ACTS OF 2016
LEGISLATURE

Acts 517-590

ACT No. 517
SENATE BILL NO. 49
BY SENATOR LONG
AN ACT
To amend and reenact R.S. 39:84(D) and to enact R.S. 39:84(H), relative to budget controls on personnel; to require the approval of the Joint Legislative Committee on the Budget before certain performance adjustments or other salary increases are effective in the executive branch of state government in the last ninety days of the last year of the term of office of a governor; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 39:84(D) is hereby amended and reenacted and R.S. 39:84(H) is hereby enacted to read as follows:
§84. Budget controls on personnel

  D. Nothing in this Section shall be construed to limit the authority of the governor, the state civil service commission, the commissioner of administration, the Joint Legislative Committee on the Budget, or of any other official or entity, as provided by law or executive order, to regulate, control, or prohibit any personnel transaction.

H. In the last ninety days of the last year of the term of a governor, no cost-of-living increases, performance adjustments, or other general salary increases for unclassified employees in any budget unit, agency, or department of the executive branch of state government shall become effective unless first approved by the Joint Legislative Committee on the Budget. Additionally, other relevant provisions of this Section shall be satisfied before such an increase shall take effect.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 13, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 518
SENATE BILL NO. 64
BY SENATOR LŪNEAU
AN ACT
To enact R.S. 42:1112.1, relative to ethics; to provide for an exception to the Code of Governmental Ethics; to permit an attorney who is a member of a civil service commission to represent certain clients; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 42:1112.1 is hereby enacted to read as follows:
§1112.1. Service on a civil service commission; recusal

  Notwithstanding the provisions of R.S. 42:1112(C), a licensed attorney who serves as a member of a civil service commission and any legal entity in which he exercises control or owns an interest may receive a thing of economic value for or in consideration of legal services rendered or to be rendered to a classified employee under the jurisdiction of the civil service commission if the legal services rendered or to be rendered do not involve a matter that is under the supervision or jurisdiction of the civil service commission. Such a civil service commission member shall recuse himself from participating in any matter before the civil service commission involving any classified employee to whom he or any legal entity in which he exercises control or owns an interest is rendering legal services.

Approved by the Governor, June 13, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 519
SENATE BILL NO. 195
BY SENATOR CORTEZ
AN ACT
To amend and reenact R.S. 38:2318.1(B) and to enact R.S. 48:250.4, relative to the Department of Transportation and Development; to authorize the use of public-private partnership contracts by the department for certain transportation projects; to provide for procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:2318.1(B) is hereby amended and reenacted to read as follows:
§2318.1. Louisiana “No Bidding of Design Professional Services” policy

  B. However, the provisions of this Section shall have no effect on and shall not supersede any contract permitted pursuant to the provisions of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950 relating to the authority of the Department of Transportation and Development to enter into design-build contracts or public-private partnership contracts, and the authority of the Louisiana Transportation Authority to enter into public-private partnership contracts, R.S. 38:85, 2225.2.1, or 2225.2.2 relating to the authority for certain political subdivisions to enter into design-build contracts, or R.S. 34:3523, relating to any port project that a notice of intent is advertised for in accordance with R.S. 34:3523, prior to December 31, 2016.

H. In the last ninety days of the last year of the term of the office of a governor, the state civil service commission, the commission

  Secretary of State

C. It is the intent of the legislature that this Chapter shall apply to political subdivisions operating under a home rule charter or plan of government adopted or in existence pursuant to and under the authority of Article VI of

THE ADVOCATE

* As it appears in the enrolled bill
CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
the Louisiana Constitution of 1974 to the extent that governments operating under home rule charters are subject to this Chapter, unless minimum standards are adopted and applied in any other home rule charter or plan of government. * * *

§1305. Budget preparation

* * *

F. The proposed budget and the attendant budget adoption instrument may be amended to the extent deemed appropriate by the governing authority at any point prior to final adoption, unless otherwise provided in an ordinance or home rule charter of the political subdivision. * * *

§1309. Adoption

A. All action necessary to adopt and otherwise finalize and implement the budget for a fiscal year, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed before the end of the prior fiscal year except that:

(1) All action necessary to adopt and otherwise finalize and implement the proposed budget for a school board, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the date for budget adoption by school boards, as required by R.S. 17:30(A).

(2) All action necessary to adopt and otherwise finalize and implement the proposed budget for a parish, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the thirtieth day of the fiscal year for which the budget is to be applicable.

C. The adopted budget shall contain the same information as that required for the proposed budget according to R.S. 39:1303(C) for the proposed budget plus any amendments adopted prior to final adoption by the governing authority. * * *

§1310. Amending the adopted budget

* * *

C. The provisions of this Section shall not apply to the amendments of the proposed budget prior to final adoption.

Section 2. The provisions of this Act are deemed to be remedial and curative, intended to clarify existing law, and to be afforded retroactive application.

Section 3. This Act shall become effective on August 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2016, or on the day following such approval by the legislature, whichever is later. Approved by the Governor, June 13, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 521

SENATE BILL NO. 257

BY SENATOR WALSORTH

AN ACT
To amend and reenact R.S. 30:2194(B)(1), (3) and (6), 2194.1, 2195(C), (E), (F) (1), and the introductory paragraph of (3) and (3(e), 2195.2(A)(1)(c)(ii), (2), (3), and (5), 2195.3(A)(1)(b), (6), (10), 2195.4(A)(2) and (3) and (B)(1), 2195.8(A) and (C), 2195.8(B), 2195.10(C), 2195.12(A), and to enact R.S. 30:2194(B)(8)(c) and (D) (1), subject underground storage tanks; to provide certain prohibitions; to provide for monies deposited in the Tank Trust Fund; to provide certain reporting requirements; to provide for monies received from certain payments; to provide for certain third-party claims; to require the maintenance of certain documentation, records, and electronic records; to provide for the membership of the Motor Fuels Underground Storage Tank Advisory Board; to provide for certain reimbursement eligibility requirements; to provide for the issuance of loans relative to the delivery of motor fuels; to provide terms, conditions, and requirements; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2194(B)(1), (3) and (6), 2194.1, 2195(C), (E), (F)(1), and the introductory paragraph of (3) and (3(e), 2195.2(A)(1)(c)(ii), (2), (3), and (5), 2195.3(A)(1)(b), (6), (10), 2195.4(A)(2), (3), and (B)(1), 2195.8(A) and (C), 2195.8(B), 2195.10(C), 2195.12(A), 2195.12(B), 2195.10(C), 2195.12(A), 2195.12(B), 2195.10(C), 2195.12(A), and 2195.12(E) are hereby amended and reenacted and R.S. 30:2194(B)(8)(c) and 2195.12(E) are hereby enacted to read as follows:

2194. Underground storage tanks; registration

B. As used in R.S. 30:2194 through 2195.11, the following terms shall have the meaning ascribed to them in this Subsection, unless the context clearly indicates otherwise:

(1) "Bulk facility" means a facility, including pipeline terminals, refinery terminals, motor fuel distribution terminals, rail and barge terminals, and underground storage tanks, connected or separate, from which motor fuels are withdrawn from bulk and delivered into a cargo tank or a barge used to transport these materials.

(2) "Bulk facility" shall also mean a broker, reseller, or other person that does not sell motor fuels to any person other than another bulk facility and has registered and obtained a certificate from the department. * * *

(3) "Date of release" means the specific date in which evidence indicates that a release (leak) is occurring or has occurred. If a tank is taken out-of-service, the date of release is the last date of operation. If no specific date is determined, the "date of release" is the date the release is reported to the department.

(6) "Motor fuels" shall be defined as all grades of gasoline including but not limited to gasohol, No. 1 diesel, No. 2 diesel, kerosene, and all aviation fuels. Liquid petroleum (LP) gas shall mean LP gas that is included in the definition of motor fuel. For the purposes of this Section, LP gas shall be defined as liquefied natural gas (CNG) and liquefied natural gas (LNG) that shall not be included in the definition of motor fuels. * * *

(3) "Regulated substance" means:

§2194.1. Prohibitions

On or after January 1, 1996, no person shall place or dispense a regulated substance into an underground storage tank that has not been registered with the Louisiana Department of Environmental Quality and that does not have a current registration certificate.

§2195. Motor Fuels Underground Storage Tank Trust Fund

C. Monies so deposited in the Environmental Trust Fund shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited into the Motor Fuels Trust Fund may be used for the above purposes. * * *

F. The proposed budget and the attendant budget adoption instrument may be amended to the extent deemed appropriate by the governing authority at any point prior to final adoption, unless otherwise provided in an ordinance or home rule charter of the political subdivision. * * *

(2) All action necessary to adopt and otherwise finalize and implement the proposed budget for a school board, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the date for budget adoption by school boards, as required by R.S. 17:30(A).

(2) All action necessary to adopt and otherwise finalize and implement the proposed budget for a parish, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the thirtieth day of the fiscal year for which the budget is to be applicable.

C. The adopted budget shall contain the same information as that required for the proposed budget according to R.S. 39:1303(C) for the proposed budget plus any amendments adopted prior to final adoption by the governing authority. * * *

E. Annually, the department shall prepare a report for the House Committee on Natural Resources and Environmental and the Senate Committee on Environmental Quality of all disbursements of monies from the Tank Trust Fund and the Environmental Trust Fund. The report shall include all loans made from the Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for the Tank Trust Fund during the previous fiscal year, and the number of sites that have been granted "No Further Action", and the department has received the last application for reimbursement during the previous fiscal year. Regarding disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, all pending reimbursements, the date the application was made for reimbursement, and the date reimbursement was made by the department. The report shall be delivered to the respective legislative committees no later than forty-five days after the end of each fiscal year.

F(1) Beginning July 1, 2001, all interest monies earned by the Motor Fuels Underground Storage Tank Trust Fund shall be declared to be an abandoned motor fuel underground storage tank and the loans authorized by R.S. 30:2195.12(E).

(3) A site tank may be declared to be an abandoned motor fuel underground storage tank by the secretary upon a finding that all of the following apply to the site:

(4) "Motor fuels" shall be defined as all grades of gasoline including but not limited to gasohol, No. 1 diesel, No. 2 diesel, kerosene, and all aviation fuels. Liquid petroleum (LP) gas shall mean LP gas that is included in the definition of motor fuel. For the purposes of this Section, LP gas shall be defined as liquefied natural gas (CNG) and liquefied natural gas (LNG) that shall not be included in the definition of motor fuels. * * *

(3) "Regulated substance" means:

(1) All action necessary to adopt and otherwise finalize and implement the budget for a fiscal year, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed before the end of the prior fiscal year except that:

(1) All action necessary to adopt and otherwise finalize and implement the proposed budget for a school board, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the date for budget adoption by school boards, as required by R.S. 17:30(A).

(2) All action necessary to adopt and otherwise finalize and implement the proposed budget for a parish, including the adoption of any amendments to the proposed budget, shall be taken in open meeting and completed prior to the thirtieth day of the fiscal year for which the budget is to be applicable.

C. The adopted budget shall contain the same information as that required for the proposed budget according to R.S. 39:1303(C) for the proposed budget plus any amendments adopted prior to final adoption by the governing authority. * * *

E. Annually, the department shall prepare a report for the House Committee on Natural Resources and Environmental and the Senate Committee on Environmental Quality of all disbursements of monies from the Tank Trust Fund and the Environmental Trust Fund. The report shall include all loans made from the Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for the Tank Trust Fund during the previous fiscal year, and the number of sites that have been granted "No Further Action", and the department has received the last application for reimbursement during the previous fiscal year. Regarding disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, all pending reimbursements, the date the application was made for reimbursement, and the date reimbursement was made by the department. The report shall be delivered to the respective legislative committees no later than forty-five days after the end of each fiscal year.
requirements (40 CFR 280.93) or one million five hundred thousand dollars, whichever is greater. This amount shall include any third-party claim arising from the release of motor fuels from a motor fuel underground storage tank.

(3) The Secretary of the department shall make payments on behalf of any owner of an underground storage tank or the department has expended funds from the Tank Trust Fund for response costs or third-party liability claims, the owner of the motor fuel underground storage tank shall be liable to the department for such costs only if the owner was not an eligible participant on the date of discharge of the motor fuels which necessitates the cleanup; otherwise liability is limited to the provisions contained in R.S. 30:2195.9 and 2195.10. The expenditure of funds to reimburse any party for costs otherwise authorized by this Subsection shall be expressly prohibited if the costs were incurred as the result of a release of motor fuels, excluding new and used motor oil, which occurred prior to July 15, 1988. For new and used motor oil releases, the expenditure of funds to reimburse any party for costs otherwise authorized by this Subsection shall be expressly prohibited if the costs were incurred as a result of a release which occurred prior to September 6, 1991, unless such release is determined by the secretary to have been from an abandoned motor fuel underground storage tank. Nothing contained herein shall be construed so as to authorize the expenditure from the Tank Trust Fund on behalf of any owner of an underground storage tank who is not an eligible participant at the time of the release for any third-party liability.

(3) In the event funds have been expended by the secretary on behalf of an owner who was not an eligible participant, and the Tank Trust Fund is entitled to reimbursement of those funds so expended, the secretary shall use any and all administrative and judicial remedies, including the filing of a lien with the same ranking as that provided in R.S. 30:2195(F)(2), which may be necessary for recovery of the expended funds plus legal interest from the date of payment by the secretary and all amounts associated with the recovery of the funds. The secretary may expend the recovered funds for any use authorized under this Section.

(5) The Tank Trust Fund may be used to make payments to a third party who brings a third-party claim against the secretary of the department and any owner of a motor fuel underground storage tank because of damages sustained by a release into the groundwater, surface waters, or soils and who obtains a final judgment in said action enforceable in this state against the owner and the secretary and if only if it has been satisfactorily demonstrated that the owner was an eligible participant at the time that the release occurred as defined in R.S. 30:2194(B)(3). The indemnification limit of the trust with respect to satisfaction of third-party claims shall be that which is necessary to reimburse the petroleum underground storage tank financial responsibility requirements.

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$2195.3. Source of funding; limitations on disbursements from the Tank Trust Fund. A. (1)(a) * * *

(b) However, those persons ordering the withdrawal of motor fuel from a bulk facility into a cargo tank which is directly transported and completely unloaded into either tanks exempted from registration requirements as provided in R.S. 30:2194(1)(c), those underground storage tanks exempted from taxation pursuant to R.S. 47:715 and 720, or those underground storage tanks identified in R.S. 30:2195.2(B)(1)(a) and (b) shall not be required to pay the fees established by this Paragraph. These fees shall also not apply to exchanges between registered and certified bulk facilities. * * *

(6) All invoices or transaction statements issued by operators of bulk facilities for the transfer of motor fuels into a cargo tank shall clearly indicate whether the transfer was made pursuant to the provisions of Subsection (b) of R.S. 30:2194(1)(c) and R.S. 30:2194. All records documenting transfers to and from bulk facilities shall be maintained for four years and be available for inspection by the department upon request.

(10) Fees imposed by Subparagraph (A)(1)(a) of this Section shall not be collected or required to be paid on or after the first day of the second month following a determination that has been made by the board that the unobligated balance in the Tank Trust Fund equals or exceeds twenty million dollars. The board determines that the unobligated balance in the Tank Trust Fund falls below ten million dollars, the fee shall be reinstated effective on the first day of the second month following this determination.

For these purposes, the unobligated balance in the Tank Trust Fund shall be determined by subtracting from the cash balance in the Tank Trust Fund at the end of each month the sum of the total estimates made by the board of eligible payment requests pending review and the outstanding balance of the estimated costs to be incurred associated with correction action plans approved by the department investigations, corrective action plans, and activities authorized under this Section.

$2195.4. Procedures for disbursements from the Tank Trust Fund. A. Monies held in the Tank Trust Fund established hereunder shall be disbursed by the secretary in the following manner:

(1) The owner or the owner's authorized agent and response action contractor shall file a sworn application with the department indicating fair and reasonable value of the cost of site assessment and remediation, subject to those regulations and limitations as set by the department. Proof of payment of the financial responsibility amounts required by R.S. 30:2195.9 and 2195.10, or a certified copy of the lien authorized in this Section, shall be provided with the application.

(3)(a) Except in cases of emergency, no disbursement from the Tank Trust Fund may be made by the secretary until such time that the secretary obtains verification that the owner applicant is an eligible participant in compliance with the law.

(b) Except as otherwise provided in Subparagraph (c), no disbursements from the Motor Fuels Underground Storage Tank Trust Fund may be made by the secretary when the application for reimbursement is filed with the department more than two years after the date that the response action work is performed.

(3) When the initial investigation has not been completed within two years, the applicant will have ninety days from the completion of the initial investigation to submit the reimbursement application. Initial investigation shall be initiated within two years from the receipt of a request for assessment made by the secretary to be eligible for disbursement from the Tank Trust Fund.

(4) When the department's action results in a reimbursement application not being submitted within two years of the date the work was performed, the applicant will have ninety days from the date the issue is resolved to submit the reimbursement application.

B. (1) Payments shall be made to third parties who bring suit against the secretary in his official capacity as representative of the Tank Trust Fund and the owner of an underground motor fuel storage tank, who is an eligible participant as stated in R.S. 30:2194(B)(2), and such third party obtains a final judgment for a third party third-party claim which is enforceable in this state. The owner shall pay the amount required to R.S. 30:2194 toward the satisfaction of said judgment, and after that payment has been made, the Tank Trust Fund will pay the remaining third-party judgment.

$2195.8. Advisory board. A. There shall be a Motor Fuels Underground Storage Tank Trust Fund Advisory Board, hereafter referred to as the “board,” to advise the secretary with regard to implementation of the Tank Trust Fund including investment of the trust, issuance of loans, changing of the trust ceiling if after a reasonable time this would be deemed appropriate and with regard to the minimum level of funding. The board shall annually review the “Louisiana Motor Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document” and may make recommendations for changes. Prior to the promulgation of any proposed underground storage tank regulations, the department shall provide proposed changes to the board for review. The board may recommend at any time that the role of the Tank Trust Fund in establishing financial responsibility as required by federal or state law, except that such requirement shall not exceed those established by the U.S. Environmental Protection Agency. The board shall additionally examine claims made and loss experience, make recommendations to the secretary regarding the minimum levels of financial responsibility for underground storage tank owners, and the necessity for and contents of rules and regulations issued under the Environmental Quality Act in similar matters. The board may recommend standards for the qualification of response action contractors as defined herein. The board may recommend at any time that response action contractors be added to or deleted from the list. The board shall also have the authority to review applications for disbursements from the Tank Trust Fund.

C. The board shall meet at least four times each year and each member, or his designee, shall have one vote concerning any matter coming before the board. The board shall elect its own chairman. The secretary shall provide the board with all materials necessary for the board to fulfill its duties. The secretary shall provide the board with minutes of all board meetings. The board shall have the power to hire a staff and such other employees as it deems advisable. The board shall also determine the role of the Tank Trust Fund in establishing financial responsibility amounts required by R.S. 30:2195.9 and 2195.10, or that such reimbursement may be made by the secretary when the application for reimbursement is filed with the department more than two years after the date that the response action work is performed.

$2195.9. Financial responsibility. * * *

(2) Financial responsibility required by the United States Environmental Protection Agency may be established by any one or combination of the following: insurance, participation in the Tank Trust Fund, guarantee, surety bond, letter of credit, or qualification as a self-insurer. A person may qualify as self-insurer by showing tangible net worth in the amount established by the U.S. Environmental Protection Agency. The board shall determine the role of the Tank Trust Fund in establishing financial responsibility as required by federal or state law, except that such requirement shall not exceed those established by the U.S. Environmental Protection Agency. The board shall additionally examine claims made and loss experience, make recommendations to the secretary regarding the minimum levels of financial responsibility for underground storage tank owners, and the necessity for and contents of rules and regulations issued under the Environmental Quality Act in similar matters. The board may recommend standards for the qualification of response action contractors as defined herein. The board may recommend at any time that response action contractors be added to or deleted from the list. The board shall also have the authority to review applications for disbursements from the Tank Trust Fund.

C. The secretary or his designee may exclude from coverage by the Tank Trust Fund any underground storage tank system whose owner or operator has been found to have consistently failed to comply with the requirements enumerated in Subsection B of this Section as determined by the secretary after consultation with the board. Compliance with the requirements of Subsection B shall be considered as established by the secretary and the board may, in its discretion, require the owner to post a bond, letter of credit, or qualification as a self-insurer. A person may qualify as self-insurer by showing tangible net worth in the amount established by the U.S. Environmental Protection Agency. The board shall additionally examine claims made and loss experience, make recommendations to the secretary regarding the minimum levels of financial responsibility for underground storage tank owners, and the necessity for and contents of rules and regulations issued under the Environmental Quality Act in similar matters. The board may recommend standards for the qualification of response action contractors as defined herein. The board may recommend at any time that response action contractors be added to or deleted from the list. The board shall also have the authority to review applications for disbursements from the Tank Trust Fund.

THE ADVOCATE  * As it appears in the enrolled bill PAGE 247 CODING: Words in normal type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
§2195.12. Alternate generated power capacity for motor fuel dispensing facilities: and other uses of the Tank Trust Fund

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

(1) “Motor fuel” means any petroleum product, including any special fuel, that is used as an energy source to provide motive power for motor vehicles.

(2) “Sale” or “sell” means any transfer of motor fuel from a person to itself or an affiliate at another level of distribution, but does not include product exchanges at the wholesale level or distribution.

(3) “Retail outlet” means a facility, including land and improvements, where motor fuel is offered for sale, at retail, to the motoring public.

E. The secretary may authorize use of any monies obtained in cost recovery actions or from interest on the Tank Trust Fund enumerated in R.S. 30:2195 to provide for loans necessary to nonprofit persons or entities for upgrading or improving underground storage tanks to a standard dictated or recommended by federal or state environmental laws, regulations, or directives. The secretary is authorized to accept such loans.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 522

SENATE BILL NO. 317
BY SENATOR DONAHUE

AN ACT
To amend and reenact R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N), to enact R.S. 17:253, and to repeal R.S. 17:461.21(L), relative to student behavior and discipline; to provide with respect to student behavior and discipline; to create and provide with respect to the Advisory Council on Student Behavior and Discipline and its membership, duties, and responsibilities; to provide with respect to the appropriate use of seclusion and physical restraint to address the behavior of students with exceptionalities; to provide for the collection and reporting of certain data regarding incidents of seclusion and physical restraint; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N) are hereby amended and reenacted and R.S. 17:253 is hereby enacted to read as follows:

(2) * * *

(b) Improving methods and procedures for the handling of school suspensions, and the referral of students to alternative schools, and the use of seclusion and physical restraint in addressing challenging student behavior.

* * *

§253. Advisory Council on Student Behavior and Discipline

A. There is hereby established the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary and Secondary Education and the state Department of Education regarding best practices in providing support to public school governing authorities in the adoption and implementation of each school’s master plan for student behavior and discipline as provided in R.S. 17:252.

B. The advisory council shall be composed of twenty-four members as follows:

(1) The state superintendent of education, or his designee.

(2) Three members shall be appointed by the Louisiana Association of Professional Educators; the Louisiana Education Federation of Teachers; and the Louisiana School Boards Association.

(3) One member shall be a local school superintendent, appointed by the Louisiana Association of School Superintendents.

(4) One member shall be a child welfare and attendance officer, appointed by the Louisiana Association of School Superintendents.

(5) One member shall be a safe and drug-free schools coordinator, appointed by the Louisiana Association of School Superintendents.

(6) One member shall be a director of special education, appointed by the Louisiana Association of Special Education Administrators.

(7) One member shall be a pupil appraisal coordinator, appointed by the Louisiana Association of School Superintendents.

(8) Three members shall be the parent of a child who presents challenging behavior, one of whom shall be the parent of a child with exceptionalities, other than gifted and talented, all of whom shall be appointed by the Louisiana Developmental Disabilities Council.

(9) One member appointed by the Louisiana Developmental Disabilities Council.

(10) One member appointed by the Louisiana Advocacy Center.

(11) One member appointed by the Louisiana School Boards Association.

(12) One member appointed by the Louisiana Council of Juvenile and Family Court Judges.

(13) One member shall be a classroom teacher appointed by the Louisiana Association of Professional Educators.

(14) One member shall be a classroom teacher appointed by the Associated Professional Educators of Louisiana.

(15) One member appointed by the Louisiana Federation of Teachers.

(16) One member appointed by the Louisiana Association of School Superintendents.

(17) One member appointed by the Louisiana Association of Public Charter Schools.

(18) One member appointed by the Louisiana Association of School Superintendents.

(19) One member appointed by the Louisiana Center for Children’s Rights.

(20) One member appointed by the Louisiana Parent Teacher Association.

(21) One member shall be the president of the council or an individual with similar responsibilities.

The state Department of Education shall provide staff support to the council.

D. The council shall serve in an advisory capacity and shall comply with the Open Meetings Law.

E. The chair shall be elected by the members of the council.

F. The council shall meet at least three times annually. Meetings shall be called by the chair, who shall set the agenda.

G. The advisory council shall annually submit a written report to the Senate Committee on Education, the House Committee on Education, and the State Board of Elementary and Secondary Education regarding its findings and recommendations with respect to the implementation of school plans for improving student behavior and discipline as provided in R.S. 17:252.

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

A. As used in this Section:

* * *

(3) * * *

(b) Physical restraint does not include:

(i) Consensual, solicited, or unintentional contact.

(ii) Holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others.

(iii) Momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person.

(iv) Minimal physical contact for the purpose of safely escorting a student from one area to another.

(v) Minimal physical contact for the purpose of assisting the student in completing a task or response.

* * *

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

M. (1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.

* * *

(ii) This Paragraph shall not be applicable to the parent of a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

N. (1) The State Board of Elementary and Secondary Education shall adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

(2) The governing authority of each public elementary and secondary school, in accordance with state board policy, shall report all instances where school employee, for less than five minutes in any given hour or class period for the protection of the student or others.

The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities, and shall disaggregate the data for analysis by school, student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

(b)(i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint in addressing student behavior, including specific data elements to be included in such reporting.
physical restraint of students with exceptionalities, which shall at a minimum include the following:

(a) The number of incidents of physical restraint disaggregated by school system, student age, race, ethnicity, gender, and student disability classification.

(b) The number of incidents of seclusion disaggregated by school system, student age, race, ethnicity, gender, and student disability classification.

(c) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.

(ii) The State Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:2353.

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 13, 2016.

A true copy:

Tom Scheldor
Secretary of State

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ACT No. 523

SENATE BILL NO. 353

BY SENATOR BISHOP AND REPRESENTATIVES ARMES, BAGNERIS, BOUIE, GARY CARTER, ROBBY CARTER, HILFERTY, TERRY LANDRY, MARCELLE, MORENO, PIERRE, RICHARD AND SMITH

AN ACT

To enact R.S. 17:2217.1 and 3996(B)(42), relative to dropout prevention programs for high school students; to enact the Louisiana Expectant and Parenting Students Act; to provide for a purpose for the Act; to require public high school governing authorities to adopt policies that support expectant and parenting students; to provide for reporting requirements and criteria; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2217.1 and 3996(B)(42) are hereby enacted to read as follows:

§2217. Dropout prevention and recovery for expectant and parenting students

A. The Louisiana Legislature recognizes the need to ensure that all students graduate from high school, to mitigate the many challenges they may face. The legislature acknowledges that pregnancy is consistently the most common family-related reason given by female students who drop out of high school.

Further, the legislature finds that federal Title IX of the Education Amendments of 1972, as amended, provides the rights of expectant and parenting students, and encompasses in that protection is the right to a safe and supportive school environment that promotes high school graduation.

B. Title IX of the Education Amendments of 1972 establishes basic legal obligations of any educational program receiving federal assistance.

C. (1) Each governing authority of a public secondary school receiving federal financial assistance shall adopt a policy that complies with the requirements of federal Title IX of the Education Amendments of 1972.

(2) In addition to the basic legal obligations under federal Title IX of the Education Amendments of 1972, the following key provisions shall be included in a school governing authority's policy regarding expectant and parenting students:

(i) Maintaining student confidentiality.

(ii) Ensuring a safe and supportive learning environment.

(iii) Promoting academic success.

(iv) Implementing sensible attendance policies.

(3) Such policy shall be readily available to the public by posting on the website of the school or school governing authority, or by other appropriate means.

(4) The State Department of Education shall submit a written report to the Senate and House committees on education and health and welfare at least sixty days before the 2017 Regular Session of the Louisiana Legislature which shall include a summary of the aggregate data related to the graduation rate of expectant and parenting students and any recommendations for changes in policy or legislation. However, in no case shall personally identifiable student information be reported.

B. (a) Charter schools; exemptions; requirements

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

(1) Louisiana Expectant and Parenting Students Act, R.S. 17:2217.
said tract or tracts did not participate prior to determining the share of cost allocable to such tract or tracts.

(d)(i) Should a drilling unit be revised by order of the commissioner so as to include an additional tract or tracts, then within sixty days of the date of the order revising such unit, the provisions of this Subsection for notice, election, and participation shall be applicable to such added tract or tracts and the owner thereof as if a well were being proposed by the owner who had drilled the well; however, the cost of drilling, testing, completing, equipping, and operating the unit well shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production, if any, in which said tract or tracts did not participate prior to

* * *

(i) Failure of the drilling owner to provide written notice as required by Subparagraph (a) of this Paragraph to an owner shall not affect the validity of the written notice properly provided to another owner in the unit.

* * *

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 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 525

SENATE BILL NO. 398
BY SENATOR JOHN HOFFMANN
AN ACT
To amend and reenact R.S. 44:32(C)(1)(a) and to enact R.S. 44:3(A)(8) and (I), relative to the office of conservation; to provide for jurisdiction, duties, and powers of the commissioner; to provide for drilling, casing, and plugging of wells; to allow for transferrable plugging credits in lieu of bond with security; to require reasonable bond with security for plugging certain wells; to require the plugging of orphaned oilfield sites; to provide for rulemaking authority; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:32(C)(1)(a) is hereby amended and reenacted and R.S. 44:3(A)(8) is hereby enacted to read as follows:

§44:32(C)(1)(a) A true copy of records held by the offices of the Attorney General, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, or publicly owned water districts of the state, which records are:

(8) Video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy.

(a) A body-worn camera is a camera worn on an individual law enforcement officer's person that records and stores audio and video.

(b) Body-worn camera video or audio recordings that are determined by the custodian to violate an individual's reasonable expectation of privacy shall be disclosed upon a determination and order from a court of competent jurisdiction pursuant to R.S. 44:435.

(c) All costs of production associated with a court ordered disclosure shall be set by the court.

(d) Notwithstanding any provision of this Chapter to the contrary, body-worn camera video or audio recordings generated while the law enforcement officer is not acting in the scope of his official duties shall not be subject to disclosure when the disclosure would violate a reasonable expectation of privacy.

I. All requests for production of video or audio recordings generated by law enforcement officer body-worn cameras shall be incident specific and shall include reasonable specificity as to the date, time, location, or persons involved. A request for multiple incidents shall include reasonable specificity as to the date, time, location, or persons involved in each incident requested. The custodian may deny a request not containing reasonable specificity.

§32. Duty to permit examination; prevention of alteration; payment for

(2) Overtime; copies provided; fees

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making copies of public records. The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

* * *

C. The commissioner has authority to make, after notice and hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Chapter, including rules, regulations, or orders for the following purposes:

(i) To require the drilling, casing, and plugging of wells to be done in such a manner as to prevent the escape of oil or gas out of one stratum to another;

(ii) To prevent the intrusion of water into oil or gas strata;

(iii) To prevent the pollution of fresh water supplies by oil, gas, or salt water;

(iv) To require the plugging of each dry and abandoned well and the closure of associated pits, the removal of equipment, structures, and trash; and to otherwise require a general site cleanup of such dry and abandoned wells and

(v) To require reasonable bond with security for the performance of the duty to plug each dry or abandoned well and to perform the site cleanup required by this Paragraph. To allow for transferrable plugging credits in lieu of the bond with security required by Subsection B of this Section in order to promote the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years. A plugging credit shall be issued for the plugging of orphaned oilfield sites and oilfield sites that have been inactive for at least five years, with the specific requirements and procedures for issuance, transfer, and acceptance of such credits to be developed by the commissioner. The regulations shall, at a minimum, provide criteria under which plugging credits may be earned, and require approval by the commissioner for the earning, using, banking, or selling of the plugging credits.

* * *

R. The commissioner shall make, after notice and public hearings as provided in this Chapter, any rules, regulations, and orders that are necessary to require reasonable bond with security for the performance of the duty to plug each dry and abandoned well and the closure and to perform the site cleanup required by Item (C)(1)(a)(iv) of this Section. The rules, regulations, and orders may classify based on location of well and shall provide for the following exceptions from the reasonable bond and security requirement:

(1) Wells exempt prior to September 1, 2015, that remain with the operator of

(2) Wells utilizing plugging credits pursuant to Item (C)(1)(a)(iv) of this Section.

(3) Wells exempt pursuant to R.S. 30:4.3(C).

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 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 527

SENATE BILL NO. 131
BY SENATOR JOHNS AND REPRESENTATIVES BAGLEY, HENSGENS, HOFFMANN, HORTON, LEBAS, POPE AND WILLMOTT
AN ACT
To enact R.S. 22:1060.6, relative to the prescription drug cost; to provide for pharmacy benefit management with patients; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1060.6 is hereby enacted to read as follows:

§1060.6. Limitation; patient payment

* * *

THE ADVOCATE
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* As it appears in the enrolled bill CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and italicized (Senate Bills) are additions.
B. The governing authority shall impose the hotel occupancy tax by ordinance adopted by the governing authority which may provide in the ordinance or by resolution necessary and appropriate rules and regulations for the imposition, collection and enforcement of the hotel occupancy tax, including but not limited to a provision that the initial collection of the tax shall begin on the first of a month following the adoption of the ordinance levying the tax. Should the governing authority take action as authorized in this Section to collect the hotel occupancy tax, the collection shall begin no later than September 1, 2016. The ordinance levying and imposing the hotel occupancy tax may be approved by a favorable vote of a majority of the members of the governing authority present and voting. The term “ordinance” means an ordinance, act, or other appropriate local authorization of the governing authority.

C. The governing authority shall have the right to contract with the state of Louisiana for the collection of the hotel occupancy tax. The tax shall be in addition to all other taxes presently being levied upon the occupancy of hotel rooms in the parish.

D. Fifty percent of the net proceeds of the tax after deduction of reasonable collection expenses shall be used to fund the Baton Rouge River Center and fifty percent of the net proceeds of the tax after deduction of reasonable collection expenses shall be used to fund Visit Baton Rouge.

§ 338.217. Hotel occupancy tax in East Baton Rouge Parish

A. No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization. (2) For purposes of this Subsection, the phrase “remain in or upon property” as used in this Subsection, in addition to its common meaning, signification, and connotation, shall include the operation of an unmanned aircraft system as defined by R.S. 14:337 in the air space over immovable property owned by another with the intent to conduct surveillance of the property or of any individual lawfully on the property.

B. The provision established in Subsection A of this Section 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.

CHAPTER XIII

Baton Rouge North Economic Development District

Section 1. R.S. 33:2740.67(B) and (C)(1)(j) are hereby amended and reenacted to read as follows:

SEC. 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.

THE ADVOCATE

As it appears in the enrolled bill

CODING: Words in italics through type are deletions from existing law; words underscored and boldfaced (House Bills) and underscored (Senate Bills) are additions.
**ACT No. 530**

SENATE BILL NO. 158

BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 32:1252(27), the introductory paragraph of R.S. 32:1253(A)(1), the introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 32:1270.1(i)(1) relative to marine products; to provide relative to the definition of marine product; to exclude certain motors; to provide relative to commission member appointments; to provide relative to the sale of marine products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1252(27), the introductory paragraph of R.S. 32:1253(A)(1), the introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 32:1270.1(i)(1) are hereby amended and reenacted to read as follows:

§1252. Definitions

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

(27) “Marine product” means a new or used watercraft, boat, or marine motor, designed for recreational or commercial use on water and a boat or waterfront trailer. The term also includes an outboard motor or a boat with an inboard/outboard motor attached to it. The term shall not mean a watercraft designed for use primarily for commercial purposes or new or used watercraft or boats boat adapted to be powered only by the operator’s energy.

§1253. Motor Vehicle Commission; appointment and qualifications of members; terms of office; organization; oath; official bond; compensation; powers and duties

A. The Louisiana Motor Vehicle Commission is hereby created within the office of the governor and shall be composed of eighteen members appointed by the governor, as follows:

(1) A chairman of the commission shall be appointed from the state at large. Fourteen members shall be appointed in such manner that at least one but no more than two, shall be from each of the commission districts as listed below:

§1261. Unauthorized acts

A. It shall be a violation of this Chapter:

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

(k)(i) To sell or offer to sell a new or unused motor vehicle or recreational product directly to a consumer except as provided in this Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

§1270.1 Unauthorized acts; marine products

It shall be a violation of this Part:

(1) To sell or offer to sell a new or unused marine product directly to a consumer except as provided in this Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

(a) Operating a marine dealership temporarily for a reasonable period, not to exceed two years.

(b) Operating in a bona fide retail marine dealership that is for sale to any qualified independent person at a fair and reasonable price, not to exceed two years.

(c) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the marine dealership, and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

(d) After any of the conditions have been met under Subitems (a)(i) and (b)(i) of this Subparagraph, the commission shall allow the manufacturer to compete with licensees of the same-line makes, models, or classifications under an agreement from the manufacturer for longer than two years when, in the discretion of the commission, the best interest of the manufacturers, consuming public, and licensees are best served.

§1270.2 Penalties

It shall be a violation of this Part:

(2) To sell or offer to sell a new or unused marine product directly to a consumer except as provided in this Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

(a) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the marine dealership, and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

(b) Operating in a bona fide retail marine dealership that is for sale to any qualified independent person at a fair and reasonable price, not to exceed two years.

(c) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the marine dealership, and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

(d) After any of the conditions have been met under Subitems (a)(i) and (b)(i) of this Subparagraph, the commission shall allow the manufacturer to compete with licensees of the same-line makes, models, or classifications operating under an agreement from the manufacturer for longer than two years when, in the discretion of the commission, the best interest of the manufacturers, consuming public, and licensees are best served.

* As it appears in the enrolled bill

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sanctions under this Chapter for any person who voluntarily relinquishes human remains.

A. The legislature finds that Wi-Fi is a technology that enables low-power electronic devices, such as laptop computers, tablets, video game consoles, and smartphones, to connect to the Internet and to each other through wireless network access points. Such "access points" include a Wi-Fi router and also may be included in the "hotspot" privilege for a wireless access provider.

B. The legislature concurs with statements from the Federal Communications Commission (FCC) that the "Internet is a vital platform for economic growth, innovation, competition, and free expression. Wi-Fi is an essential access ramp to that platform. Wi-Fi networks have proliferated in places accessible to the public, such as airports, coffee shops, malls, train stations, hotels, airports, convention centers, and parks. Consumers also can establish their own Wi-Fi networks by using FCC-authorized mobile hotspots and their wireless data plans to connect Wi-Fi enabled devices to the Internet. The growing use of technologies that unlawfully block consumers from creating their own Wi-Fi networks via their personal hotspots unjustifiably prevents consumers from enjoying services they have paid for and stymies the convenience and innovation associated with Wi-Fi Internet access."

C. The legislature further finds that for these reasons it is an appropriate exercise of the police power of the state to take action to prevent such unlawful activity.

§444.75. Prohibited "Hotspot" blocking

A. No person shall without legal authority knowingly interfere with, prevent, delay, or otherwise disrupt the ability of another to use or exercise the legal ownership or control of a "hotspot" privilege for a wireless access provider.

B. Whoever violates the provisions of this Section shall be fined a civil penalty not more than ten thousand dollars. Each day on which a violation occurs shall be considered a separate offense.

C. The penalties provided by this Section shall be in addition to any other civil or criminal penalty, action, or proceeding otherwise authorized by law.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 532

SENATE BILL NO. 259
BY SENATOR WHITE

AN ACT

To amend and reenact R.S. 37:1433, 1435(C)(1) and (2), (D), (E), (F), and (H), 1436, 1437, 1437.1(A), (B), (C), (D), (F), and (G), 1437.2, 1437.3, 1438, 1439, 1441, 1443(1) and (4), 1446, 1449, 1451, 1465, 1466(F), and to repeal R.S. 37:1435(C)(3) and 1443(3)(g), relative to the licensing of real estate brokers, timeshare interest salespersons, real estate schools and vendors, and real estate instructors; to prevent unlawful use of the police power to prevent certain licenses, registrations, and certifications; to provide for the activities of partnerships, limited liability companies, associations, corporations, and other legal entities with regard to the solicitation of time-share interest salespersons; to provide for the dissolution of any legal entity without the proper license, registration, or certification; to provide for the dissolution of any legal entity engaged in the activities of real estate; to provide specific guidelines for time-share interest salespersons and real estate schools and vendors; to provide for the prohibition for the commission to establish a fee schedule for the compensation of time-share interest salespersons, real estate salespersons, real estate instructors, and timeshare interest salespersons; and for related matters.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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* As it appears in the enrolled bill

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or for attending to commission business, however, a member attending two meetings on that day shall not be compensated for more than one meeting on that day. Members shall also be reimbursed for their actual expenses covered by the commission for meals and other incidental expenditures. The commission, or while attending commission meetings or attending to commission business.

§1435. Powers of the commission

C. The commission may:

(1) Adopt all necessary rules and bylaws for the administration and enforcement of this Chapter.

(2) Require any satisfactory proof it may desire in reference to the honesty, truthfulness, reputation, and knowledge of any applicant for a real estate broker, or salesperson's license, or registration as a timeshare interest salesperson, or any of the officers or members of any such applicant, if any, prior to the issuance of any license, or registration:

(a) Real estate broker license.

(b) Real estate salesperson license.

(c) Real estate school or vendor certification.

(d) Timeshare interest salesperson registration.

(e) Real estate instructor approval or certification.

D. In addition to its general powers, as above provided by way of extension and not of limitation, the commission is expressly granted the right to require any real estate broker, or timeshare developer, registrant, real estate broker, or timeshare developer, registrant, and certificate holders to keep records, as specified in this Chapter of all real estate or timeshare transactions. The commission is authorized to inspect such records at the offices of the licensees, registrants, and certificate holders, or registrants, and to hold hearings in any matter related to the practice of the real estate business.

E. The commission shall have the right to subpoena any licensee, registrant, certificate holder, or registrant, and to require the attendance and to compel the testimony of any person or entity required to be licensed or registered under this Chapter. The commission, in the exercise of its powers, may issue such subpoenas as may be necessary to secure the attendance and to compel the testimony of any person or entity required to be licensed or registered under this Chapter.

F. The commission may establish the adoption and promulgation of rules, adopt rules, and regulations in accordance with the Administrative Procedure Act, any determination made being made as to whom a disputed escrow deposit should be released.

§1436. Licensing and registration required

A. Licenses issued by the commission shall be classed as active and inactive.

B. It shall be unlawful for any person or entity, directly or indirectly, partnership, limited liability company, association, or corporation, to engage in or conduct, or to advertise or hold itself out or engaging in, or conducting the business, or acting in the capacity of a real estate broker or real estate salesperson within the state without first obtaining a license, or registration, as provided in this Chapter. Any real estate activity relating to any portion of a real estate transaction performed for another, unless he is exempted, from obtaining a license as specified herein.

C. It shall be unlawful for any person, individual, partnership, limited liability company, corporation, or other legal entity, directly or indirectly, or the successor thereof, to engage in, or conduct, or to advertise or hold itself or itself out as engaging in, or conducting the business, or acting in the capacity of a timeshare interest salesperson or timeshare developer, to create a timeshare plan or plan for an existing timeshare project, without first obtaining a license, or registration, as provided in this Chapter. Any real estate activity relating to any portion of a real estate transaction performed for another, without first obtaining a registration as a timeshare interest salesperson or timeshare developer, as provided in this Chapter, unless he is exempted, from obtaining a registration as specified therein.

D. Any person desiring to act as a real estate broker or as a real estate salesperson, or any corporation, partnership, limited liability company, association, or corporation, or any other legal entity desiring to conduct real estate activity in this state, shall file an application for a license with the commission. The application shall be in such form and detail as the commission shall prescribe, setting forth the following:

(1) The name and address of the applicant and the name under which the applicant is doing business, including the address of each office.

(2) The place or places, including the city or village with the street and street number, if any, where the business is to be conducted.

(3) Such other information as the commission shall require.

E. No individual real estate broker or salesperson's license shall be issued to any person who has not attained the age of eighteen years. No individual real estate license or timeshare interest salesperson license shall be issued to any person who is not a high school graduate or the holder of a certificate of high school equivalency. No individual, partnership, limited liability company, or other legal entity shall be exempted from obtaining a license as such broker or salesperson, and being classed as an active or inactive real estate broker or real estate salesperson within the state without first obtaining a license as such broker or salesperson, and being classed as an active or inactive real estate broker or real estate salesperson within the state.

F. The commission shall have the authority to accept experience in real estate-related credit hours from an accredited college or university in lieu of instruction in real estate coursework approved by the commission prior to licensure. Satisfactory completion includes passage of an examination on course contents.

G. At least thirty hours of the broker educational requirement shall be obtained in coursework emphasizing broker responsibilities.

H. In addition to all other education requirements set forth in this Chapter, any individual real estate broker's license shall complete forty-five post-license education hours within one hundred eighty days after the initial license date. Such hours shall be in subjects required by the commission including but not limited to laws, rules and regulations, finance, and the handling of funds. Post-license education hours may be used in the year completed to satisfy eight hours of the twelve-hour annual continuance education requirement; however, post-license education hours shall not satisfy the four-hour mandatory continuing education topic specified by the commission.

I. The commission, through its education division, may accept real estate-related credit hours from an accredited college or university as partial substitution of the broker licensing educational requirement.

J. The commission shall have the authority to accept experience in the real estate business or related fields as credit toward fulfillment of the education requirements set forth herein.

K. All applicants for a salesperson's license shall show evidence satisfactory to the commission that they have satisfactorily completed at least one hundred forty-five post-license education hours, or its equivalent of instruction, in real estate coursework approved by the commission prior to licensure. Satisfactory completion includes passage of an examination on course contents.

L. Each person obtaining an initial salesperson's license shall complete forty-five post-license education hours within one hundred eighty days after the initial license date. Such hours shall be in subjects required by the commission including but not limited to laws, rules and regulations, finance, and the handling of funds. Post-license education hours may be used in the year completed to satisfy eight hours of the twelve-hour annual continuance education requirement; however, post-license education hours shall not satisfy the four-hour mandatory continuing education topic specified by the commission.

M. In addition to all other education requirements set forth in this Chapter, regardless of initial date, the Licensee may satisfy the four-hour mandatory continuing education topic specified by the commission.

N. The commission shall promulgate rules and regulations necessary to implement the continuing education and post-license education requirement.
and may mandate the completion of courses in specific real estate-related subjects. Such rules and regulations may require passage of an examination in order to satisfy the continuing education and post-licensure education requirement.

D. Every applicant for a license shall submit a sworn statement attesting that he has knowledge of and understands the provisions of the Fair Housing Act of 1968 and the Louisiana Equal Housing Opportunity Act, and any amendments thereto, or any successor legislation subsequently following, and that he the applicant shall not induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into an area, subdivision, or neighborhood of a person or persons of a particular race, color, or national origin.

E. A nonresident may obtain a broker’s or salesperson’s license and engage in the real estate business in this state under conditions prescribed by the commission.

§1437.1. Timeshare registration

A. Any person or entity desiring to engage directly in the business of selling timeshare interests must register with the commission.

B. The application for registration shall be in such form as may be required by the commission and in accordance with R.S. 9:1313.9 so that only persons who have a good reputation for honesty, trustworthiness, and integrity may be so registered.

C. The commission shall approve or deny such applications for registration within forty-five days from receipt of the application by the commission.

D. When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction, such untrustworthiness of the applicant, and the conviction, may in itself be sufficient grounds for refusal of registration.

E. When an applicant has made a false statement of material fact on his application, such false statement may in itself be sufficient grounds for refusal of registration.

F. The commission may refuse to approve an application for registration, or real estate license, or the previous revocation of a real estate license or registration in Louisiana or any other jurisdiction, shall be grounds for refusal to grant a timeshare interest sales registration.

G. The commission shall not issue a timeshare interest sales registration to the holder of a certificate of high school equivalency.

H. The provisions of this Section with regard to registering as timeshare interest salesperson or to employees of a timeshare developer registered under this Section.

I. Notwithstanding any other provisions of law, a timeshare developer may not avoid liability to timeshare purchasers for the acts of timeshare interest salespersons or real estate licensees on the basis that the timeshare interest salesperson or real estate licensee is merely an independent contractor.

J. Except for the provisions contained in R.S. 9:1131.12, the changes and additions set forth in Act No. 999 of the 1985 Regular Session of the Legislature shall not apply to a timeshare project which has been approved by the commission prior to July 1, 1985, and for which protection if all of the following requirements have been met:

1. Protection under the federal bankruptcy law has not been filed and, if so, the bankruptcy has been concluded.

2. The developer has not been suspended by the Louisiana Real Estate License Board.

3. The project has been actively and consistently marketed as a timeshare project, if approved prior to July 20, 1984.

G. Any timeshare interest salesperson or seller of a timeshare interest shall comply with the provisions of the Louisiana Real Estate License Law and the rules adopted pursuant thereto, including those that provide for annual renewal, unless otherwise exempt.

H. The Louisiana Real Estate License Law shall not apply to a timeshare developer registered under this Section, solely acting for itself as sole owner or sole lessee with reference to any existing timeshare project, if the timeshare project is not considered a timeshare project for purposes of the Louisiana Real Estate License Law.

I. The Louisiana Real Estate License Law shall not apply to any existing timeshare interest owner who, for compensation, refers prospective purchasers, but only in connection with timeshare owner sales for compensation, provided that the existing timeshare owner adheres to all of the following:

(a) He is not a holder of a certificate of high school equivalency.

(b) Limits such activities to referring prospective purchasers of timeshare interests to the developer or the developer’s employees or agents, and does not show, discuss terms or conditions, or otherwise participate in negotiation with regard to timeshare interests.

§1437.3. Corporations; limited liability companies; partnerships; real estate licensees

A. Any corporation, limited liability company, or partnership formed under the laws of this state or any foreign corporation, limited liability company, or partnership which has been granted a certificate of authority to do business in this state may be granted a real estate broker’s license by the commission upon application and compliance with the requirements of this Chapter.

B. Any application for a corporate real estate broker license issued to a corporation, limited liability company, or partnership for a real estate broker license shall be submitted by a licensed individual real estate broker who has been chosen by the corporation, limited liability company, or partnership as its qualifying broker.

(2) A corporation, limited liability company, or partnership may designate a new qualifying broker at any time, as provided in R.S. 37:1441(C).

C. A corporation, limited liability company, or partnership shall designate a new qualifying broker within five working days. A corporation, limited liability company, or partnership may designate a new qualifying broker at any time, provided the inactive license has been renewed as provided in this Chapter and is current at the time the request is received at the commission.

D. The licensee may request transfer from inactive status to active status at any time, provided the inactive license has been renewed as provided in this Chapter and is current at the time the request is received at the commission.

E. An inactive licensee will not be required to fulfill the continuing education requirement established for active licensees on an annual basis; however, upon application to return to active status the licensee must have completed the continuing education specified in the following paragraph, if all the following requirements have been met:

1. Licensees remaining in the inactive status for less than one year shall have completed the twelve-hour continuing education requirement for the previous year.

2. Licensees remaining in the inactive status from one to five years shall complete the number of continuing education hours of continuing education required for active licensees on a yearly annual basis; however, upon application to return to active status the licensee must have completed the continuing education specified in the following paragraph, if all the following requirements have been met:

(a) One to less than three years of in the inactive status - twenty hours of continuing education.

(b) Three to less than five years of in the inactive status - forty hours of continuing education.

(c) Five or more years of in the inactive status - eighty hours of continuing education.

2. If the licensees remaining in the inactive status for two to five renewal periods, he must the licensee shall complete a four-hour course covering Louisiana real estate law and commission rules and regulations. This course shall be deemed part of the hours specified in Paragraph 2.2.2 of this Subsection to be eligible to return to active license status. The required four-hour course must be completed within one year prior to the date of the license transfer.

3. The licensee may remain in the inactive license status indefinitely, provided he the licensee complies with the yearly annual inactive renewal procedures. Licensees remaining in the inactive status for longer than five years will not be eligible to return to active status until the licensee has completed a minimum of eighty hours of approved continuing education within the 12-month period immediately preceding the date to return to active license status.

4. Such continuing education shall include a four-hour Louisiana real estate license law and commission rules and regulations course which requires the completion of the course no less than ninety days prior to the date of the license transfer to the active status.

(c) However, any applicant who Any licensee has completed or obtained annual continuing education in the required areas during the period that he...
the licensee is in the inactive status may cumulate those hours and be eligible to reactivate his license transfer to the active status at any time.

4. Any request by an inactive licensee to transfer to active status shall be accompanied by payment of the prescribed fees and proof of completion of the applicable continuing education hours.

§1438. Applicability

(1) The provisions of this Chapter shall not apply to:
(a) The unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, which has not been granted a real estate license in Louisiana and which, as owner or lessee, either individually or through an employer or representative and performs acts of ownership with respect to property owned in Louisiana by such persons in the business of selling or managing timeshare interests, provided that the following requirements are met:
(i) The unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, is in the business of selling or managing timeshare interests.
(b) The unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, performs acts of ownership regarding the property, either individually or through an employee or representative.
(c) The provisions of this Section shall not include any unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, in the business of selling or managing timeshare interests.

(2) The service rendered by an attorney at law on behalf of a client which may be required in the normal course of other legal representation.

(3) A receiver, trustee in bankruptcy, administrator, executor, tutor, or civil sheriff for any parish of this state.

(4) Any individual, corporation, partnership, trust, limited liability company, joint venture, or other entity which sells, exchanges, leases, or manages property, whether directly or indirectly, under authority of such registration after the certificate has been dispatched to the commission.

(5) Any individual, corporation, partnership, trust, limited liability company, joint venture, or other entity which is in the business of selling timeshare interests.

(6) Any salaried employee or corporation or other legal entity, foreign or domestic, such as the following information:
(a) The unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, in the business of selling or managing timeshare interests.
(b) The unlicensed person, partnership, limited liability company, association, corporation, foreign or domestic, performs acts of ownership regarding the property, either individually or through an employee or representative.

(7) Any person employed by a housing authority to manage property

§1439. Issuance of license, certificate, or registration

A. Upon compliance with the provisions of this Chapter and with the rules and regulations of the commission, the commission shall issue the appropriate license, certificate, or registration.

B. Each individual real estate broker's license and each corporation, association, corporation, or other legal entity, foreign or domestic, such as the following information:

C. Each sales or associate broker license shall show the following activities:

(1) The name of the sales registrant.

(2) The residential address of the sales registrant, and shall also show his the mailing address of the sales registrant, if it is different from the residential address.

(3) Each individual timeshare sales registration shall show the name of the developer by whom the registrant is employed who employs the sales registrant.

(4) The timeshare sales registration shall be delivered or mailed to the developer in the manner and mode determined by the commission.

(5) Upon designation of a new qualifying broker, the outgoing qualifying broker shall deliver provide custody of the licenses of all sponsored sales registrants to the new designated qualifying broker.

THE ADVOCATE

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* As it appears in the enrolled bill

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

House Bills) and underscored and italicized (House Bills) and underscored and italicized (Senate Bills) are additions.
§1443. Fees
The commission may charge:

(a) Initial fees for licensing or certification: $  50.00
(b) Application/certification $ 35.00

§1446. Compensation: independent contractor status of salespersons and associate brokers
A. No payment of a commission or compensation shall be made by any licensee or registrant to any person who has not first secured his or her license under the provisions of this Chapter. This Subsection shall not apply to a nonresident broker who is currently licensed in his state of residence.
B. No payment of a commission or other compensation shall be made by any broker to any licensee or registrant when the paying broker has knowledge that the recipient of the commission or other compensation has agreed to pay or intends to pay or otherwise deliver a portion of the commission or compensation to an unlicensed person or entity.
C. Associate brokers, salespersons, and timeshare interest salespersons shall not pay or offer to pay, any commission or valuable consideration for the performance of any act herein specified except to their current sponsoring or qualifying broker.
D. Payment of a commission or compensation may be made to and accepted by former licensees and registrants for transactions negotiated by them while duly licensed or registered by the commission.
E. Current licensees who transfer their licenses from one broker to another broker An active licensee may accept compensation from their former broker for business transactions which transactions that were instituted initiated by the licensee while still with that under sponsorship of a former sponsoring or qualifying broker, so long as provided that the compensation is transmitted through their current sponsoring or qualifying broker.
F. Associate brokers and salespersons An active real estate licensee shall not accept a commission or other valuable consideration for the performance of any act herein specified, or for performing any act relating thereto, from any person except their current sponsoring or qualifying broker.
G. Associate brokers and salespersons may assign or direct that commissions or other compensation earned in connection with a real estate transaction be paid by their licensed sponsoring broker to an unlicensed corporation of which the associate broker or salesperson is the sole officer, director, and shareholder, or an unlicensed limited liability company of which the associate broker or salesperson is the sole manager.
H. A sponsored real estate salesperson or associate broker An active real estate salesperson or associate broker who is affiliated with the deceased broker, and in the absence of an associate broker, a salesperson sponsored by the deceased broker may, after proper notification to and approval in writing by the commission, complete, carry out, and enforce any incomplete real estate business activities of the deceased sponsoring broker, including real estate contracts left pending at the time of the death.

§1451. Death or incapacity of a real estate broker
A. In the event of the death of a sponsoring broker, any associate broker affiliated with the deceased broker, and in the absence of an associate broker, a salesperson sponsored by the deceased broker, may, after proper notification to and approval in writing by the commission, complete, carry out, and enforce any incomplete real estate business activities of the deceased sponsoring broker, including real estate contracts left pending at the time of the death.

§1465. Real estate franchises
No A. person, partnership, limited liability company, association, or corporation, foreign or domestic, acting in the capacity of a franchisor shall, as the franchisor, foreign or domestic, act as its representative in this state and registered with the commission in the manner the commission requires by regulation.

§1466. Errors and omissions insurance; mandatory for all licensees
The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The certified addiction counselor may not practice independently, except when providing addiction counseling services in a prison or other custodial environment, and may not render a diagnostic impression. The scope of practice, in addition to any other provision herein, shall include making referrals to appropriate professionals, providing counseling to family members and, as appropriate, to others affected by the individual’s addictive disorder, and the utilization of KSA and core functions.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 534**

SENATE BILL NO. 309
BY SENATOR CLAITOR AND REPRESENTATIVE JAMES
AN ACT

To amend and reenact R.S. 37:3387.1(A), relative to supervision requirements for certain addictive disorder counselors in certain custodial environments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3387.1(A) is hereby amended and reenacted to read as follows:

§3387.1. Certified addiction counselor
A. The practice of addiction counseling within the meaning and intent of this Subsection shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The certified addiction counselor may not practice independently, except when providing addiction counseling services in a prison or other custodial environment, and may not render a diagnostic impression.

The scope of practice, in addition to any other provision herein, shall include making referrals to appropriate professionals, providing counseling to family members and, as appropriate, to others affected by the individual’s addictive disorder, and the utilization of KSA and core functions.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 535**

SENATE BILL NO. 379
BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 32:80(C), relative to motor vehicles; to provide for a procedure for the board and the commissioner of administration to seek approval from the Joint Legislative Committee on the Budget and the legislature to proceed with a sale of any hospital; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:80(C) is hereby amended and reenacted to read as follows:

§80. Overtaking and passing school buses

C. (1) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(2) A highway with one lane in each direction and with a dedicated two-way left-turn lane shall not be considered a divided highway with separate roadways for purposes of this Section.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 536**

SENATE BILL NO. 395
BY SENATOR WARD
AN ACT

To enact R.S. 24:202(F) and (G), relative to the Louisiana State Law Institute; to provide relative to its powers, duties, and functions; to provide relative to the Law Institute Council; to provide certain procedures, requirements, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:202(F) and (G) are hereby enacted to read as follows:

§202. Council; membership; terms; vacancies; meetings

F. (1) All meetings of the Louisiana State Law Institute, including but not limited to council, committee, and subcommittee meetings, shall be held at a meeting space located in a public building and open to the public for the purposes of the meeting. The institute shall provide no meeting space that is available without charge or at a reduced cost. At least a majority of the council meetings, and at least a majority of the meetings of each committee, subcommittee or other body of the institute, held each year shall be in Baton Rouge.

The institute shall provide a meeting space available to the institute without charge or at a reduced cost.

(2) For meetings held in Baton Rouge, preference shall be given to meeting at Louisiana State University unless, after reasonable inquiry by the institute, another meeting space at a public building elsewhere in Baton Rouge is available at a lower cost.

G. Meetings of the institute shall be subject to the Open Meetings Law and the Public Records Law.

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

Approved by the Governor; June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 537**

SENATE BILL NO. 466
BY SENATOR HEWITT AND REPRESENTATIVE WILLMOTT
AN ACT

To enact R.S. 17:1519.2(C), relative to public hospitals administered by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; to provide for a procedure for the board and the commissioner of administration to seek approval from the Joint Legislative Committee on the Budget and the legislature to proceed with a sale of any hospital; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1519.2(C) is hereby enacted to read as follows:

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

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

(2) The review by the board and the commissioner of administration shall include, at a minimum, an assessment of the impact a sale of the property may have on the provision of healthcare in the region, the impact on graduate medical education, any contractual or operational issues with other parties that need to be addressed prior to executing a contract of sale, purchase agreement, or other type of agreement, and a cost-benefit analysis addressing the potential short-term and long-term financial advantages and disadvantages of proceeding with the sale. The commissioner shall also obtain fair market value appraisals from up to three Louisiana certified appraisers to ascertain the current value of the property. A report of such information and the recommendations of the board and the commissioner shall be submitted to the Joint Legislative Committee on the Budget immediately upon its completion.

(3) Prior to taking any action which would result or is expected to result in the sale of the property as provided by law, the commissioner of administration shall include, at a minimum, an assessment of the impact a sale of the property may have on the provision of healthcare in the region, the impact on graduate medical education, any contractual or operational issues with other parties that need to be addressed prior to executing a contract of sale, purchase agreement, or other type of agreement, and a cost-benefit analysis addressing the potential short-term and long-term financial advantages and disadvantages of proceeding with the sale. The commissioner shall also obtain fair market value appraisals from up to three Louisiana certified appraisers to ascertain the current value of the property. A report of such information and the recommendations of the board and the commissioner shall be submitted to the Joint Legislative Committee on the Budget immediately upon its completion.

(4) Notwithstanding the provisions of R.S. 41:140 to the contrary, upon receipt of the approval by the committee and legislature to proceed with the exploration of the potential sale, the board shall work with the commissioner to develop a solicitation for offers to sell the property, fixing the minimum price and terms of sale to be made with reference to the property. The solicitation shall be developed such that it is within the parameters approved by the committee and the legislature. Upon completion of the solicitation, the board shall advertise the
solicitation for offers electronically for forty-five days and shall also advertise in the newspapers in general circulation in the municipality where the property is located and in major metropolitan areas across the state for a minimum of three times within thirty days. During this time, the board and the commissioner shall resolve any outstanding contractual or operational issues with other parties that may affect the sale of the property. The board and the commissioner shall review the offers and negotiate with the respondents for a period of no less than thirty days. If the board and commissioner agree that an acceptable offer has been received, then the board shall submit the proposed agreement to the committee for its review and approval. The agreement shall be within the preliminary parameters approved by the committee and the legislature. The committee shall consider the proposed agreement not less than thirty days after submission of the agreement. No agreement shall be officially confected prior to approval of the committee.

Section 2. The provisions of this Act shall terminate on December 31, 2019.

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 17, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 538

BY REPRESENTATIVES MORENO, ADAMS, ANDERS, BAGLEY, BOUIE, CHAD BROWN, CARMODY, GARY CARTER, STEVE CARTER, CHANEY, COX, DAVIS, EDMONDS, EMERSON, FALCONER, GAINES, GISCLAIR, GLOVER, HALL, HILPERY, HODGES, HOFFMANN, HORTON, HOWARD, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TERRY LANDRY, LEGER, LYONS, MARCELLE, MIGUEZ, NORTON, PIERRE, PRICE, REYNOLDS, SEABAUGH, SMITH, WHITE, AND ZERINGUE

AN ACT

To enact R.S. 23:291.1, relative to the employment of certain persons; to provide for the issuance of a permanent and a temporary certificate of employability under certain conditions; to provide for revocation of certificates of employability; to prohibit certain causes of action under certain circumstances; to provide for applicability to certain forms of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:291.1 is hereby enacted to read as follows:

291.1. Certificate of employability

A. (1) Any judge presiding over a reentry division of court created pursuant to R.S. 13:5401 shall issue a temporary certificate of employability to an offender under the intensive supervision of the reentry division of court.

(2) Any judge presiding over a reentry division of court created pursuant to R.S. 13:5401 shall issue a permanent certificate of employability to an offender who has successfully completed his sentence under R.S. 13:5401.

B. (1) A temporary certificate of employability shall be deemed null and void if the offender fails to successfully complete his sentence under R.S. 13:5401 and is revoked from probation.

(2) A certificate of employability shall be deemed null and void if the offender is convicted of any felony offense subsequent to the issuance of the certificate of employability.

C. Any employer, general contractor, premises owner, or other third party shall not be subject to a cause of action for negligent hiring of or failing to adequately supervise an offender certified to be employed due to damages or injury caused by that employee or independent contractor solely because that employee or independent contractor has been previously convicted of a crime.

D. Nothing in this Subsection shall affect the vicarious liability of the employer pursuant to Civil Code Article 2320.

E. The provisions of this Section shall not supersede the provisions of R.S. 17:5.

Approved by the Governor, June 13, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 539

BY REPRESENTATIVE DWIGHT

AN ACT

To amend and reenact R.S. 14:337(A), (D), and (E) and to enact R.S. 14:337(B) (5)(d) and (4)(e), relative to unlawful use of an unmanned aircraft system; to prohibit use of an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a school, school premises, or correctional facilities; to provide with respect to elements of the crime; to provide for exceptions; to provide for applicability; to provide criminal penalties; to provide relative to the definitions of school and school premises; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:337(A), (D), and (E) are hereby amended and reenacted and R.S. 14:337(B)(3)(d) and (4)(e) are hereby enacted to read as follows:

337. Unlawful use of an unmanned aircraft system

A. Unlawful use of an unmanned aircraft system is either of the following:

(1) The intentional use of an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a school, school premises, or correctional facilities; to provide with respect to elements of the crime; to provide for exceptions; to provide for applicability; to provide criminal penalties; to provide relative to the definitions of school and school premises; and to provide for related matters.

(2) The intentional use of an unmanned aircraft system over the grounds of a state or local jail, prison, or other correctional facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law without the express written consent of the person in charge of that state or local jail, prison, or other correctional facility.

B. As used in this Section, the following definitions shall apply:

(3) “Targeted facility” means the following systems:

(4) “Unlawful aircraft system” means an unmanned, powered aircraft that does not carry a human operator, can be autonomously or remotely piloted or operated, and can be expendable or recoverable. “Unlawful aircraft system” does not include any of the following:

(5) Any employer, general contractor, premises owner, or other third party.

(6) Any person operating an unmanned aircraft vehicle or unmanned aircraft system in compliance with federal law or Federal Aviation Administration authorization or regulations.

(7) The operation of an unmanned aircraft by institutions of higher education conducting research, extension, and teaching programs in association with university sanctioned initiatives.

E. (1) Whoever commits the crime of unlawful use of an unmanned aircraft system as provided in Paragraph (A)(1) of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of unlawful use of an unmanned aircraft system as provided in Paragraph (A)(1) of this Section, the offender shall be fined not less than five hundred dollars nor more than two thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both.

(3) Whoever commits the crime of unlawful use of an unmanned aircraft system as provided in Paragraph (A)(2) of this Section shall be fined not more than two thousand dollars, or imprisoned for not more than six months, or both.

(4) On a conviction for a second or subsequent offense as provided in Paragraph (A)(2) of this Section, the offender shall be fined not less than two thousand dollars nor more than five thousand dollars, or imprisoned, with or without hard labor, for not more than one year, or both.

Approved by the Governor, June 17, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 540

BY REPRESENTATIVES PLYANT, ADAMS, TERRY BROWN, CARPENTER, GISCLAIR, HAYWARD, HILL, HOWARD, MONTOUCET, NORTON, PIERRE, AND POPE AND SENATORS BROWN, CORTEZ, ERDEY, FANNIN, HEWITT, LONG, AND THOMPSON

AN ACT

To designate a certain bridge located on Louisiana Highway 4 as the “Chief Warrant Officer Bryan Henderson Memorial Bridge”.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE

* As it appears in the enrolled bill

HOUSE BILL NO. 111

BY REPRESENTATIVES PLYANT, ADAMS, TERRY BROWN, CARPENTER, GISCLAIR, HAYWARD, HILL, HOWARD, MONTOUCET, NORTON, PIERRE, AND POPE AND SENATORS BROWN, CORTEZ, ERDEY, FANNIN, HEWITT, LONG, AND THOMPSON

AN ACT

To designate a certain bridge located on Louisiana Highway 4 as the “Chief Warrant Officer Bryan Henderson Memorial Bridge”. 
Section 1. The bridge crossing the Boeuf River on Louisiana Highway 4 is designated as the “Chief Warrant Officer Bryan Henderson Memorial 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, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 541

HOUSE BILL NO. 140
BY REPRESENTATIVE HOWARD
AN ACT

To amend and reenact R.S. 14:95(H)(1) and (K), relative to the carrying of concealed weapons; to provide relative to the crime of illegal carrying of weapons; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(H)(1) and (K) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

(1) Except as provided in Paragraph (A)(5) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, members of either house of the legislature, officers of either house of the legislature, the legislative auditor, designated investigative auditors, constables, coroners, designated coroner investigators, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, the attorney general designated assistant attorneys general, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, legislator or officer of the legislature, legislative auditor, designated investigative auditor, constable, coroner, designated coroner investigators, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, or justices of the peace such persons are qualified annually in the use of firearms by the Peace Officer Standards and Training Council, Council on Peace Officer Standards and Training.

(2) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, retired attorney general, retired assistant attorneys general, retired district attorneys, and retired assistant district attorneys, from possessing and concealing a handgun on their person provided that such retired justice, judge, district attorney, or assistant district attorney, person is qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of the status as a retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney.

K.1) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, retired attorney general, retired assistant attorneys general, retired district attorneys, and retired assistant district attorneys, from possessing and concealing a handgun on their person provided that such retired justice, judge, district attorney, or assistant district attorney, person is qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of qualification. However, this Subsection shall not apply to a retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense. For the purposes of this Subsection, “retired district attorney” or “retired assistant district attorney” shall mean a district attorney or an assistant district attorney receiving retirement benefits from the District Attorneys’ Retirement System.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 542

HOUSE BILL NO. 158
BY REPRESENTATIVES MONTUCET AND GLOVER
AN ACT

To enact R.S. 33:2476.5 and 2476.6, relative to the municipal fire and police civil service boards in certain municipalities; to provide relative to filling the office of board secretary; to provide relative to salary of the secretary; 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. 33:2476.5 and 2476.6 are hereby enacted to read as follows:

§2476.5. City of Lafayette municipal fire and police civil service board; board secretary

Notwithstanding the provisions of R.S. 33:2476(L)(1), the municipal fire and police civil service board in the city of Lafayette may fill the office of secretary by employing any person on a full-time basis. The board shall pay such person an amount that is within a salary range that is comparable to the salary range established by the Lafayette city-parish consolidated government for classified personnel employed in similar administrative positions.

§2476.6. Municipal fire and police civil service boards in certain municipalities; board secretary

Notwithstanding the provisions of R.S. 33:2476(L)(1), a municipality having a population in excess of one hundred fifty thousand but not more than two hundred ten thousand persons, based on the latest federal decennial census, may fill the office of secretary for the municipal fire and police civil service board by employing any other person on a full-time basis with a rate of salary and benefits equivalent to like administrative personnel of the municipality as determined by the municipalities. The duties of the full-time secretary will be assigned by the civil service board.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 543

HOUSE BILL NO. 223
BY REPRESENTATIVE TERRY LANDRY
AN ACT

To amend and reenact R.S. 14:95(E), relative to the illegal carrying of weapons; to provide relative to felony penalty provisions of possession of a firearm while unlawfully in the possession of a controlled dangerous substance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(E) is hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

E. If the offender uses, possesses, or has under his immediate control any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, while committing or attempting to commit a crime of violence or while unlawfully in the possession of a controlled dangerous substance except the possession of fourteen grams or less of marijuana, or during the unlawful sale or distribution of a controlled dangerous substance, the offender shall be fined not more than ten thousand dollars and imprisoned at hard labor for not less than five nor more than ten years without the benefit of probation, parole, or suspension of sentence. Upon a second or subsequent conviction, the offender shall be imprisoned at hard labor for not less than twenty years nor more than thirty years without the benefit of probation, parole, or suspension of sentence.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 544

HOUSE BILL NO. 296
BY REPRESENTATIVE GAROFALO
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact R.S. 9:1725.3, 1972, 1973, 2092, and 2262.2, relative to the Louisiana Trust Code; to provide for a definition of a “person”; to provide for the treatment of interest upon death of the principal beneficiary; to provide for shifting interest in principal; to provide for recordation of instruments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1725.3, 1972, 1973, 2092, and 2262.2 are hereby amended and reenacted to read as follows:

§1725. Definitions

Except when the context clearly indicates otherwise, as used in this Code:

(3) “Person” means an individual, a corporation, a partnership, a limited liability company, an association, a joint stock company, a business trust, or two or more persons having a joint or common interest.

Comment - 2016

(f) This revision augments the definition of person to include limited liability companies.

§1972. Treatment of interest upon death of principal beneficiary

Upon a principal beneficiary’s death, his interest vests in his heirs or legatees, subject to the trust, provided, however, that the trust instrument may stipulate otherwise by designating substitute
principal beneficiaries to the extent permitted by the following Sections of this Subpart and R.S. 9:1885.

Comment - 2016

§1973. Shifting interest in principal
A. The trust instrument may provide that the interest of an original or a substitute principal beneficiary who dies intestate and without descendants during the term of the trust or at its termination vests in some other person or persons, each of whom shall be a substitute beneficiary.

1. Except as to the legitime in trust, the trust instrument may provide that the interest of an original or a substitute principal beneficiary who dies intestate and without descendants during the term of the trust or at its termination vests in some other person or persons, each of whom shall be a substitute beneficiary of an irrevocable trust vests in one or more of his descendants upon the death of the beneficiary either during the term of the trust or at its termination. The trust instrument may provide that the interest vests in another person if the beneficiary dies without descendants.

2. With respect to the legitime in trust, the trust instrument may provide that the interest of an original or a substitute principal beneficiary vests in another person upon the death of the beneficiary either during the term of the trust or at its termination, only if a beneficiary dies intestate and without descendants.

B. The trust instrument may provide that the interest of a designated principal beneficiary of a revocable trust vests in another person or persons, if the substitution occurs no later than the date when the trust becomes irrevocable.

Comment - 2016

(a) This revision reorganizes, modifies, and clarifies prior law. It expands prior law by enlarging the category of allowable parties to whom a principal interest can be shifted at the death of an original or substitute principal beneficiary. It allows for a settlor to provide that if a principal beneficiary dies with descendants his interest passes to one or more of the beneficiary's descendants. As under prior law, a settlor can shift to any other person the principal interest in a revocable trust without a description of the property that vests in that person upon the death of the principal beneficiary. As under prior law, the shifting of principal is allowed only if the beneficiary dies intestate and without descendants.

(b) Subsections (A)(1) and (A)(2) apply both to irrevocable trusts and to revocable ones once the latter has ceased to be revocable. Subsection C applies to revocable trusts prior to the trust becoming irrevocable.

§2082. Recordation of instruments
A. If at any time the trust property of either an inter vivos trust or a testamentary trust includes immovables or other property the title to which must be recorded in order to affect third persons, a trustee shall file the trust instrument, an extract of trust, or a copy of the trust instrument or extract of trust certified by the clerk of court for the parish in which the original trust instrument or extract of trust was filed, for record in each parish in which the property is located. Nevertheless, if the trust instrument contains a transfer of immovable property or other property the title to which must be recorded in order to affect third persons, a trustee shall file the trust instrument or record in the parish in which the property is located.

B. For purposes of recording an extract of a trust instrument, such an extract shall be executed by either the settlor or the trustee and shall include all of the following:

1. The name of the trust, if any.
2. A statement as to whether the trust is revocable or irrevocable.
3. The name of each settlor.
4. The name of each trustee and name or other description of the beneficiary or beneficiaries.
5. The date of execution of the trust.
6. Any limitation or restriction on the power of the trustee to alienate, lease, or encumber immovable property contained in the trust instrument.
7. Any limitation or restriction on the power of the trustee to sell, lease, or mortgage immovable property contained in the trust instrument.

2. When an extract of trust is recorded pursuant to Subsection A of this Section, any limitation or restriction in the trust instrument on the power of the trustee to sell, lease, or mortgage alienable, lease, or encumber immovable property shall not be effective against third persons unless it is recited in the extract of trust.

3. The provisions of this Section authorizing the filing of an extract of the trust instrument or a clerk-certified copy of the trust instrument or extract of trust without a description of the property are remedial and shall be applied retroactively to any trust extract or clerk-certified copy of either the trust instrument or extract of trust theretofore filed for record which is in substantial compliance with the provisions of this Section, and such extract or clerk-certified copy shall affect third persons as of the date of recording. If the extract of an inter vivos trust instrument or clerk-certified copy thereof is recorded, the failure of the trust instrument to be in the form required by R.S. 9:1752 shall not be effective against third persons who shall be immune from claims based on the failure of the trust instrument to be in the form required by R.S. 9:1752.

Comment - 2016

This revision makes clear that if the trust instrument contains a conveyance of immovable property, then the trust instrument, rather than an extract of trust, must be filed. It also includes a number of semantic changes and reorders provisions of prior law to make them consistent with R.S. 9:2092.

Approved by the Governor, June 17, 2016. A true copy:
Tom Schedler
Secretary of State

ACT No. 545

HOUSE BILL NO. 335
BY REPRESENTATIVE SCHEXNAYDER

AN ACT

To amend and reenact R.S. 3:43(A)(2) and to enact R.S. 3:48, relative to fees for unmanned aerial systems; to establish an agricultural education and safety training course fee for unmanned aerial systems; to establish a registration fee for unmanned aerial systems; to amend and reenact R.S. 9:2262.2. Recordation of instruments
A. If at any time the trust property of a foreign trust includes an immovable immovables or other property in Louisiana the title to which must be recorded in order to affect third persons, a trustee shall file the trust instrument, an extract of trust, or a copy of the trust instrument or extract of trust certified by the clerk of court for the parish in which the original trust instrument or extract of trust was filed, for record in each parish in which the property is located. Nevertheless, if the trust instrument contains a transfer of immovable property or other property the title to which must be recorded in order to affect third persons, a trustee shall file the trust instrument for record in the parish in which the property is located.

B. If a beneficiary dies during an extract of a trust instrument, such an extract of a trust instrument either shall be in such form and contain such information as may be lawful under the law of the jurisdiction which the parties have expressly chosen to govern the trust, or shall be executed by either the settlor or the trustee and shall include all of the following:

1. The name of the trust, if any.
2. A statement as to whether the trust is revocable or irrevocable.
3. The name of each settlor.
4. The name of the trustee each settlor.
5. The name or other description of the beneficiary or beneficiaries. The name of each trustee and name or other description of the beneficiary or beneficiaries.
6. The date of execution of the trust instrument.
7. Any other provisions of the trust instrument as the party executing the extract deems useful.
8. Any other provisions of the trust instrument as the party executing the extract deems useful.

Comment - 2016

This revision makes clear that if the trust instrument contains a conveyance of immovable property, then the trust instrument, rather than an extract of trust, must be filed. It also includes a number of semantic changes and reorders provisions of prior law to make them consistent with R.S. 9:2092.

Approved by the Governor, June 17, 2016. A true copy:

Tom Schedler
Secretary of State
To enact R.S. 33:3819(K), relative to waterworks districts; to provide with respect to the per diem paid to members of the board of commissioners of districts located in certain parishes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 33:3819(K) is hereby enacted to read as follows:

§3819. Meetings of commissioners; meeting place; absences; compensation

 K.    Notwithstanding the provisions of Subsection A of this Section, the parish governing authority of any parish with a population of not less than twenty thousand persons and not more than twenty thousand five hundred persons according to the latest federal decennial census may authorize the parish treasurer to pay the commissioners of the waterworks districts a per diem not to exceed one hundred twenty dollars for attending meetings of the board for a maximum of twenty-four meetings per year and for each special meeting not to exceed twelve special meetings per year.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 546

HOUSE BILL NO. 383
BY REPRESENTATIVE HAVARD

To enact R.S. 33:3819(K), relative to waterworks districts; to provide with respect to the per diem paid to members of the board of commissioners of districts located in certain parishes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 33:3819(K) is hereby enacted to read as follows:

§3819. Meetings of commissioners; meeting place; absences; compensation

 K.    Notwithstanding the provisions of Subsection A of this Section, the parish governing authority of any parish with a population of not less than twenty thousand persons and not more than twenty thousand five hundred persons according to the latest federal decennial census may authorize the parish treasurer to pay the commissioners of the waterworks districts a per diem not to exceed one hundred twenty dollars for attending meetings of the board for a maximum of twenty-four meetings per year and for each special meeting not to exceed twelve special meetings per year.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 547

HOUSE BILL NO. 385
BY REPRESENTATIVE HAZEL

To enact R.S. 14:110.1.2, relative to offenses affecting law enforcement; to create the crime of providing false, nonexistent, or incomplete declaration of residence for bail; to provide elements of the offense; to provide criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 14:110.1.2 is hereby enacted to read as follows:

§110.1.2. Providing false, nonexistent, or incomplete declaration of residence for bail

 A. Providing false, nonexistent, or incomplete declaration of residence for bail is committed when any person knowingly gives or places on any bail bond or declaration of residence false, nonexistent, or incomplete information for purposes of service or notice as required by Code of Criminal Procedure Article 322.

 B. Whoever commits the crime of providing false, nonexistent, or incomplete declaration of residence for bail when the bail is to assure the presence of the defendant for those cases defined as misdemeanors in this Title and in the Uniform Controlled Dangerous Substances Law shall be imprisoned for not more than six months, or fined not more than five hundred dollars, or both.

 C. Whoever commits the crime of providing false, nonexistent, or incomplete declaration of residence for bail when the bail is to assure the presence of the defendant for those cases defined as felonies in this Title and in the Uniform Controlled Dangerous Substances Law shall be imprisoned at hard labor for not more than two years.

Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 548

HOUSE BILL NO. 429
BY REPRESENTATIVE BROADWATER

To amend and reenact R.S. 33:2212.1(N)(1) through (4)(introductory paragraph) and to repeal R.S. 33:2212.1(N)(4)(a) through (g), relative to group purchasing of school materials, equipment, and supplies, including any installation thereof; to authorize public school districts and public schools to enter into agreements with qualified group purchasing organizations for the purchase of materials, equipment, and supplies; to provide relative to definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 33:2212.1(N)(1) through (4)(introductory paragraph) are hereby amended and reenacted to read as follows:

§2212.1. Advertisement and letting to lowest responsible bidder; materials and supplies; exemptions

 N.    Notwithstanding any provision of this Part to the contrary, any public school district or public school may purchase and supplies, including any installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

(2)    Public schools and public school districts which are members of a school district purchasing cooperative enter into an agreement with one or more qualified group purchasing organizations for the purchase of materials, equipment, and supplies, including any installation thereof. Any such agreement shall constitute a valid and binding bid by the qualified group purchasing organization.

(3)    As used in this Subsection, “school district qualified purchasing cooperative” means an organization, whether for profit or not for profit, of which two or more public school districts are members and which solicits proposals or bids from vendors of services, materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

(4)    A school district purchasing cooperative shall use the following request for proposals process in the solicitation of vendors for materials, equipment, and supplies: board may purchase equipment from a qualified group purchasing organization if the price for such equipment is less than that for the same or substantially similar equipment on the state bid list.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 549

HOUSE BILL NO. 538
BY REPRESENTATIVE GAROFALO

To amend and reenact R.S. 13:980(D)(1), relative to court reporters for the Thirty-Fourth Judicial District Court; to provide for court reporter fees for matters taken down and shall furnish as many copies thereof as may be required by law for an appeal. For matters not on appeal, a litigant requesting service or notice as required by Code of Criminal Procedure Article 322.

D(1)    In all cases on appeal, the reporter shall be paid a fee as determined by the majority of the judges on the panel of judges for which fees shall not to exceed two dollars and seventy-five cents three dollars for each original thirty two line page transcribed and where a copy is requested by a litigant, shall furnish such copy at a cost of one dollar and fifty-two cents for each page thereof. At the request of any of the party proceedings, or at the order of a district judge, the court reporter shall transcribe all or part of the testimony or other matter taken down and shall furnish as many copies thereof as may be required by law for an appeal. For matters not on appeal, a litigant requesting a transcript of testimony or other matter transcribed shall enter into a private civil contract with the court reporter for payment of fees applicable to those contracts. Such fees shall be in accordance with fees customarily charged in the judicial district for depositions. The reporter, except when ordered by
the judge, shall not be required to file or furnish any transcribed testimony until the transcription fee is paid. If those parties, or the judge, direct the original transcription, each party shall pay the expense of transcribing the testimony offered by him. No fee shall be allowed for transcribing matter other than testimony, objections and rulings thereon, bills, notes of evidence, and such other matters as may be ordered by the judge. All such fees shall be paid directly to the court reporter performing the service as additional compensation and shall be taxed as costs.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 550

HOUSE BILL NO. 557

BY REPRESENTATIVE JAY MORRIS

AN ACT

To amend and reenact R.S. 37:1356(introductory paragraph), (1), (4), and (5), 1357(introductory paragraph) and (1), 1357.1(introductory paragraph), 1358, 1359, and 1360 and to repeal R.S. 37:1356(9), relative to the practice of acupuncture; to provide for definitions; to provide for the certification of physician acupuncturists; to provide for the certification of acupuncture detoxification specialists; to provide for the certification of licensed acupuncturists; to repeal provisions for the certification of persons performing acupuncture for research purposes; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1356(introductory paragraph), (1), (4), and (5), 1357(introductory paragraph) and (1), 1357.1(introductory paragraph), 1358, 1359, and 1360 are hereby amended and reenacted to read as follows: §1356. Definitions

As used in this Part the following definitions shall apply:

(1) “Acupuncture” means treatment by means of mechanical, thermal or electrical stimulation effected by the insertion of needles at a point or combination of points on the surface of the body predetermined on the basis of the theory of the physiological interrelationship of body organs with an associated point or combination of points, or the application of heat or electrical stimulation to such point or points, for the purpose of inducing anesthesia, relieving pain, or healing diseases, disorders and dysfunctions of the body, or achieving a therapeutic or prophylactic effect with respect thereto.

The practice of acupuncture shall be construed to be the practice of medicine as defined by R.S. 37:2361.

(4) “Acupuncturist” means an individual a physician certified by the board to practice acupuncture pursuant to the provisions of R.S. 37:1357.

(5) “Acupuncturists’ assistant” means an individual other than a physician who is certified by the Board of Medical Examiners to practice in the state and has successfully completed the following:

(1) Six months’ training in traditional Chinese acupuncture in a school or clinic approved by the board.

§1357. Practice of traditional Chinese acupuncture; certification Physician acupuncturists

The board shall certify as a physician acupuncturist of traditional Chinese acupuncture a physician licensed to practice medicine in Louisiana who has successfully completed the following:

(1) Six months’ training in traditional Chinese acupuncture in a school or clinic approved by the board.

§1357.1. Practice of acupuncture detoxification; certification; promulgation of rules; public health emergency

A. The board shall certify as an acupuncture detoxification specialist an individual who works under the general supervision of a physician licensed by the board to practice in the state, or under the general supervision of an acupuncturist’s assistant a licensed acupuncturist certified by the board to practice in the state and has successfully completed the following:

(1) An individual to practice in Louisiana who has successfully completed thirty-six months training in a school or clinic of traditional Chinese acupuncture approved by the board, graduated from an acupuncture school or college accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.

(2) An individual who has been appointed or employed at a licensed or accredited Louisiana hospital, medical school, or clinic to perform acupuncture for research purposes.

(3) An individual who has successfully passed the certification examination given by the National Certification Commission for Acupuncture and Oriental Medicine.

B. The acupuncturist’s assistant licensed acupuncturist shall work under the direction, control, and supervision of a physician and shall perform such duties, services, and functions pertaining to acupuncture as assigned by the supervising physician, establish and maintain, in accordance with rules and regulations promulgated by the board, a relationship with a physician who operates a physical practice location in Louisiana to provide for referrals and follow-up care which may be necessary.

§1359. Annual report by board to legislature; administrative data

The board shall establish procedures and systems for the compilation, transmission, correlation, storage, and analysis of data relative to the administration of acupuncture in this state and shall report annually to the legislature concerning the status of acupuncture practice in the state beginning February 1, 1976.

§1360. Guidelines for certification and practice—Powers and duties of the Louisiana State Board of Medical Examiners

Pursuant to the provisions established by this Part, the board shall formulate rules and regulations that it deems necessary to regulate the certification of acupuncturists and acupuncturists’ assistants and the practice of traditional Chinese acupuncture in Louisiana.

In addition to the powers and duties established in R.S. 37:1270, the Louisiana State Board of Medical Examiners may do any of the following:

(1) Adopt, revise, and enforce rules and regulations that it deems necessary to ensure the competency of applicants, the protection of the public, and the proper administration of this Part in accordance with the Administrative Procedure Act.

(2) Approve the license of duly qualified applicants and deny, suspend, revoke, or place on probation any licensee who acts beyond the scope of practice or engages in unprofessional conduct.

(3) Conduct hearings on charges calling for the denial, suspension, or revocation of or the refusal to renew a license.

(4) Adopt fees under its authority pursuant to R.S. 37:1281, for the purpose of administering the provisions of this Part.

(5) Establish an advisory committee on acupuncture to provide such assistance as the board may deem necessary or request in the administration of this Part.

Section 2. R.S. 37:1356(9) is hereby repealed in its entirety.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 551

HOUSE BILL NO. 608

BY REPRESENTATIVE ADAMS

A. AN ACT

To amend and reenact R.S. 47:1838(1), relative to fees levied by the Louisiana Tax Commission; to increase the rate of the fees for the assessment of public service properties for a certain period of time; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1838(1) is hereby amended and reenacted to read as follows: §1838. Fees

The tax commission is hereby authorized on an interim basis for the period beginning on July 1, 2014, and ending on June 30, 2016, to levy and collect the following fees in connection with services performed by the commission:

(1) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(2) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(3) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(4) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(5) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(6) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(7) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(8) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

(9) A fee for the assessment of public service properties, at the rate of one hundredth of one percent of the assessed value of such properties.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 552

HOUSE BILL NO. 859

BY REPRESENTATIVE MONTUCET

A. AN ACT

To amend and reenact R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and (G), 2554(B), (C), and (G) and 2555(B)(3)(a), and to enact R.S. 33:2494(C)(2)(e), 2495(F), 2555(F) and 2585.10, relative to the municipal fire and police civil service; to provide relative to the employees of the classified service; to provide relative to the appointment and removal of such employees;
to provide relative to working test and work-related incapacities; to provide relative to the deputy chief of police position in certain municipalities; and to provide relative to the reemployment or reinstatement list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550(A) and R.S. 33:2550(B) before the vacancy is filled by any subsequent method provided by this Part. The appointing authority shall appoint to the vacant position the first person so certified to it who is eligible for the appointment. If the appointing authority shall appoint to the vacant position a person whose name appears upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550(C) before any other appointment is made thereto.

§2554. Certification and appointment

B. The board first shall certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550(A) and R.S. 33:2550(B) before the vacancy is filled by any subsequent method provided by this Part. The appointment authority shall appoint to the vacant position the first person so certified to it who is eligible for the appointment. If the appointing authority shall appoint to the vacant position a person whose name appears upon the re-employment list for the class shall be certified and offered the appointment in the order provided by R.S. 33:2550(C) before any other appointment is made thereto.

§2555. Working tests

B. (3)(a) Any probational employee in a position of a competitive class of the classified police service, except an entry level police officer, and an entry level radio, police alarm, or signal system operator, who has served less than six months of his working test for any given position may be removed therefrom on his request, with the prior approval of the board. Any probational employee in a position of a promotional class of the classified police service, who has served less than three months of his working test for any given position may be removed therefrom only with the prior approval of the board. Any such person certified to the board may be removed only upon one of the following grounds:

(i) He is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed.

(ii) His habits and dependability do not merit his continuance therein.

Section 2. R.S. 33:2494(C)(1), R.S. 33:2494(C)(2)(introductory paragraph), and (G), and 2554(C) and (G) are hereby amended and reenacted and R.S. 33:2494(C) *(Senate Bills) are additions.* *(House Bills) and underscored and boldfaced type are deletions from existing law; words underscored

C.1. In the event a vacancy cannot be filled by reinstatement, or by reemployment as above provided, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.

(a) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the remaining persons certified therefor who has the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

(b) Any person certified to the appointing authority who, because of work-related illness, injury, or incapacity, is unable to immediately begin a working test, shall be appointed in accordance with Paragraph (1) of this Subsection. However, the working test shall be immediately interrupted and shall not commence until the employee has fully recovered and returns to full duty. If the employee fails to recover and return to full duty within six months of the date of his appointment, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified therefor who has the next highest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

*   *   *   *

G. Except as provided in R.S. 33:2494(C)(1) and (2)(e), the appointing authority shall fill each vacancy, including vacancies in classifications hereafter created, within sixty days after the occurrence of the vacancy. This Subsection shall not prevent the board from abolishing unnecessary classifications.

*   *   *   *

§2554. Certification and appointment

C. In the event a vacancy cannot be filled by reinstatement or by reemployment as above provided, the board next shall certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.

(1) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to it who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the remaining persons certified therefor who has the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

(2) Any person certified to the appointing authority who, because of work-related illness, injury, or incapacity, is unable to immediately begin a working test, shall be appointed in accordance with Paragraph (1) of this Subsection. However, the working test shall be immediately interrupted and shall not commence until the employee has fully recovered and returns to full duty. If the employee fails to recover and return to full duty within six months of the date of his appointment, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified therefor who has the next highest seniority in the departmental service. Any such person appointed in accordance with R.S. 33:2554(C) to substitute for the injured employee during the period of interrupted working test shall have such time counted toward his twelve-month working test period.

*   *   *   *

G.4 Except as provided in R.S. 33:2554(C)(2), it shall be mandatory for the appointing authority to fill each vacancy, including vacancies in classifications hereafter created, within sixty days after the occurrence of the vacancy. This Subsection shall not prevent the board from abolishing any unnecessary classifications.

*   *   *   *

§2555. Working tests

F. Any employee appointed in accordance with R.S. 33:2494, who has commenced a working test shall have the working test considered interrupted by any absence greater than thirty consecutive days. The working test, even if interrupted, shall not be more than the aggregate period of one year.

*   *   *   *

§2554. Certification and appointment

C.1. In the event a vacancy cannot be filled by reinstatement or by reemployment as above provided, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.

(1) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to it who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the remaining persons certified therefor who has the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

*   *   *   *

G.4 Except as provided in R.S. 33:2554(C)(2), it shall be mandatory for the appointing authority to fill each vacancy, including vacancies in classifications hereafter created, within sixty days after the occurrence of the vacancy. This Subsection shall not prevent the board from abolishing any unnecessary classifications.

*   *   *   *

§2555. Working tests

F. Any employee appointed in accordance with R.S. 33:2554, who has commenced a working test shall have such working test considered interrupted by any absence greater than thirty consecutive days. The working test, even if interrupted, shall not be more than the aggregate period of one year.

*   *   *   *

Section 3. R.S. 33:2554(C) and (G) are hereby amended and reenacted to read as follows:

*   *   *   *

§2554. Certification and appointment

C.1. In the event a vacancy cannot be filled by reinstatement or by reemployment as above provided, the board shall next certify the names of the persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled.

(1) The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to it who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the remaining persons certified therefor who has the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service who is willing to accept the appointment, or until each person whose name appears upon the list has in this order been certified and offered the appointment for the vacancy.

(2) Notwithstanding any other provision of law to the contrary, the municipal fire and police civil service system for the cities of Lafayette for the rank of lieutenant or above and Lake Charles shall fill a vacant position in the police department in the following manner:

(e) Any person certified to the appointing authority who, because of work-related illness, injury, or incapacity, is unable to immediately begin a working test, shall be appointed in accordance with Paragraph (a) of this Paragraph. However, the working test shall be immediately interrupted and shall not commence until the employee has fully recovered and returns to full duty. If the employee fails to recover and return to full duty within six months of the date of his appointment, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified therefor who has the next highest promotional seniority. Any such person appointed in accordance with R.S. 33:2494(2) to substitute for the injured employee during the period of interrupted working test shall have such time counted toward his twelve-month working test period.
the employee fails to recover and return to full duty within six months of the date of his appointment, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified to him who has the greatest promotional seniority in the same class. This procedure shall be followed until the position has been filled by the board with the next highest promotional seniority in the next lower class.

(c) If any one or more persons so certified should refuse the appointment, the appointing authority shall select and appoint one of the persons certified by the board with the next highest promotional seniority in the next lower class. This procedure shall be followed until the position has been filled by the board with the next highest promotional seniority in the same class.

(d) If two or more persons possess an equal amount of promotional seniority, the appointment shall be made to one of the persons whose names appear on the list in this order if they appear thereon, for the class in which the vacancy is to be filled.

(e) Any person certified to the appointing authority who, because of work-related illness, injury, or incapacity, is unable to immediately begin a working test shall be appointed in accordance with Subparagraph (a) of this Paragraph. However, the working test shall be immediately interrupted and shall not commence until the employee has recovered and returned to full duty. If the employee fails to recover and return to full duty within six months of the date of his appointment, the board shall declare him ineligible to continue therein, and the appointment shall be made to one of the remaining persons certified to him who has the next highest promotional seniority.

(f) Any person appointed in accordance with R.S. 33:2556(2) to substitute for the injured employee during the period of interrupted working test shall have such time counted toward his twelve-month working test period.

(ii) Any review or compilation to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS).

(iii) Any examination, review, or agreed upon procedures engagement to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE).

(iv) Issuance of any report or performance of any engagement, including compilations, prescribed by the Statements on Auditing Standards, Statements on Standards for Attestation Engagements, or Government Auditing Standards, on or in connection with any report or any of the services referred to in Section 7, as well as performance of any other services covered by the definitions provided therein.

(b) Such statements on standards shall be adopted by reference by the board in accordance with the Administrative Procedure Act and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants (AICPA) and the Public Company Accounting Oversight Board (PCAOB).

(3) “Certificate” means a certificate as a certified public accountant issued pursuant to the provisions of this Part, as follows:

(a) An “active certificate” is granted to or renewed by a person who has met all requirements pursuant to the provisions of this Part, including the experience requirement. A holder of a valid active certificate is licensed to perform all services prescribed by the CPA title in Louisiana. Such a person is referred to in this Part as an active certificate.

(b) An “inactive certificate” is one held by a person who registers with the board in inactive status. This applies to (i) persons accredited by R.S. 37:75(c), who have been licensed to practice in the state prior to the prior accountancy act, or (ii) persons licensed to practice in any other state who have not been licensed in Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:73(introductory paragraph), (1)(a)(ii) through (iv) and (b), (3) and (6) through (17), 74(D), 82(4), and (F), (G)(2) and (J)(introductory paragraph), 77(A), (C), (D), and (G), 76(D), (F), and (G)(2), 77(A), (B), (C)(2)(b), (3) and (4), and (D) through (H), 77.1(A)(introductory paragraph), (1) and (2) and (B), 79(A)(introductory paragraph) and (3) and (4), (B)(3)(a), and (C), 83(A) and (K) and (2) and (3), 84(B), 85, 86(C), and 91(B), and to enact R.S. 37:73(18) and (19), 79(B) (3), 86, and 87(A) and (D), and (G), 91, and 94(A)(4) and 94(A)(4) are hereby enacted to read as follows:

* As it appears in the enrolled bill

BY REPRESENTATIVE STOKES

AN ACT

To amend and reenact R.S. 37:73(introductory paragraph), (1)(a)(ii) through (iv) and (b), (3) and (6) through (17), 74(D), 82(4), and (F), (G)(2) and (J)(introductory paragraph), 77(A), (C), (D), and (G), 76(D), (F), and (G)(2), 77(A), (B), (C)(2)(b), (3) and (4), and (D) through (H), 77.1(A)(introductory paragraph), (1) and (2) and (B), 79(A)(introductory paragraph) and (3) and (4), (B)(3)(a) and (C), 83(A) and (K) and (2) and (3), 84(B), 85, 86(C), and 91(B) are hereby amended and reenacted and R.S. 37:73(18) and (19), 79(B) (3), 86, and 87(A) and (D), and (G), 91, and 94(A)(4) and 94(A)(4) are hereby enacted to read as follows:

(1) **(a) Attest** means providing the following services, subject to the exceptions provided for in R.S. 37:93.

(2) Any person who is appointed from the rank of chief police inspector, for the time being, or chief of police of the municipality.

The provisions of Section 2 of this Act shall become effective on August 1, 2016.

The provisions of Section 3 of this Act shall take effect and become operative if and when the Act which originated as House Bill No. 157 of this 2016 Regular Session of the Legislature is enacted and becomes effective. If the provisions of Section 3 of this Act become effective, they shall prevail over any conflicting provisions in Section 2 of this Act and any conflicting provisions in the Act which originated as House Bill No. 157 of this 2016 Regular Session.

Section 7. The provisions of Sections 1, 4, 5, 6 and 7 of this Act shall become effective immediately upon approval on the day following such approval.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schleder
Secretary of State

CODING: Words in italics are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(6)(a) “CPA-Retired” means either of the following:
(b) A CPA-Retired may not perform any services set forth in the Louisiana Accountancy Act, but this status does not preclude uncompensated volunteer services as long as the individual does not sign any documents related to such services. If a retired CPA-Retired wishes to return to active or CPA-Inactive status, he or she shall comply with provisions prescribed by board rule.

(7) "Good moral character" means the propensity to provide professional services in a fair, honest, and open manner and the lack of history of any dishonest or felonious acts.

(8) "Licensee" means an active certificate of certified public accountant, pursuant to R.S. 37:23(3)(a) Subparagraph(3)(a) of this Section, or a CPA firm's permit to practice issued in accordance with the provisions of this Part.

(9) "Licensee" means the holder of a license.

(10) "Manager" means a manager of a limited liability company or a limited liability partnership.

(11) "Member" means a member of a limited liability company or a limited liability partnership.

(12) "Peer review" means a study, appraisal, or review of one or more aspects of the professional work of a CPA firm that performs attest services by a person or persons who hold licenses and who are not affiliated with the CPA firm being reviewed.

(13) "Permit" means a permit to practice as a CPA firm issued pursuant to the provisions of this Part or pursuant to corresponding provisions of law of another state.

(14) "Preparation of financial statement" means an engagement by a licensee to prepare financial statements for an entity but not to perform a compilation, review, or audit with respect to those financial statements and as provided in the American Institute of Certified Public Accountants' Statement on Standards for Accounting and Review Services.

(15) "Professional" means arising out of or related to the specialized knowledge or skills associated with CPAs.

(16) "Report" means, when used with reference to any attest services, an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statement or assertion. "Report" also means any statement or implication that the person or firm issuing it: has specialized knowledge or competence in accounting or auditing; and its service reported upon was performed under standards for such services established by the American Institute of Certified Public Accountants. Such a statement or implication of specialized knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. "Report" also means any form of language which discloses an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language. "Report" also means any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

(17) "Rule" means any rule, regulation, or other written directive of the board adopted by the board in accordance with the Administrative Procedure Act.

(18) "State" means any state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam, and the Commonwealth of the Northern Mariana Islands. "This state" or "the state" means the state of Louisiana.

(19) "Substantial equivalency" or "substantially equivalent" means a determination by the board, or its designee, that the education, examination, and experience requirements contained in the statutes and administrative rules of another state or jurisdiction are comparable to or exceed the education, examination, and experience requirements of this state or that an individual CPA's education, examination, and experience qualifications are comparable to or exceed the education, examination, and experience requirements of this state.

§4. State Board of Certified Public Accountants of Louisiana; powers and duties

D. The governor shall designate a chairperson of the board. The board shall annually elect from its members such other officers as the board may determine to be appropriate.

E. * * *

(4) The board shall retain or arrange for the retention of such applications and documents under oath that are filed with the board, as well as all records of its proceedings as required by law or regulation. The board shall maintain a registry of the names and addresses of all licensees and all certificates and all applications received by the board. In any civil or criminal court proceeding arising out of or founded upon any provision of this Part, copies of any records certified as true copies under the seal of the board shall be admissible in evidence as tending to prove the contents of said records.

F. The members of the board shall receive monthly compensation in an amount to be fixed by the board for the time expended by such members in the discharge of their official duties. The compensation of the board officers shall not exceed a maximum of one hundred fifty dollars per month per officer. The compensation of other members of the board shall not exceed the sum of two hundred dollars per month per member. Such expenses shall be paid out of the treasury of the board. No expenses incurred by the board shall be charged to or against the funds of this state.

G. * * *

(2) The board may appoint or employ such committees or persons to advise or assist it in such administration and enforcement as it may see fit. * * *

J. The board may adopt rules in accordance with the Administrative Procedure Act, governing its administration and enforcement of the provisions of this Part and the conduct of holders of a certificate, and permit license, or permit including but not limited to rules governing:

§74.1. Fees

The board is authorized by this Section to impose and collect fees which shall not exceed the following:

(1) Original or reciprocal certification application

$500.00 $250.00

(2) Reinstatement application

$500.00 $250.00

(3) Notice under substantial equivalency

$400.00 $200.00

(4) Transfer of grades transfer fee

$50.00

(5) Written verifications requested by applicants and registrants

$50.00 $100.00

(6) Registration and renewal fee for CPA, inclusive of CPA-Inactive status

$50.00

(7) Registration and renewal fee for CPA-Retired status

$200.00

(8) Application to establish experience or evaluate education courses and qualifications

$100.00 $200.00

(9) Annual renewal of certificate

$100.00 $200.00

(10) Reinstatement Additional fee if not renewed prior to February 1

$200.00 per month

(11) Renewal fee if not renewed and reinstated prior to March

$200.00

(12) Additional fee if not renewed and reinstated prior to April 16

$200.00

(13) Certified public accountants, registrants, or CPA firms who have received three suspensions within the previous six years for being found not in compliance with the rules or regulations, and any additional certificates or permits or an additional fee of $200.00

(14) Additional fee to licensees or CPA firms who have delinquent or inactive certificates or permits for three years

$300.00

(15) Provisional firm permit, initial application

$100.00 $250.00

(16) Annual filing fee for firm permit $15.00 per owner, partner, member, or shareholder not licensed to practice in Louisiana, with a maximum fee of $6,000.00 per firm $100.00 plus $25.00 per each owner over 10, with a maximum fee of $2,500.00 per firm

(17) Additional delinquent fees for

$15.00 per owner, partner, member, or shareholder not licensed to practice in Louisiana, and any delinquent application fee for renewal of firm permit, not in excess of a maximum additional fee of $5,000.00 $300.00

(18) Delinquent fees for firm permit $300.00 per owner, partner, member, or shareholder not licensed to practice in Louisiana, and any delinquent application fee for renewal of firm permit, not in on or after March 1 excess of a maximum additional fee $18,000.00

(19) Reinstatement fee for firms

The number of years the continuing to practice as a CPA firm practiced without a firm in Louisiana after the expiration or cancellation of the firm permit the prior annual firm permit renewal fee

§75. Qualifications for a certificate as a certified public accountant

A. A certificate of certified public accountant shall be granted to persons of good moral character who have attained the age of eighteen years and meet the education, examination, and experience requirements of this Section and who make application to the board.

C.1 An applicant is eligible to apply for the examination provided for in this Section upon meeting the educational requirement of at least one hundred fifty semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by the board to be appropriate. In addition, the applicant shall have maintained continuous residency in this state for a period of not less than one hundred twenty days preceding the date of his application to sit for the board’s next scheduled examination.

§76. This state or “this state” means:

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As it appears in the enrolled bill

CODING: Words in italics through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
in the area of accounting sufficient to satisfy the educational standards and regulations prescribed by the board, the board may require an applicant to successfully complete a course in higher accounting prescribed by the board.

An applicant who has attained a baccalaureate degree prior to January 1, 1992, shall not be subject to any of the requirements of this Subsection, except that such degree must be conferred by a Louisiana college or university approved by the board and must have such adequate concentration in the area of accounting as the board may prescribe. If the required baccalaureate degree received by the applicant prior to January 1, 1992, does not reflect concentration in the area of accounting sufficient to satisfy the educational standards and regulations prescribed by the board, the board may require an applicant to successfully complete additional course work as prescribed by the board.

Any applicant for initial issuance of a certificate under the provisions of this Section shall show that he has completed at least one hundred fifty semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the applicant shall meet all education requirements by December thirty-first of the fifth calendar year following successful completion of the examination, or the examination scores will be voided. The board may grant additional time to complete the requirements as provisional in the examination when an applicant can demonstrate circumstances of extreme hardship.

Any CPA firm may include nonlicensee owners provided that:

(a) The board shall hold a permit issued pursuant to this Section unless it meets each of the following requirements:

(1) Compliance with the qualifications described in Subsection C of this Section.

(2) Compliance with the qualifications described in Subsection G of this Section.

(3) It performs services through an individual with practice privileges as provided in R.S. 37:984.

(4) It can lawfully perform in the state where the individuals with practice privileges have their respective principal place of business.

Issuance or renewal of a permit shall not preclude the board from any further action against such permit holder. Any permit which is not timely renewed with all required information shall expire on the date specified by the board. Any permit which has expired because of nonrenewal may be reinstated by the board upon payment of the renewal fee and any penalty additional fees as may be prescribed by the board provided that the applicant is otherwise qualified for the issuance of a permit under as provided in this Part.

(2) Where an applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the board is not able to determine whether the application should be granted or denied, the board may issue a provisional permit to the applicant. Such provisional permit shall expire ninety at the end of one hundred twenty days after its issuance or when the board determines whether or not to issue or renew the permit for which application was made, whichever occurs first.

Any individual licensee or individual granted practice privileges under as provided by this Part who is responsible for supervising attest services and who signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the experience requirements set out in the professional standards for such services promulgated by the American Institute of Certified Public Accountants. The board shall also adopt standards concerning such experience requirements promulgated by the American Institute of Certified Public Accountants, the board shall adopt rules specifying the requisite experience requirements. Such board rule shall be in effect only until such time as the American Institute of Certified Public Accountants promulgates professional standards concerning such experience requirements.

Applicants for initial issuance, renewal, or reinstatement of certificates shall list in their applications all reasonable and relevant information required by the board, which may include but not be limited to all states in which the applicant has applied for, renewal, issued, revoked, or surrendered certificates, licenses, or permits, or information pertaining to any current investigation or any past denial, revocation, or suspension of a certificate, license, or permit. Each holder of or applicant for a certificate shall notify the board in writing within thirty days after the occurrence of any event, including denial, revocation, or suspension of a certificate, license, or permit by another state. The board may issue a certificate to a holder of a substantially equivalent foreign designation provided that:

As it appears in the enrolled bill

* * *
The oversight board are also required to meet the peer review requirements in the Public Company Accounting Oversight Board. Firms performing only such processes for engagements subject to a permanent inspection program of the American Institute of Certified Public Accountants peer review program, and the American Institute of Certified Public Accountants peer review program and peer review standards that are not less stringent than the American Institute of Certified Public Accountants peer review programs. The board may approve other nationally recognized peer review programs administered by organizations that are closely related to the American Institute of Certified Public Accountants or another state certified public accountant society, of the licensee's participation in a peer review program and the dates of the licensee's most recent peer review.

Firms shall make peer review results and inspection results of the Public Company Accounting Oversight Board available to the board in accordance with rules and regulations adopted by the board.

(4) The peer review process shall be conducted in a manner pursuant to this Section in accordance with rules and regulations adopted by the board.

(4a) Except as provided in Subparagraph (b) of this Paragraph, the proceedings, records, reports, letters of comment, letters of response, or working papers related to a peer review shall be privileged and shall not be discoverable in any civil proceeding, subpoena, or other means of legal process. No person, firm, or governmental entity in possession of information or documents related to any proceedings, records, reports, letters of comments, letters of response, or working papers of the American Institute of Certified Public Accountants, or a board-approved peer review program, or other peer review committee or governmental entity either voluntarily or pursuant to discovery, subpoena, or other means of legal process. No member of a peer review committee or other person who was involved in a peer review shall be permitted or required to testify in any civil proceeding as to any matters produced, preserved, disclosed, or discussed during or in connection with the peer review, or to any findings, recommendations, evaluations, opinions, or other actions of any person involved in the peer review.

(b) The privilege in Subparagraph (a) of this Paragraph shall not be construed to deny the discovery, use, or introduction of information or other records privileged by Subparagraph (a) of this Paragraph in any civil proceeding arising out of a dispute between persons conducting a peer review and a licensee subject to a peer review and arising from the performance of a peer review.

(11) Prevent a designee of the board from disclosing, using, introducing, or testifying with respect to information or records which are relevant in a proceeding before the board pursuant to R.S. 37:79, 80, 81, and 84.

(12) The board may adopt rules to:

(12a) Establish a copy of a power of attorney or similarly enforceable document executed by the owner's executor, administrator, or heir designating a licensee in good standing with the board to manage the firm on behalf of the heirs of the owner for the twelve-month period.

(12b) A copy of a fee for applying for the continuation of business, not to exceed the annual filing fee for firm permits charged in R.S. 37:74(14).

(79) Enforcement against holders of certificates, permits, and privileges

THE ADVOCATE

As it appears in the enrolled bill

Coding:

Words in italics (except House Bills) and underscored

House Bills) and underscored and boldfaced

Senate Bills) are additions.

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The page contains a legislative document with various sections, paragraphs, and clauses. It discusses specific provisions under Louisiana's Revised Statutes (R.S.), including sections on licensing, professional conduct, and penalties. The document outlines legal restrictions and behaviors that are subject to punishment, such as refusing to comply with board proceedings, making false statements, and engaging in improper advertising.

Key provisions include:
- The requirement for licensees to pay all costs of board proceedings.
- The court's authority to enter judgment in favor of the board in cases where a respondent fails to comply.
- Restrictions on nonlicensees who use accounting skills for services related to financial statements or reports, which do not purport to be in compliance with applicable standards.
- The penalties for violations, which may include fines, imprisonment, or both.

The document also addresses the disclosure of confidential communications and the penalties for violations of this section. It includes provisions for the disclosure of information to the public, the board, or other entities, and the consequences for violators.

The legislative process is summarized, including the enactment and approval by the Governor, with the effective date being June 17, 2016.

The final section of the page is an act number, ACT No. 554, which includes the House Bill No. 876, approved by Representative Leger from the House of Representatives.

The Advocate

* As it appears in the enrolled bill

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Notwithstanding the provisions of this Section, any filing that the secretary of state has the capability to accept shall be filed only online.

D. (1) Notwithstanding the provisions of this Section, any filing that the secretary of state has the capability to accept shall be filed only online. If a document is required by law to be filed or recorded with an entity or official other than the secretary of state, the filing of the document with the secretary of state shall not satisfy any provision of law requiring the filing or recordation of the document with the other entity or official.

(2) Notwithstanding any contrary provision of this Title, until the secretary of state has the capability to accept filings online, any filing with the secretary of state pursuant to this Title which has the effect of changing the name of a principal officer of the corporation shall be accompanied by a resolution signed by each member of the corporation’s board of directors in order for the change to be deemed validly filed.

(3) Notwithstanding the provisions of this Section, any filing filed by an individual from a parish with a population of one hundred thousand or less according to the latest federal decennial census may be filed by facsimile transmission or mail.

Section 2. R.S. 12:1-120(D) and (J) and 1701(A), (C), and (D) are hereby amended and reenacted and R.S. 12:1-120(M) is hereby enacted to read as follows:

§ 1-120. Requirements for documents; extrinsic facts

D. The document must be typewritten or printed or, if electronically transmitted electronically or online, it must be in a format that can be retrieved or reproduced in typewritten or printed form. The inclusion of handwritten notations or entries on a typewritten or printed document does not affect the eligibility of the document for filing.

J. The document must be delivered to the office of the secretary of state for filing. Delivery may be made by electronic or online transmission if and to the extent permitted by the secretary of state. If it is filed in typewritten or printed format and not transmitted electronically or online, the secretary of state may require one exact or conformed copy to be delivered with the document, except as provided in R.S. 12:1-503.

M. As used in this Section, “online” means through the secretary of state’s commercial online computer system.

§ 1701. Filing Methods

A. (1) The secretary of state may accept any filing authorized by this Title by electronic, online, or facsimile transmission. All electronic online filings authorized by this Title shall include an electronic or digital signature.

(2) “Digital signature” means a type of electronic signature that transforms a message using an asymmetric crytography system such that a person having the initial message and the signer’s public key can accurately determine both the message and the signer’s public key.

(3) Whether the transformation was created using the private key that corresponds to the signer’s public key.

(4) Whether the initial message has been altered since the transformation was made.

(5) “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.

(6) “Online” means through the secretary of state’s commercial online computer system.

C. (1) Internet Online filing. The secretary of state is authorized to implement and establish procedures and systems for secure Internet online form filing for the filing of any instrument required under this Title.

(2) Any requirement that an instrument filed under this Title shall be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed and signed electronically as provided in Paragraph (A)(2) of this Section by a person authorized to sign the instrument.

D. Notwithstanding the provisions of this Section, any filing authorized by Chapter 10 of this Title that the secretary of state has the capability to accept shall only be filed online.

B. Filing by facsimile. Printed documents transmitted through the process of an electronic method to the secretary of state are deemed to be properly signed when the document received by a facsimile machine or document image attachment in email by the commercial division, office of the secretary of state, purports to be a copy of the original document and contains the signatures required in this Section.

C. (1) Online filing. The secretary of state is authorized to implement and establish procedures and systems for secure online form filing for the filing of any instrument required to be filed with the secretary of state pursuant to the provisions of this Chapter.

(2) Any provision that requires an instrument filed pursuant to the provisions of this Chapter to be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed and signed electronically as provided in Paragraph (A)(2) of this Section by a person authorized to sign the instrument.

D. Notwithstanding the provisions of this Section, any filing authorized by Chapters 1 and 7 of this Title that the secretary of state has the capability to accept shall be filed only online.

B. Filing by facsimile. Printed documents transmitted through the process of an electronic method to the secretary of state are deemed to be properly signed when the document received by a facsimile machine or document image attachment in email by the commercial division, office of the secretary of state, purports to be a copy of the original document and contains the signatures required in this Section.

C. (1) Online filing. The secretary of state is authorized to implement and establish procedures and systems for secure online form filing for the filing of any instrument required to be filed with the secretary of state pursuant to the provisions of Chapters 1 and 7 of this Title.

(2) Any provision that requires an instrument filed pursuant to the provisions of Chapters 1 and 7 of this Title to be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed and signed electronically as provided in Paragraph (A)(2) of this Section by a person authorized to sign the instrument.

D. Notwithstanding the provisions of this Section, any filing authorized by Chapters 1 and 7 of this Title that the secretary of state has the capability to accept shall be filed only online.

E. Notwithstanding the provisions of this Section, any filing filed by an individual from a parish with a population of one hundred thousand or less according to the latest federal decennial census may be filed by facsimile transmission or mail.

§ 195. Filing Methods

A. (1) The secretary of state may accept any filing required in this Act electronically as provided in Paragraph (A)(2) of this Section by a person authorized to sign the instrument.

(2) Any provision that requires an instrument filed pursuant to the provisions of Chapters 1 and 7 of this Title to be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed and signed electronically as provided in Paragraph (A)(2) of this Section by a person authorized to sign the instrument.

D. Notwithstanding the provisions of this Section, any filing authorized by Chapters 1 and 7 of this Title that the secretary of state has the capability to accept shall be filed only online.

E. Notwithstanding the provisions of this Section, any filing filed by an individual from a parish with a population of one hundred thousand or less according to the latest federal decennial census may be filed by facsimile transmission or mail.

Sections 2. R.S. 17-3-10 and R.S. 17-3-11 of this Act shall become effective on January 1, 2018.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 555

HOUSE BILL NO. 880
BY REPRESENTATIVE RICHARD
AN ACT

To enact R.S. 47:338.138.1, relative to the Lafourche Parish School Board; to authorize the school board to levy and collect an additional sales and use tax, subject to voter approval; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:338.138.1 is hereby enacted to read as follows:

§338.138.1. Lafourche Parish School Board; authority to levy and collect additional sales and use tax

A. The Lafourche Parish School Board may levy and collect an additional sales and use tax not in excess of one percent.

B. The tax authorized by this Section shall be in addition to all other taxes which such a school board is authorized to levy and, pursuant to Section 29(A) of Article VI of the Constitution of Louisiana, shall not be subject to the combined rate limitation established in Section 29(A) of such Article nor to the combined rate limitation established by R.S. 47:338.54. The authority granted in this Section shall not limit any prior taxing authority granted to the school board or to any other political subdivision by any other provision of law.

C. The sales and use tax shall be imposed by ordinance of the school board and shall be levied upon the sale, lease, use, rental, the consumption, and the storage for consumption of tangible personal property, and on sales of services in the parish, all as defined in Chapter 2 of this Subtitle. However, the ordinance imposing the tax shall be adopted by the school board only after the question of the imposition of the tax has been submitted to the qualified electors of the parish at an election conducted in accordance with the election laws of the state, and a majority of those voting on the proposition have voted in favor of the imposition of the tax.

D. The proceeds of the tax may be used for any lawful purpose of the board. The proposition authorizing the levy of the tax may authorize the funding of a portion of the avails of the tax into bonds in the manner provided by law.

E. The sales and use tax authorized by this Section shall be collected at the same time and in the same manner as set forth in Chapter 2 of this Subtitle.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016; or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 556

HOUSE BILL NO. 936

BY REPRESENTATIVES POPE, AMEDEE, BAGLEY, BOULIE, CONNICK, COX, DAVIS, EDMONDS, EMERSON, GAROFALO, GUINN, LANCE HARRIS, HENRY, HENSGENS, HILFERTY, HILL, HOFFMANN, HORTON, IVEY, MIKE JOHNSON, JONES, LEBAS, LOPINTO, MAGEE, MIGUEZ, GREGORY MILLER, JAY MORRIS, SMITH, STOKES, AND ZERINGUE

A TRUE COPY

BY REPRESENTATIVES MARCELLE

HOUSE BILL NO. 329

AN ACT

To amend and reenact R.S. 47:532.1(A)(5) and to enact R.S. 47:532.1(A)(7)(e), (f), and (g) and (E) to provide such profiles to any legislator in the form of a paper report.

§ 1.  R.S. 17:338.138.1 is hereby amended and reenacted and R.S. 17:338.138.1(A)(5) and (7)(e), (f), and (g) and (E) are hereby enacted to read as follows:

§ 1.  Lafourche Parish School Board; authority to levy and collect additional sales and use tax

A. The Lafourche Parish School Board may levy and collect an additional sales and use tax not in excess of one percent.

B. The tax authorized by this Section shall be in addition to all other taxes which such a school board is authorized to levy and, pursuant to Section 29(A) of Article VI of the Constitution of Louisiana, shall not be subject to the combined rate limitation established in Section 29(A) of such Article nor to the combined rate limitation established by R.S. 47:338.54. The authority granted in this Section shall not limit any prior taxing authority granted to the school board or to any other political subdivision by any other provision of law.

C. The sales and use tax shall be imposed by ordinance of the school board and shall be levied upon the sale, lease, use, rental, the consumption, and the storage for consumption of tangible personal property, and on sales of services in the parish, all as defined in Chapter 2 of the law. However, the ordinance imposing the tax shall be adopted by the school board only after the question of the imposition of the tax has been submitted to the qualified electors of the parish at an election conducted in accordance with the election laws of the state, and a majority of those voting on the proposition have voted in favor of the imposition of the tax.

D. The proceeds of the tax may be used for any lawful purpose of the board. The proposition authorizing the levy of the tax may authorize the funding of a portion of the avails of the tax into bonds in the manner provided by law.

E. The sales and use tax authorized by this Section shall be collected at the same time and in the same manner as set forth in Chapter 2 of this Subtitle.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 557

HOUSE BILL NO. 947

BY REPRESENTATIVES POPE, AMEDEE, BAGLEY, BOULIE, CONNICK, COX, DAVIS, EDMONDS, EMERSON, GAROFALO, GUINN, LANCE HARRIS, HENRY, HENSGENS, HILFERTY, HILL, HOFFMANN, HORTON, IVEY, MIKE JOHNSON, JONES, LEBAS, LOPINTO, MAGEE, MIGUEZ, GREGORY MILLER, JAY MORRIS, SMITH, STOKES, AND ZERINGUE

A TRUE COPY

BY REPRESENTATIVES MARCELLE

HOUSE BILL NO. 329

AN ACT

To amend and reenact R.S. 47:532.1(A)(5) and to enact R.S. 47:532.1(A)(7)(e), (f), and (g) and (E) to provide such profiles to any legislator in the form of a paper report.

§ 1.  R.S. 47:532.1(A)(5) and to enact R.S. 47:532.1(A)(7)(e), (f), and (g) and (E) are hereby enacted to read as follows:

§ 1.  Lafourche Parish School Board; authority to levy and collect additional sales and use tax

A. The Lafourche Parish School Board may levy and collect an additional sales and use tax not in excess of one percent.

B. The tax authorized by this Section shall be in addition to all other taxes which such a school board is authorized to levy and, pursuant to Section 29(A) of Article VI of the Constitution of Louisiana, shall not be subject to the combined rate limitation established in Section 29(A) of such Article nor to the combined rate limitation established by R.S. 47:338.54. The authority granted in this Section shall not limit any prior taxing authority granted to the school board or to any other political subdivision by any other provision of law.

C. The sales and use tax shall be imposed by ordinance of the school board and shall be levied upon the sale, lease, use, rental, the consumption, and the storage for consumption of tangible personal property, and on sales of services in the parish, all as defined in Chapter 2 of this Subtitle. However, the ordinance imposing the tax shall be adopted by the school board only after the question of the imposition of the tax has been submitted to the qualified electors of the parish at an election conducted in accordance with the election laws of the state, and a majority of those voting on the proposition have voted in favor of the imposition of the tax.

D. The proceeds of the tax may be used for any lawful purpose of the board. The proposition authorizing the levy of the tax may authorize the funding of a portion of the avails of the tax into bonds in the manner provided by law.

E. The sales and use tax authorized by this Section shall be collected at the same time and in the same manner as set forth in Chapter 2 of this Subtitle.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

The Advocate

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the time of submission to the legislature of the progress profiles required by Paragraph (7) of this Subsection.

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (7) of this Subsection.

§154. Powers and duties of secretary of elderly affairs

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (7) of this Subsection.

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

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of a report pursuant to Paragraph (11) of this Subsection.

* * *

§234. Powers and duties of secretary of environmental quality

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of a report pursuant to Paragraph (12) of this Subsection.

* * *

§254. Powers and duties of the secretary of the Department of Health and Hospitals

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (7) of this Subsection.

* * *

§474. Powers and duties of the secretary of the Department of Children and Family Services

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(15)(a) On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and shows each staff position, whether filled or vacant, that comprises the department.
(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (7) of this Subsection.

§504. Powers and duties of secretary of transportation and development
A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

10(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

§605. Powers and duties of the secretary of wildlife and fisheries
A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

9(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (7) of this Subsection.

§624. Powers and duties of commissioner of agriculture and forestry
A. In addition to the functions, powers, and duties otherwise vested in the commissioner of agriculture by law, he shall:

9(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The commissioner may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (6) of this Subsection.

§645. Powers and duties of state superintendent of education
A. In addition to the functions, powers, and duties otherwise vested in the state superintendent by law, he shall:

9(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The state superintendent may submit the report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (6) of this Subsection.

§682. Commissioner of insurance; powers and duties

A. In addition to the functions, powers, and duties otherwise vested in the commissioner of insurance by law, he shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

B. In addition to the functions, powers, and duties otherwise vested in the commissioner of insurance by law, he shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

702. Powers and duties of attorney general
In addition to the functions, powers, and duties otherwise vested in the attorney general, he shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The attorney general may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (5) of this Section.

722. Powers and duties of Public Service Commission
In addition to the functions, powers, and duties otherwise vested in the Public Service Commission, it shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The commission may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of a report pursuant to Paragraph (5) of this Section.

742. Powers and duties of state treasurer
In addition to the functions, powers, and duties otherwise vested in the secretary of state by law, he shall:

10(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The state treasurer may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of a report pursuant to Paragraph (5) of this Section.

§764. Powers and duties of state treasurer
A. In addition to the functions, powers, and duties otherwise vested in the state treasurer by law, he shall:

8(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(b) The state treasurer may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of a report pursuant to Paragraph (6) of this Subsection.

784. Powers and duties of the secretary
A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

9(a). On an annual basis, provide all of the following information to the legislature no later than fifteen days prior to the convening of each regular session:

(i) A full organizational chart for the department which is current as of the date of submission to the legislature and which shows each staff position, whether filled or vacant, that comprises the department.

(ii) The current salary of the person occupying each filled position shown on the organizational chart.

* As it appears in the enrolled bill
(ii) The current salary of the person occupying each filled position shown on the organizational chart.

(3) The secretary may submit the annual report required by this Paragraph in electronic format, and is further authorized, but is not required, to submit the report at the time of submission of the annual report required by Paragraph (6) of this Subsection.

* * *

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 558

HOUSE BILL NO. 948
BY REPRESENTATIVE STEVE CARTER
AN ACT

To enact R.S. 17:3351(J), relative to education facilities at public postsecondary education institutions; to require management boards to adopt policies with respect to use of such facilities; to require reports; to provide relative to construction of new facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351(J) is hereby enacted to read as follows:

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

* * *

(1) Each board shall adopt a policy requiring each institution under its supervision and management to develop plans for full use of existing facilities, including plans for distance learning.

(2) Each board shall adopt a policy requiring each institution under its supervision and management to annually report information on use of classroom and laboratory facilities. The report shall be submitted to the board and posted on the institution’s website. Such information shall include:

(a) Total number of classrooms and laboratories available for instructional use and the number of those undergoing renovation.

(b) Total available square footage of instructional space and the amount of instructional space under renovation or being used for storage.

(c) Average weekly hours of instructional use of all campus classrooms and laboratories available for instruction, reported by day of the week and time of day, Monday through Saturday.

(d) Average percentage of seats or stations filled in all sections taught in campus classrooms and laboratories that are available for instruction, reported by day of the week and time of day, Monday through Saturday.

(e) The number of courses the institution currently offers online and plans for future development of online courses.

(f) The number of cooperative endeavors, partnerships, or other agreements the institution has entered into with another institution for the shared use of a facility, the extent to which such shared use has occurred, and any potential opportunities for shared use of facilities between institutions.

(3) Prior to the submission of any request for capital outlay funds appropriating an amount exceeding ten million dollars in state funds for construction of new facilities at an institution under its supervision and management, the board shall hold a public hearing on the proposed facility. The hearing shall include discussions of:

(i) Level and manner of use of existing campus facilities, using the metrics reported pursuant to Paragraph (2) of this Subsection, for the preceding three-year period.

(ii) Projected maintenance costs for the proposed building over its expected lifetime.

(iii) Funding sources for the proposed building.

(iv) Any potential opportunities for shared use of facilities between institutions.

(v) When submitting a request for capital outlay funds as provided in Paragraph (3) of this Subsection, the board shall include with the request a summary of the proceedings of the public hearing held pursuant to such Paragraph, and the information collected pursuant to Paragraph (2) of this Subsection.

* * *

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 560

HOUSE BILL NO. 992
BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact R.S. 15:541(2)(c), (k) through (q) and (25)(n) and to enact R.S. 15:541(2)(r) and (25)(o), relative to the registration of sex offenders; to provide relative to registration and notification requirements imposed on sex offenders; to amend the definitions of “aggravated offense” and “sexual offense against a victim who is a minor”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:541(2)(c), (k) through (q) and (25)(n) are hereby amended and reenacted and R.S. 15:541(2)(r) and (25)(o) are hereby enacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions in this Section shall apply:

* * *

(2) “Aggravated offense” means a conviction for the perpetration of attempted perpetration of, or conspiracy to commit, any of the following:

(i) Simple rape under the provisions of R.S. 14:433A(1) and (2) which occurred prior to August 1, 2015.

(ii) Third degree rape under the provisions of R.S. 14:433A(1) and (2) which occurred on or after August 1, 2015.

* * *

(k) Crime against nature when prosecuted under the provisions of R.S. 14:89(A)(2) or (3).

(m) Aggravated human trafficking (R.S. 14:436(2)) when the trafficking involves a person under the age of eighteen years.

(n) Sexual battery of persons with infirmities (R.S. 14:93.5).

(p) Trafficking of children for sexual purposes (R.S. 14:46.3).

(q) Any offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed in Subparagraphs (a) through (q) of this Paragraph.

* * *

(25) “Sexual offense against a victim who is a minor” means a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:

(n) Crime against nature prosecuted under the provisions of R.S. 14:89 other than R.S. 14:89(B)(2) or (3) and the victim of the offense has not attained the age of eighteen.
Any conviction for an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed in Subparagraphs (a) through (m) of this Paragraph.

Approved by the Governor, June 17, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 561

HOUSE BILL NO. 994
BY REPRESENTATIVE PYLANT

AN ACT

To amend and reenact R.S. 39:1800.4(A) and (F) and to enact R.S. 15:834.2, relative to correctional facilities; to provide with respect to expansions of and contracts for additional housing of individuals in the custody of the state; to require plans for the expansion of state housing; to provide requirements for contracts for housing by local governmental or private contractors; to require the submission of certain plans and other information for legislative approval; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:834.2 is hereby enacted to read as follows:

R.S. 15:834.2. Plan for expansion of existing space or contracts for additional housing of individuals in the custody of the department legislative approval
A. Before the execution of any agreement or contract for the expansion of space for the housing of individuals in the custody of the department, either through improvements to an existing facility or construction of a new state facility or through a contract or other agreement with a local government facility or private contractor, the secretary of the Department of Public Safety and Corrections, hereinafter referred to as "secretary", shall prepare a detailed analysis reflecting the need for the expansion as well as a recommended plan to remedy the shortage of housing, hereinafter referred to as "the plan". The secretary shall submit the plan to both the House Committee on Administration of Criminal Justice and Senate Committee on Judiciary B for approval. The form and content of the plan shall be determined by the chairmen of the two committees, and shall also include the criteria provided for in Subsection B of this Section.
B. For purposes of the plan, the secretary shall consider the existing resources currently available for the housing of individuals committed to the custody of the department with an assessment of the sufficiency of those resources in terms of current state facility capacity or through a contract or other agreement with a local government facility or private contractor. The plan shall include options for the expansion of a state facility, a contract or other agreement with a local correctional facility, and a contract or other agreement with a private correctional facility. The plan shall contain a comparison between the three methods of increasing the availability of housing by using state, local, and private facilities, and shall include consideration of the costs associated with feeding and housing individuals, the costs associated with qualified personnel to properly secure and maintain the facility, and the availability of facilities to provide adequate healthcare for aged or infirm inmates. The plan shall include projected long-term price increases for contracts with private correctional facilities.
C. The provisions of this Section shall not apply in West Carroll Parish.

Section 2. R.S. 39:1800.4(A) and (F) are hereby amended and reenacted to read as follows:

R.S. 39:1800.4. State and local corrections facilities; private contracts
A. The department and local governmental subdivisions are hereby authorized to enter into contracts with prison contractors for the financing, acquiring, designing, leasing, constructing, and operating of facilities. Any contract by the department shall reflect the recommended plan for addressing the shortage of housing which was jointly approved by the House Committee on Administration of Criminal Justice and Senate Committee on Judiciary B pursuant to the provisions of R.S. 15:834.2.
F. No contract shall be entered into pursuant to this Chapter unless the department in accordance with R.S. 15:542(B) (except in Orleans Parish where registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

ACT No. 562

HOUSE BILL NO. 1008
BY REPRESENTATIVE CONNICK

AN ACT

To amend and reenact R.S. 15:543.1, relative to sex offender notification and registration requirements; to modify the notification form issued to sex offenders by courts to reflect statutory changes; to make technical changes to the form; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:543.1 is hereby amended and reenacted to read as follows:

R.S. 15:543.1. Written notification by the courts; form to be used
STATE V. ____________________ JUDICIAL DISTRICT COURT
docket # __________  parish of __________
DIVISION STATE OF LOUISIANA
Notification to Sex Offender
In accordance with R.S. 15:543, this court has the duty to provide (name of offender) with the information necessary for awareness of sex offender and child predator registration and notification requirements. __________________________ (name of offender) has pled guilty to, or been found guilty of, or been adjudicated delinquent of a violation of an offense listed in R.S. 15:544(A) which, pursuant to R.S. 15:544(B)(2)(a) or (b), requires lifetime registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950. This crime of conviction or adjudication is:

1. Under Paragraph (2) of R.S. 15:541, defined as an aggravated offense or with regard to offenders adjudicated as juveniles, an offense listed in R.S. 15:542(A)(3) which, pursuant to R.S. 15:544(B)(2)(a) or (b), requires lifetime registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

2. A second conviction for an offense requiring registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 which, pursuant to R.S. 15:544(B)(2)(c), requires lifetime registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

3. Under Paragraph (25) of R.S. 15:541, defined as a sexual offense against a victim who is a minor which, pursuant to R.S. 15:544(B)(1), requires 25 years of registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

4. Any sex offense committed after the effective of this act, as defined in R.S. 15:541(2), the offender must update his/her registration in person, every ninety days from the date of initial registration, with the appropriate law enforcement agencies as provided in R.S. 15:542.

Based on the provisions of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 and the determinations of this statute violated. IT IS ORDERED that must register for the period of ______. The above registration and notification periods shall begin to toll from the date of his/her release you are released from prison, from the date of his/her release from parole, supervised release or probation, or from the date of his/her conviction, if the offender is you are not sentenced to a term of imprisonment or jail. Additionally, since __________________________ (hereinafter referred to as offender) has been convicted of:

1. An aggravated offense as defined in R.S. 15:541(2), the offender must update his/her registration, in person, every ninety days from the date of initial registration, with the appropriate law enforcement agencies as provided in R.S. 15:542.
2. A sexual offense involving a victim who is a minor as defined in R.S. 15:541(2), the offender must update his/her registration, in person, every ninety days from the date of initial registration, with the appropriate law enforcement agencies as provided in R.S. 15:542.

3. An offense not defined in R.S. 15:541 as an aggravated offense or a sexual offense involving a victim who is a minor which, pursuant to R.S. 15:544(B)(1), requires 15 years of registration and notification under Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

Based on the foregoing, you are hereby notified of the following:

1. The offender that you, within three (3) business days of establishing residence in Louisiana or if a current resident, within three (3) business days after conviction or adjudication if not immediately incarcerated or taken into custody, or within three (3) business days after release from confinement, shall obtain and provide the following information to each sheriff or police department in accordance with R.S. 15:543(B)(except in Orleans Parish where registration shall take place with the New Orleans Police Department):
   a. Name and any aliases used by the offender you
   b. Physical address or addresses of residence
   c. Name and physical address of place of employment. If the offender you do not have a fixed place of employment, the offender you shall provide information with as much specificity as possible regarding the places where work you work, including but not limited to travel routes used by the offender
   d. Name and physical address of the school in which he is a student

2. Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, the offender you may provide an affidavit of an adult resident living at the same address. The affidavit shall certify that the affiant understands his obligation to provide written notice pursuant to R.S. 15:542.14 to the appropriate law enforcement agency with whom the offender you last registered when the offender you no longer resides at the residence provided in the affidavit.
You shall still notify.
You have a duty to provide notice you plan to stay for seven or more days and the length of the
you will
your
new parish of residence within the same
you, the court in which the
you have  registered with the sheriff of the parish in which the new
your
you shall update his
of such conviction, and if known by the offender
information is located, unless the residence has changed and
building or facility where such instruction is being given. This notice shall
have to provide this community notice.

*Juveniles adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

*Juveniles who are adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

You shall still appear in person at the sheriff’s office within three (3)
days prior to release from confinement. The
you shall appear in person at the office of the sheriff of his
within the thirty-day limit is exceeded that the new registration shall occur.

Failure to do so is a violation of the registration statutes and will subject you to prosecution
under R.S. 15:542.1.

In accordance with R.S. 15:542.1.2, if an offender changes your place of residence or establishes a new or additional
residence, you shall appear in person at the office of the sheriff of his
within three business days of the change to register the new address. If the new address is located in a different parish, then the offender shall also appear in person at the office of the sheriff of his new parish of residence within the same
municipality where the offender resides.

In accordance with R.S. 15:542.1.2, if an offender changes your place of residence or establishes a new or additional
residence, you may not register with the Orleans Parish Sheriff’s Office without appearing in person at the office of the
New Orleans Police Department and not with the Orleans Parish Sheriff.

In accordance with R.S. 15:542.1.2, if an offender is absent from his or her
place of residence for more than thirty (30) consecutive days or an aggregate of thirty (30) days or more in a calendar year, and is
physically present at another address during that same period of time, the
shall register in person the new address as one of his or her addresses of residence. If the new address is in a parish different from his or her current address, he or she shall also register in person with the sheriff of the new parish within three (3) business days of the registration of the time periods listed. This requirement notwithstanding, the
shall still notify the sheriff of one of his or her parishes of residence in person if he or she are
absent from his or her place of residence for more than seventy-two (72) consecutive days.

If the offender’s address of residence is in Orleans Parish, the registration update shall take place at the New Orleans Police Department and not with the Orleans Parish Sheriff’s Office.

In accordance with R.S. 15:542.1, if an offender changes your place of residence or establishes a new or additional
residence within a different parish, the
shall register with the sheriff of the parish in which the residence address he or she initially supplied to the department is located, unless the residence has changed and
he or she have registered with the sheriff of the parish in which the new
current address is located.

In accordance with R.S. 15:542.1, an offender who resides within a
municipality of a municipality, you must also register with the police department of that municipality within three business days of establishing the residence.

The
shall give notice of the crime for which he was convicted, his
name, address, a physical description, and a photograph to the
following in accordance with R.S. 15:542.1:

(a) At least one person in every residence or business within a one-mile radius in a rural area and a three-tenths of a mile radius in an urban or suburban area of the address of the residence where the
will reside upon release, including all adult residents of the residence of the
.
(b) The superintendent of the school district where the
will reside.
(c) The lessor, landlord, or owner of the residence or the property on which
resides.
(d) The superintendent of the park, playground, and recreation districts within the designated area where the
will reside only if the victim was under eighteen (18) years of age at the time of the commission of the offense.

A conviction or plea of no contest convicted of a violation of R.S. 14:98 shall not have to include a
photograph in the notice described in Paragraph (6) of this Subsection.

*Juveniles adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

In accordance with R.S. 15:542.1, community notification shall be given by the bureau from the law enforcement agency, this information shall then be sent to the United States Marshals Service’s National Sex Offender Targeting Center for transmission to the proper authorities.

You shall be prohibited from certain types of employment under R.S. 15:543.

You have a duty to provide notice in the
new or additional parish of residence. This notice shall also occur within twenty-one (21) days of establishing residency in the new locale. This notification shall also occur at least every five years, whether or not the offender changes your residence.

*Juveniles adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

In accordance with R.S. 15:542.1, community notice shall be published on at least two separate days within this period in the official journal of the governing authority of the parish where the offender plans to reside, unless ordered to be published in a different journal or newspaper by the sheriff or local ordinance.

Those convicted of R.S. 14:92(A)(7) are not required to publish notice in the
newspaper or official journal as provided in Paragraph (8).

*Juveniles who are adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

(b) An offender who provides recreational instruction to persons under the age of seventeen (17) shall post a notice in the
building or facility where such instruction is being given containing your name and photograph, the date and jurisdiction of conviction, and the crime for which you were convicted.

In accordance with R.S. 15:542.1(B), an offender who provides recreational instruction to persons under the age of seventeen (17) shall post a notice in the
building or facility where such instruction is being given containing your name and photograph, the date and jurisdiction of conviction, and the crime for which you were convicted.

In accordance with R.S. 15:542.1, an offender must, within two working days of registration determining that you have moved to a new
building or facility where such instruction is being given.

In accordance with R.S. 15:542.1(C), you must register with the sheriff of the parish in which the new
residency is to take place under R.S. 15:542. If the offender lives, works, or attends school in accordance with R.S. 15:542. For initial registration
process constitutes failure to register exposing you to prosecution and the penalties detailed at the end of this document. The
advice provided to the Department of Public Safety and Corrections through this
process shall be presumed to be your residence address. In accordance with R.S. 15:542(C)(2), you must register with the sheriff of the parish in which you maintain your place of residence. In accordance with R.S. 15:542(C)(3), you must register with the sheriff of the parish where you were convicted.

In accordance with R.S. 15:542(C)(3), if you are not immediately taken into physical custody, you shall register on the date of conviction or adjudication with the sheriff in the parish where you were convicted or adjudicated. If the
parish where you were convicted is Orleans Parish, this registration update shall take place at the
Office.

You shall provide all information listed in Paragraph (1) of this Section to the Department of Public Safety and Corrections, or if a juvenile, to the office of juvenile justice, within ten (10) days prior to release from confinement. The
shall appear in person at the sheriff’s office within three (3) business days of the
case. If the offender is an adult, you shall register with the sheriff of the parish in which the residence address he or she initially supplied to the department is located, unless the residence has changed and
he or she have registered with the sheriff of the parish in which the new
current address is located.

During the declaration of an emergency, any offender required to register
who enters if you enter an emergency shelter you shall, within the first twenty-four (24) hours of admittance, notify the management of the facility, the chief of police or the
office of the sheriff of the parish in which the residence address he or she resides is located.

In accordance with R.S. 15:542.1, if an offender is
registered under R.S. 15:542.1.

(f) The crime for which he was convicted and the sentence imposed.

*Juveniles adjudicated for a crime requiring registration DO NOT have to
provide this community notice.

You shall also appear in person at the office of the sheriff of
within three business days of the change to register the new address. If the new address is located in Orleans Parish, you shall register in person with the sheriff of Orleans Parish, the registration update shall take place at the
Police Department and not with the Orleans Parish Sheriff.

You shall also register in person with the sheriff of the new parish within three (3) business days of the
time periods listed. This requirement notwithstanding, the
shall still notify the sheriff of one of his or her parishes of residence in
person if he or she are
absent from his or her place of residence for more than seventy-two (72) consecutive days.

You shall also appear in person at the office of the sheriff of any of his or her parishes of residence when there is a change in the
date of your address of residence. This appearance shall occur within three (3) business days of the change. If the offender’s address of residence is in Orleans Parish, this registration update shall take place at the
New Orleans Police Department and not with the Orleans Parish Sheriff’s Office.

You shall be prohibited from certain types of employment under R.S. 15:553 for the duration of the registration period. A
copy of this statute is provided to you with this notification.

In accordance with R.S. 15:542(C), the
shall update his
registration annually in person and pay an annual registration fee of sixty dollars ($60.00).
(16) Failure to comply with any of these registration and notification requirements is a felony for which an offender shall be punished by a fine of up to one thousand dollars ($1,000.00) and imprisonment at hard labor for not more than twenty years without benefit of parole,probation, or suspension of sentence. Upon a second or subsequent conviction, the offender shall be punished by a fine of up to three thousand dollars ($3,000.00) and imprisonment at hard labor for not less than five years, nor more than twenty years without benefit of parole, probation, or suspension of sentence.

(17) For those offenders who have been convicted of a sex offense as defined in R.S. 15:541 involving a victim who was under the age of thirteen (13) at the time of the offense, R.S. 14:91.2 is applicable which prohibits such offenders from residing or being present in certain locations. A copy of this statute is provided to you with this notification.

(18) For those offenders who have been convicted of R.S. 14:81.3 (indecent behavior with juveniles), R.S. 14:91.1 (pornography involving juveniles), R.S. 14:81.2 (computer-aided solicitation of a minor), or R.S. 14:263 (video voyeurism) or have been convicted of a sex offense as defined in R.S. 15:541 in which the victim of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from using certain social networking websites, is applicable. A copy of this statute is provided to you with this notification.

THUS DONE AND SIGNED this ___ day of ____________, 20___ in open court, in__________________, Louisiana.

____________________________
Judge, ____ Judicial District Court

I hereby certify that the above requirements have been explained to me, that I have received a copy of the above notice of sex offender registration and notification requirements, and a copy of the statutes providing for such requirements. I also understand that I will be subject to any changes made by the legislature to the registration laws from this day forward.

(Name of Sex Offender)

Defense Counsel Signature
Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 563

BY REPRESENTATIVES EDMONDS, ABRAMAH, AMEDEE, BAGLEY, BARRAS, BISHOP, TERRY BROWN, CARMDOW, CHANEY, COUSSAN, COX, DEVILLIER, EMERSON, FALCONER, LANCE HARRIS, HENSGENS, HILPERRY, HILL, HOFFMANN, HOLLIS, HOITON, HUVAL, IVEY, MIKE JOHNSON, ROBERT JOHNSON, LEBA, MIGUEZ, POPE, REYNOLDS, RICHARD, TALBOT, AND ZERINGUE AND SENATOR THOMPSON

To enact R.S. 40:1061.1.1, relative to regulation of abortion; to provide for in R.S. 40:1061.1, with knowledge that the pregnant woman is seeking the abortion solely because the unborn child has been diagnosed with either a genetic abnormality or a potential for a genetic abnormality.

(11) It shall be unlawful for a person to intentionally perform or attempt to perform an abortion of an unborn child of less than twenty weeks post-fertilization age without first providing the pregnant woman with an informational document including resources, programs, and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources programs, and services for infants and children born with disabilities. The informational document provided for in this Subsection shall be given to the pregnant woman at the same time as the requirements in R.S. 40:1061.1.

D. Whoever violates the provisions of this Section shall be subject to the penalties provided in R.S. 40:1001.29.

The provisions of this Section shall not apply whenever the abortion is necessary to save the life of the mother.

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 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 564

BY REPRESENTATIVE STOKES

To amend and reenact R.S. 47:301.2(F) and (G) and to enact R.S. 47:301.2(H), relative to the Sales Tax Streamlining and Modernization Commission; to establish and provide with respect to a subcommittee for the development of a policy for coordinated multi-parish audits; to provide for in R.S. 33:1236(21)(b) and (30)(b), relative to the powers of certain parish governing authorities; to authorize certain parish governing
authorities to enact ordinances requiring property owners to remove deleterious growths, trash, debris, and other noxious matter; to provide relative to liens granted in favor of the parish governing authorities with regard to removal of such charges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(21)(b) and (30)(b) are hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

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

* * *

(21) * * *

(b)(i) The governing authority of the parish of Jefferson and of any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, the lien and privilege granted under this Paragraph, when recorded within sixty days from the date of completion of the cutting or removal, shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(1).

(iv) In the exercise of the authority herein granted to the parish of Jefferson and in any parish with a population of not less than thirty-five thousand eight hundred persons and not more than thirty-nine thousand persons according to the latest federal decennial census, the respective parish shall be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

* * *

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 566

HOUSE BILL NO. 1086

BY REPRESENTATIVE LANCE HARRIS

AN ACT

To amend and reenact R.S. 38:2212(A)(1), relative to the contract limit for public works contracts let by certain municipalities; to authorize certain municipalities to let contracts for public works in accordance with state public bid law rather than a home rule charter; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(A)(1) is hereby amended and reenacted to read as follows:

(j) 2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protege program; exemption.

A.(1) All public work exceeding the contract limit as defined in this Section, including labor and materials, to be done by a public entity shall be advertised and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised, and no such public work shall be done except as provided in this Part.

(b) Notwithstanding any provision of a home rule charter established subsequent to 1974 to the contrary, no municipality shall be required to advertise and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised, any public work which is less than the contract limit established by this Section unless such municipality by affirmative act of its governing authority adopts a more restrictive contract limit than established in this Section. This Subparagraph shall apply only to municipalities with a population of not less than forty-five thousand persons and not more than thirty-nine thousand persons as of the most recent federal decennial census.

* * *

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 567

HOUSE BILL NO. 1099

BY REPRESENTATIVE THIBAUT

AN ACT

To enact R.S. 40:1046(J)(9), relative to license fees to produce marijuana for therapeutic use; to establish fees to be assessed by the Department of Agriculture and Forestry for the license to produce marijuana for therapeutic use; to provide for the collection and disbursement of the fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(J)(9) is hereby enacted to read as follows:
§1046. Prescription of marijuana for therapeutic use; rules and regulations; Louisiana Board of Pharmacy and the adoption of rules and regulations relating to the dispensing of prescribed marijuana for therapeutic use; the Department of Agriculture and Forestry and the licensure of a production facility

J. * * *

(9)(a) The department shall perform the following:
(i) Establish and collect an annual license fee of one hundred thousand dollars and an annual permit fee of one hundred dollars for administrative and inspection costs.
(ii) Collect a nonrefundable application fee of ten thousand dollars.
(iii) Receive an amount not to exceed seven percent of the gross sales.
(b) All fees collected by the department shall be used to fund the expenses relating to the regulation and control of prescribed marijuana for therapeutic use.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 568

HOUSE BILL NO. 1120
BY REPRESENTATIVE SCHRODER

To enact R.S. 47:1525, relative to the Department of Revenue; to provide for the review and revision of the tax laws of the state; to establish the Louisiana Tax Institute; to provide for the membership, terms, powers, and duties of the Institute; to authorize the Institute to assist in the reform and continuous revision of the state's tax laws and policies; to provide for the submission of certain reports and recommendations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:1525 is hereby enacted to read as follows:
§1525. Louisiana Tax Institute; membership, terms, and duties and powers
A. There is hereby established within the Department of Revenue the Louisiana Tax Institute, hereinafter referred to as “Institute” which shall be a public body and shall serve as the official advisory tax law revision and tax law reform agency of the state of Louisiana.
B. (1) The Institute shall be governed by a board of eight members which shall include:
   (a) The secretary of the Department of Revenue, or his designee.
   (b) A member of the governor's executive staff appointed by the governor, or his designee.
   (c) A member from the Society of Louisiana Certified Public Accountants appointed by the chairman of the Board of the Society of Louisiana Certified Public Accountants from a list of three names submitted by the organization.
   (d) One member representing the Taxation Section of the Louisiana State Bar Association appointed by the president of the Louisiana State Bar Association from a list of nominees submitted by the officers of the Taxation Section of the bar.
   (e) One member from the Paul M. Hebert Law Center on the campus of Louisiana State University appointed by the dean of the law center after consultation with the dean of the Louisiana State University E.J. Ourso College of Business.
   (f) One member from the Tulane University Law School appointed by the dean of the law school after consultation with the dean of the Tulane University A.B. Freeman School of Business.
   (g) One member from the Southern University Law Center appointed by the chancellor of the law school after consultation with the dean of the Southern University College of Business.
   (h) One member from the Loyola University College of Law appointed by the dean of the law school after consultation with the dean of the Loyola University New Orleans Joseph A. Buiss, S.J. College of Business.
C. The Louisiana Tax Institute is formed to promote and encourage the clarification and simplification of the tax laws of Louisiana and its political subdivisions. To accomplish these goals, the Institute shall:
   (1) Consider needed improvements in both substantive and procedural tax law and make recommendations in accordance with its findings to the legislature.
   (2) Examine and study existing laws of Louisiana to discover defects and inequities in the tax laws and make recommendations to address such issues.
   (3) Cooperate with the Multistate Tax Commission, the Federation of Tax Administrators, the Louisiana Bar Association, the Society of Louisiana Certified Public Accountants, and other organizations to receive, consider, and propose changes to the tax laws as recommended by these bodies.
   (4) Receive and consider suggestions based on decisions of the Louisiana Board of Tax Appeals, the Louisiana Supreme Court, the United States Tax Court, the United States Courts of Appeals, the Louisiana Supreme Court, the United States Tax Court, the United States Courts of Appeals, the Louisiana Supreme Court, the United States Tax Court, the United States Courts of Appeals, and the United States Supreme Court, and the public generally, as to needed changes to existing tax law.
   (5) Recommend changes in the tax law as needed to modify, conform, and eliminate inequities and to bring the tax law of Louisiana into harmony with other jurisdictions.
   (6) Render reports, as needed, to the legislature, and if it deems advisable, to accompany its reports with proposed bills to carry out any of its recommendations.
   (7) Recommend the repeal of obsolete provisions in the tax laws.
   (8) Organize and conduct meetings and seminars for the discussion of current problems in Louisiana tax laws.
   (9) Review proposed and pending legislation and make recommendations thereon.

Section 2. This Act shall become effective upon approval by the governor.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 569

HOUSE BILL NO. 1121
BY REPRESENTATIVE LEDGER

To amend and reenact R.S. 47:302(U) and 309.1, relative to sales and use taxes; to provide with respect to certain sales of tangible personal property and taxable services in Louisiana; to require that certain notices be provided to purchasers of such property and services for purposes of collection of use taxes under certain circumstances; to require the filing of annual statements by certain remote sellers concerning their sales in Louisiana; to provide for definitions; to provide for the powers and duties of the secretary of the Department of Revenue; to authorize rulemaking; to authorize the subpoena of certain information; to provide with respect to implementation and enforcement; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:302(U) and 309.1 are hereby amended and reenacted to read as follows:
§302. Imposition of tax
   * * *
   U. Collection of consumer use tax. It is the duty of the secretary of the Department of Revenue to collect all taxes imposed pursuant to this Chapter and all taxes imposed pursuant to any of this Act which may be due upon the sale by a remote seller of tangible personal property or services in Louisiana. The secretary is authorized and directed to employ all means available to ensure the collection of the tax in an equitable, efficient, and effective manner.
§309.1. Dealers required to furnish list of purchasers. Sales in Louisiana of tangible personal property and taxable services by a dealer or remote retailer: the provision of lists, notices, and statements by a dealer or remote retailer.

A. Any dealer selling property or services, the aggregate value per sale of which exceeds two hundred fifty dollars, to residents of this state, where the property is delivered into this state or the beneficial use of such services occurs in this state, shall provide a list of such sales to the secretary of the Department of Revenue. The list shall include the names and addresses of the purchasers and the amount of the sale. The secretary shall pay any dealer furnishing a list under this Section, an amount equal to the reasonable cost of reproducing the list.

B. Definitions. As used in this Section, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

1. “Louisiana purchaser” or “purchaser” means a person who purchases tangible personal property or taxable services in a transaction with a remote retailer for property or a service that is delivered for use or benefit in Louisiana, and no Louisiana sales and use tax was collected or paid on the transaction.

2. “Remote retailer” or “retailer” means a retailer that purposefully avails itself in any way of the benefits of an economic market in Louisiana or who has any other minimum contacts with the state and who meets all of the following criteria:

   a. Is not required by applicable law, ordinance, or regulation to register as a dealer in Louisiana, and thus is not otherwise required to collect Louisiana sales and use taxes.

   b. Makes retail sales of tangible personal property or taxable services where the property is delivered into Louisiana or the beneficial use of the service occurs in Louisiana, and the cumulative annual gross receipts for the retailer and its affiliates from those sales exceed fifteen thousand dollars per calendar year.

   c. Does not collect and remit Louisiana sales and use tax with respect to their retail sales in this state, including the tax imposed under R.S. 47:302(K).

   d. Provides a list to the Department of Revenue by the 25th of the month following the end of the calendar year.

   e. Does not collect and remit Louisiana sales and use tax with respect to tangible personal property or taxable services purchased, but it shall include the total amount paid on all purchases in that preceding calendar year.

   f. The secretary is authorized to require the electronic filing of statements by a remote retailer for property or services to Louisiana purchasers in the immediately preceding calendar year.

3. Notification of purchaser. At the time of sale, the remote retailer shall notify the Louisiana purchaser that the purchase is subject to Louisiana use tax unless it is specifically exempt, and that there is no exemption specifically benefiting the purchaser's purchase of property or services. The notice shall be mailed, or delivered in person, to the purchaser by the remote retailer itself, or by any remote means. Further, the notice shall include a statement that Louisiana law requires that use tax liability be paid annually on the individual income tax return or through other means as may be required by administrative rule by the secretary in accordance with the Administrative Procedure Act. The notice shall be placed in the envelope in which the notice is sent shall include the words “IMPORTANT: The department must have your正确的使用。该法律要求您在每次交易后，以电子邮件或邮件形式发送给购买者。进一步地，该通知应包括其他信息，由秘书按规定建立的规范。如果该通知可用，那么它应包括交易的日期和金额以及购买者。如果通知由销售者发出，那么应包括下面的声明：销售者必须根据国家的规定在年度末向购买者提供该付款的金额。该年度的声明将包括年度的收入和销售数据，以及规定的其他信息。该声明将由秘书建立的程序规定。

D. Annual statement submitted by remote retailer. By March first of each year a remote retailer who made retail sales of tangible personal property or taxable services to Louisiana purchasers in the immediately preceding calendar year shall file with the secretary an annual statement for each purchaser which includes the total amount paid by the purchaser to the remote retailer in the immediately preceding calendar year. Under no circumstances shall the statement contain detail as to specific property or services purchased, but it shall include the total amount paid. The statement shall contain the name of the remote retailer and shall state that Louisiana sales and use tax may be due on the purchases made after the date of the statement unless the provisions of Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 in addition to any other conditions of the agreement between the state and the remote retailer.

E. The joint agreement between the state and the remote retailer shall remain in effect throughout the term of any lease issued subject to the agreement or until ownership of the water bottom has been determined by final judgment of the court. Any lease subject to the joint agreement shall terminate at the time a court has issued a final determination of ownership of the water bottom.

F. For the purposes of this Section, “dual claim” shall refer to a claim to mineral rights beneath the water bottom. The department may promulgate rules interpreting the terms of joint agreements reached after the final implementation of Phase Three of the Act. For the purposes of this Act, “dual claim” shall refer to a claim to mineral rights beneath the water bottom. Notwithstanding any other provision of law to the contrary, service of process upon dealers subject to this Section may be made by service outside this state in the manner provided for service within this state with the same force and effect as though service had been made within this state.

G. The secretary may establish specific procedures and requirements concerning the filing of annual statements through rules promulgated in accordance with the Administrative Procedure Act.

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

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schleder
Secretary of State

ACT No. 570

HOUSE BILL NO. 1130

BY REPRESENTATIVES GAROFALO AND LEOPOLD

AN ACT

To enact R.S. 56:425.1, relative to leasing of water bottoms for oyster cultivation and harvest; to authorize the state to jointly lease certain water bottoms; to provide for the terms and conditions of such joint leases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:425.1 is hereby enacted to read as follows:

425.1. Joint leasing of water bottoms for oyster cultivation and harvest. A. In an effort to allocate competing and dual claims to the ownership of water bottoms, the department of Wildlife and Fisheries is hereby authorized to enter into an agreement with a private claimant whereby certain water bottoms may, in cooperation between the state and the private claimant, be leased to a third party for the cultivation and harvest of oysters. In order to execute such agreement, the department shall not in any way be interpreted to indicate or determine ownership of the water bottom nor shall any such agreement be interpreted to allocate or designate ownership of mineral rights beneath the water bottom. The department may promulgate rules interpreting the terms of joint agreements reached after the final implementation of Phase Three of the Act.

B. Any such agreement may originate with either the department or the private claimant and any annual rental payments required by R.S. 56:425(C) shall be made to the department as provided by R.S. 56:425(B). Except for the requirements of R.S. 56:425(A) for determination of state ownership, the lease shall be subject to the provisions of Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 in addition to any other conditions of the agreement between the state and the private claimant.

C. The joint agreement between the state and the remote retailer shall remain in effect throughout the term of any lease issued subject to the agreement or until ownership of the water bottom has been determined by final judgment of the court. Any lease subject to the joint agreement shall terminate at the time a court has issued a final determination of ownership of the water bottom.

D. Beginning July 1, 2016, and continuing until the final implementation of Phase Three of the Act which originated as House Bill No. 902 of the 2016 Regular Session of the Legislature, oysters bound on a vessel owned or operated by the private oyster leaseholder may be harvested from the private lease, and other information required by the secretary as established through administrative rule by the secretary in accordance with the Administrative Procedure Act.

E. In order to preserve private contract rights and to protect existing investments, the department shall recognize as valid a private oyster lease and recorded prior to February 1, 2016, or operated by an agent or employee of such private oyster leaseholder shall be presumed to have been legally harvested from the leased oyster leaseholder’s private oyster lease. In order to document the legality of the lease, the private oyster leaseholder shall file a verified statement with the department as provided by R.S. 56:428(C). The verified statement shall be filed in the public records of the parish in which the lease is located and shall be available for examination by representatives of the department.

F. For the purposes of this Section, “dual claim” shall refer to a claim to mineral rights beneath the water bottom. Notwithstanding any other provision of law to the contrary, service of process upon dealers subject to this Section may be made by service outside this state in the manner provided for service within this state with the same force and effect as though service had been made within this state.

G. The secretary may establish specific procedures and requirements concerning the filing of annual statements through rules promulgated in accordance with the Administrative Procedure Act.

Section 2. This Act shall become effective on July 1, 2017, if and only if the provisions of House Bill No. 902 of the 2016 Regular Session are enacted into law.
ACT No. 571
HOUSE BILL NO. 1137
(Subscribe for House Bill No. 818 by Representative Mack)
BY REPRESENTATIVE MACK

AN ACT
To amend and reenact R.S. 15:146 and to enact R.S. 15:162(I), 166, and 167(E), relative to indigent defender services; to amend provisions of the Louisiana Public Defender Act; to provide for membership of the Louisiana Public Defender Board; to reduce the number of members on the board; to provide with respect to the powers and duties of the board; to provide relative to the appointment of the board members; to provide for the dispersal of funds; to provide with respect to the delivery of indigent defender services; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:146 is hereby amended and reenacted as follows:

§146. Louisiana Public Defender Board
A.(1) There is hereby created and established as a state agency within the office of the governor the Louisiana Public Defender Board to provide for the supervision, administration, and delivery of a statewide public defender system, which must deliver uniform public defender services in all courts in this state. The board shall be a body corporate with the power to sue and be sued.

(2) The board and its agents and employees shall be subject to the Code of Governmental Ethics, the law relative to public records and open meetings, the law relative to public bid and procurement, and all other provisions of law applicable to state agencies.

(3) The members of the Indigent Defense Assistance Board serving on August 15, 2007, shall continue to serve as members of the Louisiana Public Defender Board without limitation of their term. The two members of the Louisiana Public Defender Board appointed by the president of the Louisiana State Bar Association, the member appointed by the chairman of the Louisiana State Bar Association, the member appointed by the president of the Louisiana State Bar Association, the member appointed by the President of the Louisiana Chapter of the Louis A. Martinet Society, the member appointed by the Louisiana Interchurch Conference, the two members appointed by the governor and the four members appointed by the government-appointed board as formerly provided in this Section, shall terminate their service on August 1, 2016.

(4) To the extent practicable, the board shall be comprised of members who reflect the racial and gender makeup of the general population of the state, and who are geographically representative of all portions of the state.

(5) When a vacancy occurs, with the expiration of a term, resignation, or other event, the board shall staff to the appointing entity a list identifying the residency of the current board members by congressional district, and request that, to the extent possible, the entity make the appointment from the residents of under-represented districts.

B.(1) The board shall consist of fifteen members.

(2) Persons appointed to the board shall have significant experience in the defense of criminal proceedings or shall have demonstrated a strong commitment to quality representation in indigent defense matters. No person shall be appointed to the board that whom has received compensation to be an elected judge, elected official, judicial officer, prosecutor, law enforcement official, indigent defense provider, or employees of all such persons, within a two-year period prior to appointment. No active part-time, full-time, contract, or paid clergy or an actively practicing provider of public defense who is paid by such person, may be appointed to serve on the board as a voting member. No person having an official responsibility to the board, administratively or financially, or their employee shall be appointed to the board until two years after his last term of office.

C.(1) A member may be removed for excessive absences. For the purposes of the number of members necessary to take board action or the number of members necessary to establish a quorum in all other respect they have all the duties, authority, requirements, and benefits, except per diem, of any other board member. When a member donating from the board, the board shall appoint one such member.

(2) The Louisiana Association of Criminal Defense Lawyers.

(3) The Louisiana Public Defender's Association.

C. Nothing in this Section shall limit the length of the term for any board members serving on the Indigent Defense Assistance Board on August 15, 2007, except that they may be removed for just cause, or as provided in Subsection D of this Section. However, members who have not previously been confirmed by the Senate, who shall be subject to Senate confirmation.

D.(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, excessive absences means failure during any term to attend three consecutive meetings or more than fifty percent of the meetings of the board conducted during a year meeting four duly noticed meetings within the period of eighteen months or three duly noticed meetings within a period of ten months.

(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the board member requesting the chair to resign his position on the board. If the member does not resign within 30 days, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed as provided by this Subsection, the chair shall send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

E. The board shall notify the appropriate appointing authority of any board vacancy which occurs for any reason.

THE ADVOCATE CODING: Words in *italics* type are additions.

PAGE 281 (House Bills) and underlined and boldface (Senate Bills) are additions.
§162. Vacancies in position of district public defender; formation of district public defender selection committee; powers and duties of committee; process for filing vacancy for district public defender; interim district public defender

1(1) Board staff shall not require of the district public defenders or their staff any response with a due date less than six working days from the first full day since the request is received, other than during a natural emergency. The time period provided for in this Paragraph shall not include responses requested by the governor, the House Committee on Administration of Criminal Justice, or the Senate Committee on Judiciary C.

(2) The board shall make every effort to end the use of paper reports and shall make every effort to rely on searchable digital data in order to reduce costs of operation.

§166. Disbursement of funds

A. The board shall disburse funds to a non-governmental entity unless it establishes and announces the function of the board pursuant to law, and unless services are actually delivered. Under no circumstances shall the board disburse state funds for the purpose of savings, reserves, or other purposes related primarily to the economic health of the non-governmental entity or its owners and employees.

B. Any service which the board seeks, other than the Louisiana Appellate Project or the Capital Appeals Project, which are statewide programs, shall be subject to an application process by which the board provides objective deliverables and allows the district defenders to make application upon the same terms as a non-governmental entity to provide services in that district or a regional area for services as provided by law.

C. No provision of Louisiana law authorizing the return or rollback of funds from governmental programs to the division of administration shall apply to the disbursement of funds to non-governmental entities. The board shall not require the return of funds from previous years or the rollback of funds.

D. The provisions of this Subsection shall not apply to statutorily disburse state funds for the purpose of savings, reserves, or other purposes related primarily to the economic health of the non-governmental entity or its owners and employees.

E. The board shall operate within the entirety of its annual budget and its funds in the Louisiana Public Defender Fund as defined in Subsection A of this Section each fiscal year to the district defender offices and their indigent defender funds as defined in R.S. 15:168(A) in the various judicial districts throughout the state. Any funds disbursed to any district defender office shall be paid in addition to the minimum mandatory sixty-five percent of dedicated and disbursed funds required in this Subsection. The provisions of this Subsection shall not apply to statutorily dedicated funds or funds received through the awarding of grants.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 572

HOUSE BILL NO. 1149

(Subsitute for House Bill No. 682 by Representative Leger)

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H) and add to R.S. 38:330.1(C)(3) and 330.2(A)(2)(c), relative to the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West; to provide relative to the nominating process for vacancies on the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West; to provide relative to the terms of members of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West; to provide for transitional matters; 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. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H) are hereby amended to read as follows:

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile.

C.

(3)(a) Within ten days after the occurrence of an unexpected vacancy on the flood protection authority board, the board shall advise the chairman of the Coastal Protection and Restoration Authority of such unexpected vacancy. For purposes of this Paragraph, a vacancy shall be unexpected whenever it occurs for a reason other than the expiration of a term. Within fourteen days after being advised of a vacancy on a board, the chairman of the Coastal Protection and Restoration Authority shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority. The chairman of the Coastal Protection and Restoration Authority shall cause notification of the unexpected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published before the occurrence of a vacancy for a term.

(b) No sooner than thirty days after the latest date of publication in any of the journals set forth in Subparagraph (a) of this Paragraph nor later than seventy-two hours after the occurrence of an unexpected vacancy, the nominating committee shall submit to the governor the nominations to send to the governor to fill each unexpected vacancy within the territorial jurisdiction of the authority. The nominating committee shall meet to determine the nominations to send to the governor to fill each unexpected vacancy no sooner than thirty days after the latest date of publication in Subparagraph (a) of this Paragraph and not later than ninety days after the latest date of publication set forth in Subparagraph (a) of this Paragraph. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each unexpected vacancy who meet the requirements of this Section. The committee shall submit one nominee for each unexpected vacancy in a position provided for in R.S. 28:254(C)(1)(a)(i) or (ii) or (iii) of this Subsection and shall submit two nominees for each unexpected vacancy in a position provided for in R.S. 28:254(C)(1)(a)(ii) or (iii) of this Subsection. If the Senate fails to confirm shall not be appointed to the same position during any regular session.

(c) If the nominating committee fails to submit a nominee within ninety one hundred twenty days after the occurrence of a vacancy notification of the chairman of the Coastal Protection and Restoration Authority of any unexpected vacancy, the governor shall appoint a person meeting the requirements of this Section within ninety days after the latest date of publication if such appointment is required by law. If the governor fails to submit such appointee to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

(d) If the Senate fails to confirm an appointment made pursuant to this Paragraph by taking no action at all or voting not to confirm an appointee in open session by the end of a regular session, the position shall be considered as having an unexpected vacancy and the process required by this Paragraph shall occur until such position is filled. Any appointee the Senate fails to confirm shall not be appointed to the same position during any recess of the legislature.

(4)(a) Each July first, the board shall notify the chairman of the Coastal Protection and Restoration Authority of any vacancy which will occur on a board in the following year due to expiration of a term, hereinafter in this Subsection referred to as an “expected vacancy.” The Coastal Protection and Restoration Authority shall cause notification of each expected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published at least thirty days before the occurrence of such expected vacancy.

(b) The nominating committee shall begin to meet and continue to meet at least forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

The nominating committee shall submit one nominee for an expected vacancy to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each expected vacancy to the Senate no later than thirty days after the occurrence of such expected vacancy. The governor shall appoint one of the nominees submitted by the committee within the terms of the nominating committee, in each unexpected and expected vacancy, as necessary to determine the nominations to send to the governor to fill each unexpected or expected vacancy. Such appointment shall be considered as having an unexpected vacancy and the process required by this Paragraph shall occur until such position is filled. If the Senate fails to confirm an appointee in open session by the end of a regular session, the position shall be considered as having an unexpected vacancy and the process required by this Paragraph shall occur until such position is filled. Any appointee the Senate fails to confirm shall not be appointed to the same position during any regular session.

§330.2. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile.

This act shall take effect immediately.
appoint a person meeting the requirements of this Section. The governor shall submit such appointee to the Senate for confirmation within forty-eight hours after the appointment is made, regardless of whether the legislature is in session. If confirmed, the appointment shall take effect the day after the expiration of the term of the board member whose term is expiring.

(d) In the event that the Senate fails to confirm an appointment made pursuant to this Paragraph by taking no action at all or voting not to confirm an appointee in open session by the end of a regular session, an unexpected vacancy shall occur the day after the expiration of the term of the board member whose term is expiring and such unexpected vacancy shall be filled in the manner set forth in Paragraph (3) of this Subsection. Any appointee whom the Senate failed to confirm shall not be appointed to the same position during any recess of the legislature.

(5) Each appointment made to the board shall be subject to confirmation by the Senate.

1. * * *

(2) All commissioners thereafter appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in Subsection C of this Section for staggered terms of four years. No member shall serve more than two consecutive four-year terms. If a person serves two years or more of an unexpired term, such service shall constitute a term. A former board member may be reappointed to the board after sitting out four years from the completion of his last consecutive term.

(6) Notwithstanding R.S. 24:14(K), no person shall serve on the board beyond the expiration of a term unless reappointed to a position on the board by the process required by either Paragraph (C)(3) or (4) of this Section.

E. Immediately after the members of the board of commissioners have been appointed, or as soon as thereafter is practicable, they shall meet and organize by electing from their number a president, vice president, and secretary who shall perform the duties normally required of such officers. In case of death or resignation of the president, the vice president shall call the board together to fill the vacancy position of the president. In case of absence, inability, or failure to act of the president, the vice president shall perform all the duties of the president.

F. (1) A majority of the sitting commissioners of the board shall constitute a quorum to do business. They shall designate the time and select the place for holding their regular sessions, which shall be convened each month. Special meetings may be convened at any time upon the call of the president. Regular monthly meetings of the board shall be convened on a rotating basis at a place to be determined by the board in a levee district under the jurisdiction of the authority.

* * *

H. A vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment. Other than the expiration of a term, shall be an unexpected vacancy to be filled according to Paragraph (C)(3) of this Section.

§ 330.2. Board of commissioners; powers and duties
A. * * *

(2) * * *

(c) After January 1, 2013, the authority or any levee district within the territorial jurisdiction of the authority may direct itself of any drainage or pumping responsibilities that would otherwise fall to the responsibility of a parish governing authority.

* * *

Section 2. The commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection-West Bank whose terms expire on the effective date of this Act shall remain as commissioners until replacements are appointed pursuant to this Act.

Section 3. This Act shall become effective July 1, 2016.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 573

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HOUSE BILL NO. 1153

(Substitute for House Bill No. 1109 by Representative Hoffman)

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 23:540, relative to regulations affecting boilers; to exempt certain potable water boilers; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:540 is hereby amended and reenacted to read as follows:

§ 540. Exemptions from provisions
A. The provisions of this Part shall not be construed as in any way preventing the use or sale of boilers which have been installed or in use in this state prior to July 7, 1938, and which have been made to conform to the rules and regulations of the assistant secretary governing existing installations, as provided in R.S. 23:339.

B. The provisions of this Part apply not applicable to any of the following:
(1) boilers subject to inspection by any department or agency of the federal government; or
(2) air tanks located on vehicles used for transporting passengers or freight; or
(3) boilers of steam fire engines brought into the state for temporary use in times of emergency; or
(4) portable boilers used for agricultural purposes only; or
(5) steam heating boilers carrying not more than fifteen pounds pressure; or
(6) Potable water boilers below one hundred twenty gallons capacity and less than two hundred thousand BTUs (British Thermal Units).

C. No hot water heating or single currently boilers used exclusively for nongovernment purposes located in any private home.

D. No hot water heating boilers used exclusively for nongovernment purposes located in any private home.

E. Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 575

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SENATE BILL NO. 135

BY SENATOR MILKOVICH AND REPRESENTATIVES ABRAHAM, ADAMS, AMEDEE, BARCANA, BAGNEISI, BARRAS, BERTHELOT, TERRY BROWN, WILLMOTT, AND ZERINGUE

An Act

To amend and reenact R.S. 22:1060.4(A introductory paragraph) and (B) and to enact R.S. 22:1060.3(C) relative to coverage of medically necessary prescription drugs and intravenous infusions; to provide for notice by a health insurance issuer making a change in such coverage; to provide relief to an appeal of any such change by the insured; to make certain technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1060.4(A introductory paragraph) and (B) are hereby amended and reenacted and R.S. 22:1060.3(C) is hereby enacted to read as follows:

R.S. 22:1060.3. Continuation of coverage required; other drugs not precluded

1. A health insurance issuer proposing to change the coverage of a particular prescription drug or intravenous infusion based on medical necessity shall give notice of the proposed change to an insured currently using that prescription drug or intravenous infusion who the health insurance issuer determines the change may affect if the health insurance issuer has covered the drug or intravenous infusion for the insured for at least the preceding sixty days. Such notice shall be sent at least sixty days prior to the effective date of the proposed change.

2. Any insured receiving such a notice from a health insurance issuer shall have the right to appeal the proposed change during the sixty-day notification period provided for in Paragraph (1) of this Subsection in accordance with the Internal Claims and Appeals Process and External Review Act, R.S. 22:2391 et seq. In filing such an appeal, the insured shall document that his physician or authorized prescriber considers continued use of the drug or intravenous infusion to be medically necessary.

3. Adverse determination

A. The refusal of a health insurance issuer to provide benefits to an enrollee for a prescription drug is an adverse determination for the purposes of Subpart F of this Part, R.S. 22:1211 et seq., relative to medical necessity review organizations; the Internal Claims and Appeals Process and External Review Act, R.S. 22:2391 et seq., if each of the following conditions is met:

* * *

B. The enrollee may appeal the adverse determination pursuant to Subpart F of this Part, R.S. 22:1211 et seq., relative to medical necessity review organizations; the Internal Claims and Appeals Process and External Review Act, R.S. 22:2391 et seq.

Section 2. This Act shall apply only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2017. This Act shall not apply to a health benefit plan delivered, issued for delivery, or renewed before January 1, 2017.

Section 3. This Act shall become effective on January 1, 2017.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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

Section 1. The introductory paragraph of R.S. 17:3051, 3051 (1) and (3), 3052 (6) thereof is hereby amended by striking the introductory paragraph of 3053, 3053D (3), (7), and (10), 3056 (A)(1), (B), and (H), and 3058, and to hereby amend and reenact R.S. 17:3053.1 as hereby enacted to read as follows:

§ 3051. Statement of purpose and function
In order to promote the medical under or health educational activities of various public and private institutions and organizations in the state of Louisiana and to promote health and welfare of its citizens through encouraging and assisting in the provision of medical care and prompt and efficient health and health-related health-related services at reasonable cost by assist public and private institutions and organizations that are dedicated to exemplary patient care, health science education and biomedical research, as well as organizations providing facilities under or services deemed appropriate by the authority, to locate and operate in a functional geographic relationship with said complexes.

§ 3052. Definitions
The following terms shall have the following meanings, unless the context clearly indicates otherwise: * * *

(1) “Participating institutions” shall mean those institutions which apply to and are designated by the authority, other than primary institutions, and consisting of a public or private hospital, medical or health corporations or institutions located or destined to locate in the complex and primary service area for the use of the primary and supporting institutions, and the development, acquisition, construction, reconstruction, rehabilitation, improvement and operation of jointly usable facilities for such institutions.

(2) “Primary service area” means that area within a radius of ten miles of Charity Hospital of Louisiana or New Orleans communities in Louisiana where graduate medical education is offered.

§ 3053. Health Education Authority of Louisiana; creation; domicile; membership; terms; vacancies; quorum; staff
A. Thereby created in the office of management and finance of the Department of Health and Hospitals the Health Education Authority of Louisiana to be a body corporate and public, constituting an instrumentality of the state of Louisiana and exercising public and governmental functions. The domicile of the authority shall be in the city of New Orleans.

B. The power to establish policy to carry out the intent of this Chapter shall be vested in a board of trustees which Effective October 1, 2016, the board shall consist of the governor as ex-officio trustee and thirteen persons selected as follows: nine members comprised of one member appointed by the governor from each of the five public service commission districts as established in R.S. 45:1161.5, and four members appointed by the governor from the state at large.

(1) Two members shall be appointed by the governor from a list of six names submitted by the Board of Administrators of the Tulane Educational Fund, Tulane University of Louisiana.

(2) Two members shall be appointed by the governor from a list of six names submitted by the Board of Administrators of Charity Hospital of Louisiana at New Orleans.

(3) Two members shall be appointed by the governor from a list of six names submitted by the Executive Board of the Louisiana State Medical Society.

(4) Two members shall be appointed by the governor from a list of six names submitted by the statewide dental associations.

(5) One member shall be appointed by the mayor of the city of New Orleans with the advice and consent of the Commission Council from a list of five names, one each submitted by the Board of Administrators of the Tulane Educational Fund, Tulane University of Louisiana; the Board of Administrators of Charity Hospital of Louisiana at New Orleans; the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; the Louisiana State Medical Society; and the Orleans Parish Dental Association.

(6) One member shall be appointed by the governor from a list of six names submitted by the statewide dental associations.

THE ADVOCATE PAGE 284

* 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.

ROBBY CARTER, CONNICK, COUSSAN, COX, CROMER, DWIGHT, EMERSON, FRANKLIN, QUINN, LANCE HARRIS, HILL, HODGES, HOFFMANN, HORTON, HUNTER, JACKSON, HEFFRISON, MIKE JOHNSON, MACK, NORTON, PIERRE, PYLANT, REYNOLDS, SCHENXAYDER, SCHROEDER, SEAbaugh, WHITE and WILLMOTT

AN ACT To enacting as it appears in the enrolled bill

To enact R.S. 32:962, relative to political subdivisions; to authorize a political subdivision to open proceedings with a voluntary prayer; to provide certain terms and conditions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:962 is hereby enacted to read as follows:

A. Political subdivision open proceedings with a voluntary prayer.
However, no official or standard prayer shall be prescribed by the political subdivision.

B. This section is intended to reflect the tradition and practice of ceremonial invocations that are meant to lend gravity to a public occasion.

C. Nothing in this Section shall be construed to limit or restrict the rights of any individual who voluntarily chooses to pray at the opening of proceedings as it relates to the individual’s right of freedom of speech or right of the free exercise of religion as guaranteed pursuant to the First Amendment of the Constitution of the United States.

Approved by the Governor, June 17, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 576

SENATE BILL NO. 177
BY SENATOR DONAHUE

AN ACT To enacting as it appears in the enrolled bill

To enacting as it appears in the enrolled bill

Tom Schedler
Secretary of State

ACT No. 577

SENATE BILL NO. 230
BY SENATOR PETERSON

AN ACT To enacting as it appears in the enrolled bill

THE ADVOCATE PAGE 284
CODING: Words in struck through

(7) Three members shall be appointed by the governor from the state at large.
C. No person appointed directly by the governor or mayor or nominated by the governing body of the city or parish in which any public trust heretofore or hereafter created pursuant to authority is hereby specifically empowered to serve as the beneficiary of a confirmation.
D. Each appointment by the governor shall be submitted to the Senate for confirmation.
E. Members of the board who are appointed by the governor shall serve at the pleasure of the governor. The member appointed by the mayor of New Orleans shall serve a term of six years.
F. A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment.
G. The board shall employ a professionally qualified executive director to carry out the policies established by the board. The secretary of the Department of Health and Hospitals shall employ such staff as is necessary to carry out the policies and directives of the board and to operate and administer the functions of the authority. The compensation of the executive director shall be determined by the board and he shall be in the unclassified service of the state.
§3053.1 Laws applicable to the Health Education Authority of Louisiana; audit of records by legislative auditor
A. The board and the authority shall be subject to the Public Records Law, R.S. 44:1 et seq.; the Open Meetings Law, R.S. 42:11 et seq.; and the Code of Governmental Ethics, R.S. 42:1101 et seq.
B. The board, in its capacity as the governing body of the authority, shall ensure that the books and records of the authority are audited by the legislative auditor in accordance with the provisions of this Chapter.
§3054. Meetings; rules; officers; compensation
A. The board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations.
B. A majority of the appointed members shall constitute a quorum for the transaction of business.

§3055. Powers; duties; functions
To establish the purposes of this Act Chapter, and for the general welfare and health of the citizens of Louisiana, the Health Education Authority of Louisiana shall have the following powers, duties, and functions:
(5) To solicit, accept, and collect funds, federal, state, or local grants, donations, and contributions in cash or in property and to take by will or bequest, donation, devise, or other legal means, in trust or absolutely, reest or personally immovable or movable property, whether tangible or intangible corporeal or incorporeal, subject to the terms, conditions, or limitations contained in the instrument by which such property is acquired.
(10) To construct, acquire, reconstruct, rehabilitate, improve, repair, operate, lease, as lessor or lessee, or to enter into contracts for the management and operating of hospitals, sanitariums, clinics, laboratories, or any other facility, building, or structure of the primary and/or participating institutions in the complex or primary service area which may be of use or benefit in the teaching, training, or practice of medical science and the treatment of human ailments, or for such other facilities as the authority shall find useful in the study of, research in, or treatment of illnesses or infirmities. The authority may construct, acquire, reconstruct, rehabilitate, improve, repair, operate, lease, as lessor or lessee, or enter into contracts for the management and operating of support facilities for primary and/or participating institutions in the complex or primary service area that are useful, necessary, or appropriate to the orderly conduct of such institutions, including but not limited to: parking facilities, ambulatory care facilities, office buildings for physicians or dealers in medical accessories, dormitories, homes or residences for the medical professionals, interns, or students, or other officers or employees of the primary or participating institutions, or for the use of relatives or visitors of patients in the hospitals or other institutions within the complex or primary service area. The authority may finance, acquire property for and plan and acquire, construct, reconstruct, rehabilitate or improve facilities for, and provide and operate, central services and shared facilities for the common use of the participating institutions in the complex. The authority may, at its option, rent, lease, or sell the use of these facilities or services, or provide them at no cost. The authority may not acquire, construct, reconstruct, rehabilitate, improve, or develop any of the facilities herein referred to, except the primary service area which may be of use or benefit to the primary or participating institutions and, in the case of primary institutions, only if the authority has determined, after a public hearing held thereon, that there is a public need and necessity for the proposed facilities.

§3056. Bonds of the authority
A. To obtain funds to defray costs of the acquisition of land, the acquisition or construction of buildings, structures, and other facilities, including equipment, or the improvement thereof, the authority may issue bonds, notes and other evidence of indebtedness for an amount not in excess of four hundred million dollars. Said bonds shall be negotiable instruments, and shall be solely the obligations of the authority and not of the state of Louisiana. Said bonds and the income thereof shall be exempt from all taxation in the state of Louisiana. Said the bonds shall be payable out of the income, revenues, and receipts derived or to be derived from the properties and facilities maintained and operated by the authority or received by the authority from any other sources whatsoever, including, but not by way of limitation, other monies which, by law or contract, may be made available to the authority; however, such bonds shall not be payable out of any funds received by the authority under the Medicaid program. In addition to the pledge of income, revenues, or receipts to secure said the bonds, the authority may further secure their payment by a conventional mortgage upon the proper real estate, leases or other covenants, and by any other legal means, in trust or absolutely, real or personal property, whether tangible or intangible corporeal or incorporeal, subject to the terms, conditions, or limitations contained in the instrument by which such property is acquired.
B. Said bonds shall be authorized and issued by resolution of the authority and shall be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be payable in such currency, bear interest when, how, and whether or not to be paid in any or all installments, be payable with or without registration and exchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the income, revenues, and receipts of the authority as the resolutions creating such bonds may provide. The bonds shall be authorized, issued, sold, and redeemed in accordance with the provisions of Act Chapter 2347 as now or hereafter amended, and other acts and resolutions, or as the resolutions creating such bonds may provide. The bonds may be sold by the authority in such manner and from time to time as may be determined by the authority, and the authority may pay all expenses and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.
C. Notwithstanding any other law to the contrary, such bonds may be sold by the authority in such manner and from time to time as may be determined by the authority, and the authority may pay all expenses and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.
D. The authority may, in any resolution authorizing the issuance of such bonds, enter into such covenants with the future holder or holders of the bonds as to the management and operation of facilities, the lease or rental thereof, the imposition and collection of fees and charges for services and facilities furnished by the authority, the disposition of such fees and revenues, the use of proceeds of the bonds, and the carrying of insurance against such facilities and the revenues therefrom, the carrying of insurance on the facilities, the keeping of books and records, and other pertinent matters, as may be deemed proper by the authority to assure the marketability of such bonds, and such covenants are hereby made inconsistent with the provisions of this Chapter. Any holder of the bonds or of any of the coupons thereto attached may by appropriate legal action compel performance of all duties required of the authority and officials thereof by the resolution authorizing the issuance of bonds not inconsistent with the provisions of this Chapter. If any bond issued hereunder is permitted to go into default as to principal or interest, any court of competent jurisdiction may, pursuant to the application of the holder of the bond, appoint a receiver for the facilities of the authority, which receiver shall be under the duty of operating the facilities and collecting the proceeds of pledged mortgages extended or created under the provisions of this Act Chapter and the resolution authorizing the bonds. As hereinafter provided in this Section, such bonds may in the discretion of the authority be additionally secured by conventional mortgage on any part of the bonds or the officer or officers whose facsimile signature or signatures may be on the coupons shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered. Said bonds shall be sold by the authority in such manner and from time to time as may be determined by the authority, and the authority may pay all expenses and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.
E. No bonds of the authority shall be issued or sold by the State Bond Commission authority without the prior approval of the secretary of the Department of Health and Hospitals approval of the State Bond Commission.

§3058. Professional advisory committees
The authority shall appoint committees to assist in the carrying out of its business. Membership on said these committees need not be restricted to primary and/or participating institutions of the complex, but may be drawn...
from all institutions, organizations, and persons concerned with the delivery of health services. The authority shall also consult with advisory committees appointed by medical and health-related organizations and nonprovider consumer groups.

Section 2. R.S. 36:651(D)(10) is hereby enacted to read as follows: §651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

D. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

* * *

(10) The Health Education Authority of Louisiana (R.S. 17:3605 et seq.)

Section 3. R.S. 17:3605(21) and (4) and 3055(9) and R.S. 36:259(D) and R.S. 36:804 are hereby repealed in their entirety.

Section 4. This Act shall become effective on August 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 578
SENATE BILL NO. 241
BY SENATOR MILKOVIĆ
AN ACT

To amend and reenact R.S. 13:5713(J), relative to duty to hold autopsies and investigations; to provide relative to autopsy records, writings, and documents and coroner reports; to provide relative to persons authorized to receive autopsy records, writings, and documents and coroner reports; to provide with respect to authorization of family members and next of kin to receive autopsy records, writings, and documents and coroner reports; to provide for exceptions and applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5713(J) is hereby amended and reenacted to read as follows:

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

* * *

J.(1) Autopsy reports prepared by the coroner or his designee are public records. The coroner shall provide one copy of the autopsy report, records, writings, and documents of any description in any way compiled, drafted or recorded in connection with an autopsy upon request by the next of kin at no charge to the next of kin the spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle. If there is no surviving spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle, then the coroner shall provide one copy of the autopsy report upon request to the next of kin. The coroner shall provide copies of the autopsy report, records, writings, and documents of any description in any way compiled, drafted or recorded in connection with an autopsy at no charge to the appropriate law enforcement agencies as requested. The public records fee for any other copy of an autopsy report shall be the same as that charged by the registrar of vital records for the state for a death certificate. The records, writings, and documents of any descriptions in any way compiled, drafted, or recorded in connection with an autopsy shall be provided by the coroner upon payment of a reasonable copying charge pursuant to R.S. 40:1165.1. The autopsy report shall be provided to relatives as provided in this Section at no charge.

(2) The provisions of this Subsection shall not apply to the medical records of the decedent.

(3) Notwithstanding the provisions of this Subsection, records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy which are generated by any public entity other than the coroner and shall be retained by the public entity generating those records, writings, and documents in accordance with other applicable provisions of law.

* * *

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 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 579
SENATE BILL NO. 323
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 27:416(C), relative to the operation of video draw poker devices at qualified truck stop facilities; to provide with respect to the calculation of fuel sales; to provide for exceptions regarding the fuel sales requirements at certain facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:416(C) is hereby amended and reenacted to read as follows: §416. Qualified truck stop facilities; number of devices; fuel sales

C.(1) Except as provided in R.S. 27:421 and Paragraph (2) of this Subsection, the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, using four sets of three calendar months, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, using a calendar year, as follows:

(a) One hundred thousand gallons of fuel of which forty thousand gallons are diesel - not more than fifty devices.

(b) Seventy-five thousand gallons of fuel of which thirty thousand gallons are diesel - not more than forty devices.

(c) Fifty thousand gallons of fuel of which ten thousand are diesel - not more than thirty-five devices.

(2) In addition to the requirements in Paragraph (1) of this Subsection, a qualified truck stop facility, except a qualified truck stop facility located within a radius of twelve miles or less from the location of the official gaming establishment in Orleans Parish, which complies or has complied with one of the fuel sales requirements at Paragraph (1) of this Subsection for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirement set forth in Subparagraph (1)(a) of this Subsection.

The board may adopt rules to recognize alternative fuel sources to satisfy the requirements regarding fuel sales provided by this Chapter.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 580
SENATE BILL NO. 338
BY SENATOR MARTINY
AN ACT

To enact Part X-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:725 through 725.7, relative to trade and commerce; to provide certain protections for vulnerable adults from financial exploitation; to provide definitions, terms, conditions, requirements, and procedures; to provide with regard to governmental disclosures and immunity; to provide for third-party disclosures and immunity; to provide for delaying disbursements and immunity; to provide for receipt of notice; to provide with regard to record-keeping; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part X-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:725 through 725.7, is hereby enacted to read as follows:

PART X-A. LOUISIANA PROTECTION OF VULNERABLE ADULTS FROM FINANCIAL EXPLOITATION LAW

725. Short title

This Part shall be known and may be cited as the “Louisiana Protection of Vulnerable Adults from Financial Exploitation Law”.

725.1. Definitions

As used in this Part the following terms have the respective meanings, unless the context clearly indicates otherwise:

(1) “Adult protection agency” means:

(a) The Office of Elderly Affairs in the Office of the Governor, for any individual sixty years of age or older in need of adult protective services.

(b) The Department of Health and Hospitals for any individual between the ages of eighteen and fifty-nine in need of adult protective services.

(2) “Dealer” shall have the same meaning as provided in R.S. 51:702(5).

(3) “Eligible adult” means:

(a) A person sixty years of age or older.

(b) A person subject to the Adult Protective Services Act, R.S. 15:1501 et seq.

(4) “Financial exploitation” means:

(a) The wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of an eligible adult.

(b) Any act or omission taken by a person, including through the use of a power of attorney, act of procurement, contract of mandate, or letters of curatorship, guardianship, or conservatorship of an eligible adult, to do any of the following:
(i) Obtain control, through deception, intimidation, or undue influence over an eligible adult’s assets or property to deprive the eligible adult of the ownership, use, benefit, or possession of the eligible adult’s money, assets, or property. 
(ii) Obtain control, through deception, intimidation, or undue influence over the eligible adult to deprive such eligible adult of the ownership, use, benefit, or possession of the eligible adult’s money, assets, or property. 

(5) “Investment advisor” shall have the same meaning as provided in R.S. 51:702(7). 

(6) “Investment advisor representative” shall have the same meaning as provided in R.S. 51:702(7). 

(7) “Qualified individual” means any salesman, investment advisor representative, or person who serves in a supervisory, compliance, or other legal capacity for a dealer or investment advisor. 

(8) “Salem” shall have the same meaning as set forth in R.S. 51:702(14). 

327:3. Actions and immunities 

A. Governmental disclosures and immunity. 

(1) If a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the qualified individual may notify the appropriate adult protection agency and the commissioner of securities. 

(2) A qualified individual who, in good faith and exercising reasonable care, makes a disclosure of information pursuant to this Section shall be immune from administrative or civil liability that might otherwise arise from such disclosure or for any failure to notify the customer of the disclosure. 

327:3.3. Third-party disclosures and immunity 

A. A dealer or investment advisor may delay disbursement from an account of an eligible adult, in order to allow an account on which an eligible adult is a beneficiary, if all of the following conditions are met: 

(1) The dealer, investment advisor, or qualified individual reasonably believes, after initiating an internal review of the requested disbursement and the suspected financial exploitation, that the requested disbursement may result in financial exploitation of an eligible adult. 

(2) The dealer or investment advisor meets at least one of the following criteria: 

(a) Immediately, but in no event more than two business days after the requested disbursement, provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, unless any such party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult. 

(b) Immediately, but in no event more than two business days after the requested disbursement, notify the adult protection agency and the commissioner of securities. 

(c) Continue internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and report the investigation results to the adult protection agency and the commissioner of securities within seven business days after the requested disbursement. 

B. Unless a court or the commissioner enters an order extending the refusal of disbursement or providing any other applicable protective relief, any delay of disbursement, notification of the delay, or any other action taken pursuant to this Section shall expire upon the sooner of the following: 

(1) A determination by the dealer or investment advisor that the disbursement will not result in financial exploitation of the eligible adult. 

(2) Fifteen business days after the date on which the dealer or investment advisor first delayed disbursement of the funds, unless either an adult protection agency or the commissioner of securities requests that the dealer or investment advisor extend the delay to no more than twenty-five business days after the date on which the dealer or investment advisor first delayed disbursement of the funds, unless sooner terminated by the dealer or investment advisor or an order by a court of competent jurisdiction. 

C. A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds or may order other protective measures based on the petition of the commissioner of securities, adult protective services, the dealer, or other interested party. 

D. A dealer, investment advisor, or qualified individual who, in good faith and exercising reasonable care, complies with this Section shall be immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or refusal of disbursement. 

327:3.6. Receipt of notice and immunity 

No claim may be brought against the adult protection agency, commissioner of securities, office of financial institutions, or the state of Louisiana in connection with receipt or response to any notice of financial exploitation. 

327:4. Records 

A. A dealer or investment advisor shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to an adult protection agency, commissioner of securities, and to law enforcement, either as part of a referral to the agency or to law enforcement, or upon request of the agency or law enforcement pursuant to an investigation. 

B. The records may include historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation of an eligible adult. 

C. All records made available under this Section shall be kept strictly confidential under applicable statutory authority of the commissioner of securities or adult protection agency. 

D. Nothing in this Section shall limit or otherwise impede the authority of the commissioner of securities to access or examine the records and books and records of dealers and investment advisors as otherwise provided by law. 

327:5. Rulemaking 

The commissioner of securities shall have the power to make such rules and regulations in accordance with the Administrative Procedure Act as he may deem necessary to carry out the provisions of this Title, including the use of a senior-specific certification or designation. 

Section 2. The provisions of this Act shall become effective on January 1, 2017. 

Approved by the Governor, June 17, 2016. 

A true copy: 

Tom Schleder 
Secretary of State 

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ACT No. 581 

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SENATE BILL NO. 406 

BY SENATORS LAMBERT AND CLAITOR 

By Rules of the Senate 

To amend and reenact R.S. 15:168(B)(1), relative to the judicial district indigent defender 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. 15:168(B)(1) is hereby amended and reenacted to read as follows: 

§168. Judicial district indigent defender fund 

B. (1) Every court of original criminal jurisdiction, except in the town of Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having a population of less than five thousand, shall remit the following special costs to the district indigent defender fund for the following violations, under state statute as well as under parish or municipal ordinance, except a parking violation. The sum of forty-five dollars shall be assessed in cases in which a defendant is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition to all other fines, costs, or forfeitures imposed. The court cost of forty-five dollars authorized by the provisions of this Subsection shall expire on August 1, 2016, and thereafter the court cost authorized by the provisions of this Subsection shall be thirty-five dollars. 

The Louisiana Public Defender Board shall provide a detailed report to the legislature in accordance with Title 40, Section 1005, relative to the judicial district indigent defender fund for the fiscal years 2007 through 2012. 

Mayor's courts which are required to assess the court cost of thirty-five dollars on June 7, 2012, shall continue to assess such amount as cost of court. 

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 17, 2016. 

A true copy: 

Tom Schleder 
Secretary of State 

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ACT No. 582 

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SENATE BILL NO. 425 

BY SENATOR ALLAIN 

AN ACT 

To amend and reenact R.S. 30:21(B)(2)(a) and to enact R.S. 30:86(D)(7), relative to the commissioner of conservation; to provide for the Oil and Gas Regulatory Fund; to provide for the Oilfield Site Restoration Fund; to provide for contributions to such funds from fees collected from an operator who chooses not to plug a well classified as inactive; and to provide for related matters. 

Be it enacted by the Legislature of Louisiana: 

Section 1. R.S. 30:21(B)(2)(a) is hereby amended and reenacted and R.S. 30:86(D)(7) is hereby enacted to read as follows: 

§21. Fees and charges of the commissioner of conservation; revisions; exceptions; collections; Oil and Gas Regulatory Fund; creation; amounts; requirements 

B. (2)(a) There is hereby established a special fund in the state treasury to be known as the Oil and Gas Regulatory Fund, hereafter referred to as the “fund”.
After deposit in the Bond Security and Redemption Fund and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the fund an amount equal to the monies generated from collection of the fees provided for in this Title or Title 47 of the Louisiana Revised Statutes of 1950, the rules and regulations promulgated thereunder, any fines and civil penalties or any other provision of law relative to fines, civil penalties and any other provision of law relative to the office of conservation, and fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oilfield Site Restoration Fund.

§86. Oilfield Site Restoration Fund

D. The following monies shall be placed into the Oilfield Site Restoration Fund:

(7) Fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oil and Gas Regulatory Fund.

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 date following such approval.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 583

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SENATE BILL NO. 428

BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 47:645(B) and to enact R.S. 30:88.1, relative to site-specific oilfield trust accounts; to provide for the use of certain funds in the state treasury derived from orphan wells for oilfield site restoration; to provide for an effective date; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 30:88.1 is hereby enacted to read as follows:

§88.1. Oilfield site trust accounts for orphaned wells

A. Orphan Wells. (1) For purposes of this Section, an orphan well shall mean an oil or gas well that is designated as part of an orphaned oilfield site as of August 1, 2016, and thereafter, and that has had no reported production for a period of greater than two years immediately prior to the production of oil, gas, or condensate to which this Section applies.

(2) After satisfying the provisions of Article VII, Sections 4, 9(B), 10-A, and 10.2 of the Constitution of Louisiana relative to the allocation and distribution of severance tax proceeds and as further provided in R.S. 47:645(B), the remaining portion of the monies credited to the state treasury derived from the severance tax levied on oil, gas, and condensate from an orphaned well as defined in this Subsection shall be credited to the associated site-specific trust account in accordance herein.

(3) Upon full funding of the associated site-specific trust account in accordance with a plan approved by the assistant secretary as provided in this Section, all monies remaining in the account shall be credited in full to the state treasury as provided by R.S. 47:645(B).

(4) When the conditions of this Subsection are met relative to the funding of the site-specific trust account, the assistant secretary shall not require additional financial security for the well associated with that site-specific trust account.

B. New Production. In the event of new production from a formerly orphaned well, a site-specific trust account shall be established separately for each such site for the purpose of providing a source of funds for site restoration of that oilfield site at such time in the future when restoration of that oilfield site is required. The site-specific trust account shall remain in effect until completion of site restoration of the associated oilfield site.

C. Site Restoration Assessment. When establishing a site-specific trust account under this Section, the assistant secretary shall require an oilfield site restoration assessment to be made to determine the site restoration requirements existing at the time the site-specific trust account is established. The site restoration assessment shall be conducted by approved site assessment contractors appearing on a list approved by the commission or acceptable to the commission. The oilfield site restoration assessment shall specifically detail the site restoration needs and shall provide an estimate of the restoration costs needed to restore the oilfield site based on the conditions existing at the time the site-specific trust account is established.

D. Trust Account Monitoring. The assistant secretary shall monitor each trust account to assure that it is being properly funded. The funds in each trust account shall remain the property of the commission. In the event that the site-specific trust account is not funded through the payment of the severance tax due the state for a period of greater than six months from the date of first production following designation of the well as part of an orphaned oilfield site, the assistant secretary shall require financial security in accordance with the office of conservation’s rules and regulations.

E. Transfers of Oilfield Sites. When transfers of oilfield sites occur subsequent to the formation of site-specific trust accounts pursuant to this Section but prior to the end of the oilfield site’s economic life, the assistant secretary and the acquiring party shall, in the manner provided in this Section, redetermine cost. The balance of any site-specific trust account at the time of transfer shall remain associated with the oilfield site and shall be a factor in the redetermination.

F. Good Faith Disclosure. The failure of a transferring party to make a good-faith disclosure of all oilfield site conditions existing at the time of the transfer may render that party liable for the costs of restoration of such undisclosed conditions in excess of the balance of the site-specific trust account.

G. Unusable Oilfield Sites. For unusable oilfield sites, after site restoration has been completed and approved by the assistant secretary, funds from a site-specific trust account shall be disbursed as follows:

(1) The balance of the funds existing in the site-specific trust account will be removed from the state general fund (direct). If in the event the responsible party has personally funded the site-specific trust account, in whole or part, then to the responsible party in proportion to their percentage of funding with the remainder being remitted to the state general fund (direct).

(2) Such account shall thereafter be closed.

H. The assistant secretary shall make, after notice and public hearings as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary to implement this Section.

Section 2. R.S. 47:645(B) is hereby amended and reenacted to read as follows:

§45. Disposition of collections

B. One-third of the sulphur severance tax but not to exceed one hundred thousand dollars, one-fifth of the severance tax on all natural resources other than sulphur or timber but not to exceed five hundred thousand dollars, and three-fourths of the timber severance tax shall be allocated to the governing authority of the parish within which severance or production occurs and shall be credited to such parish by the treasurer for allocation to the governing authority of the parish in which severance or production occurs as provided in Article VII, Section 4 of the Constitution of 1974. When these limits have been reached, there shall be no further allocation, and all additional collections for the year shall be credited in full to the state treasury except as provided in R.S. 30:88.1.

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 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 584

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SENATE BILL NO. 429

BY SENATOR BARROW

AN ACT

To amend and reenact R.S. 37:1263 and to repeal R.S. 37:1264 and 1265, relative to qualifications; to provide for an appointment process; to provide for removal; to provide for terms; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

A. The Louisiana State Board of Medical Examiners is hereby created within the Department of Health and Hospitals and is subject to the provisions of R.S. 36:303.

(1) Until January 1, 2000, the board shall consist of seven members, all appointed by the governor from lists of names submitted by the Louisiana State Board of Medical Examiners; membership; qualifications; appointment; term; removal;

(2) Beginning on January 1, 2000, the board shall consist of seven voting members, all appointed by the governor from lists of names submitted by the following entities:

(1) One member from a list of names submitted by the Tulane Medical School.

(2) One member from a list of names submitted by the Louisiana State University Health Sciences Center at Shreveport.

(3) One member from a list of names submitted by the Tulane Medical School.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:21.3(E)(2) and (3) are hereby amended and reenacted and R.S. 39:21.3(E)(4) and (5) are hereby enacted to read as follows:

21.3. Consensus estimating conferences; duties and principals

E. Health and Social Services Estimating Conference.

(2) Principals. The principals of the Health and Social Services Estimating Conference are as follows:

(a) The chairman of the Senate Committee on Health and Welfare, or his designee.
(b) The chairman of the House Committee on Health and Welfare, or his designee.
(c) The chairman of the Senate Committee on Finance, or his designee.
(d) The chairman of the House Committee on Appropriations, or his designee.
(e) The secretary of the Department of Health and Hospitals, or his designee.
(f) The secretary of the Department of Children and Family Services, or his designee.

(g) A member of the professional staff of the office of the governor to be appointed by the governor.
(h) A member of the professional staff of the division of administration to be appointed by the commissioner of administration.
(i) A member of the professional staff of the legislature who shall have forecasting fiscal expertise to be appointed by the president of the Senate.
(j) A member of the professional staff of the legislature who shall have forecasting fiscal expertise to be appointed by the speaker of the House of Representatives.
(k) A member of the professional staff of the Department of Health and Hospitals who shall have forecasting expertise to be appointed by the secretary of the Department of Health and Hospitals.
(l) A member of the professional staff of the Department of Children and Family Services who shall have forecasting expertise to be appointed by the secretary of the Department of Children and Family Services.
(m) The legislative fiscal officer, or his designee who shall have healthcare experience.

(n) A faculty member specializing in healthcare economics from a public or private university in the state, selected by the other principal members, from a list of not less than three names, submitted to the Board of Regents.

(o) All professional staff members serving as principals shall collaborate with the appropriate departments to provide the data necessary for the conference, or subcommittee of the conference, to fulfill the duties specified in Paragraphs (1) and (4) of this Subsection.

(3) Principal Principals to preside over meetings. The principal representing the office of the governor shall preside over sessions of the conference. The chairmanship of the conference shall rotate annually among the four legislative committee chairmen serving as principals, in the following order:

(a) The chairman of the Senate Committee on Finance.
(b) The chairman of the House Committee on Appropriations.
(c) The chairman of the Senate Committee on Health and Welfare.
(d) The chairman of the House Committee on Health and Welfare.

(4) Conference meetings. The conference shall meet at least quarterly to receive information from the Medicaid Subcommittee.

(5) Medicaid Subcommittee. There shall be a Medicaid Subcommittee of the conference consisting of members eligible for development of the Medicaid Estimating Conference, including but not limited to the number of Medicaid enrollees, the eligiblity criteria under which individuals are enrolling, the rate of utilization of services and growth in the cost of services, provider reimbursement methodologies, and the factors considered in developing the per-member-per-month premiums paid to the Medicaid managed care companies.

(a) The membership of the Medicaid Subcommittee shall consist of the following members:

(i) The member of the professional staff of the division of administration to be appointed by the commissioner of administration.

(ii) The member of the professional staff of the legislature who shall have fiscal expertise and is appointed by the president of the Senate.

(iii) The member of the professional staff of the legislature who shall have fiscal expertise and is appointed by the speaker of the House of Representatives.

(iv) The member of the professional staff of the Department of Health and Hospitals who shall have forecasting expertise and is appointed by the secretary of the Department of Health and Hospitals.

(v) The legislative fiscal officer, or his designee who shall have health care experience.

(vi) The faculty member specializing in healthcare economics selected by the members of the conference.

(b) The chairmanship of the Medicaid Subcommittee shall rotate biennially among the professional staff appointed by the president of the Senate and the speaker of the House of Representatives, beginning with the professional Senate member.

(c) The subcommittee shall meet as follows:

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(i) In September, to establish an initial forecast for the ensuing fiscal year which shall be utilized by the Department of Health and Hospitals in formulating its budget request.
(ii) In December, to revise the forecast for the ensuing fiscal year which shall be utilized in the preparation of the executive budget recommendations by the state budget office.
(iii) In April, to revise the forecast for the ensuing fiscal year which shall be submitted by the legislature in its adoption of a state budget for the ensuing fiscal year.
(iv) In July, to discuss the forecast for the current fiscal year as compared to the current year appropriation.
(v) In addition to considering the forecast, the subcommittee may also review any aspects of the Medicaid program as provided for in Paragraph (i) of this Subsection at its regularly scheduled meetings or any additional meetings, as necessary.
(vi) Any principal of the conference may request that the subcommittee meet to discuss a specific issue.
(d) The subcommittee shall submit a report to the conference summarizing all topics discussed and any actions taken at each meeting.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 587

By Senator Lapleur

AN ACT

To amend and reenact R.S. 39:372(A)(1), (D), and (E) and R.S. 49:320.1 and to enact R.S. 39:82(K) and 372(F) and (G), relative to state funds; to provide for the annual reporting of cash accounts carried forward and the annual reporting of unexpended fees and self-generated revenue; to provide relative to certain state depositories and associated banking and checking accounts; to provide for reporting requirements relative to such banking and checking accounts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:372(A)(1), (D), and (E) are hereby amended and reenacted and R.S. 39:82(K) and 372(F) and (G) are hereby enacted to read as follows:

§ 372. Powers; policies; reports
A.(1) The review board is hereby empowered to require all state agencies to submit a report of all banking and checking accounts and the balances in each. All banking and checking accounts opened or to be opened by state agencies must have the approval of the review board in writing for authorization for the account and the method of compensation. Quarterly, all state agencies shall report all banking and checking accounts and the balances in each account to the review board to be compiled into one report and forwarded to the Joint Legislative Committee on the Budget as further provided in Subsection D of this Section.

D. The review board shall make a written report to the legislature as the review board deems necessary prior to the beginning of each regular session of such recommendations for changes in cash management law and practices as deemed appropriate. In addition to the other reporting requirements of this Subsection, the review board shall quarterly make a written report to the Joint Legislative Committee on the Budget relative to the banking and checking accounts of all state agencies, as follows:
(1) The state depositing authority as defined in R.S. 49:319.
(2) The banking or checking account name, account type, and, if there is more than one account with the same name, the account number.
(3) The approval date for the banking or checking account and the name of the fiscal agent bank.
(4) The banking or checking account investments, interest earnings, and fee payments.
(5) The account balance as of the beginning and the end of the quarter.

(6) The source of the funds in the account.
(7) The purpose of the banking or checking account.
(8) If a banking or checking account is closed during the quarter, the date of the closure, the balance of the account at the date of the closure, and documentation from the bank that the account has been closed.
E. The Joint Legislative Committee on the Budget shall hold a hearing on the number and types of banking or checking accounts, the need for the agency to have an account at the fiscal agent bank or checking accounts, the source of funds and the balances in the banking or checking accounts, and whatever other information is deemed necessary by the chairman.
F. The Joint Legislative Committee on the Budget shall forward a copy of the report that receives from the review board, with whatever changes it deems necessary, to the Revenue Estimating Conference for its use in estimating fees and self-generated revenues for the official forecast.

G. The legislative auditor shall review each state agency’s compliance with the review board’s approved cash management policies and procedures. Any noncompliance shall be reported to the Legislative Audit Advisory Council and to the cash management review board.

Section 2. R.S. 49:320.1 is hereby amended and reenacted to read as follows:

§ 320.1. Notification upon opening banking accounts
Any state depositing authority which deposits state funds in a bank designated as a fiscal agent bank by the Interim Emergency Board shall provide written notice to the state treasurer and the cash management review board upon opening any type of account at the fiscal agent bank. The state treasurer shall annually provide a listing to the Joint Legislative Committee on the Budget of all accounts reported under these provisions.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 588

By Senator Bishop

AN ACT

To enact R.S. 49:201.2, relative to the executive branch of state government; to provide that certain salary increases are prohibited unless approved by the Joint Legislative Committee on the Budget; and authorize state civil service to develop certain provisions relative to classified service; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:201.2 is hereby enacted to read as follows:

§ 201.2. Prohibition of Salary Increases
A. No unclassified employee in the executive branch of state government shall receive any pay raises for a period commencing on the regularly scheduled primary election day and concluding on inauguration day without the approval of the Joint Legislative Committee on the Budget.
B.(1) If the governor or other public official believes that the pay of a person to whom Subsection A of this Section is applicable should be increased during the time period specified in Subsection A of this Section, the governor or other public official shall submit documentation to the Joint Legislative Committee on the Budget identifying the position, the name of the person, the qualifications of the person, and the reasons the governor or other public official believes the pay of the person should be increased.
(2) If the Joint Legislative Committee on the Budget receives such documentation during the time period specified in Subsection A of this Section, the committee shall have a meeting to consider the approval of any such pay increase.
C. The State Civil Service Commission may establish the same or substantially similar provisions as provided in this Section for each position in the classified service within the civil service system.

D. The provisions of Subsections A and B of this Section shall not apply to any position in a postsecondary or higher education system or institution.

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 17, 2016.

A true copy:
Tom Schedler
Secretary of State

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To amend and reenact R.S. 39:1590 and to enact R.S. 39:1567(B)(3) and (4) and (F), relative to certain contract reporting requirements; to provide for certain contract reporting on the Internet; to provide for a Report of certain contracts for Fiscal Year 2015-2016 through Fiscal Year 2017-2018; to provide for the creation of the Contract Services Joint Legislative Task Force; to provide for the membership of the task force; to provide for the duties of the task force; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1590 is hereby amended and reenacted and R.S. 39:1567(B)(3) and (4) and (F) are hereby enacted to read as follows:

§1567. Reporting requirements

B. * * *

(3) Information on all contracts and the information contained in the annual report shall be published on the division of administration’s website to provide maximum access to the public and ease of use for searching information relative to the various contracts reported.

(4) For purposes of Paragraph (3) of this Subsection, “information” shall include but not be limited to the following:

(a)(i) If a legal entity, the official name and domicile address of the contracting entity as reflected in documentation submitted to the secretary of state’s office.

(ii) If a natural person, the full name and physical address of the contracting entity.

(b) If a legal entity, a complete and accurate listing of the owners of the contracting entity, whether in title or beneficial, unless it is a publicly traded entity, and a complete and accurate listing of the board of directors or equivalent governing body, if any, and officers, if any, of the contracting entity.

(c) A statement regarding the percentage of minority, women, veteran, and Louisiana-based ownership of the contracting entity, unless it is a publicly traded entity.

(d) A statement that all applicable federal, state, and payroll taxes owed by the contracting entity have been paid and are current.

(e) For the contracting entity as a nonprofit organization, a statement that the contracting entity has filed a current Form 990, as required by the Internal Revenue Code, along with a copy of its most recent Form 990.

(f) A statement indicating the type or nature of the contract with the state agency, including whether the contract was not bid, competitively bid, competitively negotiated, or let through a noncompetitive process; the value of the contract; and the name of each state agency which is or would be a party to the contract.

(g) The names and addresses of all agents, registered lobbyists, and other persons lobbying, as “lobbying” is defined in R.S. 44:51 or R.S. 48:75, on behalf of the contracting entity relative to a contract or potential contract with the state or an appropriation or grant.

F. (1) The Contract Services Joint Legislative Task Force, hereinafter referred to as the “task force”, is hereby created to study, review, and make assessments on the following professional, personal, and consulting service contracts:

(a) 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. Such determination shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and 2017-2018:

(1) September thirtieth

(2) December thirtieth

(3) March thirtieth

(4) June thirtieth

(5) September thirtieth

(6) December thirtieth

(7) March thirtieth

(8) June thirtieth

(9) September thirtieth

(10) December thirtieth

(11) March thirtieth

(12) June thirtieth

(b) Contracts or contract procedures that may require administrative action or may otherwise require the Joint Legislative Committee on the Budget to provide for related matters.

(2) Following each determination required pursuant to the provisions of this Section, the commissioner of administration shall report to the state treasurer the amount of state general fund (direct) and Overcollections Fund appropriated for professional, personal, and consulting service contracts that are expected to remain unexpended and unencumbered at the end of the fiscal year as a result of implementation of this Section. These monies shall be available for deposit in and credit to the Higher Education Financing Fund as provided in R.S. 39:100.146.

C. Notwithstanding any provision of law to the contrary, this Section shall not apply to the following professional, personal, or consulting service contracts:

(1) Contracts of the secretary of state necessary to perform any constitutional or statutory function of the office.

(2) All contracts to implement the programs of the Department of Health and Hospitals funded pursuant to Title XIX, Title XX, and Title XXI of the Social Security Act or funded fully or partially by federal funds.

(3) Contracts with state or local providers of indigent defender services necessary to perform any constitutional or statutory function.

(4) Contracts of a district attorney necessary to perform any constitutional, discretionary, or statutory function of the office, or to perform services under the child support enforcement program administered by the Department of Children and Family Services in accordance with the federal requirements of Title IV-D of the Social Security Act and corresponding state laws and regulations.

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 17, 2016.

A true copy,

Tom Schedler
Secretary of State
(3) Prepaid wireless telecommunications services that provide access to 911 are an important segment of the telecommunications industry and have proven particularly attractive to low-volume consumers.

(4) Unbundled national and international telecommunications services, prepaid wireless telecommunications services that provide access to 911 are not sold or used pursuant to term contracts or subscriptions, and monthly bills are not sent to consumers by prepaid wireless telecommunications service providers or retail carriers.

(5) Prepaid wireless service consumers have the same access to emergency 911 services from their wireless devices as wireless consumers on term contracts, and prepaid wireless service consumers benefit from the ability to access the 911 system by dialing 911. Therefore, prepaid wireless service consumers should contribute to funding of the 911 emergency communications system.

(6) Customers purchase prepaid wireless telecommunications services that provide access to 911 at a wide variety of general retail locations and other distribution channels, not just through service providers. Such purchases are made on a “cash-and-carry” or “pay-as-you-go” basis from retailers.

(7) To ensure equitable contributions to the funding of 911 systems from consumers of prepaid wireless telecommunications services, the collection and payment of the prepaid service charges to be collected in the amount established under Subsection C. of this Section, shall be the consumer’s retail purchase of the prepaid wireless telecommunications service and should be in the form of a single, statewide charge that is collected once at the time of purchase directly from the consumer, remitted to the state, and distributed to communications districts.

B. Definitions. As used in this Section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) “Consumer” means a person who purchases a prepaid wireless telecommunications service that provides access to 911 in a retail transaction.

(2) “Department” means the Department of Revenue.

(3) “E911” means an emergency telephone system that directs 911 calls to appropriate public safety answering points by selecting the nearest location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission may require in the future.

(4) “Prepaid wireless 911 service charge” means the charge that is required to be collected by a seller from a consumer in the amount established under Subsection C. of this Section.

(5) “Prepaid wireless telecommunications service” means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, commercial mobile radio service as defined by 47 C.F.R. 20.3 in addition to the charges that the seller collects for providing the capability for automatic number identification and other features that the Federal Communications Commission requires in the future.

(6) “Provider” means a person that provides a prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(7) “Retail transaction” means each individual purchase of a prepaid wireless telecommunications service that provides access to 911 from a seller for any purpose other than resale.

(8) “Seller” means a person who sells a prepaid wireless telecommunications service that provides access to 911 to another person.

C. Collection and remittance of prepaid wireless telecommunications 911 service charges.

(1) In addition, the department may require in the future a single, statewide charge of two percent on each retail transaction occurring in this state for purposes other than resale.

(2) The prepaid wireless 911 service charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 911 service charges that the seller collects from consumers as provided in Subsection D. of this Section, including all such charges that are provided to the consumer at a point of sale or by mail or at any other location, and any other transaction shall be treated as occurring in this state if that business location is in this state, and any other transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of R.S. 47:592(I).

(3) The prepaid wireless 911 service charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 911 service charges that the seller collects from consumers as provided in Subsection D. of this Section, including all such charges that are provided to the consumer at a point of sale or by mail or at any other location, and any other transaction shall be treated as occurring in this state if that business location is in this state, and any other transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of R.S. 47:592(I).

(4) The prepaid wireless 911 service charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 911 service charges that the seller collects from consumers as provided in Subsection D. of this Section, including all such charges that are provided to the consumer at a point of sale or by mail or at any other location, and any other transaction shall be treated as occurring in this state if that business location is in this state, and any other transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of R.S. 47:592(I).

(5) The amount of the prepaid wireless 911 service charge that is collected by a seller from a consumer, when such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(6) The department shall establish electronic registration procedures to enable sellers to file and pay the prepaid wireless 911 service charges electronically in compliance with R.S. 47:592(I) and (II). The department shall maintain an electronic filing when the report is required for the purposes of collecting prepaid wireless 911 service charges.

(7) The department shall establish electronic registration procedures to enable sellers to file and pay the prepaid wireless 911 service charges electronically in compliance with R.S. 47:592(I) and (II). The department shall maintain an electronic filing when the report is required for the purposes of collecting prepaid wireless 911 service charges.

(8) The audit and appeal procedures applicable under Chapter 2 of Subtitle I of Title 47 of the Louisiana Revised Statutes of 1950 with respect to the state sales tax shall apply to prepaid wireless 911 service charges and prescription shall be made with the provisions of this Subtitle and Article VII, Sections 7 and 8 of the Constitution of Louisiana.

(9) The department shall establish procedures by which a seller of prepaid wireless telecommunications 911 service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Chapter 2 of Subtitle I of Title 47 of the Louisiana Revised Statutes of 1950 with respect to the state sales tax.

(10) The department shall pay all remitted prepaid wireless 911 service charges over to eligible communications districts in accordance with Subsection E. of this Section. The department may retain up to two percent of remitted prepaid wireless 911 service charges to reimburse its direct costs of administering the collection and remittance of prepaid wireless 911 service charges.

F. Liability. (1) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 911 or E911 service, or for identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 911 service.

(2) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigation or activity by a law enforcement officer of the United States or any other state, or any political subdivision of this or any other state, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer.

G. Exclusivity of charge. The prepaid wireless E911 911 service charge shall be the only E911 911 funding obligation imposed with respect to prepaid wireless telecommunications services in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

H. Exclusivity of charge. The prepaid wireless E911 911 service charge shall be the only E911 911 funding obligation imposed with respect to prepaid wireless telecommunications services in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, any intergovernmental agency, for E911 911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

Approved by the Governor, June 17, 2016.

Section 3. The effective date of this Act shall be October 1, 2016.

(1) Any opportunities for neighboring parishes to either cooperate in joint projects or to share resources in next generation 911 development, which are intended to enhance both the efficiency and the effectiveness of the public safety benefits of 911 services for the local and traveling public in Louisiana. (d) Any opportunities for neighboring parishes to either cooperate in joint projects or to share resources in next generation 911 development, which are intended to enhance both the efficiency and the effectiveness of the public safety benefits of 911 services for the local and traveling public in Louisiana.

Section 2. R.S. 33:9109.1(B)(6) is hereby repealed in its entirety.

Section 3. The effective date of this Act shall be October 1, 2016.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE