To amend and reenact R.S. 47:301(14)(g)(ii)(bb), relative to sales and use tax; to provide for the local sales and use tax exclusion on repairs to tangible property; to exclude repairs made to certain aircraft from sales of services by certain taxing authorities; 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. R.S. 47:301(14)(g)(ii)(bb) is hereby amended and reenacted to read as follows:

(1) “Sales of services” means and includes the following: * * *

(14) “Sales of services” means and includes the following:

(g)(ii)(aa) * * *

(bb)(1) For purposes of the sales and use tax levied by the state and by tax authorities in East Feliciana Parish, charges for the furnishing of repairs to tangible personal property shall be excluded from sales of services, as defined in this Subparagraph, when the repaired property is (1) delivered to a common carrier or to the United States Post Office for transportation outside the state, or (2) delivered outside the state by use of the repair dealer’s own vehicle or by use of an independent trucker. However, as to aircraft, delivery may be by the best available means. This exclusion shall not apply to sales and use taxes levied by any other parish, municipality or school board. However, any other parish, municipality or school board may apply the exclusion as defined in this Subparagraph to sales or use taxes levied by any such parish, municipality, or school board. Offshore areas shall not be considered another state for the purpose of this Subparagraph.

(ii) For purposes of the sales and use tax levied in Calcasieu Parish, charges for the furnishing of repairs to aircraft shall be excluded from sales of services, as defined in this Subparagraph, provided that the repairs are performed at an airport with a runway that is at least ten thousand feet long, one hundred sixty feet wide, and fourteen inches thick.

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, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 2

HOUSE BILL NO. 93
BY REPRESENTATIVE HAVARD

AN ACT

To amend and reenact R.S. 34:3283(A)(introductory paragraph), relative to the West Feliciana Parish Port Commission; to provide for the frequency of commission meetings; 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. 34:3283(A)(introductory paragraph) is hereby amended and reenacted to read as follows:

§3283. Officers; meetings; quorum; report

A. The commission shall elect annually from among the commissioners a president, a vice president, a secretary, and a treasurer whose respective duties shall be prescribed by the commission. At the option of the commission, the offices of secretary and treasurer may be held by the same person. The commission shall meet in regular session once each month yearly and shall also meet in special session at the call of the president of the commission or on the written request of three commissioners. The commission shall prescribe rules to govern its meetings and shall fix the place at which meetings shall be held. A majority of the commissioners, not including vacancies, shall constitute a quorum. All actions of the commission shall be approved by the affirmative vote of a majority of the commissioners present and voting. However, no action of the commission shall be authorized on the following matters unless approved by a majority of the total commissioners:

* * *

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 3

HOUSE BILL NO. 173
BY REPRESENTATIVE TERRY LANDRY AND SENATORS ALLAIN, LONG, RISER, AND THOMPSON

AN ACT

To amend and reenact R.S. 3:1746(C), relative to sweet potato tax disbursements; to provide for an increase in sweet potato tax disbursements; to provide for the modification of the percentages of disbursements allocated to the Louisiana Sweet Potato Association and the Louisiana Agricultural Experiment Station; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1746(C) is hereby amended and reenacted to read as follows:

§1746. Collection, deposit, and disbursement of sweet potato tax money

C. The proceeds of one-fourth of the four-cent per bushel tax collected each year shall be disbursed by the commissioner when authorized by a majority of the commission as follows:

(1) One-fourth of the above amount to finance activities and services initiated by the Louisiana Sweet Potato Association as approved by a majority of the members of the commission.

(2) Three-fourths of the above amount to the Louisiana Agricultural Experiment Station to finance sweet potato research work as approved by a majority of the members of the commission.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 4

HOUSE BILL NO. 227
BY REPRESENTATIVE JIM MORRIS AND SENATOR PEACOCK

AN ACT

To designate the section of Interstate Highway 49 from the interchange with U.S. Highway 71, in Caddo Parish, to the Arkansas state line in memory of Greg Wall, Professional Engineer.

Be it enacted by the Legislature of Louisiana:

Section 1. The section of Interstate Highway 49 from the interchange with U.S. Highway 71, mile marker 234.1, to the Arkansas state line, mile marker 246.6, shall be hereafter known and designated as the “Greg Wall, P.E. 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.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 5

HOUSE BILL NO. 243
BY REPRESENTATIVE CHANEY AND SENATORS ALLAIN, GALLOT, LONG, AND THOMPSON

AN ACT

To amend and reenact R.S. 3:286(23), relative to certain powers of the Louisiana Agriculture Finance Authority; to clarify the type of programs that the authority can use to promote the purchase of Louisiana agricultural products; and to provide for related matters.

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.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:266(23) is hereby amended and reenacted to read as follows:

§266. Powers of authority

* * *

(23) Establish, administer, and supervise an incentive program programs to promote the purchase of Louisiana agricultural products.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 6

BY REPRESENTATIVES BEHR, JOHNS, ADAMS, ANDERS, ARNOLD, BARRAS, BARROW, BOUIE, BROWN, HENRY BURNS, BURRELL, CARMODY, CARTER, CHANEY, CONNICK, COX, FOIL, FRANKLIN, GAROFALO, GISCAR, HALL, HARRISON, HAYARD, HOFFMANN, HOWARD, HUNTER, MIKE JOHNSON, ROBERT JOHNSON, KLECKLEY, NANCY LANDRY, LEBAS, LERGER, LEFOULD, LOPISTO, LORUSSO, MONTOUCET, ORTEGO, OURSO, PUGH, PYLAN, REYNOLDS, RICHARD, SCHEXNAYDER, AND SMITH

To enact R.S. 47:463.183, relative to motor vehicle special prestige license plates; to provide for the “Challenge ALS” special prestige license plate; to provide for creation, issuance, and design of such license plates; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.183 is hereby enacted to read as follows:

§463.183. Special prestige license plates; “ALS”

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 “Challenge ALS” plate. These license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.

B. The color and design of the license plate shall be selected by the ALS Association Louisiana-Mississippi Chapter, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words “Challenge ALS”.

C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of thirty dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee collected by the department shall be forwarded to the ALS Association Louisiana-Mississippi Chapter or its successor organization. The monies received from the royalty fees shall be used solely for amyotrophic lateral sclerosis research.

F. The secretary shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 7

BY REPRESENTATIVE WILLMOTT

To amend and reenact R.S. 37:761(A)(l), relative to qualifications of applicants for a dental license; to allow persons with valid and current legal authority to reside and work in the United States to apply for a dental license; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:761(A)(l) is hereby amended and reenacted to read as follows:

§761. Requirements of applicants for dental license

A. The board shall require that every applicant for a dental license shall:

1. Be a citizen or a permanent resident of the United States unless otherwise prohibited by the North American Free Trade Agreement possessing valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services or its successor.

* * *

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 of 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, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 8

BY REPRESENTATIVES WHITNEY AND HARRISON

To rename a portion of Louisiana Highway 24 in Gray, Louisiana, as the “Northpark Bridge”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The bridge on Louisiana Highway 24 over Bayou Terrebonne in Gray, Louisiana, commonly referred to as the “John Bridge”, is hereby renamed and designated as the “Northpark Bridge”.

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

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 9

SENATE BILL NO. 4

BY SENATOR ALARIO AND REPRESENTATIVES BILLIOT AND GISCLAIR

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

To name the new bridge across Caminada Pass to Grand Isle on LA 1 in Jefferson Parish as the “Andy P. Valence Memorial Bridge”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The new bridge across Caminada Pass to Grand Isle on LA 1 in Jefferson Parish shall hereby be named the “Andy P. Valence Memorial Bridge”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signage of this designation.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 10

SENATE BILL NO. 6

BY SENATOR PERRY AND REPRESENTATIVES ADAMS, ARMES, BROWN, COX, CROMER, FOIL, FRANKLIN, GISCAR, GUILLORY, GUINN, HENSGENS, HONORE, JAMES, NANCY LANDRY, TERRY LANDRY, MIGUEZ, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, REYNOLDS, ST. GERMAIN AND THIERRY

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

To name U.S. Highway 167 between the southern corporate limits of the Village of Maurice and the northern corporate limits of the city of Abbeville in Vermilion Parish the “Deputy Allen Bares, Jr. Memorial Parkway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any prior designation to the contrary, U.S. Highway 167 between the southern corporate limits of the village of Maurice and the northern corporate limits of the city of Abbeville in Vermilion Parish shall hereby be named the “Deputy Allen Bares, Jr. Memorial Parkway”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signage of this designation.

Approved by the Governor, May 22, 2015.

A true copy:

Tom Schedler
Secretary of State
ACT No. 11
SENATE BILL NO. 7
BY SENATOR GUILLORY AND REPRESENTATIVES LEBAS, THIBAUT AND THIERRY
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To designate certain highways and bridges in the state highway system; to designate the intersection of Louisiana Highway 182 and Louisiana Highway 358 in Opelousas as the “St. Landry Parish Memorial Highway”; to designate the US 190 bridge in Krotz Springs as the “Frank and Sal Diesi Bridge”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The intersection of Louisiana Highway 182 and Louisiana Highway 358 in Opelousas is hereby designated as the “St. Landry Parish Memorial Highway”.

Section 2. The US 190 bridge crossing the Atchafalaya River near Krotz Springs is hereby designated as the “Frank and Sal Diesi Bridge”.

Section 3. That portion of Louisiana Highway 182 from the intersection of Louisiana Highway 182 and Harry Guilbeau Road in Opelousas, Louisiana, to the intersection of Louisiana Highway 182 and Louisiana Highway 358 is hereby designated as the “St. Landry Parish Veterans Memorial Highway”.

Section 4. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of these designations, limited to two signs at each location.

Approved by the Governor, May 22, 2015.

A true copy:
Tom Schedler
Secretary of State

ACT No. 12
SENATE BILL NO. 218
BY SENATORS MURRAY AND ALARIO AND REPRESENTATIVES ABRAMSON, ADAMS, ARNOLD, BARROW, BILLIOT, WESLEY BISHOP, BOUÉ, CONNICK, COX, HALL, HUNTER, JAMES, JEFFERSON, Leger, LéOPOLD, LOPINTO, LORUSSO, MORENO, NORTON, SCHRODER, ST. GERMAIN, STOKES AND TALBOT

AN ACT
To amend and reenact R.S. 51:2365(D)(1) and (3) and (F)(2), and to enact R.S. 51:2365(F)(1)(d) and 2365.1, relative to dedication of funds; to dedicate money to fund incentives for attracting specified major events; to establish the Major Events Incentive Program Subfund as a subfund of the Louisiana Mega-Project Development Fund, a special fund in the state treasury; to provide for the deposit of monies into and out of such monies in the subfund; to provide for the appropriation of monies from the subfund; to provide for related incentives, provide for the creation of a Major Events Incentive Program Subfund as a subfund of the Louisiana Mega-Project Development Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the Fiscal Year 2015-2016 Appropriations Act of the General Assembly and this Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 51:2365(D)(1) and (3) and (F)(2) are hereby amended and reenacted and R.S. 51:2365(F)(1)(d) and 2365.1 are hereby enacted to read as follows:

§2365. Louisiana Mega-Project Development Fund

D.(1) Monies in the fund shall be available for appropriation for general purposes and for use by the Department of Economic Development, hereinafter referred to as the “department”. Such appropriations shall be used by the secretary of the department for immediate funding of all or a portion of economic development mega-projects which may be necessary in order to successfully secure the creation or retention of jobs by a business entity or a qualified major event under such circumstances as established by this Part.

* * *

(3) The department shall make available upon request the economic impact analysis on an economic development project which receives monies from the fund. This Subparagraph shall not apply to a mega-project which is a qualified major event as defined in R.S. 51:2365.1.

F.(1) For purposes of this Section, “mega-project” means:

* * *

(d) A qualified major event as defined in R.S. 51:2365.1(A)(5) which meets all of the requirements for eligibility as set forth in R.S. 51:2365.1(D).

(2) A qualified major event as defined in R.S. 51:2365.1(A)(5) which meets all of the requirements for eligibility as set forth in R.S. 51:2365.1(D).

§2365.1. Major Events Incentive Program and the Major Events Incentive Program Subfund

A. Definitions

As used in this Section:

1) “Endorsing municipality” means either of the following:

(a) A municipality that contains a site selected by a site selection organization for a qualified event and is a party to an event support contract.

(b) A municipality that does not contain a site selected by a site selection organization for a qualified event but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

2) “Endorsing parish” means either of the following:

(a) A parish that contains a site selected by a site selection organization for a qualified event and is a party to an event support contract.

(b) A parish that does not contain a site selected by a site selection organization for a qualified event, but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

3) “Event support contract” or “event contract” means a joint undertaking, including, but not limited to, a facility agreement or a similar contract executed by a local organizing committee, an endorsing municipality, or an endorsing parish and a site selection organization.

4) “Local organizing committee” means an organization created as the official host entity sanctioned by an endorsing municipality or parish for a specified major event.

5) “Qualified event” or “qualified major event” means a National Football League Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the X Games, a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason playoff or championship game, the World Games, a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee’s Community Olympic Development Program, a mixed martial arts championship, the Breeders’ Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull Signature Series, a National Collegiate Athletic Association football kickoff game, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, the United States Bowling Congress Tournament, a national military event, or a national political convention of the Republican National Committee or Democratic National Committee. The term includes any activities related to or associated with a qualified event.

6) “Secretary” means the secretary of the Department of Economic Development.

7) “Site selection organization” means any of the following:

(a) The National Football League, the National Collegiate Athletic Association, the National Basketball Association, the International World Games Association, or the United States Olympic Committee.

(b) The national governing body of a sport that is recognized by the United States Olympic Committee.

(c) The National Thoroughbred Racing Association.

(d) The Republican National Committee or Democratic National Committee.

(e) The United States Bowling Congress.

(f) The national governing body of an organization, not listed in Subparagraphs (a) through (e) of this Paragraph, that schedules a qualifying event as defined in Subparagraph (5) of this Paragraph.

B. There is hereby established in the state treasury a special subfund in the Mega-Project Development Fund to be known as the “Major Events Incentive Program Subfund” in the “subfund master” in the following manner:

(1) Beginning with the 2015-2016 Fiscal Year and for each fiscal year thereafter, and after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall transfer the amount of the incremental increase in state tax receipts generated by the occurrence of all qualified events.

(2) Monies in the subfund shall be invested in the same manner as monies in the Louisiana Mega-Project Development Fund and any interest earned on the investment of monies shall be credited to the subfund. All unexpended and unencumbered monies in the subfund at the end of the fiscal year shall remain in the subfund.

(3) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in this Paragraph, by check or in a similar manner, in amounts to be determined by the secretary and approved by the Joint Legislative Committee on the Budget.

(4) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in this Paragraph, by check or in a similar manner, in amounts to be determined by the secretary and approved by the Joint Legislative Committee on the Budget.

C. There is hereby established in the state treasury a special subfund in the Louisiana Mega-Project Development Fund to be known as the “Major Events Incentive Program Subfund” for a qualified major event as provided in this Act.

(1) Beginning with the 2015-2016 Fiscal Year and for each fiscal year thereafter, and after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall transfer the amount of the incremental increase in state tax receipts generated by the occurrence of all qualified events.

(2) Monies in the subfund shall be invested in the same manner as monies in the Louisiana Mega-Project Development Fund and any interest earned on the investment of monies shall be credited to the subfund. All unexpended and unencumbered monies in the subfund at the end of the fiscal year shall remain in the subfund.

(3) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in this Paragraph, by check or in a similar manner, in amounts to be determined by the secretary and approved by the Joint Legislative Committee on the Budget.

(4) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in this Paragraph, by check or in a similar manner, in amounts to be determined by the secretary and approved by the Joint Legislative Committee on the Budget.

(5) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in this Paragraph, by check or in a similar manner, in amounts to be determined by the secretary and approved by the Joint Legislative Committee on the Budget.
and use taxes, excluding state hotel and motel occupancy taxes. The amount of the incremental increase shall not include local tax receipts.

D. An event not included in the definition of qualified event is ineligible for funding under R.S. 51:2365. A qualified event may receive funding under R.S. 51:2365 only if all of the following conditions are met:

(1) After considering through a highly competitive selection process one or more sites that are not located in this state, a site selection organization selects a site located in this state for an event to be held once, or for an event scheduled to be held annually for a period of years under an event contract.

(2) A site selection organization selects a site in this state as the sole site for the event.

(3) The event is held not more frequently than annually.

Section 2. This Act shall become effective on July 1, 2015.

Approved by the Governor, May 26, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 13
HOUSE BILL NO. 75
BY REPRESENTATIVE SEABAUGH
AN ACT
To amend and reenact R.S. 13:962(1), relative to court reporters; to authorize an increase in certain court costs collected by the clerk of court for the First Judicial District Court; to provide for the removal of certain exceptions relative to the costs collected in certain proceedings; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:962(1) is hereby amended and reenacted to read as follows:

§962. Court reporters for the First Judicial District. First Judicial District Court; to provide for the contents of the notice, including informing the person of the opportunity to show cause as to why regulatory action should not be taken; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2195 is hereby amended and reenacted to read as follows:

§2195. Show Notice of wrongful conduct; opportunity to show cause notice

If any person is entitled to a hearing by virtue of the notice, or if any proposed action is taken, the notice of the proposed action shall be in the form of a notice to show cause stating that the proposed action may be taken, unless such person shows cause at a hearing to be held as specified in the notice why the proposed action should not be taken, and stating the basis for the proposed action. The notice shall contain allegations of fact describing the wrongful conduct and cite the provisions of law that the commissioner deems to have been violated. The notice shall also inform the person of the opportunity to show cause, in a manner specified in the notice, as to why regulatory action should not be taken.

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, May 26, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 14
HOUSE BILL NO. 106
BY REPRESENTATIVE HAVARD
AN ACT
To amend and reenact R.S. 15:1107.6, relative to the use of court costs in the Feliciana Juvenile Justice District; to provide for the collection, allocation, and use of such funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1107.6 is hereby amended and reenacted to read as follows:

§1107.6. Court costs; criminal and traffic cases; district and mayor's courts; Feliciana Juvenile Justice District; juvenile detention facility. Twentieth Judicial District; funding for drug and alcohol awareness programs

In the parishes within the jurisdiction of the district, in addition to any fines or costs imposed by law, in any felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or local ordinance, in any district or mayor's court, as may be applicable, special court costs in the amount of five dollars shall be assessed against every defendant who is convicted after trial or who enters a plea of guilty or nolo contendere or who forfeits bond. The monies from such costs shall be collected by the sheriff or magistrate of the mayor's court and placed in a special account to be used exclusively for the funding of the juvenile detention facility of the Feliciana Juvenile Justice District or, as provided in R.S. 15:1107.6(A), submitted to the district attorney's office for the Twentieth Judicial District, who shall distribute the funds to each drug and alcohol awareness program in the parishes of East Feliciana and West Feliciana, whereby each program shall receive two dollars from each special court cost collected. The district attorney shall retain one dollar of the special court cost to defray the costs of administrative fees and any other expenses associated with the collection and distribution of the funds.

Section 2. On July 31, 2015, all monies remaining in the special account created by Act No. 321 of the 2007 Regular Session shall be retained for the Feliciana Juvenile Justice District to be used in accordance with the provisions of R.S. 15:1107 et seq.

Approved by the Governor, May 26, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 15
HOUSE BILL NO. 215
BY REPRESENTATIVE LEBAS
AN ACT
To amend and reenact R.S. 22:2195, relative to the authority of the commissioner of insurance; to provide relative to a notice of wrongful conduct; to provide for the contents of the notice, including informing the person of the opportunity to show cause as to why regulatory action should not be taken; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2195 is hereby amended and reenacted to read as follows:

§2195. Show Notice of wrongful conduct; opportunity to show cause notice

If any person is entitled to a hearing by virtue of the notice, or if any proposed action is taken, the notice of the proposed action shall be in the form of a notice to show cause stating that the proposed action may be taken, unless such person shows cause at a hearing to be held as specified in the notice why the proposed action should not be taken, and stating the basis for the proposed action. The notice shall contain allegations of fact describing the wrongful conduct and cite the provisions of law that the commissioner deems to have been violated. The notice shall also inform the person of the opportunity to show cause, in a manner specified in the notice, as to why regulatory action should not be taken.

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, May 26, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 16
HOUSE BILL NO. 1
General Appropriations
will publish in a later edition.

ACT No. 17
HOUSE BILL NO. 470
BY REPRESENTATIVE MIGUEZ
AN ACT
To amend and reenact R.S. 13:996.37(A), relative to additional court costs or fees; to provide for an increase in court costs or fees for the judicial expense fund of the Sixteenth Judicial District Court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:996.37(A) is hereby amended and reenacted to read as follows:

§996.37. Judicial expense fund for Sixteenth Judicial District

A. In addition to all other fees or costs now or hereafter provided by law, each circuit court in the Sixteenth 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 said district, sitting en banc, which sum shall not exceed fifteen thirty-five dollars, subject, however, to the provisions of Louisiana
Code of Civil Procedure, Article 5181, et seq. In all criminal cases over which the Sixteenth Judicial District Court has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after he waives his right to a trial by jury, the sum of five hundred dollars, or who forfeits his bond a sum by wise determination but which shall not exceed five-two hundred dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed, and which shall be transmitted to the said clerk for further disposition in accordance herewith.

Approved by the Governor, May 26, 2015.

A true copy:  
Tom Schedler  
Secretary of State

ACT No. 18  
HOUSE BILL NO. 572  
BY REPRESENTATIVE ARNOLD  
AN ACT  
To amend and reenact the heading of Part II of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, R.S. 34:1041, 1042(A), 1044 through 1046, and 1048, relative to steamship pilots; to provide for appointments relative to new examiners and commissioned steamship pilots; to provide for qualifications relative to steamship pilots; to provide for pilotage fees; to repeal obsolete statutory provisions; and to provide for related matters.  

Be enacted by the Legislature of Louisiana:  

Section 1. The heading of Part II of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, R.S. 34:1041, 1042(A), 1044 through 1046, and 1048 are hereby amended and reenacted to read as follows:  

PART II. NEW ORLEANS AND BATON ROUGE  
PORF STEAMSHIP PILOTS

§1041. Definitions  
As used in this Part, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:  

(1) “Board of examiners” means the Board of Examiners for New Orleans and Baton Rouge Steamship Pilot Commissioners for the Mississippi River, established in R.S. 34:1049.  

(2) “Pilot” means a New Orleans and Baton Rouge Steamship Pilot, as designated in R.S. 34:1043.  

§1042. Board of steamship pilot examiners; members; appointment; oath of office; powers and duties  
A. The governor shall appoint, by and with the advice and consent of the Senate, three citizens who shall form the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River from the port of New Orleans to and including the port of Baton Rouge and intermediate ports.  

(1) The first nine pilots provided for in R.S. 34:1043 shall be appointed by the governor conditioned upon the faithful performance of the duties imposed by this Part, the governor may, in his discretion, appoint the applicant or applicants to existing vacancies.  

§1046. Oath of office and bond  
The pilots shall take an oath of office and furnish bond in favor of the governor conditioned upon the faithful performance of the duties imposed by this Part, to the extent of one thousand dollars, approved by the Board of Commissioners of the Port of New Orleans, board of examiners.

§1048. Pilotage fees; exceptions  
A. The pilots shall be entitled to ask and receive a pilotage fee per foot of water drawn by the vessels piloted by them up or down the Mississippi River, whether navigating between the ports of New Orleans and Baton Rouge, or elsewhere, so that should any vessel have a draft of less than 12 feet, the pilotage charge shall be computed on a fifteen-foot draft.  

B. These Pilot's charges shall be paid by every vessel subject to pilotage navigating between the ports of New Orleans and Baton Rouge and intermediate ports provided that any vessel have a draft of less than 12 feet, the pilotage charge shall be computed on a fifteen-foot draft.  

When pilot services are timely offered and refused, the vessel shall pay the charges nevertheless.  

The pilotage fee shall bear as a lien upon the vessel, which lien 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.  

Approved by the Governor, May 26, 2015.

A true copy:  
Tom Schedler  
Secretary of State

ACT No. 19  
HOUSE BILL NO. 641  
BY REPRESENTATIVE GUILLORY  
AN ACT  
To amend and reenact R.S. 27:30.6(D), (G), (I)(4), (J), and (L), relative to the central computer system for monitoring of electronic gaming devices; to remove the requirement that the central computer be located within the Department of Public Safety and Corrections, office of state police, gaming division; to provide for technical corrections; to provide relative to legislative approval of fees to defray the costs of administering the central computer system; and to provide for related matters.  

Be enacted by the Legislature of Louisiana:  

Section 1. R.S. 27:30.6(D), (G), (I)(4), (J), and (L) are hereby amended and reenacted to read as follows:  

§30.6. Electronic gaming devices; central computer system  

D. The central computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of electronic gaming devices on licensed riverboats and at live racing facilities for the purpose of maintaining the security and integrity of the devices and the integrity of the information reported to the system, so that the fiscal responsibility of the licensees with regard to their obligations to the state will be ensured.  

The central computer system authorized by the provisions of this Section shall be located within and administered by the
Department of Public Safety and Corrections, office of state police, gaming division.

G. The central computer system shall not provide for the monitoring or reading of personal or financial information concerning patrons of gaming activities conducted on a riverboat or at live racing facilities.

I. The Department of Public Safety and Corrections, office of state police, shall impose and collect an annual fee not in excess of fifty dollars on each electronic gaming device linked by telecommunication to the central computer system as provided for in this Section. The purpose of the fee shall be to defray the costs of acquiring, implementing, and maintaining the central computer system as provided for in this Section. The annual fee shall be established in an amount which will generate an amount of funds in each fiscal year which is equal to the projected cost of administering the system for that fiscal year. No additional fee shall be imposed with respect to the central computer system. This fee shall be in addition to any other fee provided for by this Chapter. The fee shall be subject to the following provisions:

4. No If the amount of the proposed fee exceeds by fifty percent the fee imposed during the prior year or the sum of twenty-five dollars, the fee shall not be imposed or collected unless the legislative committees with jurisdiction over gaming matters as provided by legislative rule have found that the information and documentation submitted by the Department of Public Safety and Corrections, office of state police, is sufficient to justify the amount of the proposed fee and those committees have affirmatively approved the amount of the proposed fee.

J. The telecommunication between electronic gaming devices on licensed riverboats and at live racing facilities and the central computer system shall be in continuous operation at all times.

L. The provisions of this Section shall not apply to persons licensed pursuant to the provisions of the Video Draw Poker Devices Control Law as provided for in Chapter 30 of this Title or to the casino gaming operator.

Approved by the Governor, May 26, 2015.
Tom Schedler
Secretary of State

AN ACT
To amend and reenact R.S. 28:451.2(2) and (15)(introductory paragraph), 451.3(A) and (C) through (G), 451.4(B), and 455.2(B), to enact R.S. 28:915(B)(9), and to repeal R.S. 28:451.2(23), relative to implementation of the Developmental Disability Law; to provide for responsibilities of human services authorities and districts within the developmental disabilities services system; to provide for functions of advisory committees of human services authorities and districts; to delete outdated references to regional offices and state developmental centers of the office for citizens with developmental disabilities within the Department of Health and Hospitals; and to provide for related matters.

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

Section 1. R.S. 28:451.2(2) and (15)(introductory paragraph), 451.3(A) and (C) through (G), 451.4(B), and 455.2(B) are hereby amended and reenacted and R.S. 28:915(B)(9) is hereby enacted to read as follows:

§451.2. Definitions

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

(2) “Administrative units” means developmental centers, regional offices and any other unit established under the administration and supervision of the office.

(15) “Human services authority or district” means a regional or other locally based agency established by state law with special authority or district provided for in Chapter 21 of this Title that has assigned powers, duties, and functions regarding the delivery of mental health, developmental disabilities, and addictive disorders services funded by appropriations from the state. The assistant secretary of the office shall appoint the committee members, with the approval of the secretary of the department, from names submitted by the regional advisory committees.

§451.3. Administration of the provisions of this Chapter; regional advisory committees; state advisory committee; responsibilities of human services authorities and districts; advisory committees.

A. The provisions of this Chapter shall be administered and coordinated by the office according to regulations promulgated by the office in accordance with the Administrative Procedure Act with input from state and regional local advisory committees. These rules shall be applicable to all public and private providers of developmental disabilities services. The office, through the human services authorities and districts, shall serve as the single point of entry into the system.

B. The office shall establish regional advisory committees. Human services authorities and districts shall maintain advisory committees. These advisory committees shall perform all of the following functions:

(a) Provide public input into the regional authority or district planning process and comment on regulations proposed by the office.

(b) Receive timely information on the budget of the office budgets of their respective human services authorities and districts, in addition to information on implementation of all services and quality assurance reports by the office. Those authorities and districts, and advise the regional offices and human services authorities and districts.

(c) Collaborate with the regional offices and human services authorities and districts to develop outreach plans for each region geographic area. Such outreach plans shall provide for public dissemination of information regarding developmental disabilities and the services available through the regional offices and human services authorities and districts.

2. These advisory committees Each advisory committee shall be composed of a minimum of twelve members who represent positions and philosophies held by various groups and advocates for persons with developmental disabilities and the membership of each advisory committee shall include, but not be limited to:

(a) Persons with developmental disabilities.

(b) Parents and family members representing a cross section of developmental disabilities services.

(c) Private providers.

(d) Representatives of advocacy organizations and community stakeholders representing a cross section of developmental disabilities services.

(e) Public providers and administrators of regional administrative units and human services authorities and districts who may be appointed as ad hoc, non-voting members of regional advisory committees.

E. The regional local authority, organized as either a regional office or a human services authority or district, shall discharge the following duties:

(1) Appoint the committee members from names submitted by consumer, provider, and advocacy groups, with the approval of the assistant secretary of the office, who shall ensure that committee composition is in compliance with the state law.

(2) Ensure that at least sixty percent of the membership shall be of each committee is composed of persons with developmental disabilities and parents and family members representing a cross section of developmental disabilities services.

(3) Establish an advisory committee which shall be organized as follows:

(a) The state advisory committee shall consist of at least two people from each local, regional, and human services authority or district advisory committee.

(b) At least sixty percent of the membership shall be comprised of persons with developmental disabilities and parents and family members representing a cross section of developmental disabilities services.

(c) The membership of the state advisory committee shall include at a minimum, but not be limited to the following:

(i) Persons with developmental disabilities.

(ii) Parents and family members representing persons who receive a cross section of developmental disabilities services.

(iii) Private providers.

(iv) A representative of the American Federation of State, County, and Municipal Employees Council.

(v) The representative of advocacy organizations representing a cross section of developmental disabilities services.

(vi) Public providers and administrators of regional local administrative units and human services authorities and districts who may be appointed as ad hoc, non-voting members of the state advisory committee.

(vii) The assistant secretary of the office shall appoint the committee members, with the approval of the secretary of the department, from names submitted by the regional advisory committees.

(3) The state advisory committee shall coordinate with all regional human services authorities and district advisory committees, and shall use data provided by these regional advisory committees in the deliberations of the office.

(b) The state advisory committee shall provide public input to the office regarding proposed regulations and the development of state planning and budget.
§451.4. State developmental centers; office for citizens with developmental disabilities

B. Pinecrest Supports and Services Center, Northwest Supports and Services Center, and North Lake Supports and Services Center are continued as an administrative unit of this office.

§455.2. Assurances of consistency with regional, local and state planning

B. The office shall promptly review the application and may approve it according to its consistency with the state and regional local planning and review for approval of the program model for the population to be served. The provider shall submit the finding of the office as an attachment to its initial request for licensure to the department.

§915. Districts; functions, powers, and duties

B. In addition to the functions as provided in Subsection A of this Section, the district shall have the following powers and duties:

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

AN ACT

To amend and reenact R.S. 40:1007(A) and (G), relative to prescription monitoring; to share prescription monitoring program information with equivalent programs in other states; to provide for the security of personal information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1007(A) and (G) are hereby amended and reenacted to read as follows:

§1007. Access to prescription monitoring information

(A) Except as provided in Subsections C, D, E, F, G, H, and I of this Section, prescription monitoring information submitted to the board shall be protected health information, not subject to public or open records law, including but not limited to R.S. 44:1 et seq., and not subject to disclosure. Prescription monitoring information shall not be available for civil subpoena from the board nor shall such information be disclosed, discoverable, or compelled to be produced in any civil proceeding nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.

(B) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:460.70 as enacted by Section 1 of this Act and R.S. 46:460.71, as Subpart C of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, and is further directed to entitle the Subpart “Claim Filing And Payment”.

Approved by the Governor, May 29, 2015.

A true copy:

Tom Schedler
Secretary of State
F. Any establishment where the business of funeral directing or embalming as defined in R.S. 37:831 is conducted within this state shall be duly licensed. An establishment shall be qualified to be licensed to operate as such if it meets all of the following requirements:

(1) It is managed or is to be managed by a funeral director holding a valid license, other than a temporary license, from the state of Louisiana. The funeral director shall manage the establishment on a full-time basis and funeral directing shall be his principal occupation.

(2) Embalming is performed only by an embalmer and funeral director holding a valid license from the state of Louisiana or a registered intern under the supervision of a state-licensed embalmer and funeral director.

(i) Licensed personnel, including those working under the authority of a temporary license.

(ii) Registered interns, and those working under the authority of a temporary license.

(iii) Embalming facilities for the sanitation, disinfection, and preparation of a human body.

(iv) Adequate buildings.

(v) Display rooms for displaying funeral merchandise consisting of but not limited to a minimum of six adult caskets of a variety of styles and quality.

(vi) Other necessary facilities, furnishings, or equipment and other necessary facilities to adequately serve the public.

(b) The embalming facilities and display rooms described in this paragraph are required in every funeral establishment that is not a branch establishment.

A true copy:

Approved by the Governor, May 29, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 26

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

ACT No. 27

SENATE BILL NO. 67
BY SENATOR WHITE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 32:402(C)(5) and (F), relative to motor vehicles; to provide a licensing exception for law enforcement officers to operate certain law enforcement vehicles; to provide relative to licensing requirements of certain operators of vehicles in limited circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:402(C)(5) and (F), relative to motor vehicles, are additions.

C. *   *   *   

(5) Notwithstanding any provision of this Section or any other law to the contrary, the only driver's license required of an operator of an emergency command post vehicle or other law enforcement equipment which would otherwise meet the definition of a commercial motor vehicle and who is employed as a law enforcement officer shall be a Class "E" driver's license when operating such vehicle or equipment in the course and scope of his employment. Such vehicle or equipment shall be equipped with audible and visual signals as required by Federal Motor Carrier Safety Administration rules.

E(1) The exceptions provided for in Subsection C of this Section shall only apply to drivers licensed by the state of Louisiana and drivers licensed by a state with which Louisiana has a reciprocity agreement.

(2) The exceptions in Subparagraphs (C)(1), (2), (4), and (5) of this Section shall only apply to the operation of commercial motor vehicles for which the particular exception applies when those commercial motor vehicles are equipped with audible and visual signals and the operation of the commercial motor vehicle is necessary for the preservation of life or property or in the execution of emergency governmental functions.

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
or of notice of default of the contractor or subcontractor, file a copy of sworn statement of the amount due him with the department having the work done and record the original sworn statement of the amount due him in the office of the recorder of mortgages for the parish in which the work is done and file a certified copy of the recorded sworn statement of the amount due, showing the recordation data, with the undersecretary of the department.

§256.6. Authorization to cancel the inscription of claims and privileges; lis pendens
A.(1) If a statement of claim or privilege is improperly filed or if the claim or privilege preserved by the filing of a statement of claim or privilege is extinguished, the public entity, contractor, or subcontractor, or other interested person may require the person who has filed a statement of claim or privilege to give a written authorization directing the recorder of mortgages to cancel the statement of claim or privilege from his records, or to file an original lien cancellation certificate with the recorder of mortgages and to submit a certified copy of the recorded lien cancellation certificate, showing the recordation data, with the undersecretary of the department.

§256.7. Filing of bond or other security; cancellation of statement of claim or privilege
C. Any party who files a bond or other security to guarantee payment of an obligation secured by a privilege in accordance with the provisions of Subsection A of this Section shall give notice to the department, the claimant, and the contractor by certified mail, and shall file a certified copy of the cancellation of the statement of claim or privilege by the recorder of mortgages, showing the recordation data, with the undersecretary of the department by certified mail.

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, May 29, 2015.
A true copy:
Tom Schedler
Secretary of State

ACT No. 30

SENATE BILL NO. 159
BY SENATOR HEITMEIER
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 48:250.2(A), and to enact R.S. 48:2225.2.5 and R.S. 48:2321.1 and 250.2(D), relative to design-build contracts; to authorize any regional transit authority created by law to let a design-build contract for new ferries on the Mississippi River; to require that the Department of Transportation and Development give priority to any bridge project which requires a technical authorization by the Department of Transportation and Development to utilize the design-build method to contract for ferries on the Mississippi River and for a bridge project which replaces a tunnel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Public announcement procedures for solicitation of interested design-build competitors. The resolution shall provide that a notice of intent to select a single legal entity for design-build services and to request letters of interest and statements of qualifications from qualified firms or persons shall be distributed by the authority through advertisement in the official journal of the authority, by appearance on the authority’s Internet home page, if any, and by other means to ensure adequate response, including newspapers, trade journals, and other forms of media which may be available. The notice of intent shall be advertised a minimum of ten days prior to the deadline for receipt of responses and shall contain a brief description of the project, the required scope of services, and sufficient information for design-build entities to determine their interest and to enable them to submit a letter of interest and statement of qualifications. Such notice may be readvertised at the discretion of the authority through additional means of media or communications in an attempt to solicit additional responses if the number of responses is inadequate.

Scope of service requirements to be met by the design-builder selected for the design-build contract.

Requirements for a request for qualifications and statements of qualifications to be submitted by competitors for the design-build contract.

Criteria and rating procedures for choosing a short list from among the persons submitting statements of qualifications to whom requests for the submission of technical proposals will be made.

Requirements for cost proposals to be submitted by competitors for the design-build contract.

Requirements concerning how the technical review committee shall grade, judge, and rank the technical proposals and make recommendations to the governing authority of the regional transit authority.

Requirements for the selection process for the award of the design-build contract.

The design-build program and any design-build contract entered into pursuant to the design-build program shall be subject to the following procedures and limitations:

Statement of qualifications from at least two qualified design-build competitors must be received in response to a formal request for qualifications in order to proceed with a request for technical proposals.

Technical proposals shall be requested from no fewer than two of the qualified design-build competitors who submit statements of qualifications for the design-build program.

The authority may use a private design professional or its own staff to develop a description of the project and the required scope of services. The description of the project and the required scope of services shall include design criteria, analyses, reports, and cost estimates for the design-build project as prepared by a private design professional or the authority staff.

Competitors from the short list from whom technical proposals have been requested may submit alternate designs and costs to ensure the greatest number of options from which the award may be made so as to promote best cost, as described in this Subparagraph, and the interests of the taxpayers.

A proposer may request a review of any technical proposal and rank the technical proposals and make a recommendation to the authority's governing authority for the awarding of the contract in accordance with requirements of this Section, the resolution, the request for qualifications, and the request for technical proposals.

The final selection of the design-build competitor to whom the contract shall be awarded shall be made by the authority's governing authority.

Such selection shall be made upon the basis of the best design for the purposes set forth in the request for qualifications and the best cost for that design. The authority may consider any other provision of law to the contrary, the department may contract for such projects in any available source of funds, including the secretary's emergency fund, as matching funds to meet federal requirements in order to receive federal aid funds. Notwithstanding any other provision of law to the contrary, the department may contract for such projects using any contract method provided by law, including design-build or construction management at risk.

The department shall consider a design-build contract to replace the tunnel on Louisiana Highway 23 and shall submit a written report of its recommendation to the House and Senate committees on transportation, highways, and public works committees, may formulate, develop, and implement a program to combine the design and construction phases of a transportation facility or facilities, including but not limited to, tunnels, bridges, ferries on the Mississippi River, or tunnels, against the winning proposal. An adjusted score shall be determined using the following components:

(i) The technical score determined by the technical review committee. Weighing factors may be assigned to each element depending on its relative magnitude or significance to the overall project. Each technical review committee member shall rate his assigned element of the proposal from each of the entities on the short list and shall submit such scores to the chairman of the technical review committee.

(ii) Prior to determining the adjusted score, the chairman of the technical review committee shall notify each design-build proposer, in writing, of each proposer’s final technical score. A proposer may request, in writing, a review of its final technical score by the authority’s designated representative. If any proposer requests a review of its final technical score, the designated representative shall hold a hearing to review such within a 10 working day period after the request has been received by the designated representative. The designated representative shall give the requesting proposer reasonable notice of the time and place of such hearing. The requesting proposer may appear at the hearing and present facts and arguments in support of the request for review of its final technical score.

(iii) The individual scoring of each member of the technical review committee shall be considered a public record and available for public view.

(iv) The designated representative shall present his findings from the hearing to the governing authority of the authority. The governing authority shall determine what action shall be taken regarding the proposer's request to review its final total technical score. Except as provided for in Subsection D of this Section, the governing authority’s decision shall be final and not subject to appeal by any legal process provided in law.

The time value, consisting of the product of the proposed contract time expressed in calendar days multiplied by the value-per-calendar-day expressed in dollars established by the authority included in the “Scope of Services Packet,” shall be determined by the technical review committee.

The price proposal.

The chairman of the technical review committee shall recommend the proposal with the lowest adjusted score to the authority's governing authority. The adjusted score for each entity’s design-build proposal shall be determined by the following formula: Adjusted Score = Price Bid ÷ Time Value divided by Technical Score. If the Time Value is not used, the Adjusted Score shall be determined by the following formula: Adjusted Score = Price Bid divided by Technical Score.

In no case shall there be any challenge by any legal process to the choice of the successful design-builder unless filed and served on the presiding officer of the authority’s governing authority within seven calendar days after the award of the design-build contract. Any such challenge shall be limited to fraud, bias for pecuniary or personal reasons not related to the interests of the taxpayers, or arbitrary and capricious selection of the successful design-builder. Any such challenge shall be heard as a summary proceeding by the district court of proper venue for the authority not less than ten days after service of the petition, excluding legal holidays.

Once the design-builder has been chosen, a contract for a stipulated maximum total cost may be executed, as provided in the authority’s award resolution. The final cost of the design-build contract may be increased or decreased to account for inflation if provided for in the contract. For changes in the scope of work, or for a combination thereof, or for other conditions of the offer, the proposer may not have foreseeable, or could not have reasonably foreseen the possibility of construction provided any change is related to the original project and scope of services.

The provisions of this Section shall supersede any conflicting provisions of any other law, including but not limited to the requirements of Chapter 10 of Title II of the Revised Statutes of Louisiana.
Regular Session of the Legislature, and to enact R.S. 51:3136(A)(9), relative to the office of multimodal commerce in the Department of Transportation and Development; to provide for divisions in the office of multimodal commerce; to extend the time for creation and approval of an operational plan for the office by the Multimodal Commerce Advisory Commission; to add the commissioner of the office of multimodal commerce as a member of the Louisiana Board of International Commerce; to provide a time to appoint the commissioner of multimodal commerce; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:508.3(D) is hereby amended and reenacted to read as follows:

§508.3. Office of multimodal commerce; functions; commissioner; deputy commissioner; powers and duties * * * * 

D. The powers, duties, responsibilities, budgetary authority, employees, equipment, facilities, and funding of the office of multimodal commerce shall be allocated among the following divisions of such office:

(1) Commercial trucking.
(2) Ports and harness waterways.
(3) Aviation.
(4) Rail freight and passenger rail development.
(5) Interstate public mass transit.

Section 2. The introductory paragraph of R.S. 36:508.4(B) and R.S. 36:508.4(B)(3) and (C) are hereby amended and reenacted to read as follows:

§508.4. Multimodal Commerce Advisory Commission * * * * 

B. The Multimodal Commerce Advisory Commission shall meet and develop an operational plan for the 2015 Regular Session of the Legislature for the following:

(1) Commodity trade.
(2) Ports and harbors.
(3) Aviation.
(4) Rail.

§463.71.1. Multimodal commerce; programs; commission

Section 1. R.S. 47:463.71.1, 463.183, 463.184, and 463.185 are hereby enacted to read as follows:

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the Eagle Scouts program within the Boy Scouts of America. The plate shall be restricted to use on passenger cars, pickup trucks, vans, and recreational vehicles. The license plate shall be of a color and design selected by the Boy Scouts of America, provided that the plate shall comply with all requirements of R.S. 47:463(A)(3).

B. The prestige license plate shall be issued, upon application, to any citizen of the state who is a member of the Boy Scouts of America.

C. The charge for this special license plate shall be the standard vehicle motor license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, plus an annual royalty fee of twenty-five dollars for each plate, to be collected by the Department of Revenue from the owner of the vehicle. The annual royalty fee shall be paid by the department to the appropriate Louisiana council of the Boy Scouts of America as determined by the zip code of the purchaser’s parish of origin, and the council shall use the money solely for its Eagle Scout program. A handling fee of three dollars and fifty cents shall also be charged and forwarded to the Department of Revenue for collection as a part of administrative costs.

D. The department shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

§463.182. Special prestige license plate; “Louisiana Licensed Professional Geoscientist”

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the Louisiana Board of Professional Geoscientists when the department has received a minimum of one thousand applications for the plate. The license plate shall be restricted to use on passenger cars, pickup trucks, vans, and recreational vehicles. The license plate shall be of a color and design selected by the Louisiana Board of Professional Geoscientists, provided that it is in compliance with R.S. 47:463(A)(3).

B. The prestige license plate shall be issued, upon application, to any Louisiana licensed professional geoscientist in good standing in the same manner as any other motor vehicle license plate.

C. The charge for this special license plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, plus an annual royalty fee of twenty-five dollars for each plate, and a handling fee of three dollars and fifty cents which shall be retained by the department to offset administrative costs.

D. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Board of Professional Geoscientists or its successor, for use of the board’s logo. The money shall be used to support the programs established and administered by the Louisiana Board of Professional Geoscientists.

E. Upon the signing of a contract authorizing the use of the logo of the Louisiana Board of Professional Geoscientists, the secretary shall establish the special prestige plate in accordance with this Section. The contract shall include an agreement on the part of the Louisiana Board of Professional Geoscientists to use the royalty fees as provided for in this Section.

F. The secretary shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

§463.184. Special prestige license plate; Society of St. Vincent de Paul of Louisiana

A. The secretary of the Department of Public Safety and Corrections shall establish a special license plate for use on passenger cars, pickup trucks, vans, and recreational vehicles. The license plate shall be of a color and design selected by the Society of St. Vincent de Paul of Louisiana, provided that the plate shall comply with all requirements of R.S. 47:463(A)(3).

B. The prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

C. The charge for this special license plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, plus an annual royalty fee of twenty-five dollars for each plate, to be collected by the department every two years upon renewal of the plate. The annual royalty fee shall be paid by the department to the appropriate Louisiana council of the Society of St. Vincent de Paul of Louisiana as determined by the zip code of the purchaser’s parish of origin, and each society shall use the money solely to support its charitable programs.

D. The secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

§463.185. Special prestige license plate; “Southern University and A&M College Marching Band”

A. The secretary of the Department of Public Safety and Corrections shall establish a special license plate for use on passenger cars, pickup trucks, vans, and recreational vehicles. The license plate shall be of a color and design selected by the Southern University and A&M College Marching Band, provided that the plate shall comply with all requirements of R.S. 47:463(A)(3).

B. The prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

C. The charge for this special license plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, plus an annual royalty fee of twenty-five dollars for each plate, to be collected by the department every two years upon renewal of the plate. The annual royalty fee shall be paid by the department to the appropriate Louisiana council of the Southern University and A&M College marching band to select the color and design of the plate, provided that the plate shall comply with all requirements of R.S. 47:463(A)(3).
Louisiana, plus an annual royalty fee of twenty-five dollars for each plate, to be collected by the department every two years upon renewal of the plate, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs. The annual royalty fee shall be paid by the department to the Southern University System Foundation for deposit into the Human Jukebox Fund, and the Southern University System Foundation shall utilize such funds solely for academic and financial-need-based scholarships for band members and financial assistance for band trips and activities.

D. The secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

Approved by the Governor, May 29, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 33

SENATE BILL NO. 215
BY SENATOR WALSORTH
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R.S. 38:2573, relative to water conservation; to name the dam and spillway at Bayou D’Arbonne Lake; to direct the Department of Transportation and Development to erect and maintain signage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2573 is hereby enacted to read as follows:

A. The dam and spillway at Bayou D’Arbonne Lake is hereby named the “T.T. Fields Dam and Spillway”.

B. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signage of this designation.

Approved by the Governor, May 29, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 34

SENATE BILL NO. 220
BY SENATOR CHABERT

AN ACT

To amend and reenact R.S. 38:3086.21 and 3086.24, relative to the Bayou Lafourche Fresh Water District; to provide definitions; to provide the district with additional powers; to authorize the district to acquire and improve lands, water, or property; to authorize the district to incur debt, issue bonds, and levy and collect ad valorem taxes; to provide for the levy and collection of special taxes; to provide for the retirement of debt; to provide for related matters; and to provide for the creation of a body politic and corporate to be known as the Bayou Lafourche Fresh Water District.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3086.21 and 3086.24 are hereby amended and reenacted to read as follows:

§3086.21. Creation; purposes; definitions; jurisdiction

A. There is hereby created a body politic and corporate to be known as the Bayou Lafourche Fresh Water District, for the purpose of furnishing fresh water from any available fresh water source, including any ground water and surface water sources to the water purification facilities serving the incorporated villages, towns, and cities along Bayou Lafourche and within or adjacent to the boundaries of the district, as provided in this Part.

B. As used in this Part, the following terms and phrases shall have the following meanings, unless the context requires otherwise:

(1) “Board” means the board of commissioners of the Bayou Lafourche Fresh Water District.

(2) “District” means the Bayou Lafourche Fresh Water District.

(3) “Watercraft” means anything used or designated for navigation on water.

(4) “Waterway” means Bayou Lafourche or any navigable bayou or river, or portion thereof, located within the geographical boundaries of the district.

§3086.24. Powers

A. The domicile of said board shall be in the city of Thibodaux, Lafourche Parish, Louisiana. The district shall have the power to sue and be sued, through the board of commissioners, and service of process in any such suit against the district shall be made upon the chairman of the board of commissioners, the vice chairman, or upon its secretary-treasurer. This provision shall not constitute a waiver of the governmental immunity to which the district is entitled.

B. The board shall have authority to incur debt, issue bonds, and levy taxes for the retirement of same, under the provisions of R.S. 33:3811 et seq., and to levy special taxes under the provisions of Article VI, Sections 31 and 32 of the Constitution of Louisiana in accordance with the provisions of law carrying these Articles into effect and particularly the applicable provisions of Title 39 of the Louisiana Revised Statutes of 1950. The district may acquire by purchase, donation, or lease and may hold and use any immovable or movable property, whether corporeal or incorporeal, or any interest therein necessary or desirable for carrying out the purposes of the district, and may sell, lease, transfer, or convey any property or interest therein at any time after such property or interest has been acquired by it.

C. The district shall also have authority to fix and collect, on a gallonage basis, a royalty fee for the purchase of water for human consumption.

D. Ad valorem taxes so levied by the district shall be assessed and collected in the same manner as state and parish taxes, and the board of commissioners shall prescribe the method for collecting any fixed charges levied on a gallonage basis. The treasurer shall be bonded in such sum as the board may require, the premium on said bond to be retained by the district.

E. The board of commissioners shall have power to take the necessary steps to effectuate a program of beautification of the area within the jurisdiction of the commission, particularly but not limited to the banks of Bayou Lafourche, including the necessary police power and authority to levy and collect penalties in connection with such program. For the purposes of this Part “beautification” shall have the following meaning; any method, procedure, or program which has the effect of creating more pleasant surroundings.

F. In order to accomplish the purposes of the district, the board may make and enforce such rules, regulations, and ordinances it deems necessary:

(a) To protect and preserve the works, improvements and properties owned or controlled by the district, prescribe the manner of their use by any person or entity, and preserve order within and adjacent to properties owned or controlled by the district.

(b) To protect and preserve the waterway from any substance or act which would render the water therein unfit for the purposes of the district, including but not limited to prohibiting or regulating the discharge of any substance into the waterway in concentrations which tend to degrade the chemical, physical, biological, and aesthetic integrity of the waterway; or to control and regulate its pollution.

(c) To prohibit any person or entity from abandoning, sinking, allowing to be sunk, or failing to remove any watercraft from in or on the waterway after having been requested to do so in writing.

(d) To control and regulate any person or entity from erecting, locating, constructing, or using any building or structures within the district that may threaten the purposes of the district unless a permit has been issued by the board.

(e) To prohibit any person or entity from knowingly or willfully emptying, draining, or permitting to be drained from any pump, reservoir, well or oil field into the waterway any oil, salt water, or other noxious, toxic, hazardous, or poisonous gas, liquid, or substance which would render the waterway unfit for the purposes of the district or for human consumption, or would destroy the aquatic and fish life in the waterway. Each day that oil, salt water, or other poisonous gas, liquid, or substance flows into the waterway shall constitute a separate and distinct offense.

(f) To regulate the conduct, management, and control of its operations and functions, and its structures and other facilities within its jurisdiction or under its administration.

(g) To protect property, life, and the welfare of its employees and the public.

(h) To control, use, and protect its property, equipment, and other facilities and improvements.

(i) To control, regulate, and protect the channel and banks of the waterway from erosion, decay, or destruction.

(1) Prevent the pumping of or flowing of water into the waterway from adjacent or nearby canals, drainage systems, bayous, ditches, streams, tributaries, or other sources which empty or are pumped into the waterway.

(2) Notwithstanding R.S. 34:851.27 or any other provision of law to the contrary, authorize and require the issuance of a declaration of an emergency by the board that the size and speed of watercraft traveling through the waterway needs to be regulated to protect the integrity of the banks of the waterway due to low water levels or due to another event causing the banks to be in peril of erosion or instability. The board may:

(a) Implement and enforce a “no-wake” zone where each watercraft shall operate at bare steerage speed, the slowest speed the watercraft can travel while allowing the operator to maintain directional control of the watercraft to produce the minimum water surface turbulence.

(b) Limit the size of watercraft permitted to travel in certain areas of the waterway where the size and speed of watercraft traveling through the waterway needs to be regulated to protect the integrity of the banks of the waterway due to low water levels or due to another event causing the banks to be in peril of erosion or instability. Except during times when there is a declaration of an emergency by the board, the provisions of this Paragraph shall not supersede or otherwise interfere with the authority of the Department of Wildlife and Fisheries.

(3) The board shall not make and enforce any rules, regulations, and ordinances that shall impair the rights and obligations in C.C. Arts. 655 and 656, or that shall affect any agriculture drainage established prior to the creation of the district.

G. In addition, the board may adopt an anti-littering ordinance with penalties for violation thereof not to exceed a fine of two hundred fifty five hundred dollars.

H. (1) The rules, regulations, and ordinances established and promulgated by the board shall provide penalties and shall be enforced by any state or local law enforcement agency having jurisdiction in the district. Any violations shall be prosecuted in accordance with the provisions of law, and the district shall be responsible for all costs of collection enforced.

(2) The rules, regulations, and ordinances may contain penalties, including a fine of not more than five hundred dollars or imprisonment of not more than six months, or both.
(1) The board of commissioners shall have full power to adopt and enforce, by penal ordinance, such sanitary regulations as it may deem necessary to protect from pollution the water so furnished, after it leaves its source, or to any point to which it may be conveyed, and to such end may regulate the location, construction, or use of any buildings or structures within the district, where same they threaten to pollute or pollute said water. Any such action by the board shall be subject to review by the courts.

(2) For the purposes of this Part the following definitions of pollution shall apply:

(a) "Ashes" includes the solid residue resulting from the combustion of all fuels used for heating, cooking, and the production of power in any public or private establishment, institution, or residence.

(b) "Garbage" includes all putrescible waste matter except sewage and recognizable industrial byproducts and includes putrescible vegetable matter, animal offal, and animal carcasses.

(c) "Refuse" includes garbage, rubbish, ashes, animal and vegetable waste from animal quarters, and all other waste matter, except sewage, from any public or private establishment, institution, or residence.

(d) "Rubbish" includes all nonputrescible waste matter, except ashes, from any public or private establishment, institution, or residence.

(e) "Untreated sewage" includes animal feaces and urine as well as any material contaminated by animal body discharges and waste feed stuff which has not been subjected to proper primary treatment. Any such action by the board shall be subject to review by the courts.

(1) The board shall have full power and authority to cooperate and contract with the United States government, or any of its agencies, the state of Louisiana, or any of its departments, agencies, commissions, districts, or other political subdivisions, or with any person, firm, partnership, or corporation, with the view of accomplishing the construction, maintenance, and operation of pumping facilities and appurtenant pipeline facilities, the purging of water, water from such facilities to be conveyed to and used for such purposes as the board may from time to time deem advisable. In the event that such pumping facilities and appurtenant pipeline facilities are constructed, erected, or installed by the state of Louisiana, the office of engineering of the Department of Transportation and Development, state of Louisiana, the Coastal Protection and Restoration Authority Board, the board of commissioners for the Lafourche Basin Levee District, the board of commissioners for the Atchafalaya Basin Levee District, the board of commissioners for the Lafourche Parish Water District No. 1 or other local interests, and the board of commissioners for the Bayou Lafourche Fresh Water District, or any of them, it shall be the obligation of the board of commissioners for the Bayou Lafourche Fresh Water District, and the board is hereby authorized and directed to operate and maintain such pumping and pipeline facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

(2) The board of commissioners for the Bayou Lafourche Fresh Water District shall also have power and authority to contribute to the cost of construction and installation of such pumping and piping facilities from any funds available for such purpose. It shall also be the obligation of the board to operate and maintain such drainage facilities, floodgates, channel improvements, and drainage structures and appurtenances constructed with the view of providing fresh water in Bayou Lafourche and facilitating the flow thereof. The board shall have power and authority to contribute to the cost of construction of any of the facilities mentioned in this section.

The board of commissioners may implement measures for the abatement of water hyacinths within the water bodies of the parishes of Ascension, Assumption, and Lafourche.

The board of commissioners may develop and implement measures to prevent the intrusion of salt water into the flow of fresh water.

With the approval of the Coastal Protection and Restoration Authority Board, the board of commissioners, in addition to any other powers and duties provided by law, may establish on its own behalf or for the areas under its authority, particularly but not limited to the banks of Bayou Lafourche, water resources development and integrated coastal protection, including but not limited to the following: installation and maintenance, operation, and construction of erosion control measures, marsh management, coastal restoration, reservoirs, diversion canals, gravity and pump drainage systems, and other works as such activities, facilities, and improvements relate to integrated water resources development and saltwater intrusion. To that end and only upon approval of the Coastal Protection and Restoration Authority Board, the board of commissioners may regulate the location, construction, or use of any building or structure within the district, where such building or structure threatens to interfere with water resources development and integrated coastal protection.

(2) The board of commissioners may enter into contracts or other agreements, including cooperative endeavor agreements, with any public or private person or persons, corporation, association, or other entity, including the Coastal Protection and Restoration Authority Board, the state, and other agencies thereof, public corporations, port authorities, levee districts, parishes, other political subdivisions, or the United States government or agencies thereof, or any combination thereof, or with the instrumentalities of any kind to provide water resources development and integrated coastal protection, and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or in part, that may be necessary.

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, May 29, 2015.

A true copy:
Tom Schedler
Secretary of State
Section 2. Beginning on the effective date of an agreement between the board of the Municipal Employees’ Retirement System and the Local Tax Division of the Board of Tax Appeals, the Local Tax Division judge and all employees who are compensated exclusively by the Local Tax Division, who are appointed or hired on or after the effective date of such an agreement, and who fulfill the definition of “employee” provided in R.S. 11:1732(13) shall participate in and contribute to the Municipal Employees’ Retirement System. Any Local Tax Division employee who is compensated exclusively by the Local Tax Division of the Board of Tax Appeals, who is on the payroll of the Local Tax Division on the effective date of an agreement for participation, and who fulfills the definition of “employee” provided in R.S. 11:1732(13) may make an irrevocable election to participate in and contribute to the Municipal Employees’ Retirement System.

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 29(C), 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 5, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 39

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HOUSE BILL NO. 12

BY REPRESENTATIVES BROWN AND FANNIN AND SENATORS GALLOT, KOSTELKA, AND LONG

To enact R.S. 47:302.55, 322.48, and 322.54, relative to the disposition of certain sales tax collections in Grant Parish; to establish the Grant Parish Economic Development Fund as a special fund in the state treasury; to provide for the deposit of monies in such fund; to provide for the use of such monies; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302.55, 322.48, and 322.54 are hereby enacted to read as follows:

§322.48. Disposition of certain collections in Grant Parish

The avails of the tax imposed by R.S. 47:321 from the sales of services as defined in R.S. 47:301(14)(a) in Grant Parish under the provisions of R.S. 47:321(C) shall be credited to the Bond Security and Redemption Fund, and a sufficient amount is allocated from that 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 funds into the special fund which is hereby created in the state treasury and designated as the “Grant Parish Economic Development Fund” shall be subject to an annual appropriation by the legislature. All unexpended and unencumbered monies remaining in the fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the state general fund, and all interest earned shall be deposited in the state general fund.

C. Monies appropriated from the fund shall be available for use by the Grant Parish Police Jury for promoting tourism in Grant Parish.

§322.54. Disposition of certain collections in Grant Parish

The avails of the tax imposed by R.S. 47:331 from the sales of services as defined in R.S. 47:301(14)(a) in Grant Parish under the provisions of R.S. 47:321(C) and 322, as applicable, shall be credited to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of 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 funds into the Grant Parish Economic Development Fund as provided in and subject to the provisions of R.S. 47:302.55.

A true copy:

Tom Schedler
Secretary of State
A. If the services as an employee or clerk of court of any member hired on or before December 31, 2010, who has twelve or more years of credited service are terminated prior to the time the member becomes fifty-five years of age, the former member may leave his contributions in the fund, and upon attaining the age of fifty-five years, he shall be eligible for a regular retirement benefit.

B. If the services as an employee or clerk of court of any member hired on or after January 1, 2011, who has twelve or more years of credited service are terminated prior to the time the member becomes sixty years of age, the former member may leave his contributions in the fund, and upon attaining the age of sixty years, he shall be eligible for a regular retirement benefit.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

ACT No. 43

HOUSE BILL NO. 44
BY REPRESENTATIVE MILLER
AN ACT
To enact R.S. 11:2225.4, relative to the Municipal Police Employees’ Retirement System; to provide with respect to unfunded accrued liability of the system; to provide for payment by certain employers in certain circumstances; to provide for calculation and payment of amounts due; to provide for collection of past due amounts; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 129(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2225.4 is hereby enacted to read as follows:

§ 2225.4. Unfunded accrued liability; payment by employer. (A) The employer participating in the system shall compute and report to the system, the amount attributable to such employer. The amount due pursuant to the provisions of this Paragraph shall include interest at the system’s valuation interest rate.

(B) If a participating employer does not dissolve its police department but the salaries upon which contributions are made by the employer to the system for a fiscal year are less than seventy percent of the salaries upon which contributions were made to the system for the employer’s immediately prior fiscal year, then the employer shall be deemed to have partially dissolved its police department and shall be liable for a pro rata portion of the system’s unfunded accrued liability. The amount shall be calculated by applying the unfunded accrued liability for the fiscal year in the employer’s fiscal year upon which contributions were made to the total payment that would have been required pursuant to the provisions of Paragraph (1) of this Subsection if the employer had dissolved its police department. Payments required pursuant to the provisions of this Paragraph shall include interest at the system’s valuation interest rate.

(C) Any amount due pursuant to Subsection A of this Section shall be determined by the actuary employed by the system and shall be paid either in a lump sum or amortized over ten years in equal monthly payments with interest at the system’s valuation interest rate in the same manner as regular payroll payments to the system, at the option of the employer.

(D) If an employer fails to make a payment timely, the amount due shall be collected in any of the following manners:

(1) By action in a court of competent jurisdiction against the delinquent employer. The amount due shall include interest calculated at the system’s actuarial valuation rate, compounded annually.

(2) The board may certify to the state treasurer all amounts attributable to the delinquent employer. In support of such certification, the board shall submit to the treasurer a resolution certifying the name of the delinquent employer, its failure to pay, and the amount owed and shall name a designee or designees to act on the board’s behalf. Upon receipt of such certification, the treasurer shall deduct from monies payable to the certified delinquent employer the certified amount due, and shall remit such deducted amounts directly to the Municipal Police Employees’ Retirement System.

(D) For the purposes of this Section, the term “employer” shall have the same meaning as provided in R.S. 11:2213 and shall include any municipality that terminates participation in the system by dissolving its police department pursuant to the provisions of Subsection B of Section 1 of this Act.

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
To amend and reenact R.S. 11:586(A)(introductory paragraph) and (B), 587, 589, 590(B) and (C), and 591(A), relative to benefits for children of certain wildlife agents in the enforcement division of the Department of Wildlife and Fisheries, to authorize receipt of benefits, in certain circumstances, after a child reaches majority; to provide relative to the marital status of such child and his eligibility for benefits; 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. 11:586(A)(introductory paragraph) and (B), 587, 589, 590(B) and (C), and 591(A) are hereby amended and reenacted to read as follows:

§586. Death benefits of minor children
A. If there is no surviving spouse to receive the pension due a widow of any member under R.S. 11:585, the minor children under eighteen years of age of the deceased member, if any, shall receive a monthly pension in the proportions set out herein as follows:

B. As each child reaches eighteen years of age. When a child no longer meets the definition of minor child as provided in R.S. 11:403, he shall receive no further benefits and the monthly pension shall be reduced by the amount previously paid to him.

§587. Death benefits of parents
If there is no surviving spouse and no minor children under eighteen, a monthly pension of twenty-five percent of the average compensation of the deceased member shall be paid to the parent or parents of the deceased member, if they, or either of them, derived their main support from the member.

§589. Death before age fifty-five
The surviving spouse, the minor children under eighteen years of age, or the dependent parents of any member who dies prior to attaining age fifty-five and whose death occurs other than in the line of duty, but who at the time of death had at least fifteen years of service credit, shall be entitled to the same pension rights to which said member would have been entitled had he, at the time of death, retired in accordance with the provisions of R.S. 11:582, but computed solely on the basis of the number of years of service to his credit and without regard to his attained age at time of death.

§590. Forfeiture for remarriage
If there are minor children under eighteen years of age, the pension previously paid to the widow, or the portion thereof to which the deceased member's minor children under eighteen years of age are entitled under the provisions of this Subpart, shall be paid to the children in the same manner and for the same length of time as provided in R.S. 11:586 for the payment of pensions to children.

C. If there are no minor children under eighteen years of age, the parent or parents of the deceased member who derived their main support from him shall receive the pension provided for them under the provisions of R.S. 11:587.

§591. Death of retired member
A. The surviving spouse, the minor children under eighteen years of age, or the dependent parents of an appointed member who dies shall receive as a pension seventy-five percent of the monthly retirement pay which was being evidenced by a current sales tax certificate issued to the seller by the sales tax administration of the state where the sale was made.

B. As each child reaches eighteen years of age. When a child no longer meets the definition of minor child as provided in R.S. 11:403, he shall receive no further benefits and the monthly pension shall be reduced by the amount previously paid to him.

§592. Death before age fifty-five
The surviving spouse, the minor children under eighteen years of age, or the dependent parents of any member who dies prior to attaining age fifty-five and whose death occurs other than in the line of duty, but who at the time of death had at least fifteen years of service credit, shall be entitled to the same pension rights to which said member would have been entitled had he, at the time of death, retired in accordance with the provisions of R.S. 11:582, but computed solely on the basis of the number of years of service to his credit and without regard to his attained age at time of death.

§593. Forfeiture for remarriage
If there are minor children under eighteen years of age, the pension previously paid to the widow, or the portion thereof to which the deceased member's minor children under eighteen years of age are entitled under the provisions of this Subpart, shall be paid to the children in the same manner and for the same length of time as provided in R.S. 11:586 for the payment of pensions to children.

C. If there are no minor children under eighteen years of age, the parent or parents of the deceased member who derived their main support from him shall receive the pension provided for them under the provisions of R.S. 11:587.

§594. Death of retired member
A. The surviving spouse, the minor children under eighteen years of age, or the dependent parents of an appointed member who dies shall receive as a pension seventy-five percent of the monthly retirement pay which was being evidenced by a current sales tax certificate issued to the seller by the sales tax administration of the state where the sale was made.

B. As each child reaches eighteen years of age. When a child no longer meets the definition of minor child as provided in R.S. 11:403, he shall receive no further benefits and the monthly pension shall be reduced by the amount previously paid to him.

§595. Death before age fifty-five
The surviving spouse, the minor children under eighteen years of age, or the dependent parents of any member who dies prior to attaining age fifty-five and whose death occurs other than in the line of duty, but who at the time of death had at least fifteen years of service credit, shall be entitled to the same pension rights to which said member would have been entitled had he, at the time of death, retired in accordance with the provisions of R.S. 11:582, but computed solely on the basis of the number of years of service to his credit and without regard to his attained age at time of death.

§596. Forfeiture for remarriage
If there are minor children under eighteen years of age, the pension previously paid to the widow, or the portion thereof to which the deceased member's minor children under eighteen years of age are entitled under the provisions of this Subpart, shall be paid to the children in the same manner and for the same length of time as provided in R.S. 11:586 for the payment of pensions to children.

C. If there are no minor children under eighteen years of age, the parent or parents of the deceased member who derived their main support from him shall receive the pension provided for them under the provisions of R.S. 11:587.
To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Richland 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.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease or deliver any interest in property acquired by the State through that certain tax sale for nonpayment of 1936 taxes assessed in the name of A. L. Price, recorded on December 7, 1937, in Book 85 Page 56 et seq, described as a 5 acre tract situated in the northwest corner of the southeast quadrant of Section 15, Township 15 North Range 6 East, being part of the Leroy Colman Estate, and more particularly described as follows: Beginning at point "A" an iron pipe marking the center of Section 15, Township 15 North Range 6 East, thence East 460' to point "B" an iron pipe; thence South 473.478' to Point "C" an iron pipe; thence West 460' to point "D" an iron pipe in the fence; thence North 473.478' to point of beginning.

Section 2. The commissioner of administration 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 commissioner of administration and Gerald L. Brown and Jacquelyn Brown, in exchange of consideration proportionate to the appraised value of the property. In the event that the agreement authorized by this Section is not entered into on or before December 31, 2018, 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 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 5, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 49

HOUSE BILL NO. 103
BY REPRESENTATIVE ADAMS
AN ACT

To enact R.S. 15:1314(A)(4), relative to electronic surveillance; to provide relative to obtaining a court order to use electronic surveillance equipment; to authorize the attorney general and certain employees of the office of the attorney general to apply for a court order to use electronic surveillance equipment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1314(A)(4) is hereby enacted to read as follows:

§1314. Application for order for a pen register or a trap and trace device

A. An investigative or law enforcement officer may make application for an order or an extension of an order under R.S. 15:1315 to a court of competent jurisdiction authorizing or approving the installation and use of a pen register or a trap and trace device under this Part, in writing under oath or equivalent affirmation, to a court of competent jurisdiction of this state. For the purposes of R.S. 15:1313 through 1316 only, “investigative or law enforcement officer” means:

(4) The attorney general or an attorney general’s investigator who has been specifically designated by the attorney general as responsible for preparation of applications for installation and use of pen register or trap and trace devices.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 50

HOUSE BILL NO. 131
BY REPRESENTATIVE BERTHELLOT
AN ACT

To amend and reenact R.S. 18:1300.13(B)(2), relative to public officers who have been recalled and removed from office; to provide that certain public officers who have been recalled and removed from office are ineligible to become candidates in certain elections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1300.13(B)(2) is hereby amended and reenacted to read as follows:

§1300.13. Declaration of vacancy; prohibitions

A. An investigative or law enforcement officer “means:

B. It shall also be ineligible as a candidate at an election called to fill the vacancy created by the recall of such public officer.

Section 2. If the recalled public officer was removed from office as a member of the governing authority of a municipality governed by Part I of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, he shall also be ineligible as a candidate at an election to fill a vacancy on the governing authority that is held prior to the next regularly scheduled election for members of the governing authority following the recall of the public officer.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 51

HOUSE BILL NO. 134
BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 13:4751(C)(2), relative to petitions for the name change of a minor; to provide relative to persons entitled to service of the petition and persons entitled to consent to a name change; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4751(C)(2) is hereby amended and reenacted to read as follows:

§4751. Petition for name change; adults; minors

C. If the person desiring such change is a minor or if the parents or parent or the tutor of the minor desire to change the name of the minor:

(2) If one parent has been granted custody of the minor by a court of competent jurisdiction, the consent of the other parent is not necessary under either of the following circumstances:

(a) The parental rights of the other parent have been terminated.

(b) The other parent has refused or failed to comply with a court order of support for a period of one year.

(i) The other parent has refused or failed to comply with a court order of support for a period of three years after judgment awarding custody to the parent signing the petition.

(ii) The other parent is not paying support and has refused or failed to visit, communicate, or attempt to communicate with the child without just cause for a period of two years.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schedler
Secretary of State

ACT No. 52

HOUSE BILL NO. 145
BY REPRESENTATIVE BURFORD
AN ACT

To enact R.S. 40:1502.16, relative to the assessment of service charges by the governing authority of DeSoto Parish Fire Protection District No. 3; to authorize such service charges, subject to voter approval; to provide with respect to the collection of the service charges and the enforcement of the collection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1502.16 is hereby enacted to read as follows:

§1502.16. Service charge authorized for DeSoto Parish; assessment and collection
A. In addition to the authority granted pursuant to R.S. 40:1502, the governing authority of DeSoto Parish Fire Protection District No. 3 may establish a service charge or rates of service charges to be assessed persons owning each residential or commercial structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the fire protection district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure and each housing unit within a multiple dwelling structure shall be considered a separate structure, and a mobile home, as defined in R.S. 9:1149.2, shall be considered a structure. Such service charges or rates of service charges shall be framed so as to cover and shall be used for the costs of any or all fire protection and emergency medical transportation and emergency services incident thereto.

B. Service charges or rates of service charges so established shall be assessed by resolution of the governing authority of the fire protection district; however, the resolution assessing the service charges shall be adopted by a majority vote of the governing authority. The amount of the service charges or rates of service charges to be established have been submitted to and approved by a majority of the electors of the district voting at an election held for that purpose. Such election shall be conducted in accordance with the election laws of the state and shall be held at the same time that an election authorized by the provisions of R.S. 18:402 is held.

C. (1) The governing authority of the fire protection district assessing a service charge or rates of service charges as provided in this Section may also use any reasonable means to collect and enforce the collection of such service charges, including any means authorized by law for the collection of taxes. Such means shall include the assessor carrying the fire protection service charges on the tax rolls for DeSoto Parish and the sheriff of DeSoto Parish collecting such service charges at the same time as ad valorem taxes are collected and with the same authority with which such taxes are collected. If any fire protection service charge becomes delinquent and unpaid, the sheriff shall send a “Final Notice” to the delinquent property owner by registered or certified mail. The sheriff shall also publish notice of the pending delinquent property owner in the parish journal, setting forth the names and addresses of the delinquent property owners and the date and place of the sale to enforce collection, and he shall enforce the collection in the same manner as ad valorem taxes are collected.

(2)(a) The governing authority of the district may also place liens for fire protection service charges upon the structure subject to the charge, upon the lot or the premises in which the structure is located, and upon the lot or premises on which the structure is situated if such lot or premises belongs to the person who owns such structure; however, if such structure or building is owned by a lessee of the lot or premises, the lien shall exist only against the lease and shall not affect the owner of the lot. Such lien shall be placed upon property only if the owner of a structure refuses to pay the service charges when requested to do so by the governing authority within thirty days after receipt by the owner of such a request by registered or certified letter.

(b) The governing authority may file a statement reflecting the amount of the unpaid charges in the mortgage office of the parish, which, when so filed and recorded, shall operate as a lien and privilege in favor of the district against property as provided in this Subsection.

(c) Such fire protection and emergency service charge obligations shall be prime all other liens, mortgages, and privileges against the property, except those for taxes and prior recorded local and special assessments.

(d) In addition, the governing authority of the district may recover the unpaid charges, together with all costs of court and attorney fees, by ordinary process in the Forty-Second Judicial District Court.

The governing authority may also provide, by resolution for interest on the unpaid charges, which shall be paid prior to cancellation of the lien.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schelder
Secretary of State

ACT No. 53

By Representative Montoucet

To enact R.S. 47:338.215, relative to the town of Duson; to authorize the town to levy a hotel occupancy tax; to provide for the use of tax revenues; 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.

ACT No. 53

By Representative Montoucet

To enact R.S. 47:338.215, relative to the town of Duson; to authorize the town to levy a hotel occupancy tax; to provide for the use of tax revenues; 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.

Section 1. R.S. 47:338.215 is hereby enacted to read as follows:

$338.215. Town of Duson; hotel occupancy tax; authorization

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

(2) The word “hotel” as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

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

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

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

The hotel occupancy tax shall be in addition to all taxes levied upon the hotel occupancy of hotel rooms located within the town.

D. Except as provided in Subsection C of this Section, the governing authority of the town shall use the proceeds of the tax to fund economic development, the promotion of tourism, and related infrastructure within the town.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schelder
Secretary of State

ACT No. 54

By Representative Danhay

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Calcasieu 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.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, 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 property to William L. McPherson and Sarah Marseantel:

All of the following properties are situated in Calcasieu Parish, Section 11, Township 9 South, Range 11 West and are within what is known as the “Hewitt Sub Tract”:

Description of Property: Adjudicated to: Adjudicated for Nonpayment of Taxes for Year:
Block 1, Lot 23 R.F. Wilson 1918, 1927, and 1928
Block 1, Lot 120 Peter Winterhurst 1921
Block 2, Lots 6-7 H.E. Severs 1922
Block 2, Lots 15-19 Fred W. Bailey 1918
Block 2, Lots 79-83 W.C. Chappelow 1918
Block 3, Lots 12-14 P.H. Putterman 1924
Block 3, Lots 12-14 Nora C. Kears 1922
Block 3, Lots 96-98 William Kalasch 1918
Block 4, Lots 93-95 H.A. Pargman 1918
Block 4, Lots 51-55 F.W. Rice 1932
Block 4, Lots 51-55 R.F. Dowell 1920
Block 4, Lots 51-55 H.A. Pargman 1918
Block 4, Lots 96-98 William Kalasch 1918
Block 4, Lots 101-102 William Kalasch 1918
Block 5, Lot 116 J.H. Seipent 1919
Block 6, Lots 73-82 Matilda Brooks 1919
Block 8, Lots 20-22 Fred T. Rupert 1918
and between the commissioner of administration and William Marcantel and Sarah Marcantel, in exchange of consideration proportionate to the appraised value of the property. In the event that the agreement authorized by this Section is not entered into on or before December 31, 2018, 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 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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 55
BY REPRESENTATIVES HOFFMANN AND LÉGER

AN ACT
To enact Part LXXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.431 through 1300.435, relative to smoking cessation programs and services; to provide for online publication by the Department of Health and Hospitals of certain information concerning smoking cessation; to provide for duties of the secretary of the Department of Health and Hospitals relative to coordination of certain departmental programs with programs of the Smoking Cessation Trust; to provide for a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Part LXXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.431 through 1300.435, is hereby enacted to read as follows:

PART LXXX. PUBLIC INFORMATION CONCERNING SMOKING CESATION §1300.431. Legislative findings; purpose
A. The legislature hereby finds and declares the following:
(1) Cigarette smoking is a leading cause of preventable death in our state and nation.

(2) Though smoking-related illnesses and deaths and their associated health and economic costs are a devastating public health problem across the United States, and billions of dollars from sources such as cigarette taxes and tobacco-related legal settlements are available to states for preventing and controlling tobacco use, only a fraction of these funds is put to this public health service, and state spending on tobacco prevention and control falls below CDC recommended levels.

(3) Though smoking is an exceptionally difficult habit to break due to the powerful nature of addiction to cigarettes, many thousands of Americans win the battle to quit smoking each year, often with the help of a smoking cessation program.

B. The purpose of this Part is to increase awareness of and access to smoking cessation programs and services available in Louisiana.

§1300.432. Definitions
As used in this Part, the following terms have the meaning ascribed in this Section:
(1) “Department” means the Department of Health and Hospitals.

(2) “Smoking Cessation Trust” and “trust” mean the organization of that name which incorporated in Louisiana pursuant to the judgment rendered in Scott v. American Tobacco Co., Inc. (2009-CA-0467 LA App. 4 Cir. 12/21/09) 39 So. 3d 1040, for the purpose of operating the smoking cessation program called for in that judgment, or any successor.

§1300.433. Public information concerning smoking cessation
A. The department shall establish and maintain on its internet website a link to the website of the Smoking Cessation Trust, along with summary information on programs and services offered by the trust.

B. The department may feature the link to the website of the Smoking Cessation Trust and information on programs and services of the trust on any web page it maintains for any program or office if the link and information are posted in a conspicuous location.

§1300.434. Program coordination
A. The secretary of the department is hereby authorized to coordinate, to the extent he deems practical and appropriate, the programs of the office of public health, the Medicaid coordinated care network program, and any other program of the department with programs offered by the Smoking Cessation Trust.

B. On or before January 1, annually, the secretary of the department shall engage with the executive director of the Smoking Cessation Trust to evaluate measures and best practices for increasing smoking cessation and, to identify opportunities for increasing access to smoking cessation programs and services available in this state.

§1300.435. Termination
The provisions of this Part shall terminate on January 1, 2022, and thereafter shall be null, void, and without effect.

Section 2. The Louisiana State Law Institute is hereby authorized to redesignate the number of any Section of statute enacted by this Act in a manner that comports with the technical recodification provisions of House Concurrent Resolution No. 84 of this 2015 Regular Session of the Legislature.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 56
BY REPRESENTATIVE DOVE

AN ACT
To amend and reenact R.S. 38:291(U)(1), relative to the Terrebonne Levee and Conservation District; to provide for the transfer of certain land in the possession of the Atchafalaya Basin Levee District for certain purposes to the Terrebonne Levee and Conservation 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. 38:291(U)(1) is hereby amended and reenacted to read as follows:

§291. Naming; limits of districts; composition of boards
U. Terrebonne Levee and Conservation District. (1) On July 1, 1997, and continuing thereafter, all lands in the parish of Terrebonne shall constitute a levee district to be known as the Terrebonne Levee and Conservation District. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter. The land, including mineral rights, in the possession of the Atchafalaya Basin Levee District in Terrebonne Parish, for the purposes of ownership and maintenance and operation of the Atchafalaya Basin Levee District, shall be transferred and conveyed to the Terrebonne Levee and Conservation District without the necessity of any other act or instrument of grant, transfer, conveyance, or delivery. For the purpose of proving evidence of the transfer, conveyance, and delivery effected by this Paragraph, the Atchafalaya Basin Levee District shall execute an act setting forth the transfer, conveyance, and delivery of those lands, rights-of-way, servitudes, and revenues therefrom to the Terrebonne Levee and Conservation District.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 57
BY HOUSE BILL NO. 178

AN ACT
To amend R.S. 22:1551(C)(1), relative to the Terrebonne Levee and Conservation District.

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. 22:1551(C)(1) is hereby amended and reenacted to read as follows:

§1551. Exemption from examination
The provisions of this Part shall terminate on January 1, 2022, and thereafter shall be null, void, and without effect.

Section 2. The Louisiana State Law Institute is hereby authorized to redesignate the number of any Section of statute enacted by this Act in a manner that comports with the technical recodification provisions of House Concurrent Resolution No. 84 of this 2015 Regular Session of the Legislature.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 58
BY HOUSE BILL NO. 184

AN ACT
To amend and reenact R.S. 22:1551(C)(1), relative to renewal of an insurance producer license; to provide for an exemption from examination for renewal of a resident producer license when application is made within two years of the date of expiration of the previous license; 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. 22:1551(C)(1) is hereby amended and reenacted to read as follows:

§1551. Exemption from examination
The provisions of this Part shall terminate on January 1, 2022, and thereafter shall be null, void, and without effect.

Section 2. The Louisiana State Law Institute is hereby authorized to redesignate the number of any Section of statute enacted by this Act in a manner that comports with the technical recodification provisions of House Concurrent Resolution No. 84 of this 2015 Regular Session of the Legislature.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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C. The following resident applicants shall be exempt from the requirement of a temporary license:
(1) Any applicant for a license covering the same line or lines of insurance for which the applicant was licensed under a similar license in this state, other than a temporary license, within five years from the date of expiration of the previous license, unless such previous license was revoked or suspended or renewal was refused by the commissioner.

* * *

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State

ACT No. 59
BY REPRESENTATIVES SHADOIN AND ABRAMSON
AN ACT
To amend and reenact R.S. 37:221(A), (B)(1), and (2), and (C)(1) and (2), relative to the Judges and Lawyers Assistance Program of the Louisiana State Bar Association; to provide for a statement of public policy; to provide relative to privilege and confidentiality; to provide relative to civil immunity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section I. R.S. 37:221(A), (B)(1) and (2), and (C)(1) and (2) are hereby amended and reenacted to read as follows:

§221. Bar Committee on Alcohol and Drug Abuse; Judges and Lawyers Assistance Program; privilege, confidentiality, and immunity
A. Statement of public policy.
(1) Alcoholism and drug addiction in the judiciary and among the members of the Louisiana State Bar Association poses serious health and ethical problems for the people of the state of Louisiana. One prominent consequence of alcoholism and drug addiction is denial, which is the delusion of the alcoholic or drug addict that he or she will be able to control the use of alcohol or drugs. Successful treatment can be initiated only when the delusion of self-control is broken and the alcoholic or drug addict admits the hopelessness of his or her condition. Judges and lawyers are no less susceptible than any other member of Louisiana to mental health issues, including but not limited to alcoholism, drug addiction, depression, burnout, and dementia. These impairments pose serious health and ethical issues for members of the Louisiana State Bar Association.
(2) The Louisiana State Bar Association's Committee on Alcohol and Drug Abuse, also known as the Judges and Lawyers Assistance Program, Inc. ("the Judges and Lawyers Assistance Program, Inc.") which function primarily to provide assistance in the form of counseling and intervention to judges and lawyers known to be alcoholics, drug addicts, or the judiciary, prospective attorneys, law students, or their employees or agents of any other mental health issue. The Louisiana State Bar Association or any employee or agent of the Judges and Lawyers Assistance Program, Inc., or any of their members, agents, or employees, shall also be immune from civil liability for any acts or omissions made or done or resulting from any of the following:
(a) Providing counseling or intervention to any judge, lawyer, law student, or prospective lawyer other member of the legal profession recover from problems of alcohol or drug abuse, or any other mental health issue.

* * *

C. Civil immunity.
(1) Any licensed lawyer, and his supporting staff, shall be immune from civil liability for, or resulting from, any act, decision, omission, communication, writing, report, finding, opinion, or conclusion, done by or made in good faith while engaged in efforts to assist judges, lawyers, law students, or prospective lawyers or other members of the legal profession in connection with substance abuse or mental health counseling or intervention pursuant to the programs of the Louisiana State Bar Association's Committee on Alcohol and Drug Abuse or the Judges and Lawyers Assistance Program, Inc., or in the performance of his or her duties as a member or agent of the Committee on Alcohol and Drug Abuse of the Louisiana State Bar Association or agent or as an agent, employee, or officer or director of the Judges and Lawyers Assistance Program, Inc., which function primarily to provide assistance in the form of counseling and intervention to judges, lawyers, law students, or prospective lawyers or other members of the legal profession suspected of having an impaired ability to function professionally because of his or her abuse of the use of alcohol or other drug, or due to any other mental health issue. The Louisiana State Bar Association, its Committee on Alcohol and Drug Abuse, the Louisiana Bar Foundation, and the Judges and Lawyers Assistance Program, Inc., and their officers, directors, committees, employees, servants, and agents shall also be immune from civil liability for any acts or omissions made or done or resulting from any of the following:
(a) furnishing information and who participate in the counseling and intervention program of the Louisiana State Bar Association's Committee on Alcohol and Drug Abuse and Lawyer's Assistance Program, Inc., a nonprofit corporation organized under the laws of the state of Louisiana, and the Judges and Lawyers Assistance Program, Inc., as volunteers in the programming offered by the Judges and Lawyers Assistance Program, Inc.

* * *

ACT No. 60
BY REPRESENTATIVE MONTOUCET
AN ACT
To enact R.S. 33:4574(F)(9), relative to the Acadia Parish Convention and Visitors Commission; to provide for changes to the tourism commission's board of directors; and to provide for related matters.

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in square brackets are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
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. 26:2654(9) is hereby enacted to read as follows:

§2654. Definitions

The following terms have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

(12) “Manufacturer” means any person, other than a wine producer, who personally or through any agent whatever engages in the making, blending, rectifying, or processing of any alcoholic beverage in Louisiana; engages in the making, blending, rectifying, or processing any alcoholic beverage outside Louisiana for sale in Louisiana; or engages in the business of supplying alcoholic beverages to licensed wholesale dealers in Louisiana. A manufacturer who engages in the making, blending, rectifying, or processing of any alcoholic beverage in a facility entirely located in the state of Louisiana may sell or serve only those products that are made, blended, rectified, or processed at that facility and for use only in that facility for consumption on or off the premises but not for resale. The total amount of such sales to the public for any given month shall not exceed one case per person for each thirty-day period. Any manufacturer who sells its products to the public pursuant to this Paragraph shall remit all state and parish sales and excise taxes to the proper tax collecting authority for all products sold to the public. A manufacturer who sells or serves its products to the public pursuant to this Paragraph, shall comply with all local zoning laws and regulations.

§241. Definitions

The following terms have the respective meanings ascribed to them in those instances where the context indicates a different meaning:

(10) “Manufacturer or brewer” means any person who, directly or indirectly, personally or through any agency, person, or establishment, engages in the making, blending, rectifying, brewing, or other processing of alcoholic beverages in Louisiana or outside the state for shipment to licensed wholesale dealers within the state subject to the provisions of R.S. 26:364. A manufacturer or brewer who operates a brewing facility entirely located in the state of Louisiana may sell or serve only those products brewed at that facility to the public only at that facility for consumption on or off the premises but not for resale. The total amount of such sales to the public for any given month shall not exceed ten percent of the total amount of product brewed at that facility monthly or two hundred fifty barrels, whichever is greater. Any manufacturer or brewer who sells its products to the public pursuant to this Paragraph shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products sold to the public. A manufacturer or brewer who sells or serves its products to the public pursuant to this Paragraph, shall comply with all local zoning laws and regulations.

(12) “Microbrewery” means an establishment wherein beer and other malt beverages are brewed for non-commercial public consumption to exceed twelve thousand five hundred barrels per year.

(12) “Microbrewery” means an establishment wherein beer and other malt beverages are brewed for non-commercial public consumption to exceed twelve thousand five hundred barrels per year.

Be it enacted by the legislature of Louisiana:

Section 2. R.S. 26:2651 and 273(C) are hereby repealed in their entirety.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 63

HOUSE BILL NO. 237
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 22:1009(A) (introductory paragraph), (5), and (7) and to enact R.S. 22:1009(B)(5) and (6), relative to healthcare provider credentialing; to specify that licensed dentists are healthcare providers.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schedler
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1009(A)(introductory paragraph), (5), and (7) are hereby amended and reenacted and R.S. 22:1009(B)(5) and (6) are hereby enacted to read as follows:

§1009. Health care provider credentialing

A. As used in this Section, the following words and phrases shall have the following meanings ascribed for each, unless the context clearly indicates otherwise:

(5) “Health care provider” or “provider” means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners, a dentist licensed to practice dentistry by the Louisiana State Board of Dentistry, or other individual health care practitioner licensed, certified, or registered to perform specified health care services consistent with state law.

(7) “Health insurance issuer” or “issuer” means any insurer who offers health insurance coverage through a plan, policy, or certificate of insurance subject to state law that regulates the business of insurance. A “health insurance issuer” or “issuer” shall also include a health maintenance organization, as defined and licensed pursuant to Subpart P of Part I of Chapter 2 of this Title, a dental benefit plan, including an entity defined as a dental service contractor in Subpart G of this Part, and shall include the Office of Group Benefits programs.

B. A provider who has been credentialed by a health insurance issuer for any location in the state of Louisiana and is current on all credentialing at such location or locations, shall be considered credentialed for all other locations at which that provider may legally practice medicine or dentistry in the state of Louisiana, provided that each of the following conditions are met:

(a) Not less than thirty days prior to the time at which the provider begins practicing at any additional location, another provider who is current on all credentialing with that health insurance issuer legally practiced there;

(b) The provider gives the health insurance issuer written notice of any additional location of practice beyond his primary practice location and any additional practice location originally noted on the provider’s initial credentialing application form. The health insurance issuer may require that such notice include such additional information as may be reasonably necessary in order to process claims filed by the provider from the additional location. The credentialing of the provider for any additional location shall be effective immediately upon the receipt by the health insurance issuer of such written notice from the provider.

B. Pursuant to Paragraph (5) of this Subsection, there shall be no other requirements placed upon the provider in order to be credentialed by a health insurance issuer for any additional location.

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 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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B. A. As of the following acts shall constitute theft of livestock:

1. The misappropriation or taking of livestock belonging to another or proceeds derived from the sale of such livestock or its meat, whether done with the consent of the owner to the misappropriation or taking, or by fraud, deceit, or false pretenses, or with the intent to deprive the owner permanently of the livestock or proceeds derived from the sale of the livestock or its meat.

2. Transporting or causing the transportation of livestock to a slaughterhouse or a public livestock market as defined in R.S. 3:663, for purposes of selling or keeping the livestock or meat with the intent to deprive the owner permanently of the livestock or meat or proceeds derived from the sale of the livestock or meat.

3. Failing or refusing to pay for livestock purchased from an agent, dealer, or company, public livestock market as defined in R.S. 3:663, or owner, with the consent of the agent, dealer, public livestock market, or owner, within thirty days of the date the livestock was purchased or acquired or the date payment was due, whichever is longer, with the intent to permanently deprive the other of the livestock or the value of the livestock.

B. Any practice of the acts set forth in Subsection A. or any evidence of intent to permanently deprive the other of the livestock or meat, or proceeds derived from sale of the livestock or meat:

1. Assignment of the livestock in a record book maintained by a slaughterhouse or public livestock market as defined in R.S. 3:663, in a name other than that of the owner.

2. Failing to pay for the livestock within ten days after notice of a request for payment or return of the livestock or meat has been sent by the agent, dealer, or company, public livestock market as defined in R.S. 3:663, or owner, to the owner’s last known address by due process or certified mail, return receipt requested, or by actual delivery by a commercial courier.

C. Affirmative defenses shall include but not be limited to a contract establishing longer terms for payment and fraud in regard to the quality of the livestock or meat.

D. “Livestock” means any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agritourism, competition, recreation, or silviculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic or domestic sheep; elk; farm-raised deer; farm-raised other game or farm-raised wild animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish farm, crawfish pond, and any hybrid, mixture, or mutation of any such animal.

E. The Livestock Brand Commission of the state of Louisiana shall have primary responsibility for the enforcement and collection of information relating to theft of livestock and theft of timber.

F. Whoever commits the crime of theft of livestock shall be fined not more than five thousand dollars, imprisoned, with or without hard labor, for not more than ten years, or both.

§67.2 Theft of timber

A. Theft of timber is the misappropriation or taking of timber belonging to another, or proceeds derived from the sale of such timber, either taken without the consent of the owner, or by means of fraudulent conduct, practices, or representations, with the intent to deprive the owner permanently of the timber or proceeds derived thereof.

B. (1) Whoever commits the crime of theft of timber when the misappropriation or taking amounts to a value of twenty-five thousand dollars or more shall be fined not more than ten thousand dollars and imprisoned for not more than five years, or both.

(2) When the misappropriation or taking amounts to a value of less than twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, fined not more than five thousand dollars, or both.

C. The Bureau of Investigation, office of the forestry in the Department of Agriculture and Forestry shall have primary responsibility for collection, preparation, and central registry of information relating to theft of timber and shall assist all law enforcement agencies in investigations of violations of the provisions of this Section.
To amend and reenact R.S. 17:3883(A)(6)(a)(introductory paragraph), (b), and (c), relative to evaluations of public school teachers and administrators; to provide for mitigation requirements related to integrated coastal protection projects resulting from or related to an integrated coastal protection project. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3883(A)(6)(a)(introductory paragraph), (b), and (c) are hereby amended and reenacted to read as follows:

(6)(a) Require the Accountability Commission established by the board to convene an advisory subcommittee of the commission to report on and make recommendations regarding proposed modifications of regulations; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3883(A)(6)(a)(introductory paragraph), (b), and (c) are hereby amended and reenacted to read as follows:

§3883. State Board of Elementary and Secondary Education; powers and duties

A. The board shall:

* As it appears in the enrolled bill

ACT No. 66

HOUSE BILL NO. 801
Judicial Appropriations
will publish in a later edition.

ACT No. 67

HOUSE BILL NO. 298
BY REPRESENTATIVE BURRELL
AN ACT
To amend and reenact R.S. 51:652(B) and 656(B)(2), relative to the sale of fireworks; to provide for the dates and times during which fireworks may be sold; to provide with respect to the issuance of retailer permits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:652(B) and 656(B)(2) are hereby amended and reenacted to read as follows:

§652. Proper naming; certification on shipping cases; time for selling; exceptions; sale and storage in homes prohibited

§656. Permit to sell fireworks; application; fees; permit numbers

B. Permissible items of fireworks, enumerated in R.S. 51:651 may be sold at retail from noon June twenty-fifth sixteen through midnight July fifth and noon December fifteenth through midnight January first of each year only, except that the term “fireworks” shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, and the sale and use of which shall be permitted at all times.

$656. Permit to sell fireworks; application; fees; permit numbers

B. * * *

(2) The retail permit shall be effective for purchases of wholesale fireworks, and the permit shall be effective from the date of issuance through midnight December thirty-first of the applicable year. No retailer’s permit shall be issued under pursuant to this Part from June twenty-fifth sixteen through July fifth nor from December fifteenth through January first of each year, except that the term “fireworks” shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, and the sale and use of which shall be permitted at all times.

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 68

HOUSE BILL NO. 327
BY REPRESENTATIVE DOVE
AN ACT
To amend and reenact R.S. 38:291(T)(2)(a) (introductory paragraph) and (1), (b), (c) and (4) and to enact R.S. 38:291(T)(2)(d), relative to the membership of the North Lafourche Conservation, Levee and Drainage District; to provide relative to the number of board commissioners; to provide for lengths of terms for board members; to remove requirement that members of the board of commissioners be from certain areas; to provide for a definition of a quorum; 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. R.S. 38:291(T)(2)(a)(introductory paragraph) and (1), (b), (c) and (4) are hereby amended and reenacted and R.S. 38:291(T)(2)(d) is hereby enacted to read as follows:

§291. Naming; limits of districts; composition of boards

T. North Lafourche Conservation, Levee and Drainage District.

(2)(a) The governor shall appoint, beginning January 12, 2004 and until such time as provided in Subparagraphs (b) and (c) of this Paragraph, subject to Senate confirmation, a board of commissioners consisting of nine persons from the parish of Lafourche selected as follows:

(i) Each of the six state legislators representing any part of the district shall submit nominations, and the governor shall appoint one member from each such list of nominees.

* * *

(b) The term of office of any commissioner appointed pursuant to Subparagraph (a) of this Paragraph shall cease on January 12, 2008, or thereafter, when his successor is appointed and takes office. Beginning in January 2008, and thereafter, the governor shall appoint a board of commissioners consisting of nine persons, subject to Senate confirmation, which shall be comprised of no fewer than three members for the area within the district lying to the east of Bayou Lafourche, no fewer than three members from the area within the district lying to the west of Bayou Lafourche, and the remaining members from the district at large, all appointed pursuant to the list of nominations submitted to the governor by the nominating party as provided in Subparagraph (a) of this Paragraph.

* * *

(c) In the event nine all commissioners are not appointed within sixty days of the beginning of the term or a vacancy pursuant to the foregoing occurrence of a vacancy, then another list of nominations selected by a majority of the members of the legislature representing the district shall be submitted, and the governor shall appoint the remaining required commissioner or commissioners from the list to bring the total number of commissioners to nine to provide for the total number of commissioners required by Subparagraph (a) of this Paragraph.

* * *

(4) On and after January 12, 2004, a vacancy created whether by reason of death, resignation, expiration of term, or any other cause of a member of the board of commissioners shall be filled in the same manner as provided in Paragraph (2) of this Subsection.

Section 2. This Act shall become effective on January 10, 2016.

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 69

HOUSE BILL NO. 339
BY REPRESENTATIVE DOVE
AN ACT
To amend and reenact R.S. 49:214.5.2(F), relative to functions and responsibilities of the Coastal Protection and Restoration Authority Board; to provide for the availability of certain resources to satisfy mitigation requirements related to integrated coastal protection projects of the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.5.2(F) is hereby amended and reenacted to read as follows:

§214.5.2. Functions and responsibilities; Coastal Protection and Restoration Authority Board

F. Upon the approval by the board and notwithstanding any law to the contrary, the authority, the state, or any political subdivision thereof, may use its own employees or equipment resources for satisfying any mitigation requirements resulting from or related to an integrated coastal protection project.

* * *

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 70

HOUSE BILL NO. 345
BY REPRESENTATIVE HOFFMANN
AN ACT
To amend and reenact R.S. 13:3883(A)(6)(a)(introductory paragraph), (b), and (c), relative to evaluations of public school teachers and administrators; to require the advisory committee of the Accountability Commission to report and make recommendations regarding proposed modifications of regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3883(A)(6)(a)(introductory paragraph), (b), and (c) are hereby amended and reenacted to read as follows:

§3883. State Board of Elementary and Secondary Education; powers and duties

A. The board shall:

* * *

(6)(a) Require the Accountability Commission established by the board to convene an advisory subcommittee of the commission to report on and make recommendations regarding proposed modifications of regulations; and to provide for related matters.

* * *

An Act

By Representative Dove
Approved by Governor, June 5, 2015
recommendations regarding the overall effectiveness of the evaluation program, including but not limited to any recommendations for changes to board policy or state law with respect to the following: the value-added assessment model as determined by the board pursuant to R.S. 17:3902(B)(5), measures of student growth for grades and subjects for which value-added data are not available and for personnel for whom value-added data are not available as established by the board pursuant to R.S. 17:3902(B)(5), and elements of evaluation and standards for effectiveness as defined by the board pursuant to R.S. 17:3902(B)(introductory paragraph). The subcommittee shall have the following members:

- A true copy:
  Tom Schedler
  Secretary of State

ACT No. 71

HOUSE BILL NO. 350

BY REPRESENTATIVES NANCY LANDRY, ARMES, BROWN, GAROFALO, HARRISON, HENSGENS, HILL, HODGES, HOWARD, LEX, MACK, MIGUEZ, MONTOUCE, JIM MORRIS, ORTEGO, FYLAN, REYNOLDS, TITCHIE, ROBIDEAUX, THIERRY, AND WILLMOTT AND SENATOR GILLORY

AN ACT

To amend and reenact R.S. 13:2582(A)(2) and 2583(A)(2)(b), relative to justice of the peace courts; to exempt certain justices of the peace and constables from office qualifications relative to age requirements; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2582(A)(2) and 2583(A)(2)(b) are hereby amended and reenacted to read as follows:

§2582. Justices of the peace; qualifications; election; term of office; nullity; persons ineligible

A. * * *

(2)(a) Beginning in the year 2008, to qualify for the office of justice of the peace, a person shall not have attained the age of seventy years by the date of qualification to run for office. A justice of the peace who attains seventy years of age while serving a term of office shall be allowed to complete that term of office.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to those justices of the peace who are serving as a justice of the peace or elected to the office of justice of the peace on or before August 15, 2006.

§2583. Constables; election; term of office; qualifications

A. * * *

(2) * * *

(b) The provisions of this Paragraph shall not apply in Livingston Parish. The provisions of Subparagraph (a) of this Paragraph shall not apply to those constables who are serving as a constable or elected to the office of constable on or before August 15, 2006.

Approved by the Governor, June 5, 2015.

A true copy:
Tom Schedler
Secretary of State

ACT No. 72

HOUSE BILL NO. 352

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 41:1702(C), (D)(introductory paragraph) and (1), (2)(a)(i), (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and (I) relative to land reclamation for coastal and restoration purposes; to provide relative to approval of land reclamation by an “acquiring authority” for integrated coastal protection purposes; to provide relative to the administrative responsibility for reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 41:1702(C), (D)(introductory paragraph) and (1), (2)(a)(i), (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and (I) are hereby amended and reenacted to read as follows:

§1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; land acquisition for coastal projects; requirements * * *

C. Application for the reclamation or recovery of land lost through erosion, compaction, subsidence, or sea level rise shall be made to the Department of Natural Resources, the Office of the Secretary of State, the State Land Office, pursuant to Paragraph (D)(1) of this Section, on forms to be provided and with such reasonable fee as may be prescribed by the office, provided that all such applications shall be accompanied by a deed of ownership or a certified map or plat of survey prepared by a professional land surveyor qualified and currently licensed by the Department of Natural Resources. The Department of Transportation and Development, the Department of Wildlife and Fisheries, the Office of Coastal Protection and Restoration Authority, the Department of Natural Resources, and the Department of Natural Resources for review and comment not less than sixty days prior to the issuance of such permit. No permit shall be required for projects to facilitate the development, design, engineering, implementation, operation, maintenance, or repair of coastal or barrier island restoration integrated coastal protection projects by the Office of Coastal Protection and Restoration Authority under R.S. 49:214.1 et seq., or other applicable law or projects for the Achafalaya Basin Project.

(2)(a) Beginning in the year 2008, to qualify to run for the office of justice of the peace, a person shall not have attained the age of seventy years by the date of qualification to run for office. A justice of the peace who attains seventy years of age while serving a term of office shall be allowed to complete that term of office.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to those justices of the peace who are serving as a justice of the peace or elected to the office of justice of the peace on or before August 15, 2006.
To enact R.S. 8:308.1, relative to interment space in the city of Franklin; to provide relative to ownership of interment spaces in a cemetery governed by the Secretary of the State and federal law, including but not limited to, the Coastal Wetlands Planning, Protection and Restoration Act, the Coastal Zone Management Act, the Water Resources Development Act, the Coastal Impact Assistance Program, and the North American Wetlands Conservation Act.

(b) In addition to the provisions of Subparagraph (a) of this Paragraph, in the case of a project involving a barrier island, the Secretary executive director may also require the owner to transfer title to all or a portion of the island in exchange for any subsurface mineral rights acquired by said owner.

(d) When the Secretary executive director proposes to execute an agreement by which an election pursuant to this Section is affected, the Secretary executive director shall first submit the agreement for review and approval to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources after publishing the agreement as provided in the Administrative Procedure Act.

(f) The Department of Natural Resources, Coastal Protection and Restoration Land Office may grant permits for coastal or barrier island restoration projects by the Department of Natural Resources pursuant to Paragraph (D)(2) of this Section.

(G) I. Any person aggrieved either by a substantive agency decision made pursuant to Paragraph (E)(2) of this Section, or by a failure of the agency to render such decisions timely, may seek immediate judicial review of those decisions by the Nineteenth Judicial District Court within thirty days after mailing of notice thereof. Any party may file a petition for review of the agency action. Proceedings for review of decisions by the Department of Natural Resources relating to boundaries and determinations of areas reclaimed, or by a failure of the agency to render such decisions timely, may seek immediate judicial review of those decisions by the Nineteenth Judicial District Court within thirty days after mailing of notice of the final decision by the administrator or secretary. Any party may request and be granted a trial de novo.

Approved by the Governor, June 5, 2015.

A true copy:
Tom Schedler
Secretary of State

ACT No. 73

HOUSE BILL NO. 365
BY REPRESENTATIVE JONES
AN ACT

To enact R.S. 8:308.1, relative to interment space in the city of Franklin; to provide relative to ownership of interment spaces in a cemetery governed by the Secretary of the State and federal law, including but not limited to, the Coastal Wetlands Planning, Protection and Restoration Act, the Coastal Zone Management Act, the Water Resources Development Act, the Coastal Impact Assistance Program, and the North American Wetlands Conservation Act.

(b) In addition to the provisions of Subparagraph (a) of this Paragraph, in the case of a project involving a barrier island, the Secretary executive director may also require the owner to transfer title to all or a portion of the island in exchange for any subsurface mineral rights acquired by said owner.

(d) When the Secretary executive director proposes to execute an agreement by which an election pursuant to this Section is affected, the Secretary executive director shall first submit the agreement for review and approval to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources after publishing the agreement as provided in the Administrative Procedure Act.

(f) The Department of Natural Resources, Coastal Protection and Restoration Land Office may grant permits for coastal or barrier island restoration projects by the Department of Natural Resources pursuant to Paragraph (D)(2) of this Section.

(G) I. Any person aggrieved either by a substantive agency decision made pursuant to Paragraph (E)(2) of this Section, or by a failure of the agency to render such decisions timely, may seek immediate judicial review of those decisions by the Nineteenth Judicial District Court within thirty days after mailing of notice thereof. Any party may file a petition for review of the agency action. Proceedings for review of decisions by the Department of Natural Resources relating to boundaries and determinations of areas reclaimed, or by a failure of the agency to render such decisions timely, may seek immediate judicial review of those decisions by the Nineteenth Judicial District Court within thirty days after mailing of notice of the final decision by the administrator or secretary. Any party may request and be granted a trial de novo.

Approved by the Governor, June 5, 2015.

A true copy:
Tom Schedler
Secretary of State

ACT No. 74

HOUSE BILL NO. 379
BY REPRESENTATIVE HOLLIS AND SENATOR MURRAY
AN ACT

To amend and reenact R.S. 49:1002(J) and 1005(A)(introductory paragraph) and to enact R.S. 49:1001(14), relative to drug testing standards; to provide for drug testing by CAP-FDT-certified laboratories; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:1002(J) and 1005(A)(introductory paragraph) are hereby amended and reenacted and R.S. 49:1001(14) is enacted to read as follows:

§1001. Definitions

(14) “CAP-FDT-certified laboratory” means a laboratories certified for forensic hair drug testing by the College of American Pathologists, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:1002(J) and 1005(A)(introductory paragraph) are hereby amended and reenacted and R.S. 49:1001(14) is enacted to read as follows:

§1001. Definitions

(14) “CAP-FDT-certified laboratory” means a laboratories certified for forensic hair drug testing by the College of American Pathologists,
§1005. Use of certified laboratories for drug testing of samples collected
A. All drug testing of individuals in residence in the state and all drug
testing of samples collected in the state, including territorial waters and
any other location to which the laws of Louisiana are applicable, shall be
performed in SAMSHA-certified, CAP-FUDT-certified, or CAP-FUDT-
certified laboratories, if both of the following apply:

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State  

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ACT No. 75
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HOUSE BILL NO. 384
BY REPRESENTATIVES JACKSON, ARMES, BROADWATER, CARTER,
CHANAY, COX, FOIL, GAINES, HOFFMANN, HUNTER, JAMES,
LOPINTO, MACK, NORTON, PIERRE, PRICE, PYLANT, ROBIDEAUX,
SHADOIN, SMITH, ALFRED WILLIAMS, AND PATRICK WILLIAMS AND
SENIOR THOMPSON

AN ACT
To amend and reenact R.S. 17:3351.15(A), relative to the Board of Supervisors
for the University of Louisiana System; to authorize the board to impose
certain fee amounts for enrollment in the dental hygiene program at the
University of Louisiana at Monroe; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3351.15(A) is hereby amended and reenacted to read as
follows:
§3351.15.  Board of Supervisors for the University of Louisiana System;
tuition and attendance fee amounts; graduate students; masters degree in
administration; dental hygiene
A. In addition to the authority granted to the Board of Supervisors for the
University of Louisiana System by law authorizing such board to provide for and impose fees and in accordance with the provisions of Article VII,
Section 2.1(A) of the Constitution of Louisiana, the board may impose the
following increases, effective:
(1) Effective for the Fall 2009 academic session and thereafter, in tuition
and attendance fee amounts:
(a) For a full-time graduate student who is enrolling in any institution
under its management and supervision by an amount which shall not exceed
thirty dollars per credit hour per academic session.
(b) For a full-time student who is seeking a masters of business
administration degree at any institution under its management and
supervision, an increase in tuition by an amount of up to one thousand
dollars per academic session, which shall be inclusive of the increase in
graduate student tuition authorized in Paragraph (1) of this Subsection.
(2) Effective for the 2015-2016 academic year and thereafter, a dental
supply fee of three hundred dollars per academic year for students enrolled
in the dental hygiene program, University of Louisiana at Monroe.

* * *

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State  

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ACT No. 76
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HOUSE BILL NO. 791
Legislative Appropriations
will publish in a later edition.

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ACT No. 77
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HOUSE BILL NO. 425
BY REPRESENTATIVES HAZEL, ADAMS, ARMES, BARROW, STUART
BISHOP, BROWN, CARMODY, CARTER, CHANEY, COX, DOVE, FOIL,
GUINN, HARRISON, HILL, HODGES, HOWARD, HUNTER, MIKE
JOHNSON, JONES, KLECKLEY, LEVAS, LEGER, LORUSSO, MONTUCET,
JAY MORRIS, NORTON, OURSO, POPE, PYLANT, REYNOLDS,
SEABAUGH, SIMON, ST. GERMAIN, STOKES, AND WILLMOTT

AN ACT
To amend and reenact R.S. 29:26.1(B)(10), relative to National Guard death
disability benefits; to restrict certain federal rating decisions from the
definition of “qualifying disability” for National Guardsmen; and to
provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 29:26.1(B)(10) is hereby amended and reenacted to read as
follows:
§26.1. National Guard death and disability benefits
* * *

B. Definitions. As used in this Section, the following terms shall have
the following meanings unless a different meaning is clearly required by
context:
* * *
(10) “Qualifying disability” means a one hundred percent permanent
total disability rating, or a permanent and total unemployability disability rating
as determined by the United States Department of Veterans Affairs and
certified by the Louisiana secretary of veterans affairs in a final adjudication
of the initial rating decision or as determined or certified by the proper
state entity that adjudicates such claims for guardsmen in accordance with
the workers’ compensation law of this state. A qualifying disability shall be
certified by the Louisiana secretary of veterans affairs or his designee. As
provided for in this Paragraph, the initial rating decision shall not apply
to a United States Department of Veterans Affairs rating decision which
predates service in the Louisiana National Guard.

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State  

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ACT No. 78
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HOUSE BILL NO. 463
BY REPRESENTATIVE BERTHELOT

AN ACT
To amend and reenact R.S. 33:386(A) and (D), relative to Lawrason Act
municipal officials; to provide relative to the appointment of municipal
officials; to provide relative to the first regular meeting of the board of
aldermen when such appointment are made; to provide for a clarification
as to the meaning of the first meeting of the board of aldermen; and to
provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:386(A) and (D) are hereby amended and reenacted to read as:
§386. Appointment of municipal officials; bond required
A. At the first regular meeting of the board of aldermen succeeding each
elected at a regular municipal election, the mayor, subject to confirmation
by the board of aldermen, shall appoint a clerk, tax collector, except
as provided for in R.S. 33:381(D), and all other necessary officers whose
election is not provided for in R.S. 33:381. In the event of a vacancy, the
mayor, subject to confirmation by the board of aldermen, shall appoint a
successor to any such office. In making or approving such appointments
and in filling vacancies, the mayor and board of aldermen shall give preference
to residents of the municipality if all other considerations are equal.

* * *

D. The term of the clerk, tax collector, nonelected chief of police, street
commissioner, municipal attorney, and court magistrate shall end at the
time of the first regular meeting of the board of aldermen succeeding each
elected at a regular municipal election.

Approved by the Governor, June 5, 2015.
A true copy:
Tom Schedler
Secretary of State  

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ACT No. 79
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HOUSE BILL NO. 476
BY REPRESENTATIVE LOPINTO

AN ACT
To amend and reenact R.S. 13:5401(B)(1)(a), (3)(a), and (7)(c) and (C)(1) and to
enact R.S. 13:5401(B)(3)(c) and (7)(d) and (e) and (C)(9), relative to reentry
courts; to provide for the payment of costs associated with reentry court;
to provide for sentencing options for violations of reentry probation; to
provide with respect to eligibility for participation in reentry court
programs; to provide for penalties for failure to complete reentry probation
successfully; to provide for the definition of a technical violation; to
authorize the creation of a reentry division of the Twenty-Fifth Judicial
District Court; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5401(B)(1)(a), (3)(a), and (7)(c) and (C)(1) are hereby
amended and reenacted and R.S. 13:5401(B)(3)(c) and (7)(d) and (e) and (C)(9)
are hereby enacted to read as follows:
§5401. District courts; reentry courts; subject matter
* * *
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
devolution 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
provided for in R.S. 15:11997(A) and (C).

* As it appears in the enrolled bill

THE ADVOCATE
PAGE 26
In offering a defendant the opportunity to request the program, the court shall advise the defendant of the following: 
(a) If the defendant is eligible to participate in the workforce development sentencing program, the defendant shall waive the right to a trial. The defendant shall enter a plea of guilty to the charge, with the stipulation that the defendant shall be sentenced to custody of the Department of Public Safety and Corrections to complete a term of the Offender Rehabilitation and Workforce Development Program and after successful completion of that program, the court may petition the court to place the defendant on intensive reentry supervision by the court suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court.

(c) A defendant who is placed under the supervision of the reentry division of court shall pay the cost of any assessments, substance abuse tests, and treatment programs to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources, as determined by the reentry division of court.

(c) If the defendant successfully completes the Offender Rehabilitation and Workforce Development Program and successfully completes all other requirements of the workforce development sentencing program, the court may petition the court to place the defendant on intensive reentry supervision by the court suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court.

(d) If the defendant violates any condition of his reentry probation, the court may revoke the probation and order the defendant to serve the sentence previously imposed and suspended. If the court revokes the probation and orders the defendant to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive supervision program pursuant to R.S. 15:574.4.4, or the court may impose a sentence of not more than ninety days without diminution of sentence or credit for time served prior to the revocation for any technical violation, or the court may impose any sanction provided by Code of Criminal Procedure Article 900, and extend probation and order the defendant to comply with the conditions of probation that program, the defendant shall be sentenced to custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive supervision program pursuant to R.S. 15:574.4.4, or the court may impose a sentence of not more than ninety days without diminution of sentence or credit for time served prior to the revocation for any technical violation, or the court may impose any sanction provided by Code of Criminal Procedure Article 900, and extend probation and order the defendant to comply with the conditions of probation.

(d) Upon completion of the imposed sentence for the technical violation, the defendant shall be released from custody or be placed on intensive reentry supervision by the court. The term of the revocation for a technical violation shall begin on the date the court orders the revocation.

(d) A “technical violation”, as used in this Paragraph, means any violation except it shall not include any of the following: 
(i) Being arrested, charged, or convicted of any of the following: 
(aa) A felony.
(bb) Any intentional misdemeanor directly affecting the person, including but not limited to domestic abuse battery.
(ii) Being in possession of a firearm or other prohibited weapon.
(iii) Absconding from the jurisdiction of the court.

C. The following district courts may assign certain divisions of the court as a reentry division of court in accordance with the provisions of this Section:

(1) The Criminal District Court for the parish of Orleans or the Forty-First Judicial District Court.

(9) The Twenty-Fifth Judicial District Court.

Approved by the Governor, June 5, 2015.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 80

HOUSE BILL NO. 609

BY REPRESENTATIVE ROBERT JOHNSON

AN ACT

To amend and reenact Chapter 1 of Title XIII of the Louisiana Children’s Code, formerly comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1 through 1309.3, and R.S. 46:2263.3(I), relative to family support enforcement; to provide for a revision of the Uniform Interstate Family Support Act; to provide with respect to procedures for the registration, recognition, enforcement, and cooperation in allocation of family support orders; to extend applicability to foreign countries; to provide for jurisdiction; to provide procedures applicable to initiating and responding tribunals; to provide for the duties of the Department of Children and Family Services; to provide definitions; to provide with respect to income withholding to enforce a child support obligation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1 of Title XIII of the Louisiana Children’s Code, formerly comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1 through 1309.3, is hereby amended and reenacted to read as follows:

TITLE XIII

SUPPORT OF FAMILY

CHAPTER 1. UNIFORM INTERSTATE FAMILY

SUPPORT ACT

Section 1. General Provisions

Art. 1301. Short title

This Chapter may be cited as the “Uniform Interstate Family Support Act”.

Art. 1301.2. Uniformity of application and construction

The provisions of this Chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

Art. 1301.3. Definitions

In this Chapter:

(1) “Act” means the Uniform Interstate Family Support Act.

(2) “Child” means an individual, whether over or under the age of majority, who is or who is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(3) “Child support order” means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.


(5) “Duty of support” means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unenforced obligation to provide support.

(6) “Foreign country” means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and, 

(7) “Issuing foreign country” means the foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(8) “Income” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(9) “Income-withholding order” means an order or other legal process directed to an obligor’s employer or other debtor, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

(10) “Initiating state” means a state from which a proceeding is forwarded and in which a proceeding is filed for forwarding to a responding state under this Chapter or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(11) “Initiating tribunal” means the authorized tribunal in an initiating state, tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(12) “Issuing foreign country” means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(13) “Issuing state” means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

(14) “Issuing tribunal” means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

(15) “Law” includes decisional and statutory law and rules and regulations having the force of law.

(16) “Obligee” means any of the following: 
(a) An individual to whom a duty of support is owed or is alleged to be owed or in whose favor a support order has been issued or a judgment determining
parentage has been rendered or a judgment determining parentage of a child has been issued;

(2) the foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support;

(c) an individual seeking a judgment determining parentage of the individual’s child;

(d) a person that is a creditor in a proceeding under Section 7.

(17) “Obligor” means an individual or the estate of a decedent who

(18) is alleged, but has not been adjudicated to be a parent of a child;

(19) is liable under a support order;

(20) is a debtor in a proceeding under Section 7.

(18) “Outside this state” means a location in another state or a country other than the State of Texas, whether or not the country is a foreign country.

(19) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) “Proceeding” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(21) “Register” means to record or file in a tribunal of this state a support order or judgment determining parentage of an individual in a proceeding before a tribunal in another state or in a foreign country.

(22) “Registering tribunal” means a tribunal in which a support order or judgment determining parentage of a child is registered.

(23) “Registry of foreign support orders” means any place where a clerk of court records all support orders rendered in another state and enforced within this state.

(24) “Responding state” means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from another state.

(25) “Retroactive support” means a judgment determining parentage of a child that has been rendered on the basis of comity.

(26) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term “state” includes both of the following: an Indian nation or tribe.

(a) An Indian tribe.

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act petition or comparable pleading for support or to determine parentage of a child is filed in another state or foreign country.

(27) “Support enforcement agency” means a public official or an agency, governmental entity, or private agency authorized to seek any of the following:

(a) Enforcement. Seek enforcement of support orders or laws relating to the duty of support;

(b) Establishment. Seek establishment or modification of child support;

(c) Determination. Request determination of parentage of a child;

(d) Request determination of the controlling child support order;

(e) “Support order” means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse in support of that child, or the payment of child support, or reimbursement for financial assistance provided to an individual obligee in place of child support, and the term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney fees, or other relief.

(f) “Tribunal” means a court, administrative agency, or quasi judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. However, with respect to the establishment, enforcement, or modification of support orders or the determination of parentage of an individual in the State of Louisiana, a “tribunal” is limited to a state court of competent jurisdiction.

Art. 1301.4. Remedies cumulative

A. Remedies provided by this Chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

B. This Chapter does not:

(1) Provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(2) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this Chapter.

Art. 1301.5. Application of Chapter to resident of foreign country and foreign support proceeding

A. A tribunal of this state shall apply Sections 1 through 6 and, as applicable, Section 7, to a support proceeding involving:

(1) A foreign support order;

(2) A foreign tribunal; or

(3) An individual seeking a judgment determining parentage of a child residing in a foreign country.

B. A tribunal of this state that is recognized to be a support order on the basis of comity may apply the procedural and substantive provisions of Sections 1 through 6.

C. Section 7 applies only to a support proceeding under the Convention.

In such a proceeding under the Convention, a proceeding under Section 7 is inconsistent with Section 1 through 6, Section 7 controls.

Section 2. Jurisdiction

Art. 1302.1. Basis for jurisdiction over nonresident

A. In a proceeding to establish, modify, or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual; or the individual’s guardian, curator or tutor, in any of the following situations if:

(1) The individual is personally served with citation, summons, or notice within this state;

(2) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive pleading challenging the exercise of jurisdiction without waiving any exception to personal jurisdiction;

(3) The individual resided in the child’s state;

(4) The individual resided in this state and provided prenatal expenses or support for the child;

(5) The individual resided in this state as a result of the acts or directives of the individual;

(6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(7) The individual asserted parentage of a child in the putative father registry maintained in this state by the Department of Health and Hospitals, office of public health; or

(8) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

B. The basis for personal jurisdiction set forth in Paragraph A or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a support order of another state unless the requirements of Article 1306.11 are met; or, in the case of a foreign state, unless the requirements of Article 1306.15 are met.

Art. 1302.2. Procedure when exercising jurisdiction over nonresident

A. A tribunal exercising jurisdiction over a nonresident under Article 1302.1 (basis for jurisdiction over nonresident) may apply Article 1302.3 (special rules of evidence and procedure)."
(2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and.
(3) If relevant, this state is the home state of the child.

B. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state or a foreign country if all of the following exist:
(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.
(2) The contesting party timely challenges the exercise of jurisdiction in this state; and
(3) If relevant, the other state or foreign country is the home state of the child.

Art. 1302.5. Continuing exclusive jurisdiction to modify child support order

A. A tribunal of this state issuing a support order consistent with the laws of this state has and shall exercise continuing, exclusive jurisdiction over a child support order as follows to modify its support order if the order is the controlling order and:
(1) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued. At the time of the filing of a request for modification, this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
(2) Until all of the parties who are individuals have filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction. Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify the order.
B. A tribunal of this state issuing a support order consistent with the laws of this state may not exercise continuing, exclusive jurisdiction to modify the order if: the order has been modified by a tribunal of another state pursuant to this Chapter or a law substantially similar to this Chapter.

C. If a child support order of this state is modified by a tribunal of another state pursuant to this Chapter or a law substantially similar to this Chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:
(1) Enforce the order that was modified as to amounts accruing before the modification.
(2) Enforce nonmodifiable aspects of that order.

D. Provide other appropriate relief for violations of that order which occur after the modification.

E. A tribunal of another state that has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

F. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this Chapter or a law substantially similar to this Chapter. A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

G. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

H. A tribunal of this state issuing a support order consistent with the laws of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not exercise continuing, exclusive jurisdiction over a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the laws of that state.

Art. 1302.6. Enforcement and modification of support order by tribunal having continuing jurisdiction

Continuing jurisdiction to enforce child support order

A. A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.
(1) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act or
(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

B. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the responding tribunal shall apply the laws of the state under which the tribunal has issued the original order and may serve as a responding tribunal to receive evidence from another state and Article 1302.18 (Assistance with discovery) to obtain discovery through a tribunal of another state.

C. A tribunal of this state which lacks continuing, exclusive jurisdiction over a support order may not serve as a responding tribunal to modify a support order of another state.

Subsection C. Recognition of Multiple Orders

Art. 1302.7. Recognition Determination of controlling child support order

A. If a proceeding is brought under this Chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.
B. If a proceeding is brought under this Chapter, and two or more child support orders have been issued by tribunals of this state, or another state or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and by order shall determine which order controls and must be recognized:
(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this Chapter, the order of that tribunal controls and must be so recognized.
(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this Chapter:
(a) a tribunal in the current home state of the child controls and must be so recognized, or
(b) but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.
C. A tribunal of this state which lacks continuing, exclusive jurisdiction under this Chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

D. If two or more child support orders have been issued for the same obligor and the same child, and if the obligee or the individual obligee resides in the state, a party may request a tribunal of this state to determine which order is the controlling order under this Chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

E. If an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

F. A tribunal having personal jurisdiction over both the obligor and individual obligee issuedby a tribunal in the current home state of the child may determine which order is the controlling order under Subparagraph B(3) shall state in that order:
(1) The basis upon which the tribunal made its determination.
(2) The amount of prospective support, if any; and
(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Article 1303.4

G. Within thirty days after issuance of an order determining the identity of which is the controlling order, the party obtaining the order shall file a certified copy of it with in each tribunal that issued or registered an earlier order.

H. If a party subject to the continuing, exclusive jurisdiction of a tribunal in this state obtains the order and fails to file a certified copy, the party is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

I. An order that has been determined to be the controlling order, or a judgment for consolidated arrears and accrued interest, if any, made pursuant to Article 1302.3 must be recognized in proceedings under this Chapter.

Art. 1302.8. Multiple Orders
Child support orders for two or more obligees

In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this
If communication in a record from the respondent, the petition and its notice in a record from an initiating, responding, information agency of the responding state with a request that the this state shall:

A. schedule a hearing ordered by the tribunal and enter the order of contempt and bench warrant.

B. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

(1) Establish or enforce a support order, modify a support order, determine the controlling child support order, or render a judgment to determine parentage of a child;

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) Order income withholding;

(4) Determine the amount of any arrearages and specify a method of payment;

(5) Enforce orders by civil or criminal contempt, or both;

(6) Set aside property for satisfaction of the support order;

(7) Place liens and order execution on the obligor's property;

(8) Require the obligor to provide the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) Issue a bench warrant or an order of contempt or a bench warrant, or both, against a person who has failed after notice to appear at a hearing ordered by the tribunal and enter the order of contempt and bench warrant in any local and state computer systems for criminal warrants;

(10) Order the obligor to seek appropriate employment by specified methods;

(11) Award reasonable attorney fees and other fees and costs; and

(12) Grant any other available remedy.

A. A tribunal of this state issuing a spousal support order consistent with the law of the state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

B. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

C. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order issued by a tribunal of another state or a foreign country, shall:

(1) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(2) A responding tribunal to enforce or modify its own spousal support order.

Section 3. Civil Provisions of General Application

Art. 1303.1. Proceedings under Chapter

A. Except as otherwise provided by this Chapter, this Section applies to all proceedings under this Chapter:

B. This Chapter provides for the following proceedings:

(1) Establishment of an order for spousal support or child support pursuant to Section 4 of this Chapter;

(2) Enforcement of a support order and income withholding order of another state or foreign country pursuant to Section 6 of this Chapter;

(3) Registration of an order for child support or child support of another state for enforcement pursuant to Section 7 of this Chapter;

(4) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Subsection B of Section 24 of this Chapter;

(5) Determination of parentage pursuant to Section 7 of this Chapter;

(6) Determination of jurisdiction over nonresidents pursuant to Subsection A of Section 7 of this Chapter;

A. An individual petitioner or a support enforcement agency may commence a proceeding authorized under this Chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal.

B. A responding tribunal of this state shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state to obtain jurisdiction over the respondent.

C. A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this Chapter, a responding tribunal of this state shall:

(1) Provide services to a petitioner residing in the state;

(2) Provide services to a petitioner requesting services through a central authority of a foreign country as described in Article 1303.2(C)(Proceeding under this Chapter)

D. A responding tribunal of this state may not condition the payment of a support order issued under this Chapter upon compliance by a party with provisions for visitation.

E. If a responding tribunal of this state issues an order under this Chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

F. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Art. 1303.6. Inappropriate tribunal

If a petition or comparable pleading is not served on the tribunal of this state or another state, the calculations on which the support order is based.

Art. 1303.7. Duties of the support enforcement agency

A. A support enforcement agency of this state, upon request, shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state, or another state, or a foreign country to obtain jurisdiction over the respondent;

(2) Request an appropriate tribunal to set a date, time, and place for a hearing;

(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent, send a copy of the notice to the petitioner and the tribunal of this state.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strikes through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
or the respondent's attorney, send a copy of the communication to the petitioner; and
(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.
C. A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to:
(1) To ensure that the order to be registered is the controlling order; or
(2) If two or more support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.
D. A support enforcement agency of this state that requests registration and an obligee proves, an obligor resides, or income stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.
F. The cost of the records, duplication of this state shall issue or request a tribunal of this state to issue a child support order and an income-withholding order that direct payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Article 1303.10.
G. If this chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.
Art. 1303.8. Duty of attorney general
A. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this Chapter or may provide those services directly to the individual.
B. If the attorney general determines that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.
Art. 1303.9. Private counsel
An individual may employ private counsel to represent the individual in proceedings authorized by this Chapter.
Art. 1303.10. Duties of the Department of Children and Family Services; state information agency
A. The Department of Children and Family Services is the state information agency under this Chapter.
B. The state information agency shall:
(1) Compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this Chapter and any support enforcement agencies in this state, and transmit a copy of the state information agency of every other state;
(2) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;
(3) Forward to the appropriate tribunal in the place in this state in which the obligee who is an individual obligee or the obligee resides, or where in which the obligee's property is believed to be located, all documents concerning a proceeding under this Chapter received from an initiating tribunal or the state information agency of the initiating state; another state to which a proceeding has been referred for enforcement;
(4) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and other reasonable means, not prohibited by other law, those relating to real property, vital statistics, laws, enforcement, taxation, motor vehicles, drivers' licenses, and social security.
Art. 1303.11. Pleadings and accompanying documents
A. A pleading seeking to establish or modify a support order or to determine parentage in a proceeding under this Chapter must verify the petition. In a proceeding under this Chapter, a petition or seeking to establish or modify a support order or to determine parentage in a proceeding under this Chapter must verify the petition.
B. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.
Art. 1303.12. NonDisclosure of information in exceptional circumstances
Upon a showing, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides,

THE ADVOCATE
* As it appears in the enrolled bill
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PAGE 31
other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in that tribunal. 

A tribunal of this state may furnish similar information by similar means to a tribunal of another outside this state.

Art. 1303.18. Assistance with discovery

A tribunal of this state may do all of the following:
(1) Request a tribunal of another outside this state to assist in obtaining discovery; and
(2) On request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another outside this state.

Art. 1303.19. Receipt and disbursement of payments

A. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the agency or tribunal. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the current obligor or employer for the amounts and dates of all payments received.

B. If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall:
(1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and
(2) Issue and send to the obligor’s employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

C. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to Paragraph B of this Article shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Section 4. Establishment of Support Order or Determination of Parentage

Art. 1304.1. Petition to establish establishment of parentage

A. If a support order entitled to recognition under this Chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if either:
(1) The individual seeking the order resides in another outside this state; or
(2) The support enforcement agency seeking the order is located in another outside this state.

B. The tribunal may issue a temporary child support order in the event of any of the following:
(1) The respondent has a verified statement acknowledging paternity.
(2) The respondent has signed a verified statement acknowledging paternity.
(3) The amount of periodic payments of current child support is specified.
(4) The amount of periodic payments of current child support is specified.
(5) The amount of periodic payments of current child support is specified.

C. Except as otherwise provided in Paragraph D of this Article hereof and Article 1305.3, Compliance Employer's compliance with multiple or more income-withholding orders

If the obligor's employer receives multiple or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priority of the withholding and allocating income withheld for multiple or more child support obligees.

Art. 1305.4. Immunity from civil liability

An employer who complies with an income-withholding order issued in another state in accordance with this Section is not subject to civil liability to any individual or agency with regard to the employer's withholding of child support from the obligor's income.

Art. 1305.5. Penalties for noncompliance

An employer who willfully fails to comply with an income-withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Art. 1305.6. Contest by obligor

A party who has a legal interest in the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in accordance with Section 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. Article 1306.2. Choice of law applies to the contest.

B. The obligor shall give notice of the contest to all of the following:
(1) A support enforcement agency providing services to the obligee;
(2) Each employer that has directly received an income-withholding order.

C. The person or agency designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee.

Art. 1305.7. Administrative enforcement of orders

A. A party or support enforcement agency seeking to enforce a support order issued in another state in this manner shall file a petition with a tribunal of this state:
(1) A letter of transmittal to the tribunal requesting registration and enforcement;
(2) Two copies, including one certified copy, of all orders the order to be registered, including any modification of the order;
(A) A sworn statement by the party seeking registration registration or a certified statement by the custodian of the records showing the amount of any arrearages.
(B) The name of the obligor and, if known:
   (i) The obligor’s address and social security number;
   (ii) The name and address of the obligor’s employer and any other source of income of the obligor; and
   (iii) A description and location of property of the obligor in this state not exempt from execution.
(C) If two or more orders are in effect, the person requesting registration shall:
   (1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this Section;
   (2) Specify the order alleged to be the controlling order, if any; and
   (3) Specify the amount of consolidated arrears, if any.
(D) If a request for registration is filed within twenty days after notice unless the registered order is under Article 1307.7.
(E) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Art. 1306.3. Effect of registration for enforcement
A. A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of another state or a foreign country.
B. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.
C. Except as otherwise provided in this Section, a tribunal of this state shall recognize and enforce a registered support order if the issuing tribunal had jurisdiction.

Art. 1306.4. Choice of law
A. Except as otherwise provided in Paragraph D, the law of the issuing state or foreign country governs:
   (1) The nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order under a registered support order;
   (2) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and
   (3) The existence and satisfaction of other obligations under the support order.
B. In a proceeding for arrearages under a registered support order, the law of the issuing state or of the issuing state or foreign country, whichever is longer, applies.
C. A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.
D. After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

Subsection B. Contest of Validity or Enforcement
Art. 1306.5. Notice of registration of order
A. When a support order or income-withholding order issued in another state is registered, the registering tribunal of this state shall notify the nonregistering party of the registration of the order. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
B. The notice must inform the nonregistering party of all of the following:
   (1) That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;
   (2) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after notice unless the registered order is under Article 1307.7;
   (3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order;
   (4) Of the amount of any alleged arrearages.
C. If the registering tribunal does not issue a notice, a notice must also:
   (1) Identify the two or more orders and the order alleged by the registering tribunal to be the controlling order and the consolidated arrears, if any;
   (2) Notify the nonregistering party of the right to a determination of which is the controlling order;
   (3) State that the procedures provided in Paragraph B apply to the determination of which is the controlling order; and
   (4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.
D. Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor’s employer pursuant to the income-withholding law of this state.

Art. 1306.6. Procedure to contest validity or enforcement of registered support order
A. A nonregistering party seeking to contest the validity or enforcement of a registered support order may petition a tribunal of this state to modify a child support order issued in another state or a foreign country governed by Paragraph A of this Article.
B. If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.
C. A contesting party may request a hearing to contest the validity or enforcement of the registered support order.
D. If a nonregistering party seeks a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Art. 1306.7. Contest of registration or enforcement
A. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
   (1) The issuing tribunal lacked personal jurisdiction over the contesting party.
   (2) The order was obtained by fraud.
   (3) The order has been vacated, suspended, or modified by a later order.
   (4) The issuing tribunal had stayed the order pending appeal.
   (5) There is a defense under the law of this state to the remedy sought.
   (6) Full or partial payment has been made.
   (7) The prescriptive period statute of limitation under Article 1306.4 (Choice of law) precludes enforcement of some or all of the arrearages.
B. The alleged controlling order is not the controlling order.
C. If a nonregistering party requests a determination of which is the controlling order, the tribunal may proceed to determine which order is controlling and the consolidated arrears, if any.

Art. 1306.8. Confirmed order
A. A registered support order is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state when individual parties reside in this state. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Subsection C. Registration and Modification of Child Support Order of Another State
Art. 1306.9. Procedure to register child support order of another state for enforcement
A. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in Subsection A of this Section. Articles 1306.1 through 1306.8 if the order has not been registered.
B. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.
C. If a nonregistering party requests a hearing to contest the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

Art. 1306.10. Effect of registration for modification
A. After a child support order issued in another state has been registered in this state, the registering tribunal shall notify the nonregistering party of the registration of the child support order.
B. If a party presents evidence establishing a full or partial defense under Paragraph A of this Article, a tribunal may stay enforcement of the registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders.

Art. 1306.11. Modification of child support order of another state
A. An uncontroverted portion of the registered support order may be modified by a tribunal of this state when individual parties reside in this state. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if Article 1306.13 have been met.

C. If a nonregistering party requests a hearing to contest the validity or enforcement of a registered support order issued in another state which is registered in this state if, after notice and hearing, the registration is denied.

(1) All of the following requirements are met:
   (a) Neither the child, nor the individual obliged, nor the obligor do not reside in the issuing state.
   (b) A petitioner who is a nonresident of this state seeks modification.
(c) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(3) The child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed a written consent in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

B. In a proceeding to modify a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under the provisions of Article 1302.7(a) of this Chapter, this Article, and Family and Family Services, of this state shall:

1. Review and modify the child support order.
2. Enforce the order that was modified only as to amounts accruing before the modification.
3. Provide other appropriate relief.

ART. 1306.13 Jurisdiction to modify child support order of another state

A. An order issued by a tribunal of this state modifying a foreign child support order may not be reviewed and modified by a foreign tribunal unless:

1. One party resides in another state; and
2. The other party resides outside the United States.

B. In a proceeding to determine parentage, a responding tribunal of this state shall:

1. Recognize or recognize and enforce a foreign support order; and
2. May provide appropriate relief only for violations of that order which occurred before the effective date of the modification.

(2) Enforcement of a support order otherwise required of the individual pursuant to Article 1306.11 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

B. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Art. 1306.16 Procedure to register child support order of a foreign country for modification

A. An order issued by a tribunal of this state modifying a foreign child support order otherwise required of the individual pursuant to Article 1306.11 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

B. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Section 7 Determination of Parentage Support Proceedings Under Convention

Art. 1307.1 Proceeding to determine parentage Definitions

A. In a proceeding to modify a support order issued in another state, a tribunal of this state may take the functions provided for in Articles 1306.1 through 1306.8 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

(1) “Application” means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) “Central authority” means the entity designated by the United States or a foreign country to receive and deliver documents under the Convention.

(3) “Convention support order” means a support order of a tribunal of a foreign country described in Article 1301.2(5)(d) to perform the functions specified in the Convention.

(4) “Convention support order” means a support order of a foreign country described in Article 1301.2(5)(d) to perform the functions specified in the Convention.

(5) “Foreign central authority” means the entity designated by a foreign country described in Article 1301.2(5)(d) to perform the functions specified in the Convention.

(6) “Foreign support agreement”: (a) A judgment (b) An enforceable as a support order in the country of origin.

(7) “United States central authority” means the Secretary of the United States Department of Health and Human Services.

Art. 1307.2 Applicability

This Section applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this Section is inconsistent with Sections 1 through 6, this Section controls.

ART. 1307.3 Jurisdiction the Department of Children and Family Services to United States central authority

The Department of Children and Family Services of this state is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

Art. 1307.4 Initiation by the Department of Children and Family Services of support proceeding under convention

A. In a support proceeding under this Section, the Department of Children and Family Services of this state shall:

1. Provide notice, to the person seeking enforcement, of this bill.
2. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

B. The following support proceedings are available to an obligee under the Convention:

1. Recognition or recognition and enforcement of a foreign support order;
2. Enforcement of a support order issued or recognized in this state;
3. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;
4. Enforcement of a support order of a foreign support agreement.

C. The following support proceedings are available under the Convention to an obligee against which there is an existing support order:

1. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state; and
2. Modification of a support order of a tribunal of this state; and
A. Except as otherwise provided in Paragraph B of this Article, a tribunal of this state shall recognize and enforce a registered Convention support order.

B. The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered Convention support order:

(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(2) The issuing tribunal lacked personal jurisdiction consistent with Article 1302.1;

(3) The order is not enforceable in the issuing country;

(4) The order was obtained by fraud in connection with a matter of procedure;

(5) A record transmitted in accordance with Article 1307.6 lacks authenticity or integrity;

(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;

(7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this Chapter in this state;

(8) Payment, to the extent alleged arrears have been paid in whole or in part;

(9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(a) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard or to appeal on fact or law before a tribunal;

(b) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(10) The order was made in violation of Article 1307.11.

C. If a tribunal of this state does not recognize a Convention support order under Subparagraph B(2), (4), or (9) of this Article:

(1) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order and

(2) The Department of Children and Family Services shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under Article 1307.4.

Art. 1307.9. Partial enforcement

If a tribunal of this state does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

Art. 1307.10. Foreign support agreement

A. Except as otherwise provided in Paragraphs C and D of this Article, a tribunal of this state shall recognize and enforce a foreign support agreement.

B. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

(1) A complete text of the foreign support agreement; and

(2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

C. A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement of the agreement would be manifestly incompatible with public policy.

D. In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds:

(1) Recognition and enforcement of the agreement is manifestly incompatible with public policy;

(2) The agreement was obtained by fraud or falsification;

(3) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this Chapter in this state or

(4) The record submitted under Paragraph B of this Article lacks authenticity or integrity.

E. A proceeding for recognition and enforcement of a foreign support agreement shall be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Art. 1307.11. Modification of convention child support order

A. A tribunal of this state may modify a Convention child support order if the obligee resides in a foreign country where the support order was issued unless:

(1) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or
Section 8. Interstate Rendition

A. For purposes of this Section, “governor” includes an individual performing the functions of governor or the executive authority of a state covered by this Chapter.

B. The governor of this state may either:

(1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

C. A provision for extradition of individuals not inconsistent with this Chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Art. 1308. Conditions of rendition

A. Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this Chapter or that the proceeding would be of no avail.

B. If, under this Chapter or a law substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in this state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

C. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.


Art. 1309.1 Uniformity of application and construction

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it to the extent that such provisions are not prohibited by the Louisiana Constitution.

Art. 1309.2 Transitional provision

This Chapter applies to proceedings begun on or after the effective date of this Chapter to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

Art. 1309.3 Severability

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

Section 2. R.S. 46:236.3(1) is hereby amended and reenacted to read as follows:

§236.3. Enforcement of support by income assignment

(1) The notice to withhold shall operate as an assignment and shall be binding, fourteen days after mailing or other transmission, or from the department by administrative order of income assignment, upon any existing or future employers or payors of income of the person ordered to pay support.

(2) Notwithstanding any provision of this Section, a payor may choose to receive notices to withhold in an electronic format from the department in accordance with the provisions of 42 U.S.C. 654A(d)(1)(A).

Section 3. Prior to October 1, 2015, the Department of Children and Family Services shall take action necessary to implement Section 2 of this Act on October 1, 2015, including promulgation of necessary rules in accordance with the Administrative Procedure Act.

Section 4(A) Section 1 of this Act shall become effective on July 1, 2015; if vetoed by the governor and subsequently approved by the legislature, Section 1 of this Act shall become effective on the day following such approval by the legislature.

B. Section 2 of this Act shall become effective on October 1, 2015.

Section 3 of this Act and this Section 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 of 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, Section 3 of this Act and this Section shall become effective on the day following such approval.

Approved by the Governor, June 4, 2015.

A true copy:

Tom Schuler
Secretary of State

ACT No. 81

HOUSE BILL NO. 611
BY REPRESENTATIVE PYLANT
AN ACT

To enact R.S. 37:1431(34) and 1448.3, relative to certain real estate contracts; to define a net listing agreement; to prohibit net listing agreements between real estate brokers and sellers with respect to sales of certain real estate property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1431(34) and 1448.3 are hereby enacted to read as follows:

§1431. Definitions

§1448.3. Net listing agreements

A true copy:

Tom Schuler
Secretary of State

ACT No. 82

HOUSE BILL NO. 656
BY REPRESENTATIVE HARRISON
AN ACT

To amend and reenact R.S. 33:1406.2(A)(3) and (4), relative to state planning and development districts; to move St. Mary Parish to a new district; and to provide for related matters.

Be it enacted by the governor in Executive Order No. 27 of 1973 as described in R.S. 37:1431(34), for the sale of residential real estate property or any land as defined in R.S. 47:2302.

Approved by the Governor, June 5, 2015.

A true copy:

Tom Schuler
Secretary of State

ACT No. 83

HOUSE BILL NO. 666
BY REPRESENTATIVE REYNOLDS
AN ACT

To amend and reenact R.S. 6:213(C), 298(D) and (E), 705(C)(2), 786(D), and 1191(C) and to enact R.S. 6:213(C), relative to banking regulations; to provide relative to articles of incorporation; to allow and restrict authorizing reversion of ownership interests; to allow and restrict limited liability; and to provide for related matters.

Be it enacted by the Governor of Louisiana:
Section 1. R.S. 6:213(B), 291(D) and (E), 705(C)(2), 786(D), and 1191(C) are hereby amended and reenacted and R.S. 6:213(C) is hereby enacted to read as follows:

§213. Articles of incorporation, filing, form, content; letter of acceptance for filing

B.(1) Notwithstanding the provisions of R.S. 6:291, the articles of incorporation may contain other provisions for the regulation of the business and the conduct of the affairs of the state bank including any provision authorized by R.S. 12:24(C)(3) or (4) in Paragraphs (2) or (3) of this Subsection, but they shall not contain any provision which is in derogation of the provisions of this law or violates any other provision of the laws of this state or of the laws of the United States.

(2) Notwithstanding any other law to the contrary, particularly but not exclusively R.S. 12:91, the provisions of this Section shall be the sole and exclusive law governing the relation and liability of directors and officers to their bank or holding company or to the shareholders thereof or to any other person or entity, except that the provisions of R.S. 12:90 R.S. 12:83 shall remain applicable to directors and officers of bank holding companies.

§786. Relation and liability of directors and officers

D. The provisions of this Section shall not affect the right of incorporators or shareholders of financial institutions to include in articles of incorporation provisions as authorized by R.S. 12:24(C)(4) or R.S. 6:213(B)(3).

$1191. Relation and liability of directors and officers

C. The provisions of this Section shall not affect the right of incorporators or shareholders of savings banks to include in articles of incorporation provisions as authorized by R.S. 12:24(C)(4) or R.S. 6:213(B)(3).

Approved by the Governor, June 5, 2015.

A true and correct copy of the bill was introduced and read in Senate Bill No. 697

Tom Schelder
Secretary of State

ACT No. 84

* * * *

By Representative Abramson

To amend and reenact Code of Civil Procedure Articles 2636(8) and 2637(F) and R.S. 13:3733.1(A)(introductory paragraph), (2), (4), (C), and (E) and to enact Code of Civil Procedure Article 2636(9) and R.S. 13:3733.1(A)(5) and (6), (L), and 3733.2, relative to electronic obligations records and electronic signatures; to deem financial institution records and promissory notes containing electronic signatures to be authentic evidence; to provide for electronic signatures regarding evidence which need not be authentic; to provide for definitions; to modify the certificate required to deem reproductions as authentic evidence; to provide for the transmittability of rights, authority, and protections relative to the use of reproductions; to provide for obligations records containing electronic signatures; to allow for a presumption of authenticity; to provide for a certification form; to exempt collateral mortgage notes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 2636(8) and 2637(F) are hereby amended and reenacted and Code of Civil Procedure Article 2636(9) is hereby enacted to read as follows:

Art. 2636. Authentic evidence

The following documentary evidence shall be deemed to be authentic for purposes of exécutory process:

(9) All other documentary evidence recognized by law as authentic evidence, including R.S. 9:5555, R.S. 10:9-629, and R.S. 13:3733.1 and 3733.2.

(9) A promissory note or other evidence of indebtedness evidencing the obligation secured by the mortgage, security agreement or privilege, containing an electronic signature in accordance with the Uniform Electronic Transactions Act, R.S. 9:2601 et seq., and accompanied by a certification in accordance with R.S. 13:3733.2.

Art. 2637. Evidence which need not be authentic

F. Evidence as to the proper party entitled to enforce the obligation secured by a mortgage, security agreement or privilege, containing an electronic signature that are electronically signed, evidencing the obligation of which a copy or reproduction is submitted in accordance with Article 2636(9) or Paragraph C of this Article, may be proved by verified original or supplemental petition, or by an affidavit submitted therewith.

Section 2. R.S. 13:3733.1(A)(introductory paragraph), (2), and (4), (C), and (E) are hereby amended and reenacted and R.S. 13:3733.1(A)(5) and (6), (L), and 3733.2 are hereby enacted to read as follows:

§3733.1. Financial institution records; reproductions; recordkeeping; admissibility into evidence; definitions

A. As used in this Section and in R.S. 13:3733.2, the following terms shall have the following meanings:

(2) “Record” means any writing, entry, print, instrument, or document evidencing any transaction or event, including but not limited to books of account, vouchers, documents, agreements, contracts, security agreements, other collateral security documents, checks, and correspondence. The term also includes information that is stored in electronic or other medium and is retrievable in perceivable form.

(4) “Reproduction” means a counterpart, duplicate, or copy, or a durable medium for making a counterpart, duplicate, or copy, produced from the same impression as the original, or from the same matrix, or produced or created by any photographic, photostatic, microfilm, reproduction, or miniature or microphotographic process, or by any mechanical or electronic recording or re-recording, electronic or optical imaging, chemical process or other process or technique which accurately reproduces the original or forms or creates a durable medium for so reproducing the original,
including but not limited to computer and other printouts, and counterparts, duplicates, copies, and other output generated or produced by or from an electronic imaging system such as counterparts, duplicates, or copies produced or obtained from optical disks. A reproduction shall also mean a substitute check as defined under the federal Check Clearing for the 21st Century Act and Regulation CC, 12 CFR 229.2(aaa). The term also includes the reproduction of a record containing an electronic signature.

(6) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

C. Notwithstanding any other statute, rule of law, regulation, ordinance, or other provision to the contrary, except Subsection G of this Section, each reproduction of a record made pursuant to this Section shall be considered to be an original of such record for all purposes and shall be admissible into evidence to the same extent as the original record itself in any judicial, administrative, and other proceedings in all courts, tribunals, and other bodies and in any proceedings before all boards, bureaus, departments, commissions, and agencies of this state, whether the original record is in existence or not, and shall be received in evidence as prima facie proof of its contents with the same force and effect as though the original document were produced, and shall be deemed authentic evidence authentic for all purposes, satisfying the requirements of Code of Evidence Articles 901 and 902. The introduction of a reproduction does not preclude introduction of purposes, satisfying the requirements of Code of Evidence Articles 901 and 902. The introduction of a reproduction does not preclude introduction of

E. Whenever any counterpart, duplicate, copy or group of counterparts, duplicates, or copies shall be certified with a certificate reading substantially as follows, each such counterpart, duplicate, or copy shall be a reproduction as defined in this Section and shall be admissible into evidence as the original record. Except as prohibited in Subsection G of this Section, if the original record would be deemed to be authentic evidence, the reproduction, so certified, shall also be deemed authentic evidence for all purposes including but not limited to for purposes of Code of Civil Procedure Articles 2631 et seq.

STATE OF _______________
PARISH/COUNTY OF _______________

I, ______________________, a representative of ______________________
(the Financial Institution or assignee) do hereby certify the following:

(a) The document(s) attached to this certificate, consisting of ___ page(s) is (are each) a true and correct reproduction of the original thereof, being a reproduction made from the records maintained by the Financial Institution or assignee in the course of its business activities and made in accordance with the provisions of R.S. 13:3733.1.

(b) If the document(s) attached to this certificate is (are each) an obligation sought to be enforced, including a promissory note, the Financial Institution or assignee does certify that the Financial Institution or assignee is entitled to enforce the obligation(s) evidenced by the document(s) attached to this certificate.

STATE OF _______________
PARISH/COUNTY OF _______________

I, ______________________, a representative of ______________________

A true copy:

(As it appears in the enrolled bill)

B. A record containing an electronic signature or a reproduction of a record containing an electronic signature is presumed to be genuine if accompanied by a certification, executed by a representative of a financial institution or its assignee, substantially as follows:

STATE OF _______________
PARISH/COUNTY OF _______________

I, ______________________, a representative of ______________________

(As it appears in the enrolled bill)

ACT No. 85

BY REPRESENTATIVES BILLIOT, ARMES, BOUIE, COX, GISCLAIR, HILL, HONORE, HEBOWD, JONES, NANCY LANDRY, TERRY LANDRY, MONTOUCET, MORENO, NORTON, ORTEGO, PRICE, PUGH, PLYANT, SMITH, ST. GERMAIN, AND WOODRUFF

AN ACT

To amend and reenact R.S. 46:2131, 2132(3) and (4), 2135(A)(introductory paragraph), 2136(A)(introductory paragraph), 2138(A)(introductory paragraph), and 2140(A) and (C)(2)(g) and (3)(b), relative to domestic abuse assistance; to provide relative to non-physical offenses; to provide relative to the issuance of temporary restraining orders; to provide relative to the granting of protective orders; to provide relative to duties of law enforcement officers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2131, 2132(3) and (4), 2135(A)(introductory paragraph), 2136(A)(introductory paragraph), 2138(A)(introductory paragraph), and 2140(A) and (C)(2)(g) and (3)(b) are hereby amended and reenacted to read as follows:

§2131. Purpose.

The purpose of this Part is to recognize and address the complex legal and social problems created by domestic violence. The legislature further finds that previous societal attitudes have been reflected in the policies and practices of law enforcement agencies and prosecutors which have resulted in different treatment of crimes occurring between family members, household members, or dating partners and those occurring between strangers. It is the intent of the legislature to provide a civil remedy for domestic violence which will afford the victim immediate and easily accessible protection. Furthermore, it is the intent of the legislature that the official response of law enforcement agencies to cases of domestic violence shall stress the enforcement of laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated.

§2132. Definitions.

As used in this Part:

(3) “Domestic abuse” includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family member, household member, or dating partner and those occurring between strangers. It is the intent of the legislature to provide a civil remedy for domestic violence which will afford the victim immediate and easily accessible protection. Furthermore, it is the intent of the legislature that the official response of law enforcement agencies to cases of domestic violence shall stress the enforcement of laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated.

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formally living in the same residence with the defendant as a spouse, whether married or not, who is seeking protection under this Part. “Dating partner” means any person protected from violence under R.S. 46:2151 who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.

§2135. Temporary restraining order
A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:

* * *

§2136. Protective orders; content; modification; service
A. The court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2122(5), or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:

* * *

§2140. Law enforcement officers; duties
A. If a law enforcement officer has reason to believe that a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:937, R.S. 46:2161 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1, the officer shall immediately arrest the abusing party.

C. * * *

(2) In determining if one party is the predominant aggressor, the law enforcement officer may consider any other relevant factors, but shall consider the following factors based upon his or her observation:

* * *

(g) The existence of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:937, R.S. 46:2161 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. The officer shall presume that the predominant aggressor is the person against whom the order was issued.

(3)

* * *

(b) If the officer determines that one person was the predominant aggressor in a misdemeanor offense, the officer shall arrest the predominant aggressor. If there is reason to believe that there is impending danger if the predominant aggressor is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:937, R.S. 46:2161 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. The officer shall immediately arrest the predominant aggressor.

Approved by the Governor, June 5, 2015.

A true copy.

Tom Schedler
Secretary of State

ACT No. 86

BY REPRESENTATIVE MONTOUCET

ACT

To enact R.S. 33:423.9, relative to the Crowley police department; to authorize the police chief to appoint, discipline, and discharge police personnel; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:423.9 is hereby enacted to read as follows:

§423.9. City of Crowley; authority over police personnel by chief of police. Notwithstanding the provisions of R.S. 33:423 or any other provision of law to the contrary, in and for the city of Crowley, the chief of police shall appoint, discipline and discharge police personnel subject to the limitations established by the mayor and board of aldermen pertaining to the number of allotted positions for the police department.

Approved by the Governor, June 19, 2015.

A true copy.

Tom Schedler
Secretary of State

ACT No. 87

BY REPRESENTATIVES RICHARD, ARNOLD, BERTHELOT, STUART, BISHOP, BROWN, BURFORD, COX, GAROFALO, GEYMANN, GISCLAIR, HARRIS, HARRISON, HAVARD, HENRY, HENSGENS, HOWARD, HUNTER, HUVAL, JAMES, JEFFERSON, JAY MORRIS, ORTEGO, PEARSON, PIERRE, POPE, PYLAN, SCHENK, RYDER, SCHRODER, TALBOT, WHITNEY, PATRICK WILLIAMS, and WILLSOTT, and SENATOR MILLS

AN ACT

To amend and reenact R.S. 39:82(A) and 352 and to enact Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.146, 1567(E), and Subpart F of Part I of Chapter 16 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1590, relative to professional, personal, and consulting services procurement; to require consideration by the Joint Legislative Committee on the Budget of certain professional, personal, and consulting services procurement; to provide for the submission of periodic reports; to provide for exceptions; to establish the Higher Education Financing Fund; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:82(A) and 352 are hereby amended and reenacted and Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1567(E), and Subpart F of Part I of Chapter 16 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1590, are hereby enacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year.

A. All cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board regardless of date of passage to any state agency for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year.

Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year. Prior to the close of the state fiscal year, and subject to the limitations established by the mayor and board of aldermen pertaining to the number of allotted positions for the police department, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

* * *

SUBPART S - HIGHER EDUCATION FINANCING FUND
$100 146, Higher Education Financing Fund

A. There is hereby established in the state treasury, as a special fund, the Higher Education Financing Fund, hereinafter referred to as the “Fund”. B. (1) The state treasurer is directed to deposit into the Fund an amount equal to cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for contracts not approved by the Joint Legislative Committee on the Budget for professional, personal, and consulting services procurement after the jurisdiction of the office of state procurement available at the end of each fiscal year as are necessary to satisfy the requirements of R.S. 39:1590. The commissioner of administration, in consultation with the state chief procurement officer, shall periodically determine the amount of monies appropriated for professional, personal, and consulting services contracts that will not be expended and placed in the General Revenue Fund as a result of implementation of R.S. 39:1590. Such determinations shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and 2017-2018.

(a) September thirtieth
§352. Cancellation of unexpended portions of appropriations; exceptions.

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the fiscal year for which the specific appropriation was made, after all legal claims against it, if any, have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1666.4 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

§1567. Reporting requirements

E. The state chief procurement officer shall submit a report at the end of each month to the Joint Legislative Committee on the Budget summarizing each contract, including the dollar value of each contract awarded that month over which the office of state procurement has power and authority. The report shall also indicate if each contract is for discretionary purposes or if it is for nondiscretionary purposes.

SUBPART F. APPROVAL OF CERTAIN PROFESSIONAL, PERSONAL, AND CONSULTING SERVICES CONTRACTS FOR FISCAL YEAR 2015-2016 THROUGH FISCAL YEAR 2017-2018

§1590. Approval of Certain Professional, Personal, and Consulting Services Contracts for Fiscal Year 2015-2016 Through Fiscal Year 2017-2018

A. In Fiscal Year 2015-2016 through 2017-2018, the commissioner of administration, in consultation with the state chief procurement officer, shall report each contract for professional, personal, and consulting services with a total dollar amount of forty thousand dollars or more per year that is funded solely with state general fund (direct) or the Overcollections Fund and is for discretionary purposes to the Joint Legislative Committee on the Budget for review and approval prior to the effectiveness of the contract.

(1) If within thirty days of receipt of the contract, the Joint Legislative Committee on the Budget does not place the contract on its agenda for review and approval, the contract shall be deemed to be approved.

(2) If within thirty days of receipt of the contract, the contract is placed on the agenda for review, the Joint Legislative Committee on the Budget may take the following action:

(a) Approve the contract.

(b) Reject the contract and notify the commissioner of administration that such funds otherwise proposed for this purpose shall be deposited into the Higher Education Financing Fund as provided in R.S. 39:100.146.

(c) Recommend revisions to the contract. If the Joint Legislative Committee on the Budget recommends revisions to the contract, the contract shall not become effective until it is revised, resubmitted to the Joint Legislative Committee on the Budget, and acted upon again by the committee. If the commissioner of administration, in consultation with the state chief procurement officer, does not resubmit the contract to the Joint Legislative Committee on the Budget within thirty days after the committee recommends revisions to the contract, the contract shall be deemed to be rejected and funds otherwise proposed for this purpose shall be deposited into the Higher Education Financing Fund as provided in R.S. 39:100.146.

B.1. The commissioner of administration, in consultation with the state chief procurement officer, shall periodically determine the amount of monies appropriated for professional, personal, and consulting service contracts that are not approved by the Joint Legislative Committee on the Budget and remain unexpended and unencumbered as a result of implementation of this Section, and shall make annual reports to the Joint Legislative Committee on the following dates in fiscal years 2015-2016, 2016-2017, and 2017-2018:

(a) September thirtieth.

(b) December thirty-first.

(c) March thirty-first.