for multiple indebtedness mortgages; form

A. The uniform filing fee that a recorder in any parish of this state is authorized to charge for the filing and recording of a multiple indebtedness mortgage executed in accordance with Civil Code Article 3298 is twenty-five dollars, plus ten dollars for each subsequent page, and five dollars for each name after the first name that is required to be indexed as set forth in R.S. 13:844. Notwithstanding the provisions of R.S. 13:844, or any similar provision or any other law to the contrary, the provisions of this Section establish the sole and exclusive method of determining the filing and recording fee for a multiple indebtedness mortgage executed in accordance with Civil Code Article 3298, regardless of the length of such mortgage.

B. For purposes of establishing the recording fee, every multiple indebtedness mortgage filed for recording shall be captioned as a "multiple indebtedness mortgage or multiple obligations mortgage" on the first page, and shall have on the first page a margin of two inches at the top and one inch at the bottom and on each side, and all subsequent pages shall have a margin of one inch on each side. In addition, the type size of the margins shall be at least eight point. Any document not in compliance with the requirements of Subsection B there shall be an additional noncompliance fee of ten dollars per document.

Section 2. R.S. 13:844 is hereby amended and reenacted to read as follows:

§844. Fees of ex officio recorders

A.(1) Clerks of the district courts as ex officio recorders may charge the following fees for filing and recording documents:

(1) For filing and recording any document, twenty-five dollars per book for the first page and ten dollars for each subsequent page per book up to ten pages. All documents that exceed ten pages, twenty-five dollars for the first page and eight dollars for each subsequent page.

(a) For one to five page documents, one hundred dollars.

(b) For six to twenty-five page documents, two hundred dollars.

(c) For twenty-six to fifty page documents, three hundred dollars.

(d) For documents in excess of fifty pages, three hundred dollars for the first fifty pages and five dollars for each subsequent page.

(2) For indexing of all documents filed for record for up to ten names.

(i) For filing and recording of a document or e-certified document.

(ii) For notarizing acknowledgments of acts executed under private signature, with seal and certificate, five ten dollars.

(iii) For certificate of real estate mortgage and lien certificate with seal, for each name in which search is made, and for one definable property only, twenty dollars.

There shall be an additional charge of one dollar per exception in the event that more than ten exceptions are contained on a certificate.

(3) For canceling real estate mortgage, with original note, ten dollars.

(4) For making copies of all official documents, no more than two dollars per page.

(5) For Except as provided in R.S. 13:844(A)(i)(ii), for attesting any record or copy thereof, five ten dollars. For a file-stamped conformed copy, five dollars.

(6) For canceling lien for paving or installation of sewage system, ten dollars.

B.(1) The funds derived by the clerk of court in the parish of Calcasieu from that portion of the fees collectable pursuant to this Subsection above that is not paid to the clerk of court at the rates provided by R.S. 13:844(A) shall be expended exclusively for the payment of salaries of deputy clerks of court in that parish.

C. In addition to the above charges, the clerks of court as ex officio notaries public shall make a reasonable charge for drawing deeds, mortgages, chattel mortgages, liens, or other similar instruments.

D.(1) For purposes of establishing the filing and recording fee, every document filed for recording shall be captioned as to type of act on the first page, and shall have on the first page a margin of two inches at the top and one inch at the bottom and sides. The type size shall not be less than eight point.

(2) For any document not in compliance with Paragraph (1) above, there shall be an additional ten-dollar noncompliance fee per document.

E. In addition to the fees provided in Subsection A of this Section, the clerk of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and receive additional fees in an amount not to exceed twenty-five percent of the fees specified in Subsection A of this Section. The funds so derived shall be expended exclusively for the payment of salaries of deputy clerks of court in that parish.

Section 3. R.S. 44:40(A), (B), (C), and (E), 116(A) and (B), and 161, Civil Code Act. 3352(C), and Code of Civil Procedure Art. 258(A), and to enact Code of Civil Procedure Arts. 258(D) and 259, relative to clerks of court; to provide for fees for services rendered; to provide standards for documents to be recorded; to provide indexing standards; to provide plans for recording electronic documents; to provide relative to redaction and contents of certain personal information in filings and recordings; and to provide for related matters.

The Advocate
photocopying, microfilming, or electronic imaging, to lease such equipment or to contract with competent independent contractors, both or, according to the discretion of the clerk, to his office and ex officio recorders and register is hereby authorized to defray the cost of copying, reproducing, and retrieving the records described in this Section using the cost of microphotographic equipment and retrieval equipment and services, Section out of any funds available in the clerk's salary fund.

E. The Notwithstanding the provisions of Subsection A of this Section or any other provision of law to the contrary, prior to destroying the original records and any other records of every nature and kind that are deemed permanent under a record retention and disposal schedule adopted by the clerk of court, the clerk in each Parish, and the clerk of court, the Orleans Parish register of conveyances, or the Orleans Parish recorder of mortgages or its successor, the clerk of court, the Orleans Parish register of conveyances, or the Orleans Parish recorder of mortgages or its successor, as approved by the Governor, June 12, 2017.

§116. Photostatic, photographic, microfilm, or other photographic or electronic copies of records; indexes of conveyance and mortgage records; disposition; evidentiary status; preservation

A. In all cases where the clerks of court and recorders of the various parishes throughout the state, Orleans Parish excepted, are required by law to make records of filings, documents, pleadings, and all other written instruments, except including indexes, and registers of the same, such records may be made by any method of photorecording, photocopying, microfilming, or other photographic or electronic method of reproduction on non-writable magnetic, optical, or laser-type storage media, including but not limited to CD-ROM. No cause of action for any claim shall exist against a clerk of court for any damage or loss resulting from the destruction of an original record after proper preservation hereof. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

B. (1) Subject to the approval at an election as hereinbefore required in Subsection A of this Section, the Lafayette Parish School Board may fund the tax or taxes hereinafter described to be levied for the purpose of paying all or any part of the cost of any capital improvement on which the tax revenues may be expended, for the application of the provisions of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950 to the bonds; to provide to the form, provisions, and negotiability of the bonds; to provide for an effective date; and to provide for related matters. Notice of intention to introduce this Act has been published. It shall be enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.86(B) is hereby amended and reenacted to read as follows:

§338.86. Lafayette Parish School Board; use of sales and use tax proceeds; issuance of bonds

B. The bonds shall be payable solely from an irrevocable pledge and dedication of all or any part of the tax proceeds of the tax subject only to the prior payment of the costs and expenses of administration and collection of the tax; provided, however, said the bonds shall never be issued if the principal and interest maturities on all such bonds then outstanding and those proposed to be issued will require in any year in excess of fifty percent of the proceeds of the tax estimated by the board to be collected in the calendar year during which the bonds are to be issued.

(2) The Lafayette Parish School Board shall, by resolution, fix the form, maturities, and terms of the bonds and the rate or rates of interest, payable in rates of 6% per annum, or be sold for less than par. All bonds shall be signed by the President and the Secretary of the board, under its official seal, and the coupons shall be signed by the facsimile signatures of such officials. The delivery of any bonds or coupons so executed at any time thereafter shall be valid, although, before the date of such execution, the board shall have given notice to the social security numbers

THE ADVOCATE

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never exceed fifty per centum of the amount of sales tax revenues estimated by the parish school board to be received by it in the calendar year in which such bonds are issued.

3. Bonds issued hereunder shall constitute a borrowing solely upon the credit of the sales and use tax revenues received or to be received by the board, and shall not constitute an indebtedness or pledge of the general credit of the parish or the board within the meaning of any constitutional or statutory provision or other proceeding to authorizing the issuance of such bonds to be exempted from taxation by the board nor the parish, nor any other political subdivision of this state, nor shall the validity of the bonds be questioned in any action or proceeding on the ground of any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable. Secured by a pledge and dedication of a sales and use tax in the Parish of Lafayette, Louisiana. Registered this ______ day of ______, 20__

SECRETARY OF STATE

All bonds issued under the provisions of this Section and the interest thereon shall be exempt from taxation. Said The bonds may be used for deposit with any officer, board, municipality, or other political subdivision of the State of Louisiana in any case where deposit of security is required.

4. (11) After the time within which the validity of the bonds may be contested has elapsed, that is, thirty days from the date of publication of the resolution authorizing the bonds and pledging and dedicating the sales tax revenues, the bonds shall be registered with the Secretary of State without charge and shall have endorsed thereon the words: "Incontestable. Secured by a pledge and dedication of a sales and use tax in the Parish of Lafayette, Louisiana. Registered this ______ day of ______, 20__

4. (12) The provisions of this Section shall be construed as cumulative authority for the exercise of the powers herein granted. The powers conferred by this Section shall not be affected or limited by any other provision of any statute of the State, and no provision, publication, election or act herein authorized to be done, including the imposition, collection and application of the tax and issuance of bonds payable therefrom, except as herein otherwise specifically provided. Notwithstanding any provision of this Section or any other law to the contrary, any bonds issued pursuant to this Section shall also be subject to the provisions of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950.

4. (13) Bonds issued hereunder shall have all the qualities of negotiable paper and shall constitute negotiable instruments under the Negotiable Instruments Law of the State of Louisiana. They shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers or holders for value.

4. (14) The resolution authorizing the issuance of the bonds hereunder and pledging and dedicating sales and use tax revenues to the payment thereof shall be recorded in the mortgage records of the parish of Lafayette and shall be published in one issue of the official journal of the board. For a period of thirty days from the date of publication of said resolution, any person in interest may contest the legality of the bonds provided for or the tax, the proceeds of which are so pledged and dedicated, for any cause after which time no one shall have any cause or right of action to contest the legality, formality, or regularity of the proceedings, the tax, or bond authorization, for any cause whatsoever. If the question of the validity of any proceedings, tax, or bond authorization provided for under the provisions of this Section is raised within the thirty days, the authority to issue the bonds, the regularity thereof, the validity of the tax or portion thereof, or the proceeds of such sales tax revenues, or the proceeds of any bonds hereunder and to pledge and dedicating any of the sales tax revenues, such supplemental resolution or proceedings shall be similarly published, and no action or proceeding to question the validity or legality of such supplemental resolution or proceedings shall be begun in any court by any person for any cause or reason after the expiration of thirty days from the date on which such supplemental resolution or proceeding is published.

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 by the governor, as provided by Section 30-9 of the Constitution of the State of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
To enact R.S. 47:338.24.4, relative to municipal sales and use taxes; to authorize the governing authority of the town of Duson to levy and collect an additional sales and use tax, to require voter approval; to provide for the use of the tax revenue; and to provide for related matters.

Notice of intention to introduce this Act has been published. The bill was introduced by the legislature of Louisiana.

Section 1. R.S. 47:338.24.4 is hereby enacted to read as follows:

§338.24.4. Town of Duson; authority to levy additional sales and use tax

A. The governing authority of the town of Duson may levy and collect an additional sales and use tax not in excess of one percent within the corporate limits of the municipality.

B. The tax permitted by this Section shall be in addition to all other taxes the town of Duson is authorized to levy and, pursuant to Section 29(d) of Article VI of the Constitution of Louisiana, shall be subject to the combined rate limitation established in Section 29(a) of Article VI of the Constitution of Louisiana nor shall it be included in the rate limitations established by R.S. 47:338.1 and 338.54.

C. The sales and use tax shall be imposed by ordinance of the governing authority of the town of Duson and shall be levied upon the sale at retail, the use, lease, or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, all as defined in Chapter 2-D of this Subtitle; however, the ordinance imposing the tax shall be adopted on election and the proposed tax is approved by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

D. The sales and use tax authorized by this Section shall be collected at the point of use, and the proceeds of the tax shall be the property of the town of Duson, and permitted by the election proposition authorizing the levy of the tax.

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

ACT No. 175

SENATE BILL NO. 238
BY SENATOR PERRY
AN ACT

To enact R.S. 47:338.24.4, relative to municipal sales and use taxes; to authorize the governing authority of the town of Duson to levy and collect an additional sales and use tax, to require voter approval; to provide for the use of the tax revenue; and to provide for related matters.

Notice of intention to introduce this Act has been published. The bill was introduced by the legislature of Louisiana.

Section 1. R.S. 47:338.24.4 is hereby enacted to read as follows:

§338.24.4. Town of Duson; authority to levy additional sales and use tax

A. The governing authority of the town of Duson may levy and collect an additional sales and use tax not in excess of one percent within the corporate limits of the municipality.

B. The tax permitted by this Section shall be in addition to all other taxes the town of Duson is authorized to levy and, pursuant to Section 29(d) of Article VI of the Constitution of Louisiana, shall be subject to the combined rate limitation established in Section 29(a) of Article VI of the Constitution of Louisiana nor shall it be included in the rate limitations established by R.S. 47:338.1 and 338.54.

C. The sales and use tax shall be imposed by ordinance of the governing authority of the town of Duson and shall be levied upon the sale at retail, the use, lease, or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, all as defined in Chapter 2-D of this Subtitle; however, the ordinance imposing the tax shall be adopted on election and the proposed tax is approved by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

D. The sales and use tax authorized by this Section shall be collected at the point of use, and the proceeds of the tax shall be the property of the town of Duson, and permitted by the election proposition authorizing the levy of the tax.

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

ACT No. 176

HOUSE BILL NO. 544
BY REPRESENTATIVE DANAHAY

To amend and reenact R.S. 18:3(A)(3), 18A(introductory paragraph) and (8)(b), 25(A), 50.4(E)(2)(c), 104, 107(B), 114(F)(2), 196(C)(1) and (2), 402(G) (2), 424(C)(1), 425(C)(1), 425.1(A), 427(B), 431(A)(4) and (B)(2), 433(A)(4) and (B)(2), 439(D)(1), 459(D)(2), 564(B)(5)(b), 566.2(F)(10), and 1354(B) (3) the signer’s ward/district/precinct ward, precinct, and date of birth.

§18. Secretary of state; powers and duties

A. The secretary of state shall administer the laws relating to custody of voting machines and voter registration, and for the this purpose he shall:

(8) (b) Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week and generally be responsible for implementation of such week. It is the policy of the state of Louisiana to encourage full participation in voting by all citizens of this state. To this end, in odd-numbered years when the president of the United States proclaims a National Voter Registration Day, the official state voter registration week shall be the last full week in which the National Voter Registration Day occurs. In years when the president of the United States does not proclaim a National Voter Registration Day, the official state voter registration week shall be the second full week in May. In odd-numbered years, the official state voter registration week shall be the second full week in May.

§25. Annual reports

B. The board shall annually report to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate its findings, observations, and recommendations concerning all aspects of elections in this state. The report shall be submitted no later than January fifteenth of each year and shall include but shall not be limited to the following subjects: election laws in general, registration procedures, early voting procedures, election officials, voting machines, tabulation and transmission of election returns, procedures used for casting and counting absentee by mail and early voting ballots, and any other aspect of elections the board deems appropriate.

§594. The Louisiana Voter Registration Administrators’ Certification Program; requirements; compensation

E. (2)
A registrant may change his party affiliation by making application therefor in writing to the registrar. When he receives the request, the registrar shall note the political party designated by the registrant and the date of the change in the registrar’s information on the state voter registration computer system and, if the original application is available in hard copy in the registrar’s office, on the original application form.

F. Notwithstanding the provisions of Subsections B and C of this Section, a registrant shall not be designated as being affiliated with more than one party at the same time.

§196. Inactive list of voters; procedure for voting

C. (1) If a registrant whose name appears on the inactive list of voters has appeared at the polls and voted as provided under Paragraph (1), (2), or (3) of this Section, the registrar shall transfer the registrant’s name to the official list of voters and make any necessary corrections in the registrant’s registration records.

(b) If the registrar has confirmed that he has permanently moved outside of the state, the registrar shall cancel the registrant’s registration.

(2) If a registrant whose name appears on the inactive list of voters has voted absentee by mail or during early voting, the registrar shall transfer the registrant’s name to the official list of voters and make any necessary corrections in the registrant’s registration records if the information on the address confirmation card, as required by R.S. 18:1309, or the residence address provided in an application to vote by mail so indicates. However, if the registrar has confirmed that he has permanently moved outside of the state, the registrar shall cancel the registrant’s registration.

§402. Dates of primary and general elections

G.

(2)(a) If the date for the primary election is advanced in accordance with the provisions of Paragraph (1) of this Subsection, the general election shall be advanced the same number of weeks as the primary election.

(b) If the date for the general election is advanced in accordance with the provisions of Paragraph (1) of this Subsection, the primary election shall be advanced the same number of weeks as the general election.

§424. Commissioners-in-charge

C. Powers and duties. (1) The commissioner-in-charge shall receive the sealed key envelope from the deputy parish custodian of voting machines at least thirty minutes before the polls open on election day. The commissioner-in-charge shall administer the oath to the commissioners and preside over the election, and the counting and tabulation of votes, the printing of the results from the voting machines, and the closing of the polling place. He shall also deliver the keys to the voting machines, if applicable, the original of the machine certificates, the original of the signed list of commissioners, results cartridges, and one of the original tabulation blank and compiled statement forms official election results reports to the clerk of court.

§425. Commissioners

B. Qualifications and classifications.

(3)
§566.2. Tabulation and counting of provisional ballots for federal office

C. Provisional ballots shall be counted on the third day following the election and prior to the compilation of returns pursuant to R.S. 18:574 at the office of the registrar of voters or a public facility within the parish designated by the parish board of election supervisors. For a presidential or regularly scheduled congressional general election, the provisional ballots may be counted on the third or fourth day, or both, following the election.

F. The procedure for counting provisional ballots shall be as follows:

(3) The board shall confirm each of the following with the registrar:

(a) The provisional voter is a registered voter in the parish.
(b) The provisional voter voted on the federal office or offices for which the provisional voter was eligible to vote.
(c) The provisional voter did not vote early, absentee by mail, or at his precinct on election day.

(4) If the board has determined that a provisional ballot shall be counted, a member of the board shall write the provisional ballot number and the word “counted” adjacent to the provisional voter’s name on the list of provisional voters. A member of the board shall tear the flap from the envelope containing the provisional ballot, attach the provisional voter’s registration documentation, and place the envelope sealed in the mail tray provided by the registrar of voters, the flaps removed from the valid provisional ballots and the attached registration documentation to the envelope flap, and leave the envelope sealed.

(5) If the board has determined that a provisional ballot shall not be counted, the members of the board shall leave the flap on the envelope containing the provisional ballot, leave the envelope sealed, and shall write the word “rejected” together with the reason for rejecting the provisional ballot across the envelope containing the ballot. A member of the board shall write the provisional ballot number and the word “rejected” adjacent to the provisional voter’s name, together with the reason for rejecting the provisional ballot, on the list of provisional voters. The rejected provisional ballot shall be counted.

(6) After the validity of all provisional ballots has been determined, the members of the board shall place the original signed list of provisional voters, the flap removed from the valid provisional ballots, and the attached registration documentation in the envelope provided for that purpose, and seal the envelope. Two of the members of the board shall execute the certificate on the envelope and transmit the envelope to the registrar of voters.

(7) The members of the board shall open the envelopes containing the valid provisional ballots and remove the ballots.

(8) The provisional votes cast for a candidate for federal office shall be counted by hand, and the total number of provisional votes cast for a candidate for federal office shall be placed in the special provisional ballot envelope. The total number of votes on the final provisional ballot vote report and certify the results.

(9) The original of the final provisional ballot vote report prepared by the parish board of election supervisors shall be transmitted to the clerk of court upon completion of the certification of the provisional ballots.

(10) A copy of the signed list of provisional voters and a copy of the final provisional ballot vote report shall be transmitted immediately to the secretary of state.

§571. Counting and tabulating the votes

Procedures for commissioners after termination of voting

A. After the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated. The commissioners in the presence of the watchers shall immediately:

(5) Announce the results of the election in the order the offices, candidates, and propositions are listed on the ballot, announce that the results of the election will be posted at the polling place for public review, and post the results of the election. Post the printouts from the voting machines at a conspicuous place at the polling place for public viewing.

§572. Transmission of election returns; voting machine keys; machine certificates

A. Upon completion of the counting and tabulating of votes, the commissioner in charge shall immediately:

(a) Mail to the secretary of state the following:
(b) One copy of the final result tally sheets printouts from the voting machines.

§754. Compilation and promulgation of returns

F. Computation of all time intervals in this section shall include Saturdays, Sundays, and other legal holidays. However, if the final day in a time interval falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for the time interval. If the time interval required to be performed on the fourth, fifth, sixth, or twelfth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

§1286.1. Authority to consolidate polling places; reduce number of voting machines and election officials

A. Notwithstanding any provision of R.S. 18:1286(A), when an election is required to be held at a polling place that is not held at a polling place designated by the parish board of election supervisors, for the election of any public official, in cases where where more than one polling place is within the same location, the parish board of election supervisors may consolidate polling places in that location, for that election and may reduce the number of voting machines to be used in the election below the number fixed by R.S. 18:1363 and, in such case, shall notify, in accordance with the time line provided in R.S. 18:1363(H), the parish custodian of voting machines and the secretary of state of the number of machines to be prepared and delivered for the polling places so consolidated.

§1300.7. Governor to order election; proclamation; publication

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for certification. If the final day for the governor to issue the proclamation falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the proclamation. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on a primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election. If the election is to be held on a Saturday, Sunday, or legal holiday, the proclamation shall be issued on or before the forty-sixth forty-fifth day prior to the election.

§1307. Application by mail

C. If the applicant is a member of the United States Service or resides outside the United States, he may use the federal postcard application or an application electronically transmitted by the registrar or secretary of state, and the application shall be received by the registrar no later than 4:30 p.m. on the day before the election. Such application shall be valid for a period extending at least one year from the date the application is received in the office of the registrar of voters through two subsequent such period shall include at least one regularly scheduled federal general election. The federal postcard application may be transmitted to any address, within or outside the United States, and the United States Service or resides outside the United States, the registrar shall provide the applicant with written reasons for the rejection.

G. If the applicant is eligible to vote absentee by mail pursuant to R.S. 18:1303(F), (I), or (J), his application, if such application meets the requirements of this Section, shall remain valid indefinitely upon request of the applicant, unless an absentee by mail ballot that has been sent to the applicant is returned to the registrar as undeliverable. If the applicant’s absentee by mail ballot is returned to the registrar as undeliverable, the registrar shall send notice by forwarding mail to such applicant that his application will no longer be valid, and the applicant shall be required to submit a new application to the registrar that meets the requirements of this section and provide a current address before the applicant will be eligible to vote absentee by mail again pursuant to this Section.

§1313. Tabulation and counting of absentee by mail and early voting ballots

F. The procedure for counting absentee by mail ballots shall be as follows:

9) If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from the defect, the defective ballot may be made of the defective ballot in the presence of witnesses and substituted for the ballot. The Any duplicate ballot shall be clearly labeled “duplicate”, bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the special absentee by mail and early voting ballot envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

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 italicized and boldfaced (Senate Bills) are additions.
G. The procedure for counting early voting machine ballots and paper ballots voted during early voting shall be as follows:

(11) If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, the ballot may be counted by hand or a true duplicate may be made of the defective ballot in the presence of witnesses and submitted for the ballot. The Any duplicate ballot shall be clearly labeled “duplicate”, bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the spoiled ballot box by mail and early voting ballot envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

B. In addition to any other duties vested in him by law, the parish custodian shall:

(8) Transmit the election results to the secretary of state in the manner directed by the secretary of state.

§1363. Number of machines; allocation to precincts; exception; reserve machines

B. The parish board of election supervisors may reduce the number of voting machines to be allocated and used in elections called under the provisions of Chapter 6-A or Chapter 6-B of this Code when the election is not held at the same time as the election of any public officer. In such cases, the parish board of election supervisors shall notify the parish custodian of voting machines and the secretary of state at least three four weeks prior to such election of the number of machines to be prepared and delivered for the polling places.

D. The parish board of election supervisors may reduce the number of voting machines to be allocated and used in an election called under the provisions of Chapter 6, Part III of this Title, where the only other election on the ballot is for the election of political party committee members. Not less than twenty-one twenty-nine days prior to such an election, the parish board of election supervisors shall notify the parish custodian of voting machines and the secretary of state of the number of voting machines to be prepared and delivered to each polling place.

G. The parish board of election supervisors may submit a written request to the secretary of state on or before the twenty-third day prior to an election, for additional voting machines for overcrowded precincts. The written request shall be submitted on or before the twenty-ninth day prior to the election and shall include the number of additional voting machines requested and an explanation of the need for additional voting machines. If the secretary of state determines that there is a need for additional voting machines and that the provision of additional voting machines is feasible, he may allocate additional voting machines.

H. The parish board of election supervisors may submit a written request to the secretary of state on or before the twenty-third day prior to an election, for the reduction of the number of voting machines. The written request shall be submitted on or before the twenty-ninth day prior to the primary election and at least four weeks prior to a general election and shall include the proposed reduced number of voting machines and an explanation of the need for the reduction in the number of voting machines. If the secretary of state determines that the reduction in the number of voting machines is feasible, he may reduce the number of voting machines.

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines

A. (1) The secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The parish custodian then shall mail a notice to qualifying official shall at the time of qualifying provide each candidate in the election a chronological table of procedures for the election that instructs the candidate to contact the parish custodian for the time and place at which the preparation and testing of the machines will be conducted, the time and place and when the machines will be sealed, and states that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines and the parish custodian.

C. The secretary of state, in his official capacity, shall be made a party defendant to any action contesting an election for public office, an election submitting a proposition to the voters, or an election for the recall of a public officer. The secretary of state, in his official capacity, shall be made defendant to any action objecting to the calling of a special election. The secretary of state, in his official capacity, shall be made a party defendant to any action contesting the certification of a recall petition. The secretary of state shall have standing to intervene in an action objecting to candidacy in which the secretary of state was not the qualifying official.

Section 2. R.S. 18:104 is hereby amended and reenacted to read as follows: §104. Application for registration; form.

A. A candidate for public office, subject to approval by the attorney general as to content, shall prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. The form shall contain at least the following required information with respect to the candidate to be provided by the applicant for the registrar of voters to assess eligibility:

(1) Date of application.
(2) Name.
(3) Certification date Date of birth.
(4) Municipality, parish or county, state or province, and country of birth.
(5) Whether the applicant is currently under an order of imprisonment for a felony.
(6) Whether the applicant is currently under a judgment of full interdiction for a felony.
(7) Whether the applicant is under a determination made under the federal Voting Rights Act.
(8) Place of last residence.
(9) Last place of residence.
(10) Name of state, parish, ward and precinct number, and the registration number.

B. The form shall also include the applicant's signature.

C. The form shall also include the applicant's signature.

D. The form shall also include the applicant's signature.

E. The form shall also include the applicant's signature.

F. The form shall also include the applicant's signature.

G. The form shall also include the applicant's signature.

H. The form shall also include the applicant's signature.

I. The form shall also include the applicant's signature.

J. The form shall also include the applicant's signature.

K. The form shall also include the applicant's signature.

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P. The form shall also include the applicant's signature.

Q. The form shall also include the applicant's signature.

R. The form shall also include the applicant's signature.

S. The form shall also include the applicant's signature.

T. The form shall also include the applicant's signature.

U. The form shall also include the applicant's signature.

V. The form shall also include the applicant's signature.

W. The form shall also include the applicant's signature.

X. The form shall also include the applicant's signature.

Y. The form shall also include the applicant's signature.

Z. The form shall also include the applicant's signature.
C. The form shall inform the applicant of the penalty for violation of applicable laws relating to registration of voters and shall contain an affidavit to be subscribed, through a handwritten signature, attesting that the applicant is United States citizen who is not currently under an order of imprisonment for a felony, is not currently under a judgment of full interdiction for mental incompetence, or a limited interdiction in which the right to register to vote has specifically been suspended and that the facts given by him on the application are true to the best of his knowledge and belief. When the registration application is completed at the office of motor vehicles of the Department of Public Safety and Corrections or electronically on the secretary of state’s website, an electronically captured signature of the applicant shall suffice as a handwritten signature of the applicant.

D. The form shall include the questions “Are you a citizen of the United States of America?” and “Will you be 18 years of age on or before election day?” and the statement “If you checked ‘no’ in response to either of these questions, do not complete the form.”

E. In no event shall information with respect to race or ethnic origin be required for registration. However, such information may be voluntarily by the applicant for registration and a registrar may keep statistics with respect to race and ethnic origin.

F. Upon request, the registrar shall furnish each applicant a copy of his application form, and the applicant shall be informed that he may obtain such copy.

G. The secretary of state may require such reasonable additional information as he deems necessary for the effective registration of voters.

H. No voter registration application form except that prescribed by the secretary of state shall be used by any registrar.

I. The secretary of state may remove any spaces for information on the form required by this Section if such requirement does not receive preclearance pursuant to the Voting Rights Act of 1965.

J. No voter registration application shall be complete unless the applicant provides one of the forms of identification provided for in Paragraph (2) of Subsection (A)(5) of this Section.

Section 3. R.S. 18:114(F)(2) is hereby amended and reenacted to read as follows:

§114. Registration at driver’s license facilities

F. Procedures for voter registration pursuant to this Section shall be as follows:

(2) Any employee authorized to accept an application to obtain, renew, or change the name or address on a driver’s license or identification card shall offer voter registration to any person making such an application, shall obtain written and signed confirmation of any declination of the offer of voter registration, and, upon request, shall provide assistance to any person who desires to register to vote. Such assistance may consist of answering any question that person might have about completing the registration form. However, if the person requesting assistance has a physical disability or is unable to read or write English, the authorized employee shall provide such assistance as is allowed to be provided by registrars of voters under the provisions of R.S. 18:106.

(3) Section 4. R.S. 18:1310(D)(2) is hereby amended and reenacted to read as follows:

§1310. Execution of certificate; marking of ballot; casting vote; assistance

* * *

D. * * *

(2) Upon receiving the replacement ballot, the voter shall mark the ballot and return it to the registrar as provided in this Section. The voter shall not return the spoiled ballot to the registrar, but shall destroy it. If the voter sends both the spoiled ballot and the replacement ballot to the registrar, the board can determine which is the spoiled ballot and which is the replacement ballot, the board shall count the replacement ballot. If the board cannot determine which is the spoiled ballot and which is the replacement ballot, each of such ballots shall be void.

Section 5. R.S. 18:176(D); 200, 431(A)(5), and 1313(F)(1) are hereby repealed in their entirety.

Section 6. The Louisiana State Law Institute is hereby directed to redesignate R.S. 18:221 as R.S. 18:66 and place it in its entirety within Chapter 3 of Title 18.

Section 7(A). This Section and Sections 1, 5, and 6 of this Act shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, this Section and Sections 1, 5, and 6 of this Act shall become effective on the day following such approval.

(B) Section 2 of this Act shall become effective January 1, 2018.

(C) Sections 3 and 4 of this Act shall become effective August 1, 2017.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in square type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
transportation on a regular twenty-four hours per day and seven days per week basis services.

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

ACT No. 180

SENATE BILL NO. 41

BY SENATOR JOHNS

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

AN ACT

To amend and reenact R.S. 14:46.2(B)(4), 46.3(D)(3), 81.1(E)(5)(c) and (d), 82.1(D)(4) and (E), 83(B)(4), 83.1(B)(4), 83.2(B)(4), 84(B)(4), 85(B)(4), 86(B)(2) and (3), 104(B)(4), 105(B)(4), and 282(B)(4), and R.S. 15:539.1(A), (B)(1), (C), and (E) and 539.2(B)(1), relative to sex offenses; to provide for forfeiture of currency by persons convicted of certain sex offenses; to provide for the disposition and distribution of forfeited currency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

SECTION 1. R.S. 14:46.2(B)(4), 46.3(D)(3), 81.1(E)(5)(c) and (d), 82.1(D)(4) and (E), 83(B)(4), 83.1(B)(4), 83.2(B)(4), 84(B)(4), 85(B)(4), 86(B)(2) and (3), 104(B)(4), 105(B)(4), and 282(B)(4) are hereby amended and reenacted to read as follows:

§46.2. Human trafficking


A. *   *   *

B. *   *   *

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

E. *   *   *

§83. Soliciting for prostitutes


A. *   *   *

B. *   *   *

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§83.1. Inciting prostitution


A. *   *   *

B. *   *   *

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§84. Pandering


A. *   *   *

B. *   *   *

(4)(a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.
§85. Permitting for prostitution

B. Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§86. Enticing persons into prostitution

B. Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§104. Keeping a disorderly place

B. Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§105. Letting a disorderly place

B. Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

§282. Operation of places of prostitution prohibited; penalty

B. Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

A. When personal property is forfeited under the provisions of R.S. 14:40.3 (cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:480 (felony sexual deviant’s knowledge), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 ( molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82.1 (promotion of prostitution), R.S. 14:82.2 (trafficking of children for sexual purposes), R.S. 14:82.3 (trafficking of children for sexual purposes; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (enticing premises for prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), R.S. 14:282 (operation of places of prostitution; prohibited; penalty), the district attorney shall authorize a public sale or a public auction conducted by a licensed auctioneer, without appraisal, of that which is not required by law to be destroyed and which is not harmful to the public. Any currency, instruments, or securities forfeited shall be distributed or disposed of in accordance with Subsection C of this Section.

B. The personal property shall be exempt from sale and the currency, instruments, or securities shall be exempt from distribution or disposition if it was stolen or if the owner did not know that the personal property was being used in the commission of the crime. If this exemption is applicable, the personal property shall not be released until such time as all applicable fees related to its seizure and storage are paid. An Internet service provider shall not be required to pay seizure or storage fees to secure the release of equipment leased to an offender.

C. In addition, the personal property shall be exempt from sale and the currency, instruments, or securities shall be exempt from distribution or disposition if it is subject to a lien prior to the date of the offense and if the applicable fees related to the property's seizure and storage are paid by a valid lien holder.

E. Notwithstanding Subsection D of this Section, when the currency, instruments, securities, or other property is forfeited pursuant to the provisions of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:83.1 (computer-aided solicitation of a minor), R.S. 14:83.2 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), R.S. 14:282 (operation of places of prostitution; prohibited; penalty), the district attorney shall authorize a public sale or a public auction, conducted by a licensed auctioneer, without appraisal, of that which is not required by law to be destroyed and which is not harmful to the public. Any currency, instruments, or securities forfeited shall be distributed or disposed of as provided in this Section.

B.1. The personal property shall be exempt from sale and the currency, instruments, or securities shall be exempt from distribution or disposition if it was stolen or if the owner did not know that the personal property was being used in the commission of the crime. If this exemption is applicable, the personal property shall not be released until such time as all applicable fees related to its seizure and storage are paid. An Internet service provider shall not be required to pay seizure or storage fees to secure the release of equipment leased to an offender.

B.2. In addition, the personal property shall be exempt from sale and the currency, instruments, or securities shall be exempt from distribution or disposition if it is subject to a lien prior to the date of the offense and if the applicable fees related to the property's seizure and storage are paid by a valid lien holder.

§392. Exploited Children's Special Fund

B.1. There is established in the state treasury the Exploited Children’s Special Fund, hereinafter referred to as the “fund”. Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected pursuant to Subsection A of this Section shall be deposited into the Bond Security and Redemption Fund, and after a sufficient amount is allocated from the Bond Security and Redemption Fund to pay all the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay the remainder of such monies into the fund. The fund shall be subject to public audit.

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

THE ADVOCATE

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

ACT No. 181

BY SENATORS JOHNS, ALARIO, ALLAIN, BARROW, BISHOP, BOUDREAUX, CARTER, CORTEZ, DONAHUE, ERDEY, GATTI, HEWITT, LONG, LUNEAU, MILKOVICH, MILLS, MIZEIL, MORRISH, PERRY,
To enact Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2165 through 2168, relative to human trafficking; to provide for the Louisiana Human Trafficking Prevention Commission; to provide for the Louisiana Human Trafficking Prevention Commission Advisory Board; to provide for duties; to provide for reporting; to provide for the composition of the commission and board; to provide for meetings; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 28-B of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2165 through 2168, is hereby enacted to read as follows:

§2165. Louisiana Human Trafficking Prevention Commission

A. The Louisiana Human Trafficking Prevention Commission is hereby created within the office of the governor.

B. The commission shall do the following:

(1) Assist state and local leaders in developing and coordinating human trafficking programs.

(2) Conduct a continuing comprehensive review of all existing public and private human trafficking programs to identify gaps in prevention and intervention services.

(3) Increase coordination among public and private programs to strengthen prevention and intervention services.

(4) Make recommendations with respect to human trafficking prevention and intervention.

(5) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all human trafficking victims.

(6) Establish a method to train law enforcement, the judiciary, and service providers toward evidence-based national best practices focusing on outreach and prevention.

(7) Develop a plan that ensures that Louisiana laws on human trafficking are properly implemented and provide training to law enforcement, the judiciary, and service providers.

(8) Review the statutory response to human trafficking, analyze the impact and effectiveness of strategies contained in Louisiana law, and make recommendations on legislation to further anti-trafficking efforts.

(9) Develop mechanisms to promote public awareness of human trafficking, including promotion of the national twenty-four-hour toll-free hotline telephone service on human trafficking.

(10) Promote training courses and other educational materials for use by persons required to undergo training on the handling of, and response procedures for, suspected human trafficking activities.

(11) Develop a framework to collect and integrate data and measure program outcomes.

(12) Receive reports and recommendations from the Human Trafficking Prevention Commission Advisory Board.

C. In order to carry out its purposes and functions, the commission may request data from state departments and agencies. When the commission requests a state department or agency to provide needed data or assistance, the department or agency shall give priority to the request and shall provide the data or assistance as requested. The commission shall maintain the confidentiality of any information or records provided to it by state departments and agencies, as required by laws relative to such information and records.

D. The commission shall annually issue a report of its findings and recommendations to the governor, the speaker of the House of Representatives, the president of the Senate, the president of the Louisiana Senate, the president of the Louisiana Association of Chiefs of Police, the president of the Louisiana Association of Chiefs of Police or his designee, the secretary of the Louisiana Department of Health or his designee, the attorney general of the state of Louisiana or his designee, the secretary of the Louisiana Workforce Commission or his designee, the superintendent of education or his designee, the state superintendent of education or his designee, the state superintendent of education or his designee, the Louisiana Association of Juvenile and Family Court Judges, and the Louisiana District Attorneys Association or his designee.

E. Legislative members of the commission shall receive the same per diem and reimbursement of travel expenses as is provided for legislative committees under the rules of the respective houses in which they serve. Nonlegislative commission members shall serve without compensation or per diem.

§2166. Composition of the commission

A. The commission shall be composed of the following members:

(1) The president of the Louisiana Senate or his designee.

(2) The speaker of the Louisiana House of Representatives or his designee.

(3) The attorney general of the State of Louisiana or his designee.

(4) The secretary of the Louisiana Workforce Commission or his designee.

(5) The state superintendent of education or his designee.

(6) The deputy secretary of the office of juvenile justice of the Department of Public Safety and Corrections or his designee.

(7) The secretary of the Department of Children and Family Services or his designee.

(8) The secretary of the Louisiana Department of Health or his designee.

(9) The secretary of the Department of Public Safety and Corrections or his designee.

(10) The superintendent of the Louisiana State Police or his designee.

(11) The president of the Louisiana Association of Chiefs of Police or his designee.

(12) The executive director of the Louisiana Sheriffs’ Association or his designee.

(13) The chief justice of the Louisiana Supreme Court or his designee.

(14) A representative of the Human Trafficking Prevention Commission Advisory Board selected by its members.

(15) A representative of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(16) The state public defender or his designee.

(17) The executive director of the Louisiana District Attorneys Association or his designee.

D. The commission shall annually issue a report of its findings and recommendations to the governor, the speaker of the House of Representatives, the president of the Senate, the president of the Louisiana Association of Chiefs of Police, the president of the Louisiana Association of Chiefs of Police or his designee, the secretary of the Louisiana Department of Health or his designee, the state superintendent of education or his designee, the Louisiana Association of Juvenile and Family Court Judges, and the Louisiana District Attorneys Association or his designee.

E. Legislative members of the commission shall receive the same per diem and reimbursement of travel expenses as is provided for legislative committees under the rules of the respective houses in which they serve. Nonlegislative commission members shall serve without compensation or per diem.

§2167. Meetings

A. The commission shall hold public meetings quarterly except as otherwise provided by vote of the commission or by order of the chairperson. The governor shall call the first meeting by August 1, 2017.

B. A simple majority of the commission membership shall constitute a quorum for the transaction of business.

C. The commission may establish subcommittees within the commission and appoint members to those subcommittees, including persons outside of the commission membership, as it deems necessary and appropriate to accomplish its goals.

D. The office of the governor shall provide to the commission such clerical, administrative, and technical assistance and support as may be necessary to enable the commission to accomplish its goals.

§2168. Human Trafficking Prevention Commission Advisory Board

A. The advisory board shall be composed of the following members appointed by the governor:

(1) A member nominated by the Louisiana Association of Chiefs of Police or his designee.

(2) A member nominated by the Louisiana District Attorneys Association.

(3) A member nominated by the Louisiana Association of Juvenile and Family Court Judges.

(4) The state superintendent of education or his designee.

(5) The state superintendent of education or his designee.

(6) The deputy secretary of the office of juvenile justice of the Department of Public Safety and Corrections or his designee.

(7) The secretary of the Department of Children and Family Services or his designee.

(8) The secretary of the Louisiana Department of Health or his designee.

(9) The secretary of the Department of Public Safety and Corrections or his designee.

(10) The superintendent of the Louisiana State Police or his designee.

(11) The president of the Louisiana Association of Chiefs of Police or his designee.

(12) The executive director of the Louisiana Sheriffs’ Association or his designee.

(13) The chief justice of the Louisiana Supreme Court or his designee.

A. The advisory board shall be composed of the following members:

(1) A member nominated by the Louisiana Association of Juvenile and Family Court Judges.

(2) A member nominated by the Louisiana District Attorneys Association.

(3) A member nominated by the Louisiana Association of Juvenile and Family Court Judges.
(4) A member nominated by the Louisiana Chapter, American College of Emergency Physicians.
(5) A member nominated by the Louisiana Chapter, National Association of Social Workers.
(6) An individual with expertise in advocacy for adult victims of human trafficking.
(7) The executive director of a residential program for victims of human trafficking.
(8) The executive director of a direct service program for victims of human trafficking.
(9) An individual with expertise in advocacy for child victims of human trafficking, nominated by the executive director of the Children's Cabinet or his designee.
(10) At least two individuals who are adult survivors of human trafficking, nominated by nonprofit organizations serving victims.
(11) A member nominated by Prevent Child Abuse Louisiana.
(12) A member nominated by the Juvenile Justice and Delinquency Prevention Advisory Board.
(13) A member nominated by the Louisiana Families In Need of Services Association.
(14) A member nominated by Louisiana@Children.org.
(15) A member nominated by the Louisiana Association of Nonprofit Organizations.
(16) A member with experience related to exploitation, nominated by the Louisiana Council of Child and Adolescent Psychiatry or its designee.
(17) A member nominated by the Louisiana School Counselors Association.
(18) A member nominated by the Louisiana Association of Children and Family Agencies.
(19) An individual with expertise in the treatment of human trafficking, nominated by the Louisiana State Board of Examiners of Psychologists.
(20) A member nominated by the Foundation Against Sexual Assault.
(21) A member nominated by the Louisiana Chapter of the American College of Physicians or its designee.
(22) Each member shall serve for a term concurrent with that of the governor.

All members shall serve without compensation.

D. The advisory board shall be invited to all commission meetings and may participate in discussions but shall have no vote on any matter brought before the commission.
E. The advisory board shall elect as officers a chairperson, vice chairperson, and secretary from its membership and shall meet as needed. The advisory board shall create its own bylaws. Unless the bylaws provide for a greater quorum requirement or by proxy of one-third of the members who have been appointed by the governor shall constitute a quorum at the meetings of the advisory board.
F. The advisory board may appoint from time to time, to serve at its pleasure, additional members to serve on matters about which such additional members have expertise or experience. In the consideration of those matters for which an additional member is appointed, he shall have the same powers and duties during the period of his service as are enjoyed by the membership provided by subsection b of this section.

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

ACT No. 182

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SENATE BILL NO. 44
BY SENATOR JOHN SMITH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 22:2055(13) and to enact R.S. 22:46(19), relative to the definition of ocean marine insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:46(19) is hereby enacted to read as follows:

§46. Definitions

In this Code, unless context otherwise requires, the following definitions are applicable:

(19) “Ocean marine insurance” means marine insurance as defined in R.S. 22:47(13), except for inland marine, as well as any other form of insurance, regardless of the name, label, or marketing designation of the insurance policy, which insures against maritime perils or risks and other related perils or risks, which are usually insured against by traditional marine insurances such as hull and machinery, marine builders’ risks, and marine protection and indemnity. Such perils and risks insured against include without limitation loss, damage, or expense or legal liability of the insured for loss, damage, or expense arising out of or incident to ownership, operation, chartering, maintenance, use, repair, or construction of any vessel, craft, or instrumentality in use in ocean or inland waters, including liability of the insured for personal injury, illness, or death or for loss of or damage to the property of the insured or another person, except this definition shall not include insurance on vessels under five tons gross weight. Ocean marine insurance as defined in this Section is subject to R.S. 22:1269.

Section 2. R.S. 22:2055(13) is hereby amended and reenacted to read as follows:

§2055. Definitions

As used in this Part:

(13) “Ocean marine insurance” includes marine insurance as defined in R.S. 22:47(13), except for inland marine, as well as any other form of insurance, regardless of the name, label, or marketing designation of the insurance policy, which insures against maritime perils or risks and other related perils or risks, which are usually insured against by traditional marine insurances such as hull and machinery, marine builders’ risks, and marine protection and indemnity. Such perils and risks insured against include without limitation loss, damage, or expense or legal liability of the insured for loss, damage, or expense arising out of or incident to ownership, operation, chartering, maintenance, use, repair, or construction of any vessel, craft, or instrumentality in use in ocean or inland waters, including liability of the insured for personal injury, illness, or death or for loss of or damage to the property of the insured or another person, except this definition shall not include insurance on vessels under five tons gross weight.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 184

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SENATE BILL NO. 64
BY SENATOR GATTI
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 3:2463(C) and (E) and to enact R.S. 3:2462(6) and 2465(E), relative to animal shelter operating procedures; to authorize animal shelters to post pictures of animals on a social media account or website; to require inspectors and shelter personnel to attend annual training; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2463(C) and (E) are hereby amended and reenacted and R.S. 3:2462(6) and 2465(E) are hereby enacted to read as follows:

§2462. Definitions

As used in this Part, the following words shall have the following meanings ascribed to them:
AN ACT

To amend and reenact R.S. 56:722(A)(2) and 727, relative to game and fish commission; to provide for terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:722(A)(2) and 727 are hereby amended and reenacted to provide for limitation of liability; to provide for terms and conditions; and to provide for related matters.

C. (1) Shelters shall be inspected at least once every six months by an authorized representative of the parish to determine compliance with the requirements of this Part. Additional inspections shall be made promptly upon receipt of a bonafide complaint.

(2) The parish shall notify the director of the animal control agency or shelter of the inspector’s name in writing. Each individual authorized to conduct shelter inspections for the parish shall annually attend training offered by an organization that provides accredited continuing education courses regarding shelter safety, animal welfare, and state compliance procedures, such as the Louisiana Animal Control Association. The training requirement shall apply only if an online training option is available. All training required by this Paragraph shall be approved by the state veterinarian.

E. Shelter personnel shall annually attend training offered by an organization that provides accredited continuing education courses regarding shelter safety, animal welfare, and state compliance procedures, such as the Louisiana Animal Control Association and should be trained as to animal health, disease control, humane care and treatment, animal control and transportation of animals. Shelter workers shall be fundamentally humane, shall be able to identify and understand the principal animal diseases and injuries, and should have good judgment and even temperament. The training requirement shall apply only if an online training option is available. All training required by this Subsection shall be approved by the state veterinarian.

§2465. Operating procedures

E. Any animal shelter that maintains a social media account or a website may post pictures of every animal that enters the shelter upon intake and again prior to euthanasia of the animal.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 185

SENATE BILL NO. 109

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

AN ACT

To enact Part V of Chapter 1 of Code Title XXIV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:5826 and 5827, relative to prescription; to provide relative to peremptive and prescriptive deadlines; to provide relative to legal deadlines; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 1 of Title XXIV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:5826 and 5827, is hereby enacted to read as follows:

§5826. Purpose

In accordance with Executive Orders JBE 2016-53, 57, and 66, which, among other things, purport to suspend or extend certain prescriptive periods and peremptive periods. The legislature finds that it is necessary for a year to year determination of any suspension or extension of prescriptive and peremptive periods created by these executive orders in order to preserve a fair and consistent application of the laws of prescription and peremption.

§5827. Suspension and extension of prescription and peremption; 2016 flooding disaster

In accordance with Executive Orders JBE 2016-53, 57, and 66, all prescriptive periods, including liberative, acquisitive, and the prescription of nonuse, and all peremptive periods were suspended or extended for a period beginning August 12, 2016, and ending September 30, 2016. To the extent that any prescriptive period or peremptive period would have run on or before September 30, 2017, but for the suspension or extension of the period pursuant to the Executive Orders JBE 2016-53, 57, and 66, the prescriptive or peremptive period will be deemed to have run upon the earlier of: (1) the date calculated pursuant to Louisiana Civil Code Article 1627; or (2) September 30, 2017. The suspension and extension of prescriptive periods and peremptive periods contained in Executive Orders JBE 2016-53, 57, and 66 shall not apply to any prescriptive period or peremptive period accruing on or after October 1, 2017.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 187

SENATE BILL NO. 116

BY SENATORS MILLS AND BISHOP
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact Part III of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:111 through 114, relative to exercise and healthier communities; to create the Work Out Now: WON Louisiana Commission; to provide for commission membership, powers, duties, and functions; to provide for staff support and finances for the commission; to provide for cooperation with and support for the commission; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:111 through 114, is hereby enacted to read as follows:

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strikethrough type are deletions from existing law; words underscored and boldfaced (House Bills) and underscored and boldfaced (Senate Bills) are additions.
PART III. WORK OUT NOW: WON LOUISIANA

STATEWIDE STRATEGIC ADVISORY COMMISSION

§111. Purpose and Findings
A. Louisiana has the highest adult obesity rate in the nation and the fourth highest obesity rate for children ages ten through seventeen. Obesity-related health issues plague our citizens, with Louisiana ranking fifth in the nation for adults with diabetes and fourth in the nation for adults with hypertension. The Louisiana Medicaid program alone spent more than ninety-eight million dollars in 2014 in total obesity-related payments for Medicaid-covered children and adults. In 2012, the Robert Wood Johnson Foundation estimated that a cumulative five percent body mass index reduction in children and adults in Louisiana could save the state more than six billion dollars.
B. The issue of obesity in Louisiana has been studied tirelessly by countless national and state entities and there is no shortage of plans, programs, strategies, and initiatives by organizations at every level, and yet obesity rates in Louisiana continue to increase every year. Our children and adults develop obesity-related chronic diseases that impact every aspect of their lives, including decreased school performance, job absences, and lack of engagement in family and community, all of which decrease quality of life and come with a significant financial impact to the state.
C. The legislature finds and declares that the greatest resource in tackling any problem that impacts a community is the community itself. The obesity crisis cannot be mandated away at the federal or state level. It must be a priority at the local level, and to that end our mayors are key to the success of any effort to first slow and then reverse our obesity rates, thereby saving money and increasing the quality of life for all of our citizens. Our mayors must be equipped with the information needed to help their constituents lead healthier lives, which will result in a more prosperous community and save the taxpayers millions of dollars related to treating preventable chronic diseases.

§112. Work Out Now: WON Louisiana Legislative Commission; established; membership; duties
A. The Work Out Now: WON Louisiana Legislative Commission is hereby established to work directly with local elected officials to bring the battle against obesity to the local level.
B. The chairman of the Senate Committee on Health and Welfare shall serve as the chairman of the commission, which shall be comprised of the following members:
   (1) One member who serves on the Senate Committee on Health and Welfare, to be selected by the chairman.
   (2) One member who serves on the Senate Committee on Local and Municipal Affairs, to be selected by the chairman.
   (3) One member who serves on the Senate Committee on Education, to be selected by the chairman.
   (4) One member who serves on the House Committee on Health and Welfare, to be selected by the chairman.
   (5) One member who serves on the House Committee on Municipal, Parochial and Cultural Affairs, to be selected by the chairman.
   (6) One member who serves on the House Committee on Education, to be selected by the chairman.
C. The duties of the commission shall be to engage an effort at the local level to:
   (1) Address key gaps in current obesity prevention by understanding what works in multi-system approaches to obesity, and how these approaches can be implemented through community-led change strategies.
   (2) Align obesity prevention activities at the local level based on a local agenda.
   (3) Engage community partners to disseminate and implement evidence-based health promotion strategies.
   (4) Facilitate communication that unites Louisiana local elected officials with their local schools, businesses, organizations, and community members to demonstrate their collective commitment to fighting obesity.
   (5) Foster a healthy competition with similarly sized communities throughout Louisiana.
   (6) Facilitate information sharing and access to enable local elected officials to engage existing programs that promote physical activity.
   (7) Foster a healthy competition with similarly sized communities throughout Louisiana.
   (8) Partner with private entities who support, promote, or administer obesity prevention programs that focus on physical activity and seek funds or donated prizes from these entities to reward community health effort winners.

§114. Termination of Part
B. Each agency and political subdivision shall furnish aid, services, and assistance as requested by the commission.
C. The legislature may hold public hearings as part of carrying out its duties. The chairman may call a hearing at any time and location deemed appropriate to best engage with the local elected officials. Notice shall be issued to all membership; duties
A. The staff of the Senate Committee on Health and Welfare shall provide support and assistance as requested by the chairman.

§113. Staff support; agency cooperation and assistance
A. The staff of the Senate Committee on Health and Welfare shall provide support and assistance as requested by the chairman.

ACT No. 188

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

AN ACT

To authorize and provide for the transfer of certain state property; to provide for the transfer of state property in Tensas Parish; to provide for the property description; to provide for reservation of mineral rights; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The president of Louisiana State University Agricultural and Mechanical College and the commissioner of administration, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to transfer to the state of Tensas Parish, and for the consideration of the state of Tensas Parish, all or any portion of the following described parcel of property, including improvements...

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.
being the same property acquired by Kenneth O. Doty, et als, from the S. Z. Olds, Estate by deed dated November 2, 1966 and recorded in Conveyance Book 15, Page 435, of the Records of Tensas Parish, Louisiana.

Section 2. The president of the Louisiana State University Agricultural and Mechanical College and the commissioner of administration, are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property, including improvements, described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the president of Louisiana State University Agricultural and Mechanical College the commissioner of administration, and the parish governing authority of Tensas Parish, in exchange of consideration proportionate to at least the appraised value of the property. Funds from the sale of the property authorized by this Act shall be made available by the division of administration to the Louisiana State University Agricultural Center for use by the Louisiana State University Agricultural Center’s Northeast Region for programs, capital improvements, and maintenance of existing facilities and infrastructure.

Section 3. In the event that the agreement authorized by this Act is not entered into on or before December 31, 2019, the authorization to convey, transfer, assign, lease, or deliver any interest in that property pursuant to this Act shall terminate and be null and void on that date and thereafter.

Section 4. 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. 189

SENATE BILL NO. 132

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. 56:1855(M)(2) and to enact R.S. 56:1855(O), relative to the Louisiana Scenic Rivers Act; to provide for certain natural and scenic rivers; to provide exceptions for certain uses on the Amite River, West Pearl River, Tangipahoa River, Tchefuncte River, Bogue Falaya River, Abita River, Comite River, and Bayou Manchac; to provide terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1855(M)(2) is hereby amended and reenacted and R.S. 56:1855(O) is hereby enacted to read as follows:

§1855. Exceptions

(1) To amend and reenact R.S. 56:1853, clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes, in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.

Q. Notwithstanding other provisions of R.S. 56:1853, clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes, in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.

Section 2. This Act shall become effective on June 30, 2018.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 190

SENATE BILL NO. 143

BY SENATOR CHABERT AND REPRESENTATIVES STEVE CARTER, LEE GRISCLAIR AND STOKES

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

AN ACT

To amend and reenact R.S. 36:204(B)(6) and R.S. 56:1687(6) and (9), and to enact R.S. 36:204(B)(9) and (10), relative to the powers and duties of the secretary of culture, recreation and tourism; to provide for the procedure for the sale, lease, and sublease of state parks lands; to provide for concession leases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:204(B)(6) is hereby amended and reenacted and R.S. 36:204(B)(9) and (10) are hereby enacted to read as follows:

§204. Powers and duties of secretary of culture, recreation and tourism

B. The secretary shall have authority to:

(6) Except as otherwise specifically provided in R.S. 56:1687(6), sell, lease, or sublease state park lands only after receiving approval for each sale, lease, or sublease by the legislature of the state of Louisiana and only after publishing an advertisement in the official journal of the parish or parishes in which such land is located setting forth a description of the lands to be sold, leased, or subleased; the time when bids therefor will be received; and a short summary of the terms, conditions, and purpose of said sale, lease, or sublease to be executed. The advertisement required by this Section shall be published once a week for three different weeks in the location of the first advertisement to appear at least fifteen days before the opening of bids; however, when the advertisement is published in a daily newspaper in the locality, the advertisement shall be published three times within ten days, the first advertisement to appear at least ten days before the opening of bids in accordance with the applicable provisions of the sale and lease laws of public lands of the state of Louisiana.

(9) Grant leases, subleases, and concession leases and enter any related contract or agreement, hereafter in this Paragraph collectively referred to as a “lease”, on any portion of the immovable property under the department’s supervision, jurisdiction, or management except the Lower Pontalba Building to any of the following:

(a) A public body. The application, advertisement, and bid requirements set forth in Part I of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950 shall not apply to such a lease.

(b) A private entity. The provisions of Part I of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950 shall not apply to a mineral or timber lease with a private entity. If a private entity is obligated under the terms of a lease to undertake activities or construct improvements on the leased immovable property that will support the public purposes of the department, the provisions of Part I of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950 shall not apply to the lease, but such a lease is subject to the following conditions:

(1) Such a lease shall be negotiated and let in accordance with fair and reasonable criteria established and applied relating to a balance of factors including but not limited to, rent, highest return of revenue and benefits, financial stability of the lessee or sublessee, architectural design, development and management of operational plan, uniqueness of operation, and stimulating economic, social, and public interest in the state.

(2) A lease entered into by a private lessee for the performance of work on the leased premises or the erection, construction, or maintenance of improvements on the leased premises shall not constitute a contract for public work as defined in R.S. 38:2911(A).

(3) The architectural plans for such improvements shall be approved by the secretary prior to construction on the leased or subleased property.

(4) Such leases shall be subject to R.S. 39:11 and R.S. 39:366.II.

(c) The provisions of this Paragraph shall not impair or diminish the priority established in Part III of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 for the sale of lands to individuals who are blind; nor shall the provisions of this Paragraph impair or diminish the priority established in R.S. 6-1-5 of the Louisiana Revised Statutes of 1950 for the sale of lands to a state agency or a political subdivision of the state. If a state agency or a political subdivision of the state is obligated under the terms of a lease to undertake activities or construct improvements on the leased immovable property that will support the public purposes of the department, the provisions of this Paragraph shall not apply to a lease entered into with a state agency or a political subdivision of the state, but such a lease is subject to the following conditions:

(1) Such a lease shall be negotiated and let in accordance with fair and reasonable criteria established and applied relating to a balance of factors including but not limited to, rent, highest return of revenue and benefits, financial stability of the lessee or sublessee, architectural design, development and management of operational plan, uniqueness of operation, and stimulating economic, social, and public interest in the state.

(2) Such a lease shall not constitute a contract for public work as defined in R.S. 38:2911(A).

(3) The architectural plans for such improvements shall be approved by the secretary prior to construction on the leased or subleased property.

(4) Such leases shall be subject to R.S. 39:11 and R.S. 39:366.II.

(5) The provisions of this Paragraph shall not impair or diminish the priority established in R.S. 56:1687(6) and (9), and the provisions of this Paragraph shall not impair or diminish the priority established in R.S. 56:1687(10) and (11), relative to the powers and duties of the secretary of culture, recreation and tourism; to provide for the procedure for the sale, lease, and sublease of state parks lands; to provide for concession leases; and to provide for related matters.
(9) Charge a fee and collect rents and other payments for the leasing of concessions or granting of other privileges in or on an office of state parks holding. Additionally, the secretary may grant concession leases or lease rights for operating concessions on such holdings for an initial period not to exceed five years and an additional two year period upon the option of the secretary. Such leases shall otherwise be granted in accordance with the applicable requirements of the public bid law of the state, state procurement laws, and procedures of the Division of Administration, and other applicable provisions of law that govern the granting of leases, concessions, or other privileges on such holdings, including R.S. 23:3023.

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

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ACT No. 191

SENATE BILL NO. 199

BY SENATORS ERDEY, THOMPSON AND WALSWORTH

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

AN ACT

To enact R.S. 33:4712.17, relative to property and buildings; to provide for the sharing of public equipment; to provide for use of public equipment among public entities; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4712.17 is hereby enacted to read as follows:

§4712.17. Sharing of equipment between public entities

A. (1) Notwithstanding any other provisions of law to the contrary, public entities may share equipment with another public entity without having to expend funds for such use, provided that both entities have executed a cooperative endeavor agreement for the use of the equipment.

(2) The cooperative endeavor agreement shall be in reasonable detail and among the parties and shall:

(a) Identify the equipment that will be shared.

(b) Explain the use of the equipment and the approximate length of time for use of the equipment by the requesting public entity.

(c) Address the responsibility for repairing or replacing the equipment when the equipment becomes inoperable for its intended use due to a mechanical or other breakdown while in the possession of the requesting public entity.

(d) Include a hold harmless provision releasing the lending public entity from expenses, damages, or losses arising from the use of the equipment.

(3) When an emergency situation is declared and public entities need to share equipment, the provisions of Paragraph (A)(1) of this Section are not required, provided the public entities share the equipment in good faith relative to the emergency situation.

B. For the purposes of this Section, “public entities” means: (a) state boards, agencies or commissions, parishes, municipalities, city parish, and other local school boards and districts, levee boards and districts, port boards and commissions, port, harbor, and terminal and industrial districts, drainage and land reclamation districts, all special service districts including but not limited to road, water, sewage, fire protection, recreation, hospital service, and gas utility districts; (b) all other political subdivisions, special authorities, commissions, public trusts, and boards heretofore or hereafter created by or pursuant to the constitution or statutes of the state, any laws incorporated into or ratified or confirmed by the constitution, or general or special charters of any parish or municipality; and (c) all other units of local government created by or governed by the governing authorities of parishes or municipalities.

C. The provisions of R.S. 33:2337 and 2338 shall supercede and control in the event of conflict with the provisions of this Section.

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. 192

HOUSE BILL NO. 13

BY REPRESENTATIVE THIBAUT

AN ACT

To enact R.S. 25:215(B)(18), relative to the Pointe Coupee Parish Library; to transfer the administration of and accounting functions for funds of the library from the parish governing authority to the library board of control; 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. 25:215(B)(18) is hereby enacted to read as follows:

§215. Duties and powers of the board; employment of librarian, assistants, and other employees

A. Except as provided in Paragraph B of this Article, a court exercising juvenile jurisdiction shall have exclusive original jurisdiction, in conformity with any special rules prescribed by law; to try an adult for the following offenses:


(2) The crime of contributing to the delinquency or dependency of children as authorized by R.S. 14:19.2.

(3) Any other misdemeanor enacted for the protection of the physical, moral, or mental well being of children.

§215. Duties and powers of the board; employment of librarian, assistants, and other employees

B. For the purposes of this Section, “public entities” means: (a) state boards, agencies or commissions, parishes, municipalities, city parish, and other local school boards and districts, levee boards and districts, port boards and commissions, port, harbor, and terminal and industrial districts, drainage and land reclamation districts, all special service districts including but not limited to road, water, sewage, fire protection, recreation, hospital service, and gas utility districts; (b) all other political subdivisions, special authorities, commissions, public trusts, and boards heretofore or hereafter created by or pursuant to the constitution or statutes of the state, any laws incorporated into or ratified or confirmed by the constitution, or general or special charters of any parish or municipality; and (c) all other units of local government created by or governed by the governing authorities of parishes or municipalities.

C. The provisions of R.S. 33:2337 and 2338 shall supercede and control in the event of conflict with the provisions of this Section.

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. 194

HOUSE BILL NO. 70
BY REPRESENTATIVE HORTON
AN ACT
To amend and reenact R.S. 33:2495.3(A) and to enact R.S. 33:2552.2, relative to the cities of Baton Rouge, Bossier City, and Lafayette and Fire Protection District No. 2 of Ward 4 of Calcasieu Parish; to provide relative to the classified fire service; to provide relative to persons selected for appointment to entry-level positions; to provide relative to the formal training of such persons; 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. 33:2495.3(A) is hereby amended and reenacted and R.S. 33:2552.2 is hereby enacted to read as follows:

§2495.3. Recruit and recruit period; certain municipalities
A. Notwithstanding any other provision of law to the contrary, in municipalities with a population of not less than two hundred thousand persons and not more than two hundred forty thousand persons as of the most recent federal decennial census or other case-specific grants, including the confidential work product of attorneys in litigation, compensation, and records supporting fees of experts and others, and analysis of the efficiency and effectiveness of programs. The attorney-client privilege and confidentiality that applies to counsel in cases shall apply to all board members and staff for the review of case details.
B. Adopt procedures necessary to protect strategic choices and confidential work product of the board when the board considers important matters of spending. However, the amounts and general purposes shall remain public record of the board’s decisionmaking process.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 196

HOUSE BILL NO. 110
BY REPRESENTATIVE BILLIOT
AN ACT
To amend and reenact Code of Criminal Procedure Article 890.3, relative to crimes of violence; to provide relative to sentencing for crimes of violence; to provide relative to the procedure by which certain crimes are designated in the court minutes as crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 890.3 is hereby amended and reenacted to read as follows:

Art. 890.3. Sentencing for crimes of violence
A. Except as provided in Paragraph C of this Article, when a defendant is sentenced for any offense, the court may designate the offense as a crime of violence.
B. In the absence of a written recommendation by the district attorney as provided in Paragraph A of this Article, the offense shall be designated as a crime of violence only for the following purposes:
(1) To determine the defendant’s eligibility for suspension or deferral of sentence pursuant to Article 893.
(2) To determine if the defendant is eligible for appointment to entry-level positions; to provide relative to the formal training of such persons; and to provide for related matters.
C. Except as provided in Paragraph C of this Article, when a defendant is sentenced for any offense, or the attempt to commit any offense, defined or enumerated as a crime of violence in R.S. 14:2(B), upon the district attorney may make a written recommendation to the district attorney as to the court’s consideration of the offense as a crime of violence.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill

PAGE 88

CODING: Words in strike-through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
ACT No. 197

HOUSE BILL NO. 115
BY REPRESENTATIVE CROMER
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Civil Code Articles 2350, 2369.3, and 2375, relative to community property; to provide relative to a community enterprise; to provide for the effect of a judgment of separation of property upon reconciliation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 2350, 2369.3, and 2375 are hereby amended and reenacted to read as follows:

Art. 2350. Alienation of movable assets of business.

The spouse who is the sole manager of a community enterprise has the exclusive right to alienate, encumber, or lease its movables unless the movables are issued in the name of the other spouse or the concurrence of the other spouse is required by law.

A community enterprise is a business that is not a juridical person.

Revision Comments - 2017

The definition of “community enterprise” provided herein is not new. It has been relocated from Article 2369.3 to its more appropriate placement in this Article. See Lanza v. Lanza, 898 So. 2d 280 (La. 2005). The change in terminology from “legal entity” to “juridical person” is intended to be consistent with language used throughout the Civil Code and does not change the law.

* * *

Art. 2369.3. Duty to preserve; standard of care.

A spouse has a duty to preserve and to manage prudently the community property and the movables of the community enterprise, consistent with the mode of use of that property immediately prior to termination of the community regime. He is answerable for any damage caused by his fault, default, or neglect.

A community enterprise is a business that is not a juridical person.

Revision Comments - 2017

(a) The deletion of the reference to a community enterprise in the first paragraph does not change the law. That reference was both redundant and unnecessary. The duty to preserve applies to all community assets, regardless of their form.

(b) The 2017 revision moved the definition of a community enterprise to Article 2350.

* * *

Art. 2375. Effect of judgment.

A. Except as provided in Paragraph C of this Article, a judgment decreeing separation of property terminates the regime of community property retroactively to the day of the filing of the petition or motion therefor, without prejudice to rights validly acquired in the interim between filing of the petition or motion and rendition of judgment.

B. If a judgment has been rendered on the ground that the spouses have lived separate and apart either after the filing of a petition for divorce without having reconciled or for six months, in accordance with Article 2374(C) or (D), a reconciliation reestablishes the regime of community property between the spouses retroactively to the day of its termination the filing of the motion or petition therefor, unless prior to the reconciliation the spouses execute a matrimonial agreement to the contrary. This agreement need not be approved by the court and is effective toward third persons when filed for registry in the manner provided by Article 2392. The reestablishment of the community is effective toward third persons when a notice thereof is filed for registry in the same manner.

C. If a judgment is rendered on the ground that the spouses were living separate and apart without having reconciled for at least thirty days from the date of, or prior to, the filing of the petition for divorce, the judgment shall be effective retroactively to the date the petition for divorce was filed, without prejudice to rights validly acquired in the interim. All subsequent pleadings or motions involving matters incidental to the divorce shall be filed in the first filed suit.

Revision Comments - 2017

(a) The 2017 revision to this Article closed a gap that previously existed when a judgment of separation of property was awarded on the ground that the spouses had lived separate and apart for 30 days before the filing of a petition for divorce. Under those circumstances, the Article failed to provide for a retroactive reestablishment of the community property regime. Further, the date to which a reconciliation retroactively reestablished the community property regime in the case of judgments of separation of property issued on other grounds was also flawed. This revision clarifies the connection between reconciliation and the reestablishment of the community property regime in the wake of a judgment of separation of property.

(b) The 2017 revision deleted language referencing the effect of a reconciliation on matters incidental to the cause of action for divorce. Procedural matters, including consolidation of suits and cumulation of actions, are governed by the Code of Civil Procedure.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 198

HOUSE BILL NO. 121
BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Code of Civil Procedure Article 3396.18, relative to the independent administration of estates; to provide for the sealing of the detailed descriptive list; to provide court authorization for the release of relevant information to certain parties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 3396.18 is hereby amended and reenacted to read as follows:

Art. 3396.18. Inventory or sworn descriptive list.

A. Before the succession can be closed and the independent administrator discharged, there must be filed an inventory or sworn detailed descriptive list of assets and liabilities of the estate verified by the independent administrator.

B. A successor shall not be placed in possession of property without the filing of an inventory or sworn descriptive list of assets and liabilities. The successor shall not be placed in possession of property, in whole or in part, without providing information that, in the court’s discretion, is relevant to the party’s request.

C. If the detailed descriptive list is sealed, a copy shall be provided to the decedent’s universal successors and surviving spouse. Upon motion of any successor, surviving spouse, or creditor of the estate, the court may order the sealing of the detailed descriptive list upon application by the successor, surviving spouse, or creditor of the estate.

Revision Comments - 2017

(a) The 2017 revision changes the law insofar as it attempts to strike an appropriate balance between publicly regarding the assets and liabilities of a decedent and privacy of the decedent and his successors.

(b) Paragraph A maintains the prior law requiring the production and filing of the detailed descriptive list. Under Paragraph B of the revision, however, the independent administrator or an heir or legatee of the decedent may request that the detailed descriptive list be sealed and therefore shielded from general availability to the public.

(c) Paragraph C recognizes that the privacy of the parties requesting the sealing of the detailed descriptive list cannot prejudice the rights of those parties with a legitimate interest in the assets and liabilities of the succession. Therefore, if sealed, copies of the detailed descriptive list must be provided to all of the decedent’s universal successors as well as the surviving spouse. Even after the sealing of the detailed descriptive list, these same parties may have a need for the information at a later time. Other parties, such as particular legatees or creditors of the estate, may also have a legitimate interest in relevant information regarding the assets and liabilities of the decedent. Consequently, upon appropriate motion of any successor, surviving spouse, or creditor of the estate, a court may provide information that, in the court’s discretion, is relevant to the party’s request. The appropriate information to be furnished to the requesting party is likely to differ depending upon the requesting party and the reason for the request.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 199

HOUSE BILL NO. 144
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 49:214.5.5, relative to integrated coastal restoration projects; to provide relative to immovable property interests that can be acquired by public entities for integrated coastal protection purposes; to provide for a term of acquisition of certain immovable property interests for integrated coastal protection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.5.5 is hereby amended and reenacted to read as follows:

§214.5.5. Private property and public rights.

A. Recognizing that a substantial majority of the coastal lands in Louisiana is privately owned, it is anticipated that a significant portion of the integrated coastal protection projects funded through the Coastal Protection and Restoration Fund either will occur on or in some manner affect private property.

B. It is hereby declared that the public’s right to travel, to know, to be informed, and to make use of the public lands and waters as they can be acquired by public entities for integrated coastal protection purposes is an inherent right and is hereby protected.

C. The right of public travel, however, shall be created in the public, whether such rights be in the nature of ownership, servitude, or use, with respect to any private lands or waters utilized, enhanced, created, or otherwise affected by activities of any governmental agency, local, state, or federal, or any person contracting with same for the performance of any activities,
funded in whole or in part, by expenditures from the Coastal Protection and Restoration Fund or expenditures of federal funds. In the event legal proceedings are instituted by any person seeking recognition of a right of ownership, use, servitude, or use and occupancy over private property on the basis of the expenditure of funds from the Coastal Protection and Restoration Fund, the state shall indemnify and hold harmless the owner of such property for any cost, expense, or loss related to such proceeding, including court costs and expenses of proceedings.

C. Notwithstanding any law or provision to the contrary, no full ownership interest in property shall be acquired for integrated coastal protection through any method by the state of Louisiana, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, including but not limited to compensatory mitigation and ecosystem restoration purposes, unless such interest is voluntarily offered and agreed to in writing by owners with at least seventy-five percent ownership in the property to which such interest pertains. Such an offer shall be as provided in R.S. 31:149. Additionally, any interest in property acquired under this Section shall transfer to the acquiring entity any claims, causes of action, or litigious rights existing prior to the date of the acquisition but shall not extinguish the rights of the owners of the property to exercise such claims, causes of action, or litigious rights on the date of acquisition.

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 14, 2017.

ACT No. 201

BY REPRESENTATIVE DUSTIN MILLER

To amend and reenact R.S. 18:564(D)(1)(a)(introductory paragraph) and (2)(b) and 1309.3(D)(1)(a)(introductory paragraph) and to enact R.S. 18:106(C)(2)(d), 564(D)(1)(a)(iv) and (2)(a)(iv), and 1309.3(D)(1)(a)(iv) and (v), relative to voting; to provide relative to eligibility for certain persons to receive assistance in voting on election day and during early voting; to provide procedures and requirements for receiving assistance in voting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:564(D)(1)(a)(introductory paragraph) and (2)(b) and 1309.3(D)(1)(a)(introductory paragraph) are hereby amended and reenacted and (2)(a)(iv), and (2)(a)(iv), and 1309.3(D)(1)(a)(iv) and (v) are enacted to read as follows:

§564. Assistance in voting on election day

D.1(a) Prior to receiving assistance pursuant to this Section due to a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

(i) A completed and signed voter registration application attesting that the voter has a physical disability and requires assistance in voting.

(ii) A completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

The commissioner-in-charge shall place any physician's certificate, statement setting forth the necessity and reasons for assistance, or copy of proof of disability, or completed and signed voter assistance form presented upon.

THE ADVOCATE
by a voter in the envelope marked “Registrar of Voters” and attach the envelope to the precinct register.

§1309.3. Assistance in voting during early voting

D.(1)(a) Prior to receiving assistance under the provisions of this Section because of a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

(iv) A completed and signed voter registration application attesting that the voter has a physical disability and requires assistance in voting.

(v) A completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

Section 2. This Act shall become effective January 1, 2018. Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 202

HOUSE BILL NO. 164

BY REPRESENTATIVE BAGLEY

AN ACT

To enact R.S. 33:381(C)(34), relative to the town of Stonewall and DeSoto Parish; to provide for the abolition of the office of police chief and the police department in the town of Stonewall; to authorize the town to contract with other law enforcement entities in the parish for law enforcement services; 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. 33:381(C)(34) is hereby enacted to read as follows:

§381. Municipal officers

C. (34)(a) Notwithstanding any other provision of law to the contrary, the board of aldermen of the town of Stonewall may, upon recommendation of the mayor, abolish the office of chief of police of the town. No such action by the board shall be effective until the end of the term of the police chief in office at the time of that action or when a vacancy occurs in the office, whichever occurs first; however, if at the time of that action the office is filled by an officer temporarily appointed, the abolition of the office shall become effective as provided by ordinance.

(b) If the office of chief of police is abolished and the municipal police department is abolished pursuant to R.S. 33:362(C), the mayor and board of aldermen may contract with or enter into any cooperative endeavor with any law enforcement entity or officer within DeSoto Parish for police services for the town.

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 13 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 203

HOUSE BILL NO. 176

BY REPRESENTATIVE LYONS AND SENATOR CARTER

AN ACT

To amend and reenact R.S. 46:1606(A) and (B)(1), relative to the office of elderly affairs; to eliminate the cap on the amount any parish voluntary councils on aging may receive; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1606(A) and (B)(1) are hereby amended and reenacted to read as follows:

§1606. Annual appropriation

A. The legislature shall appropriate to the office of elderly affairs, for distribution by the executive director of the office to the various voluntary parish councils on aging, funds sufficient to allocate to each parish council two dollars and fifty cents for each person sixty years or older who is a resident of the parish as shown by the latest official census estimate or thirty-seven thousand five hundred dollars, whichever is greater, but not to exceed one hundred thousand dollars to any one parish council.

The following words and phrases, when used in this Chapter, shall have the meaning ascribed in this Section to them unless the context clearly indicates a different meaning:

(5) “Proprietary school” means any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within this state, which sells or offers for sale any course of instruction in this state, either by correspondence using the mails or by any other means of communication, or by personal solicitation, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study is available through classroom or Internet instruction, or both, to a person or persons for the purpose of training or preparing such person for a field of endeavor in a business, trade, technical, or industrial occupation, except as otherwise provided by law. The definition of a proprietary school shall not include:

(q) An educator preparation program that is approved by the State Board of Elementary and Secondary Education.

The following words and phrases, when used in this Chapter, shall have the meaning ascribed in this Section to them unless the context clearly indicates a different meaning:

(5) “Proprietary school” means any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within this state, which sells or offers for sale any course of instruction in this state, either by correspondence using the mails or by any other means of communication, or by personal solicitation, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study is available through classroom or Internet instruction, or both, to a person or persons for the purpose of training or preparing such person for a field of endeavor in a business, trade, technical, or industrial occupation, except as otherwise provided by law. The definition of a proprietary school shall not include:

(q) An educator preparation program that is approved by the State Board of Elementary and Secondary Education.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 205

HOUSE BILL NO. 219

BY REPRESENTATIVE LEOPOLD

AN ACT

To amend and reenact Code of Criminal Procedure Article 331(A)(1) and (2) and to repeal Code of Criminal Procedure Article 331(A)(3), relative to bail; to provide relative to the discharge of bail obligations; to provide that the bail undertaking ceases and the surety is relieved of bail obligations upon conviction in any case; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Article 331(A)(1) and (2) are hereby amended and reenacted to read as follows:

Art. 331. Discharge of bail obligation: (A)(1) Upon conviction and sentence or condition of probation pursuant to Article 394 in misdemeanor cases in any case, the bail undertaking shall cease and the surety shall be relieved of all obligations under the bail undertaking.

(A)(2) In all cases, if necessary to assure the presence of the defendant at all future stages of the proceedings, the court may, in its discretion, in accordance with Article 512, require the defendant to post another bail undertaking or other acceptable security, or may release the defendant on bail without surety as provided for in Article 325. The court may continue the existing bail undertaking with the written approval of the surety on the bail undertaking. Such approval must be obtained from the surety after conviction.

Section 2. Code of Criminal Procedure Article 331(A)(3) is hereby repealed in its entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 206

BY REPRESENTATIVES BARRAS, ABRAMSON, DAVIS, DEVILLIER, DWIGHT, JIMMY HARRIS, HORTON, HUVAL, JIM MORRIS, SCHEXNAYDER, SEABAUGH, AND STOKES

AN ACT

To amend and reenact R.S. 51:1787(K), relative to the sunset of the Enterprise Zone program; to extend the sunset date; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1787(K), relative to the sunset of the Enterprise Zone program; to extend the sunset date; to provide for effectiveness; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 207

BY REPRESENTATIVES EMERSON

AN ACT

To amend and reenact R.S. 17:3981(4) and 3982(A)(1)(a)(i), relative to charter school proposals; to require the State Board of Elementary and Secondary Education and local public school boards to deliver to charter applicants certain information relative to third-party evaluations of charter proposals; to provide requirements with regard to such delivery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3981(4) and 3982(A)(1)(a)(i) are hereby amended and reenacted to read as follows:

§3981. State Board of Elementary and Secondary Education; powers and duties relative to charter schools

The State Board of Elementary and Secondary Education shall:

(4) Review each proposed charter in a timely manner and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether the proposal is valid, complete, financially well-structured, educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it offers potential for fulfilling the purposes of this Chapter.

The board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. The board shall send to the charter applicant, either by electronic means or hand delivery, the final evaluation and recommendations, if any, of the third-party evaluator. Such information shall be sent no later than five business days prior to the meeting at which the board will take action on the charter proposal.

$3982. Local school boards; duties; Orleans Parish School Board; immovable property; sale or lease

A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall review and formally act upon each charter proposal received within time lines established by the State Board of Elementary and Secondary Education that are consistent with national best practices in charter school authorizing. Such time lines shall require, at a minimum, an annual charter application process in which local school boards are afforded at least ninety days to evaluate such applications. In conducting such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The local board shall engage in a transparent application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. The local board shall send to the charter applicant, either by electronic means or hand delivery, the final evaluation and recommendations, if any, of the third-party evaluator. Such information shall be sent no later than five business days prior to the meeting at which the local board will take action on the charter proposal. Each local board shall use a common charter application developed by the state Department of Education and approved by the state board, but may request additional information from applicants as needed.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 208

BY REPRESENTATIVE TERRY BROWN

AN ACT

To repeal Subpart B-6-A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.161 through 130.169, relative to the Grand Parish Economic and Industrial Development District; to repeal provisions relative to the creation, powers, and governance of the district; to provide for an effective date; 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. Subpart B-6-A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.161 through 130.169, 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 209

BY REPRESENTATIVE BISHOP

AN ACT

To amend and reenact R.S. 47:305.11(A), relative to sales and use taxes imposed by the state or a political subdivision; to provide with respect to exemptions from the tax; to provide for the types of construction contracts and the imposition of sales and use taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 210

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 17:3981(4) and 3982(A)(1)(a)(i), relative to charter school proposals; to require the State Board of Elementary and Secondary Education and local public school boards to deliver to charter applicants certain information relative to third-party evaluations of charter proposals; to provide requirements with regard to such delivery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3981(4) and 3982(A)(1)(a)(i) are hereby amended and reenacted to read as follows:

§3981. State Board of Elementary and Secondary Education; powers and duties relative to charter schools

The State Board of Elementary and Secondary Education shall:

(4) Review each proposed charter in a timely manner and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. The board shall send to the charter applicant, either by electronic means or hand delivery, the final evaluation and recommendations, if any, of the third-party evaluator. Such information shall be sent no later than five business days prior to the meeting at which the board will take action on the charter proposal.

$3982. Local school boards; duties; Orleans Parish School Board; immovable property; sale or lease

A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall review and formally act upon each charter proposal received within time lines established by the State Board of Elementary and Secondary Education that are consistent with national best practices in charter school authorizing. Such time lines shall require, at a minimum, an annual charter application process in which local school boards are afforded at least ninety days to evaluate such applications. In conducting such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The local board shall engage in a transparent application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. The local board shall send to the charter applicant, either by electronic means or hand delivery, the final evaluation and recommendations, if any, of the third-party evaluator. Such information shall be sent no later than five business days prior to the meeting at which the local board will take action on the charter proposal. Each local board shall use a common charter application developed by the state Department of Education and approved by the state board, but may request additional information from applicants as needed.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 211

BY REPRESENTATIVE BISHOP

AN ACT

To amend and reenact R.S. 47:305.11(A), relative to sales and use taxes imposed by the state or a political subdivision; to provide with respect to exemptions from the tax; to provide for the types of construction contracts and the imposition of sales and use taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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A. No new or additional sales or use tax shall be applicable to sales of materials or services involved in lump sum, fixed fee, or guaranteed maximum price construction contracts entered into and reduced to writing within ninety days thereafter, if such contracts involve contractual obligations undertaken prior to such effective date and were computed and bid on the basis of sales taxes at the rates effective and existing prior to such effective date.

Section 2. The provisions of this Act shall be applicable for purposes of any additional state sales and use tax enacted on or after July 1, 2017. 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 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 210

BY REPRESENTATIVE JAMES

To enact R.S. 40:2404.2 and to repeal R.S. 40:2405.5, relative to peace officers; to provide for training of peace officers; to provide for minimum training requirements; to provide for annual training; to provide for certain mandatory basic and annual certification hours for peace officers; to provide for an emergency effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2404.2 is hereby enacted to read as follows:

**§2404.2. Minimum training requirements; basic curriculum; annual training**

A. In addition to all training requirements provided for in this Chapter, in order to be certified as a level one basic law enforcement peace officer, all persons shall successfully complete a minimum of four hundred hours of core curriculum for basic peace officers as prescribed by the council on an annual basis. All initial training requirements must be completed within the first calendar year after receiving P.O.S.T. certification and annually thereafter.

B. All full-time, part-time, or reserve peace officers shall successfully complete a minimum of twenty hours of in-service training requirements prescribed by the council on an annual basis. Initial training requirements must be completed within the first calendar year after receiving P.O.S.T. certification and annually thereafter.

C. No later than January 1, 2018, the council shall develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, which shall include training for law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers that consists of classroom or internet instruction, or both.

Section 2. R.S. 40:2405.5 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 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 211

BY REPRESENTATIVE LYONS

To enact R.S. 39:1624(A)(10) and R.S. 47:1508(B)(41) and 1678, relative to tax clearances from the Department of Revenue; to require a tax clearance for the issuance or renewal of a sales tax resale certificate; to provide for a tax clearance for approval of certain state contracts; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1624(A)(10) is hereby enacted to read as follows:

**§1624. Approval of contract; penalties**

A. Before approving a proposed contract for professional, personal, consulting, or social services, the state chief procurement officer or an assistant shall have determined that:

(10) The prospective contractor is current in the filing of all applicable tax returns and reports, and in payment of all taxes, interest, penalties, and fees owed to the state and collected by the Department of Revenue in accordance with R.S. 47:1676.

Section 2. R.S. 47:1508(B)(41) and 1678 are hereby enacted to read as follows:

**§1508. Confidential character of tax records**

B. Nothing herein contained shall be construed to prevent:

(4) Upon the request of the state chief procurement officer, for purposes of the requirements established under R.S. 47:1678, the secretary is authorized to disclose to the central purchasing agency information concerning whether a prospective contractor for a contract with the state for the procurement of personal, professional, consulting, or social services or the purchase of food, supplies, or major repairs that requires the approval of the central purchasing agency is current in the filing of all applicable tax returns and reports and in the payment of all taxes, interest, penalties, and fees owed to the state and collected by the Department of Revenue. The information disclosed may be used solely for the purpose of determining whether the contract may be approved by the central purchasing agency. The secretary shall not disclose any data from returns or reports provided by the Internal Revenue Service. Any information so furnished shall be considered and held as confidential and privileged by the central purchasing agency as is required under Subsection A of this Section.

**§1678. Tax clearances; resale certificates; certain procurement contracts**

A. Notwithstanding any other provision of law to the contrary, no state sales or use tax resale certificate shall be issued or renewed for any procurement contract unless the applicant is current in filing all tax returns and in payment of all taxes, interest, penalties, and fees owed to the state of Louisiana.

B. Notwithstanding any other provision of law to the contrary, no contract that requires the review and approval of the central purchasing agency for the procurement of personal, professional, consulting, or social services or the purchase of food, supplies, or major repairs shall be approved unless the chief purchasing officer for the central purchasing agency has received a tax clearance from the Department of Revenue stating that the proposed contractor is current in filing all tax returns and in payment of all taxes, interest, penalties, and fees owed to the state of Louisiana. The tax clearance required by this Section shall not be required for purposes of bidding on or solicitation of a procurement contract. For purposes of this Section, the tax clearance shall be required for the approval of all procurement contracts with this state for purposes including but not limited to the following:

(1) Capital construction.
(2) Supplies, services, or major repairs.
(3) Supplies, services, or major repairs, including but not limited to high technology acquisitions or of complex services.
(4) Consulting professional, personal, and social services.
(5) Purchase or lease of property as authorized by law.
(6) Medical and laboratory supplies and medical equipment required for the purpose of diagnosis or direct treatment of a patient by a health care provider in a hospital or clinical setting, including procurement through a group purchasing organization.

C. The requirements of this Section for a procurement enumerated in Subsection B of this Section is authorized in either of the following circumstances:

(1) The state chief procurement officer or his designee is a level one basic law enforcement peace officer may make or authorize others to approve a contract for emergency procurements when there exists an imminent threat to the public health, welfare, safety, or public property under emergency conditions as defined in accordance with regulations.

(2) The procurement is for a contract for peace officers that requires the review and approval of the central purchasing agency as is above the level of procurement officer determines in writing that there is only one source for the required product, service, or major repair item.

D. This Section shall not apply to any of the following:

(1) Contracts for construction, maintenance, or repair of highways and streets or to contracts financed in whole or in part by contributions or loans from any agency of the United States government.

(2) A procurement contract of an institution of higher education or other agency of higher education if the state chief procurement officer has determined that the contract is for the purchase of goods, services, or services using private grant funds or federal funds that are available specifically for purposes of the contract.

E. The state chief procurement officer shall provide the secretary a list of the prospective contractors that require a tax clearance for approval of a procurement contract. Such list shall be submitted to the secretary in the manner and form as described in the secretary. The secretary, upon receipt, shall provide the state chief procurement officer with a signed tax clearance to each applicant indicating whether the proposed contractor is current in filing all tax returns and reports and in payment of all taxes, interest, penalties, and fees owed to the state of Louisiana, excluding items under formal appeal pursuant to applicable statutes or being paid in compliance with the terms of an installment agreement. Where an assessment against a prospective contractor has become final and collectible by distraint and sale, such proposed contractor shall not be approved for a procurement contract until such time as the proposed contractor has filed the applicable tax returns, or resolved the assessment, or paid or made arrangements to
pay the delinquent tax liability and the secretary notifies the state chief procurement officer of the payment or arrangement to pay.

F. The secretary is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of this Section.

Section 3. The provisions of this Act shall apply to any request for issuance or renewal of a resale certificate submitted to the Department of Revenue and to any approval or renewal of a contract submitted to the central purchasing agency on or after October 1, 2017.

Section 4. This Act shall become effective upon signature of 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 in 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 212

HOUSE BILL NO. 315
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 26:341(A)(introductory paragraph) and 352, relative to the Alcoholic Beverage Control Law; to provide relative to taxes on beverages of high and low alcoholic content; to provide relative to donations of beverages of high and low alcoholic content; to provide for the applicability of excise taxes on donated alcoholic beverages to certain events or organizations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The of R.S. 26:341(A)(introductory paragraph) and 352 are hereby amended and reenacted to read as follows:

§341. Tax on beverages of high and low alcoholic content; importers of wine
A. The following excise or license taxes are levied on all beverages of high and low alcoholic content handled in Louisiana:

§352. Donated alcoholic beverages of high and low alcoholic content taxable
Any person or any dealer may donate alcoholic beverages of high and low alcoholic content to a licensed Type A special event or to an unlicensed civic, religious, or charitable organization subject to the payment of any applicable excise taxes.

Section 2. This Act shall become effective upon signature of 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 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 213

HOUSE BILL NO. 318
BY REPRESENTATIVES BERTHELOT, AMEDEE, ANDERS, ARMES, BACALA, BARRAS, BILLIOT, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CROMER, DAVIS, DEVILLIER, EDMONDS, EMERSON, FOIL, FRANKLIN, GAROFALO, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, LANCE HARRIS, HAVARD, HENRY, HILL, HOFFMANN, HORTON, HOWARD, HUNTER, JAMES, JEFFERSON, JENKINS, JOHNSON, JORDAN, LEBAS, LÉGER, LYONS, MACK, MARCELLE, MARING, MERRIS, NORTON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHENNYAERD, SCHRODER, SMITH, STAGNI, STEFANSKI, THIBAUT, THOMAS, WHITE, AND ZERINGUE AND SENATOR BISHOP

AN ACT

To enact R.S. 29:27.1, relative to parking for disabled veterans; to provide free parking for disabled veterans at airports; to establish identification requirements; to provide for the disposal of time during the term veteran may park for free; and to provide for related matters.

Be it enacted by the legislature of Louisiana:

Section 1. R.S. 29:27.1 is hereby enacted to read as follows:

§27.1. Airport parking exemption for disabled veterans
A. All air carrier airports shall provide free airport parking for a disabled veteran, his conveyance, and his passengers if the disabled veteran provides proof of his eligibility in the form of a military honor license plate as provided for in R.S. 47:490.4 and 490.31 or a disabled veteran identification card issued by the United States Department of Veterans Affairs.

B. A disabled veteran authorized to park for free at an airport pursuant to this Section shall be prohibited from parking for a period exceeding ten days. An air carrier airport may charge a disabled veteran the customary parking fees, if any, for the days in excess of that period within a calendar year.

C. Each individual air carrier airport may determine its own procedures for validating parking vouchers or reimbursing a parking fee as provided in this Section.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 214

HOUSE BILL NO. 323
BY REPRESENTATIVE FRANKLIN
AN ACT

To amend and reenact R.S. 4:732(A) through (E)(introductory paragraph) and (G) and 739(A)(1) and (2)(e) and (F) and to enact R.S. 4:707(J), 732(H) and (I), and 739(A)(2)(f), relative to charitable gaming; to authorize the conducting of progressive mega jackpot bingo; to provide with respect to jackpots for progressive bingo and progressive mega jackpot bingo games; to provide for exceptions to amount of prizes awarded during a bingo session; to provide for applicability; to provide relative to the net profit charitable organizations and distributors receive from progressive bingo and progressive mega jackpot bingo games; to provide with respect to Electronic Bingo Card Dabber Devices; to allow those devices to provide for networking of charitable gaming organizations; to provide relative to the sales of progressive mega jackpot bingo game for player tracking; to provide relative to regulatory authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:732(A) through (E)(introductory paragraph) and (G) and 739(A)(1) and (2)(e) and (F) are hereby amended and reenacted and R.S. 4:707(J), 732(H) and (I), and 739(A)(2)(f) are hereby enacted to read as follows:

§707. Authorization to license certain organizations; exemption; requirement for state license

§732. Progressive bingo
A. Notwithstanding any provision of law to the contrary, the governing authority of any parish or municipality may permit any charitable licensed organization to conduct progressive bingo or progressive mega jackpot bingo games. For the purpose of conducting a progressive bingo or progressive mega jackpot bingo game, such organizations shall:

(1) Establish electronic links or networks, electronic or otherwise, on an Electronic Bingo Card Dabber Device and related system or otherwise, between locations, commercial or noncommercial, where licensed charitable bingo games are being conducted.

(2) Deposit For a progressive bingo game, deposit a predetermined amount of money not to exceed two hundred dollars per organization into a special account before each licensed call bingo gaming session. Every two-hundred-dollar contribution shall not constitute part of the total amount of prizes awarded during that session.

(3) For progressive mega jackpot bingo, contributions deposited before each gaming session shall not constitute part of the total amount of prizes awarded during that session.

B. The mega jackpot for a progressive bingo game played pursuant to and in accordance with the provisions of this Section may exceed the limit established in R.S. 4:714, but shall not exceed one hundred thousand dollars, if the game is played on bingo paper, bingo cards, or by using an Electronic Bingo Card Dabber Device.

(2) The mega jackpot for a progressive mega jackpot bingo game played pursuant to and in accordance with the provisions of this Section and networked or linked together pursuant to Subsection B of this Section may exceed the limit established in R.S. 4:714, but shall not exceed ten thousand dollars. Portions of players’ contributions to progressive mega jackpot bingo games may be used for consolation prizes and to contribute to the progressive mega jackpot pool and shall not be considered part of the limit established in R.S. 4:714(B).

C. Such game If required, such games shall be offered in accordance with rules and regulations adopted by the governing authority of each municipality or the parish which issued a license to any respective organization which participates in a progressive mega jackpot bingo game, and in accordance with the rules and regulations adopted by the office in Subsection D of this Section.

D. The office shall adopt rules and regulations governing progressive bingo and progressive mega jackpot bingo games to ensure compliance with the provisions of this Chapter and any additional regulations of the state relative to charitable gaming laws.

THE ADVOCATE

As it appears in the enrolled bill

CODING: Words in overlined type are additions. (House Bills) and underscored and boldfaced (Senate Bills) are additions.
E. Any licensed charitable organization or organizations playing at the same location may conduct progressive bingo games in accordance with rules established and in effect on August 15, 1965, and as follows:

G. Organizations may network or link together, including through the use of an Electronic Bingo Card Dabber Device to conduct progressive mega jackpot bingo games, as provided in Paragraph (A)(1) of this Section, provided the local governing authority of each parish has authorized the conducting of such games in the parish.

H. Eighty percent of the net win from the progressive bingo and progressive mega jackpot bingo games shall be paid to the charitable organization as defined in R.S. 4:703(1). Twenty percent of the net win from the progressive bingo and progressive mega jackpot bingo games shall be paid to the distributor as defined in R.S. 4:703(3).

I. Sales of progressive mega jackpot bingo on an Electronic Bingo Card Dabber Device for any organization shall not exceed six games per hour and shall not exceed the gross sales of bingo and pull-tabs in a single reporting quarter for any organization. The office may suspend the sales of progressive mega jackpot bingo for any organization that violates the provisions of this Subsection until the organization becomes compliant.

§739. Use of electronic bingo card dabber devices
A.(1) Electronic bingo card dabber devices, hereafter referred to as electronic dabber devices, and defined in Paragraph (2) of this Subsection, for the public playing of bingo, progressive bingo, or progressive mega jackpot bingo may be made available at any location licensed under the provisions of this Chapter provided that all requirements of this Section and all requirements of this Chapter not in conflict with this Section are met. Electronic bingo dabber devices shall not be construed to be electronic video bingo machines or electronic pull-tab devices. Electronic bingo dabber devices shall not offer for play the games authorized by the provisions of R.S. 4:744 or R.S. 4:733.

(2) "Electronic Bingo Card Dabber Device", or "Electronic Dabber Device", or "EBGDD" means an electronic device used by a bingo player to monitor bingo cards purchased and electronically mark bingo cards downloaded into the device, at the time and place of the licensed charitable bingo session, and which:

(c) Will not accept tokens, currency, or items to activate play. Nothing in this Paragraph shall prohibit the sale of bingo cards by charitable organizations.

(ii) Provide a means for accounting functions related to bingo or progressive or progressive mega bingo games.

F. The office shall adopt any additional rules and regulations necessary to govern the specifications, use, and operation of electronic dabber devices and related systems, and shall establish a list of manufacturers, distributors, and suppliers authorized to provide electronic dabber devices or a list of acceptable models of the devices, acceptable serial numbers on such models, or manufacturers, distributors, or suppliers.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schuler
Secretary of State

ACT No. 215
BY HOUSE BILL NO. 377
BY REPRESENTATIVE LYONS
AN ACT

To enact R.S. 46:1608(G) and 1608.1, relative to the Jefferson Council on Aging; to provide for allocation of services funded with monies appropriated to the council; to require the council to provide for and fund certain services to be delivered at designated centers; to establish conditions for the allocation of such services; to authorize the provision of certain services for residents age sixty or over; to prohibit the displacement, relocation, or supplanting of other monies with funding for such services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:1608(G) and 1608.1 are hereby enacted to read as follows:

§1608. Council on aging parish-specific provisions
1. The Harvey Community Center.
2. The Marrero Community and Senior Center.
3. The Woodmere Community Center.

B.(1) The council shall allocate funding for services at a center designated in Subsection A of this Section only if a nonprofit service provider that provides activities, programs, and services for residents age sixty and over at the primary location of the center has entered into a contract, cooperative endeavor agreement, memorandum of understanding, or other agreement with Jefferson Parish.

(2) The council shall provide for services to be provided at each center designated in Subsection A of this Section until the value of the services provided to such center under this Act at the center reaches ten thousand dollars in a fiscal year.

(3) The services provided pursuant to this Section shall be for residents age sixty or over exclusively, and may include, without limitation, any of the following:
(a) A senior prescription program providing low-cost or free prescription medications to seniors.
(b) A senior health insurance information program.
(c) Aging and disability resources.
(d) The following special services for seniors:
   (i) Care management including, without limitation, personal care and respite care services.
   (ii) Homemaker services.
   (iii) Legal resources and services.
   (iv) Educational services.
   (v) Nutrition services.
   (vi) Transportation services.
C. No monies allocated for services pursuant to the provisions of this Section shall be used to displace, replace, or supplant any local or state funding for the operation of a center designated in Subsection A of this Section.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schuler
Secretary of State

ACT No. 216
BY HOUSE BILL NO. 379
BY REPRESENTATIVE BAGNERIS
AN ACT

To enact R.S. 46:1660.1, relative to the Regional Transit Authority; to authorize the use of public-private partnership contracts by the authority for certain projects; to provide for procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:1660.1 is hereby enacted to read as follows:

§1660.1. Public-private partnership projects
A. Notwithstanding any law to the contrary or the requirements of this Part, the Regional Transit Authority, or the governing body of any public authority, may, in the exercise of its discretion, enter into a public-private partnership to provide certain transportation services, or to construct or operate a transportation facility. In enacting a public-private partnership, the Authority shall comply with the provisions of its contract, if any, with the authority and the provisions of R.S. 46:1608(G) and 1608.1, relative to the Jefferson Council on Aging; to provide for allocation of services funded with monies appropriated to the council; to require the council to provide for and fund certain services to be delivered at designated centers; to establish conditions for the allocation of such services; to authorize the provision of certain services for residents age sixty or over; to prohibit the displacement, relocation, or supplanting of other monies with funding for such services; 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. 46:1608(G) and 1608.1 are hereby enacted to read as follows:

§1608. Council on aging parish-specific provisions
1. The Harvey Community Center.
2. The Marrero Community and Senior Center.
3. The Woodmere Community Center.

B. The Jefferson Council on Aging shall allocate services in accordance with the provisions of R.S. 46:1608(G) and 1608.1 among centers in the parish of Jefferson at which activities and services for residents age sixty or over are provided.

§1608.1. Jefferson Council on Aging; allocation of services among certain local centers; conditions
A. The Jefferson Council on Aging, as authorized by the provisions provided in Subsection B of this Section, the Jefferson Council on Aging, referred to hereafter in this Section as "the council", shall ensure delivery of a minimum level of services at the following centers within the set of services to be funded with monies disbursed pursuant to R.S. 46:1608 or another funding source:
F. The Except as provided in R.S. 50:21(9)(a) and R.S. 40:1749.23(A) to and in R.S. 40:1749.12(17) and 1749.27, relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide for the authority of the commissioner of conservation to enforce laws for the prevention of damage to pipelines; to provide for and require certain procedures; to provide for adjudication of violations; to provide for penalties and other remedies; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:22(B)(2)(a) is hereby amended and reenacted and R.S. 30:4(S) is hereby enacted to read as follows:

§ 4. Jurisdiction, duties, and powers of the assistant secretary: rules and regulations.

S. To enforce the provisions of Part VIII of Chapter 8 of Title 40, R.S. 40:1749.11 et seq., the Louisiana Underground Utilities and Facilities Damage Prevention Law, as it pertains to the prevention of damage to pipelines.

§ 21. Fees and charges of the commissioner of conservation: revisions; exceptions; collections; Oil and Gas Regulatory Fund: creation; amounts; requirements.

B.

(2)(a) There is hereby established a special fund in the state treasury to be known as the Oil and Gas Regulatory Fund, hereafter referred to as the “fund”. After deposit in the Bond Security and Redemption Fund and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the fund an amount equal to the monies generated from collection of the fees provided for in this Title, R.S. 40:1749.11 et seq., or Title 47 of the Louisiana Revised Statutes of 1950, the rules and regulations promulgated thereunder, any fines and civil penalties or any other provision of law relative to fees, fines, or civil penalties attributable to the office of conservation, and fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oilfield Site Restoration Fund.

§ 1749.12. Definitions. As used in this Part, the following terms have the meanings ascribed to them in this Section:

(17) “Commissioner” means the commissioner of conservation.

(18) “Pipeline” means all intrastate and interstate pipeline facilities defined by 49 CFR 192.3 and 49 CFR 195.2.

§ 1749.23. Enforcement and adjudication: administration; levy of civil penalties.

A. The Except as provided in R.S. 40:1749.27, the provisions of this Part may be enforced by the Department of Public Safety and Corrections or by any local law enforcement agency. The Department of Public Safety and Corrections or its designee may provide forms, including citation, complaint, incident report forms, to other law enforcement agencies for use in enforcement of the provisions of this Part.

B. The provisions of this Section shall not be construed in any manner to limit or otherwise restrict either of the following:

(a) The general powers of the commissioner as authorized by Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.


B. For the prevention of damage to pipelines, the powers of the commissioner shall include but are not limited to the following:

(1) Monitoring any excavation or demolition, including requests for the excavation, demolition of pipelines or operators, and the general public. The centralized complaint reporting system shall neither be combined with nor in conflict with the Hazardous Incidents Tracking System hazardous material hotline.

(2) Establishing a uniform complaint form to record the complainant’s name and identifying information, the nature and details of the complaint, the geographic location of the complaint, any information about parties involved in the complaint or incident, the date and time of the complaint, the date and time of the complaint report, and whether any collateral information, service, or product was damaged or destroyed.

(3) Investigating the validity of any complaint using any relevant information, including information obtained from excavators, pipeline owners or operators, or a regional notification center.

(4) Obtaining all information needed to issue a citation, order any other appropriate remedies, or otherwise adjudicate any complaint determined to be valid.

D.(1) The commissioner shall adjudicate all violations involving the prevention of damage to pipelines and assess civil penalties or other civil remedies for those violations of this Part.

(b) All civil penalties or other civil remedies assessed by the commissioner pursuant to this Act shall be assessed in the same manner as prescribed by R.S. 30:544, including consideration of all of the following factors:

(i) The nature, circumstances, and gravity of the relevant violation.

(ii) The degree of culpability history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice requires with respect to the person found to have committed the violation.

(c) Damage prevention education shall be a component of each penalty or remedy imposed by the commissioner.

(2) All monies received or collected by the commissioner pursuant to his enforcement of the provisions of this Part as they apply to the prevention of damage to pipelines shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund, R.S. 30:21.

Section 2. R.S. 40:1749.23(A) is hereby amended and reenacted and R.S. 40:1749.12(17) and 18(1) and 1749.27 are hereby enacted to read as follows:

§ 1749.12. Definitions. As used in this Part, the following terms have the meanings ascribed to them in this Section:

(17) “Commissioner” means the commissioner of conservation.

(18) “Pipeline” means all intrastate and interstate pipeline facilities defined by 49 CFR 192.3 and 49 CFR 195.2.

§ 1749.23. Enforcement and adjudication: administration; levy of civil penalties.

A. The Except as provided in R.S. 40:1749.27, the provisions of this Part may be enforced by the Department of Public Safety and Corrections or by any local law enforcement agency. The Department of Public Safety and Corrections or its designee may provide forms, including citation, complaint, incident report forms, to other law enforcement agencies for use in enforcement of the provisions of this Part.

B. The provisions of this Act shall not be construed in any manner to limit or otherwise restrict either of the following:

(a) The general powers of the commissioner as authorized by Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.