B. The provisions of this Section shall not apply to the Louisiana Tax Free Shopping Program or to cases of a bad debt.

Section 2. The provisions of this Act shall be applicable for taxable years beginning on and after January 1, 2016.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 447

HOUSE BILL NO. 787

BY REPRESENTATIVE IVIEY

AN ACT

To amend and reenact R.S. 33:9097.3(B), (F), and (G)(1) and to reenact R.S. 33:9097.3(I), relative to the Wedgewood Crime Prevention and Improvement District in East Baton Rouge Parish; to modify the boundaries of the district; to provide relative to the imposition and collection of the district's parcel fee; to provide relative to the budget approval process for the district; to provide relative to the indemnification and exculpation of board members; 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. 33:9097.3(B), (F), and (G)(1) are hereby amended as follows:

§9097.3. Wedgewood Crime Prevention and Improvement District

A. Parcel fee. The governing authority of East Baton Rouge Parish is hereby authorized to establish a district in East Baton Rouge Parish, to provide for the levy of a parcel fee therefor, and to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by the governing authority of the district and the governing authority of the parish of East Baton Rouge.

F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby authorized to establish a district in East Baton Rouge Parish, to provide for the levy of a parcel fee therefor, and to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection:

(1) The amount of the fee shall be as requested by the governing authority of the district and the governing authority of the parish of East Baton Rouge.

(2)(a) The fee shall be imposed on each improved parcel located within the district.

(b) For purposes of this Section, “parcel” means a lot, a subdivided portion of ground, or an individual tract and does not mean a “condominium parcel” as defined in R.S. 9:1121, 103.

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting at an election held for that purpose in accordance with the Louisiana Election Code. At least thirty days prior to any election held to approve imposition of a parcel fee, the board of commissioners shall mail notification of the upcoming election to each registered voter of the district and to the owner of a parcel if the owner is not a registered voter of the district. No other election shall be required except as provided by this Paragraph.

(c) The election on the question of the imposition of the fee shall be held at the election scheduled to be held in the parish on September 30, 2006 same time as a regularly scheduled election in East Baton Rouge Parish.

(4) The fee shall not exceed one hundred fifty dollars per parcel per year for parcels zoned commercial, and three hundred twenty-five dollars per parcel per year for parcels zoned residential and four hundred dollars per parcel per year for parcels zoned commercial.

(5) If the fee is not approved at the election held pursuant to Subparagraph(3)(a) of this Subsection at the primary election for members of the district’s board of commissioners, or at the regular election for the members of the district’s board of commissioners, the fee shall not be imposed. If the fee is approved at the election held pursuant to Subparagraph(3)(a) of this Subsection at the primary election for members of the district’s board of commissioners, the fee shall be imposed as provided in Subparagraph(3)(c) of this Subsection. Any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal.

B. The provisions of this Section shall not apply to the Louisiana Tax Free Shopping Program or to cases of a bad debt.

Section 2. The provisions of this Act shall be applicable for taxable years beginning on and after January 1, 2016.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 446

HOUSE BILL NO. 756

BY REPRESENTATIVE ABRAMSON

AN ACT

To enact R.S. 47:1520.2, relative to refunds from the Department of Revenue; to require the electronic filing of certain refund claims; to provide with respect to the authority of the secretary; to provide for certain requirements; to provide for certain exceptions; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1520.2 is hereby enacted to read as follows:

§1520.2. Electronic filing—refund claims for overpayment of sales tax

A. In cases where a taxpayer makes a claim for a refund of an overpayment of sales tax, the secretary shall require electronic filing of all schedules and invoices if the claim for a refund of an overpayment of sales tax is twenty-five thousand dollars or more or if the claim for an overpayment of sales tax is made by a tax preparer on behalf of the taxpayer, regardless of the amount of the refund.

(2) The secretary may exempt any taxpayer required to electronically file a schedule or invoice pursuant to the provisions of this Section if the taxpayer can prove that the electronic filing of a schedule or invoice would create an undue hardship.

B. The provisions of this Section shall not apply to the Louisiana Tax Free Shopping Program or to cases of a bad debt.

Section 2. The provisions of this Act shall be applicable for taxable years beginning on and after January 1, 2016.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE

PAGE 197

* As it appears in the enrolled bill

CODING: Words in type are additions from existing law; words underscored and boldfaced (House Bills) and underscored and boldfaced (Senate Bills) are additions.
Section 2. The provisions of this Act shall have no effect on the parcel fee being imposed within the Wedgewood Crime Prevention and Improvement District on the effective date of this Act that was approved by the voters in the district at an election held on September 30, 2006. The fee shall continue to be imposed until such time as it expires as provided in the proposition. The district may then impose a parcel fee as provided in this Act if the imposition of the parcel fee has been approved by the district's voters as provided in this Section.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 448

HOUSE BILL NO. 832
BY REPRESENTATIVE SEABAUGH

To enact R.S. 37:2950(D)(1)(a)(xviii), relative to employment restrictions; to exempt the Department of Insurance from certain provisions relative to the criminal record effect on trade, occupational, and professional licensing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2950(D)(1)(a)(xviii) is hereby enacted to read as follows:

§2950. Criminal record effect on trade, occupational, and professional licensing.

D.(1)(a) This Section shall not be applicable to:

(xviii) The Louisiana Department of Insurance.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 449

HOUSE BILL NO. 834
BY REPRESENTATIVES BERTHELOT AND GREGORY MILLER

To amend and reenact R.S. 13:4521(A)(1), (3), and (4) and (B) and to enact R.S. 13:4521(D), relative to court costs owed by governmental entities; to provide for temporary deferral and payment of such costs and collection of unpaid costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4521(A)(1), (3), and (4) and (B) are hereby amended and reenacted and R.S. 13:4521(D) is hereby enacted to read as follows:

$4521. State and its subdivisions, boards and commissions not required to pay temporary deferral of court costs; exceptions

A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, and R.S. 48:454.3, and as hereinafter provided in this Subsection, neither the state, nor any parish, municipality, nor other political subdivision as defined in this Section, public board, or commission, nor any agent, officer, or employee of any such political subdivision when acting within the scope and authority of his official duties shall be required to pay any temporarily deferred court costs, including court costs of filing a judgment dismissing claims against the state, political subdivision, or agent, officer, or employee thereof, in any judicial proceeding instituted by or against the state, a political subdivision, or agent, officer, or employee thereof when the judgment taxes costs of the state, political subdivision, or agent, officer, or employee thereof against the opposing party in accordance with the provisions of Code of Civil Procedure Article 1920. The opposing party shall be required to pay court costs in any child welfare proceeding instituted by such department of district attorney's office.

B. Except when the law imposes personal responsibility for costs on the agent, officers, or employees, if it shall be the responsibility duty of the exempted governmental entities who temporarily defer costs as set forth above in this section to pay any deferred costs assessed against them or their agents, officers, or employees within thirty days of the judgment becoming final or to assist in the collection of court costs due by the opposing litigants by requesting the court in question to tax costs in accordance with the provisions of Article 1920 of the Code of Civil Procedure by requesting that the court include the cost assessment in a judgment dismissing a claim against the governmental entity or any agent, officer, or employee thereof. In this regard the entities are authorized to and The state, political subdivision, or agent, officer, or employee thereof shall withhold any court costs due by the opposing litigants, upon any settlement payment made to the costs parties, and shall forward such costs to the clerk of court.

D. If an opposing party condemned to pay temporarily deferred court costs fails to pay the assessed costs within thirty days of the judgment becoming final or to assist in the collection of court costs due by the opposing litigants by requesting the court in question to tax costs in accordance with the provisions of Article 1920 of the Code of Civil Procedure by requesting that the court include the cost assessment in a judgment dismissing a claim against the governmental entity or any agent, officer, or employee thereof. In this regard the entities are authorized to and The state, political subdivision, or agent, officer, or employee thereof shall withhold any court costs due by the opposing litigants, upon any settlement payment made to the costs parties, and shall forward such costs to the clerk 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 in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 450

HOUSE BILL NO. 898
BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 18:1505.2(1)(6), relative to the use of campaign funds; to redefine the term “motor vehicle” for purposes of the prohibition on the purchase of motor vehicles with campaign funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(1)(6) is hereby amended and reenacted to read as follows:

(6) No candidate, political committee, or other person required to file reports pursuant to this Chapter, shall use a contribution, loan, or transfer of funds received by such candidate, committee, or person to purchase immovable property or a motor vehicle. For purposes of this Paragraph, “motor vehicle” means a motor vehicle which is owned, leased, or purchased by such candidate, committee, or person, and the purchase of which is in furtherance of the election of such candidate, committee, or person or of any candidate, and shall have the same meaning as provided in R.S. 32:761, except that “motor vehicle” shall not include a “trailer” as that term is defined in R.S. 32:1252.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State
ACT No. 451

HOUSE BILL NO. 900
BY REPRESENTATIVE LEOPOLD

AN ACT
To amend and reenact R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (6), 2195(B), 2351.59(C)(1)(a) and (b), (2), (3), and (4) and to enact R.S. 30:2014(D)(6), relative to fees collected by the Department of Environmental Quality: to authorize an increase of fees paid to the Department of Environmental Quality; to authorize an increase of fees paid for accreditation by commercial laboratories; to authorize and increase in fees paid for certain reviews of immovable property; to authorize a fee for requesting a declaratory ruling; to authorize an increase for underground storage tank fees; to authorize an increase in fees deposited into the Lead Hazard Reduction Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (6), 2195(B), 2351.59(C)(1)(a) and (b), (2), (3) are hereby amended and reenacted and R.S. 30:2014(D)(6) is hereby enacted to read as follows:

§2011. Department of Environmental Quality created; duties; powers; structure

D. The secretary shall have the following powers and duties:

(22)

(b) Notwithstanding the provisions of R.S. 30:2014(D)(3) or R.S. 49:971(A), the secretary is hereby authorized to establish a fee schedule in accordance with Subparagraph (c) of this Paragraph for any application for accreditation by a commercial laboratory under the provisions of Subparagraph (a) of this Paragraph:

(c) The fee schedule authorized by Subparagraph (b) of this Paragraph shall not exceed the following amounts:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accreditation fee</td>
<td>$660.00</td>
</tr>
<tr>
<td>Payment for every scope application fee</td>
<td>$110.00</td>
</tr>
<tr>
<td>Every three years</td>
<td>$220.00</td>
</tr>
<tr>
<td>Minor conventional category per matrix</td>
<td>$294.00</td>
</tr>
<tr>
<td>Annual surveillance and evaluation</td>
<td>$320.00</td>
</tr>
<tr>
<td>Proficiency samples biannually</td>
<td>$290.00</td>
</tr>
<tr>
<td>Tonnage fees for non-industrial wastes</td>
<td>$250.00</td>
</tr>
<tr>
<td>Tonnage fees for industrial wastes</td>
<td>$275.00</td>
</tr>
<tr>
<td>Solid waste fees provided in Part VII of Title 33 of the Louisiana Administrative Code</td>
<td>$200.00</td>
</tr>
<tr>
<td>General permit for oil and gas wells in the coastal and territorial seas</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

(25) To promulgate rules and regulations providing for conducting requested reviews of environmental conditions of a specified tract of immovable property, including but not limited to requests for no further action for the impacted property, the department shall be empowered to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee. Such percentage shall be determined annually by agreement between the department and the United States Environmental Protection Agency to be used on grants and contracts. However, the department shall require a requestor to pay a minimum fee of one thousand dollars prior to conducting the review.

§2014. Permits, licenses, registrations, variances, and monitoring fees

D. * As it appears in the enrolled bill

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
B. There is hereby established a special custodial trust fund in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund, hereafter referred to as the “Tank Trust Fund”, into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the fees as established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to enter into an agreement with a private legal entity to receive and administer the Tank Trust Fund for the purpose of providing financial responsibility for underground motor fuel storage tanks. On an annual basis, all owners of registered tanks shall remit to the department a tank registration fee of five hundred sixty dollars for each tank. The revenue from the tank registration fees shall be deposited directly into the Environmental Trust Fund as provided by R.S. 30:2015 and utilized for underground storage tank activities only, and any deviation from the aforesaid shall be documented and reported to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality. Revenues received from annual maintenance and monitoring fees, other than those established in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Fund. The department shall promulgate rules and regulations for the implementation of this Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

$2351.59. Fees  

C.(1) License and certification fees shall be paid as follows:
(a) License evaluation fee of five hundred fifty dollars shall be paid by lead contractors.
(b) Certification fees shall be paid for the following disciplines:
(i) Lead project supervisor  $250.00  275.00
(ii) Lead project designer  $500.00  550.00
(iii) Risk assessor  $500.00  275.00
(iv) Lead inspector  $450.00  165.00
(v) Lead worker  $50.00    55.00

(2) Accreditation fees for training organizations shall be paid as follows:
(a) In-state training organizations (Louisiana domiciliaries):
(i) Application processing fee  $500.00  550.00
(ii) Processing fee per instructor  $50.00    55.00
(iii) Emergency processing  1.5 times the regular fees
(b) Out-of-state training organizations (non-Louisiana domiciliaries):
(i) Application processing fee  $750.00  825.00
(ii) Processing fee per instructor  $300.00  110.00
(iii) Emergency processing  1.5 times the regular fees

(3) Notification fees will be due upon application as follows:
(a) For the lead abatement of a building or other structure, the fee shall be based upon the projected lead-based painted areas to be abated in the abatement project. Areas of lead-contaminated soil associated with the abatement process will be included in the projected square footage for the building or structure as follows:
(i) 2000 square feet and under  $200.00  220.00
(ii) Each additional increment of 2000 square feet or portion thereof  $400.00  110.00
(b) For the lead abatement of soil only, the fee shall be based upon the projected acreage of the abatement project as follows:
(i) Half acre or less  $200.00  220.00
(ii) Each additional half acre or portion thereof  $400.00  110.00
(iii) Revisions to notification fees  $50.00    55.00
(c) Emergency notification processing fees will be one and one-half times the regular fees.

§35.3. Domestic abuse battery  

C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than ten thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:
(1) The offender is placed on probation with a minimum condition that he serve four days in jail and participate in complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
(2) The offender is placed on probation with a minimum condition that he perform eight, eight-hour days of court-approved community service activities and participate in complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to participate in complete a court-monitored domestic abuse intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:
(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and participate in complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.
(2) The offender is placed on probation with a minimum condition that he perform thirty-eight, eight-hour days of court-approved community service activities and participate in complete a court-monitored domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

H. An offender ordered to participate in complete a court-monitored domestic abuse intervention program required by the provisions of this Section shall pay the cost incurred in participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 453

HOUSE BILL NO. 937
(Substitute for House Bill No. 838 by Representative Havard)
BY REPRESENTATIVE HAVARD

AN ACT

To amend and reenact R.S. 15:587(A)(1)(e)(iv) and (v), relative to background checks required for those who perform certain services relating to motor vehicles; to provide for limitations on background checks required of certain persons who have or are seeking a contract or license with the Department of Public Safety and Corrections, public safety services, to perform certain services relative to motor vehicles; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:587(A)(1)(e)(iv) and (v) are hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information on A.(1)  

(e)  

(iv) The office of motor vehicles shall submit fingerprint cards or other identifying information to the bureau of any person who applies to be an auto title company or a public license tag agent pursuant to R.S. 32:735 et seq. and R.S. 47:332.1 and of any person who works for any such business who will perform transactions for such title or the office of motor vehicles. Upon receipt and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau shall provide any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants. Additionally,
the bureau shall forward the fingerprints of such applicants' principal to the Federal Bureau of Investigation for a national criminal history record check. Fingerprint cards shall be submitted to the bureau pursuant to this Item only upon initial application and shall not be required to be submitted annually. After initial fingerprints are submitted pursuant to this Item, the arrest and conviction record for the principal of any such auto title company is for a motor vehicle

(a) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(b) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(c) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(d) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(e) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(f) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(g) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(h) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(i) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(j) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(k) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(l) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(m) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(n) The arrest and conviction record for the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.
out of its objects and purposes, including but not limited to the following in addition to the other rights and powers set out in this Subpart:

(9) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, excluding, however, the powers of tax increment financing described in subdivision (c) of R.S. 48:224.1(A) and the powers to require any one or more persons or groups or entities to assume any part of the cost of any public function or purpose provided for by such district as if the district were an economic development district created under the provisions of this Subpart, and such bonds or other obligations issued by the district, or any subdistrict, pursuant to the provisions of this Subpart, shall not apply to any gross negligence or criminal negligence on the part of any member of the board or person executing the bonds.

K. All obligations authorized to be issued by the district, or any subdistrict, pursuant to the provisions of this Subpart, together with interest thereof, income therefrom, and gain upon the sale thereof shall be exempt from all state and local taxes.

L. The state and all public officers, any parish, municipality, or other subdivision or instrumentality of the state, any political subdivision, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance association, and any person carrying on an insurance business, and any executor, administrator, curator, trustee, and other fiduciary, and any retirement system or pension fund may legally invest any funds belonging to it or within its control in any bonds or other obligations issued by the district, or any subdistrict, pursuant to the provisions of this Subpart, and such bonds or other obligations shall be authorized by the board as if the purchase of any such bonds or other obligations of the district, or any subdistrict, and to provide that any such bonds shall be authorized security for all public deposits; however, nothing contained in this Subsection with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, corporation, or other entity from any duty of exercising reasonable care in selecting securities.

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 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 458

HOUSE BILL NO. 1057
(Substitute for House Bill No. 407 by Representative Havard)

BY REPRESENTATIVE HAVARD

AN ACT

To amend and reenact R.S. 48:224.1(A) and to enact R.S. 48:224.1(D), relative to the transfer of roads from the state highway system to governmental subdivisions; to provide for certain conditions of such transfers; to provide authority for the promulgation of administrative rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:224.1(A) is hereby amended and reenacted and R.S. 48:224.1(D) is hereby enacted to read as follows:

§224.1. Transfer and exchange of state and local roads

A. Upon receipt of the proper requisition or similar document signed by a parish or municipal governing authority to the secretary indicating its conditions, willingness, and desire to incorporate into the parish or municipal road system a road on the state highway system and to assume the maintenance thereof and with the approval by a majority of the legislative delegation from such parish or municipality, the secretary may at his discretion accept the resolution and remove the road from the state highway system and it shall thereafter form a part of the parish or municipal road system. As a condition of such transfer, the department may provide a thing of value, including but not limited to credits towards future construction projects, payment of funds, or similar thing of value, in lieu of payment of debt owed to the department. Such thing of value shall be equal to the amount of the present value of the forty-year projected future maintenance cost of the road to be transferred and may be funded by the
department as a capital project. Any such condition of transfer shall be
reduced to writing by the parties. *

D. The department may promulgate rules in accordance with the
Administrative Procedure Act to implement the provisions of this Section.

Approved by the Governor, June 9, 2016.
A true copy:

Tom Schedler
Secretary of State

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ACT No. 459

HOUSE BILL NO. 1087

BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 38:101(C) and 103(B), relative to entities responsible
for the maintenance and operation of the hurricane protection system; relative to which entities may be called upon to cooperate and assist with
certain hurricane protection projects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:101(C) and 103(B) are hereby amended and reenacted to
read as follows:
§101. West Bank Hurricane Protection Projects

C. Upon completion of the construction of the hurricane protection
projects, the responsibility for maintenance and operation of the hurricane
protection system shall be assumed by the West Jefferson Levee District,
the Orleans Levee District, Plaquemines Parish, and St. Charles Parish
the Lafourche Basin Levee District, respectively for those portions of the
system within each of the parishes.

§103. Coordination and cooperation

B. The chairman of the Coastal Protection and Restoration Authority
Board or the Coastal Protection and Restoration Authority is authorized
to call upon the West Jefferson Levee District, the Orleans Levee District,
Plaquemines Parish, St. Charles Parish the Lafourche Basin Levee District,
and all other commissions and districts and state agencies, departments,
and political subdivisions of the state for full and complete cooperation
and assistance in carrying out the provisions of this Chapter, and all such
entities are hereby directed and it shall be their duty to cooperate and assist
the department in carrying out the provisions of this Chapter to the
full extent possible.

Approved by the Governor, June 9, 2016.
A true copy:

Tom Schedler
Secretary of State

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ACT No. 460

HOUSE BILL NO. 1093

BY REPRESENTATIVE IVEY

AN ACT

To amend and reenact R.S. 24:513(C)(1), relative to reports made by the
legislative auditor regarding public retirement systems; to provide relative
to the content of such reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 24:513(C)(1) is hereby amended and reenacted to read as
follows:
§513. Powers and duties of legislative auditor; audit reports as public
records; assistance and opinions of attorney general; frequency of audits;
subpoena power

C.1. The legislative auditor shall have authority to evaluate on a continuing
basis all aspects of any state, municipal, or parochial retirement system,
funded in whole or in part out of public funds, as to its actuarial soundness.
The legislative auditor shall make periodic detailed reports, both to the
legislature and the governor, specifically setting forth its findings as to the
actuarial soundness of such retirement systems. At least every five years,
the reports produced by the legislative auditor shall include comparative
summaries of each system’s reported actuarial assumptions and funded
ratio and the findings of the legislative auditor as to the appropriateness of
each system’s assumptions. In conducting such evaluations or any audit
pursuant to R.S. 11:2260.A(3)(b), the legislative auditor shall have complete
access to all books, records, documents, and accounts of said retirement
system and any participating employer thereof.

Approved by the Governor, June 9, 2016.
A true copy:

Tom Schedler
Secretary of State

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ACT No. 461

HOUSE BILL NO. 1103

BY REPRESENTATIVE STOKES

AN ACT

To amend and reenact R.S. 47:103(D), relative to the individual income tax
return; to provide the requirements for a request for an extension of time
for the return; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:103(D) is hereby amended and reenacted to read as follows:
§103. Time and place for filing returns; information concerning federal
return

D. The secretary may grant a reasonable extension of time for filing
returns, not to exceed six months from the date the Louisiana income tax
return is due or the extended due date of the federal income tax return,
whichever is later. The secretary may accept a physical copy of a taxpayer’s
Internal Revenue Service form requesting an extension of time to file a
federal income tax return for the same taxable period as an extension
of time to file a Louisiana income tax return or provide for the automatic
extension of the Louisiana income tax return without the necessity of an
additional state form concerning the request for an extension of time.

Approved by the Governor, June 9, 2016.
A true copy:

Tom Schedler
Secretary of State

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ACT No. 462

HOUSE BILL NO. 1133

BY REPRESENTATIVE BERTHELOT

AN ACT

To amend and reenact Subpart A of Part VII of Title 40 of the Louisiana
Revised Statutes of 1950, to be comprised of R.S. 40:1484.1 through 1484.28,
and 1485.2(introductory paragraph), (2), (3), (4), and (5) and to enact R.S.
40:1485.2(6) and 1485.9, relative to the regulation of inflatable amusement
devices, amusement attractions, and amusement rides; to provide for
administration, enforcement, and rulemaking authority of the state fire
marshal; to provide for definitions; to require registration of inflatable
amusement devices, amusement attractions, and amusement rides with the
office of state fire marshal; to regulate the operation of such devices,
attractions, and rides; to provide for third-party inspections and
certificates of inspection; to provide for set-up inspections; to provide
relative to license requirements of third-party inspectors, set-
up inspectors, firms, and certain persons; to require certain insurance;
to provide for applicable fees, costs, penalties, and injunctive relief;
to provide for applicability; to provide for prohibitions and exemptions;
and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Section 2 of this Act amends and reenacts Subpart A of Part
VII of Title 40 of the Louisiana Revised Statutes of 1950 in its entirety. Due
to the length of the Subpart, present law is not included as overstruck text.
Section 2. Subpart A of Part VII of Title 40 of the Louisiana Revised Statutes
of 1950, comprised of R.S. 40:1484.1 through 1484.28, and 1485.2(introductory
paragraph), (2), (3), (4), and (5) are hereby amended and reenacted and R.S.
1485.2(6) and 1485.9 are hereby enacted to read as follows:

PART VII. REGULATION OF
AMUSEMENT ATTRACTIONS AND RIDES

SUBPART A. REGULATION

§1484.1. Short title
This Part shall be known and may be cited as the Amusement Rides Safety
Law.

§1484.2. Purpose; administration and enforcement
A. The purpose of this Part is to regulate the testing, inspection, and
operation of inflatable amusement devices, amusement attractions, and
amusement rides to prohibit the use of such devices, attractions, and rides
when they have not been properly registered, have not received a proper and
timely certificate of inspection, and have not received a set-up inspection as
provided for in this Part.
B. The state fire marshal shall administer and enforce the provisions of
this Part and may promulgate rules and regulations which he considers
necessary to such administration and enforcement pursuant to the
Administrative Procedure Act. In formulating necessary rules and
regulations, the state fire marshal may use recognized standards, including
but not limited to those of the ANSI, ASTM, those recognized by federal law
or regulation, those published by nationally recognized standards-making
organizations, those industry standards established by accepted practices
or trade associations, or those contained in manufacturers’ installation
manuals.

C. The state fire marshal has the authority to charge and collect fees as
provided for in this Part.

§1484.3. Definitions

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* As it appears in the enrolled bill
CodiNG: Words in normal type are deletions from existing law; words underscored
(House Bills) and boldfaced (Senate Bills) are additions.
As used in this Part, the following terms have the meanings specified in this Section except where the context expressly indicates otherwise:

1. “Amusement attraction” means any building or structure around, over, or under which people may move or walk without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills, or excitement. “Amusement attraction” does not include any enterprise principally devoted to the exhibition of products of art, literature, music, or the sciences, education, science, religion, or the arts.

2. “Amusement ride” means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. “Amusement ride” also includes any mechanized device or combination of devices of a permanent nature even though such device or combination of devices is subject to building regulations issued by cities or parishes and existing applicable safety orders. “Amusement ride” also includes the following:

(a)任何一种由机械装置或多个装置组合而成的装置。这些装置可以将乘客送入水中。
(b) Go-karts, which means a ride in which a vehicle is controlled or driven by patrons on a fixed course.
(c) Any wave pool, water slide, or other similar attraction that totally or partially immerses a patron in water.
(d) Artificial climbing walls.
(e) Zipline.
(f) “ANSI” means the American National Standards Institute.
(g) “ASTM” means the American Society of the International Association for Testing and Materials.

5. “Certificate of inspection” means a certificate or report prepared by a third-party inspector pursuant to his inspection which verifies that the inflatable amusement device, amusement attraction, or amusement ride complies with all applicable adopted laws, rules, standards, and its corresponding manufacturer’s installation manuals, maintenance and service bulletins, and notices.

6. “Certificate of registration” means a certificate issued by the office of state fire marshal upon receipt of a completed registration application, valid insurance as required by this Part, and a certificate of inspection.

7. “Compliance inspection” means a type of inspection performed as deemed necessary by the state fire marshal or his designee, usually in conjunction with an audit or investigation, or in response to a complaint.

8. “Employee” means a person who performs services for wages or salary from an employer.

9. “Firm” means a sole proprietorship, corporation, limited liability company, or a group of businesses.

10. “Fixed operation location” means an operating location wherein amusement devices, amusement attractions, or amusement rides are operated for an indefinite period of time and are not often disassembled and reassembled.

11. “Inflatable amusement device” means any amusement attraction that incorporates a structural and mechanical system that employs a high-strength fabric or film that achieves its strength, shape, and stability by prestretching with internal air pressure for activities including, but not limited to bouncing, climbing, sliding, or interactive play, which may or may not be enclosed.

12. “Inspect” or “inspection” means the thorough physical examination and functional testing of an inflatable amusement device, amusement attraction, or amusement ride and its component parts necessary to ensure that it complies with all applicable adopted laws, rules, standards, and corresponding manufacturer’s installation manuals, maintenance and service repair bulletins, or notices.

13. “Investigate” or “Investigation” means the thorough physical examination in an inflatable amusement device, amusement attraction, or amusement ride and its component parts by the office of state fire marshal in response to a complaint or an accident, which may or may not have resulted in injury or death, to determine the cause of the accident.


15. “Operate” means to manage and coordinate an inflatable amusement device, amusement attraction, or amusement ride at an event. The term includes management or coordination which may or may not be performed by the owner of the inflatable amusement devices, amusement attraction, or amusement ride.

16. “Operator” means a person or firm who may or may not own the amusement devices, amusement attractions, or amusement rides who is managing, coordinating, or has the duty to control the operation of the inflatable amusement devices, amusement attractions, or amusement rides at an event.

17. “Owner” means a person or firm, or the agent of a person or firm, who owns an amusement attraction, amusement ride, or more than two inflatable amusement devices, and at least one of the person’s or firm’s inflatable amusement devices, amusement attractions, or amusement rides is utilized in this state.

18. “Ride operator” means the person or persons responsible for supervising, monitoring, and attending to the inflatable amusement device, amusement attraction, or amusement ride, including but not limited to collecting tickets or money, ensuring the appropriate number of patrons to get on a ride, ensuring riders are the appropriate height, weight or vehicle, and ensuring patrons’ activities during a ride’s operation to ensure their safety.

19. “Set-up inspection” means a review of all necessary documents, including service and repair documents, the observation of and examination of the inflatable amusement device, amusement attraction, or amusement ride, and an inspection of the foundation, blocking, fuel containers, and mechanical and electrical conditions of such a device, attraction, or ride.

20. “Set-up inspector” means the person licensed by the office of state fire marshal to conduct the set-up inspection prior to the opening of an amusement attraction or prior to the operation of an inflatable amusement device or amusement ride at each event.

21. “Temporary operation location” means an operating location where inflatable amusement devices, amusement attractions, or amusement rides are operated for a finite period of time not to exceed thirty days.

22. “Testing” means the set-up and activation of an inflatable amusement device, amusement attraction, or amusement ride for the purpose of analyzing such device, attraction, or ride and its component parts for safety. This may be done in conjunction with an inspection.

23. “Third-party inspector” means a person licensed by the office of state fire marshal to test and inspect inflatable amusement devices, amusement attractions, and amusement rides.

§1484.4  Registration of inflatable amusement devices, amusement attractions, and amusement rides: requirements

A. Any owner of an inflatable amusement device, amusement attraction, or amusement ride shall register each of his inflatable amusement devices, amusement attractions, or amusement rides with the office of state fire marshal prior to its use in this state. An owner shall renew the registration each year for each inflatable amusement device, amusement attraction, or amusement ride being used in this state.

B. To register the inflatable amusement device, amusement attraction, or amusement ride, an owner shall submit all of the following to the office of state fire marshal for approval:

1. A registration application.

2. A certificate of inspection dated no earlier than sixty days prior to the date of submission of a registration application.

3. A certificate of insurance attesting to liability insurance in which all inflatable amusement devices, amusement attractions, or amusement rides being registered are listed on the submitted insurance declaration page.

C. Upon approval by the state fire marshal, a certificate of registration shall be issued to the owner.

1. Initial registration. Initial registration can occur at any time. A registration plate shall be issued bearing a permanent registration number. The registration plate shall be permanently affixed to the inflatable amusement device, amusement attraction, or amusement ride in a conspicuous location.

2. Annual registration renewal. A decal bearing the month and year of the annual renewal shall be issued and affixed to the plate to indicate its current registration with the state fire marshal.

D. The fee for an initial or renewal registration plate or decal is thirty dollars.

§1484.5  Third-party inspection of inflatable amusement devices, amusement attractions, and amusement rides: certificate of inspection required; cease and desist order

A. Except for the purpose of testing, training, or inspection, no inflatable amusement device, amusement attraction, or amusement ride shall be operated in this state without a certificate of inspection provided by a third-party inspector and a certificate of registration issued by the office of state fire marshal to an operator of the inflatable amusement device, amusement attraction, or amusement ride.

B.1) Each inflatable amusement device, amusement attraction, or amusement ride shall be inspected by a third-party inspector for safety and subjected to nondestructive testing at least annually, in accordance with ASTM-F-24, as promulgated by the state fire marshal in conformity with the Administrative Procedure Act, and other applicable standards, regulations, manuals, service bulletins, and notices.

B.2) Upon completion of each inspection as required in this Section, the third-party inspector shall submit a certificate of inspection to the office of state fire marshal. The certificate shall be valid for not more than twelve months from the date of issuance.

B.3) If the third-party inspection shows that an inflatable amusement device, amusement attraction, or amusement ride does not comply with all relevant provisions of this Part and the adopted standards, regulations, manuals, service bulletins, and notices, the third-party inspector shall notify and submit such findings to the state fire marshal within ten days of the inspection. The office of state fire marshal shall issue a cease and desist order only when the deficiencies have been remedied to the satisfaction of the state fire marshal.

§1484.6  Operation of amusement rides and amusement attractions: notice; changes in schedule; certain required annual inspections; fines

A. At least five days prior to commencing operation of any amusement ride or amusement attraction, except for the purpose of testing, training,
G. The state fire marshal or his designee has the authority to publish a listing of all noncompliant operators and make such list available to the public upon written demand.

**§1484.9.** License required to inspect inflatable amusement devices, amusement attractions, and amusement rides; prohibitions

A. No person or firm shall engage in the testing or inspection of an inflatable amusement device, amusement attraction, or amusement ride unless the person or firm holds a current and valid license issued by the state fire marshal as provided in this Part.

B. No person or firm shall aid, abet, facilitate, or otherwise assist any unlicensed person or firm in the engagement of any testing or inspecting of an inflatable amusement device, amusement attraction, or amusement ride when such person or firm knew or should have known the latter person or firm was unlicensed.

C. No person or firm shall not test or inspect an inflatable amusement device, amusement attraction, or amusement ride if such person or firm is also the owner or operator of the same.

**§1484.10.** Third-party inspector; educational and certification requirements

A third-party inspector shall not engage in third-party inspections as described in R.S. 40:1484.5 unless the inspector is one of the following:

1. A licensed engineer experienced in materials testing.
2. Currently certified by NAARSO with a Level 1 certification.
3. Currently certified with an equivalent to NAARSO Level 1 certification as determined by rules promulgated by the state fire marshal pursuant to this Part.

**§1484.11.** License required to operate inflatable amusement devices, amusement rides, and amusement attractions; service and repairs by owners; prohibitions

A. No person or firm shall operate an inflatable amusement device, amusement attraction, or amusement ride unless the person or firm holds a current and valid license issued by the state fire marshal as provided in this Part.

B. No person or firm shall aid, abet, facilitate, or otherwise assist any unlicensed person or firm in the engagement of any testing or inspecting of an inflatable amusement device, amusement attraction, or amusement ride when such person or firm knew or should have known the latter person or firm was unlicensed.

C. The state fire marshal may, by rule, allow the owner of an inflatable amusement device, amusement attraction, or amusement ride, or an employee of the owner, to perform minor service and repairs of the inflatable amusement device, amusement attraction, or amusement ride.

**§1484.12.** Exemptions from licensure

The requirements of licensure as provided in this Part are not applicable to an officer or employee of the United States, the state, or any political subdivision of the state, or to a person employed by any person, firm, or corporation for the purpose of ascertaining whether an inflatable amusement device is being installed, built, repaired, or operated in accordance with the provisions of this Part and adopted standards, rules, regulations, and applicable manuals, service bulletins, and notices.

The provisions of this Part apply only to inflatable amusement devices which are all of the following:

1. Open to the public.
2. Located on grounds other than those of a one- or two-family dwelling.
3. Co-located with other amusements, attractions, or rides governed by this Part.
B. An applicant for a third-party inspection firm license shall submit all of the following to the state fire marshal:

1. A completed firm application including the names of all owners, managers, or members.
2. Documentation that the firm is an entity duly authorized to conduct business within this state. If the firm is located physically in Louisiana, documentation shall be in the form of a local or parish occupational license, if such license exists, and if incorporated, a certificate of good standing issued by the secretary of state. If the firm is physically located outside of the state, documentation shall be in the form of a certificate of good standing issued by the secretary of state as a foreign corporation including the name of the firm’s registered agent of service.
3. An original certificate of insurance documenting that the firm has general liability coverage in a minimum amount of one million dollars.
4. An original certificate of insurance documenting that the firm has “Errors and Omissions” coverage in a minimum amount of one million dollars.
5. An original certificate of insurance documenting that the firm has a current and valid worker’s compensation insurance policy as required by state law.
6. The name of the person who will serve as the designated agent of the firm.
7. The application fee authorized by this Part.
8. A proof of employment of a qualified individual with proper certification and training at each of its operating locations.
C. An applicant for an operating firm license shall submit the following to the state fire marshal:

1. A completed firm application including the names of all owners, managers, or members.
2. Documentation that the firm is an entity duly authorized to conduct business within this state. If the firm is physically located in Louisiana, documentation shall be in the form of a local or parish occupational license, if such license exists, and if incorporated, a certificate of good standing issued by the secretary of state. If the firm is physically located outside of the state, documentation shall be in the form of a certificate of good standing issued by the secretary of state as a foreign corporation including the name of the firm’s registered agent of service.
3. An original certificate of insurance documenting that the firm has general liability coverage in a minimum amount of one million dollars and that all inflatable amusement devices, amusement rides subject to coverage are listed on the declarations page.
4. An original certificate of insurance documenting that the firm has a current and valid worker’s compensation insurance policy as required by state law.
5. The name of the person who will serve as the designated agent of the firm.
6. The application fee authorized by this Part.
D. As a condition of licensure, each firm shall be open for inspection by the state fire marshal and any related adopted rules or regulations.

E. Employees of the owners or operators of an inflatable amusement device, amusement attraction, or amusement ride may become licensed as specified by this Part to perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride owned or operated by his employer.
F. As a condition of licensure, each firm shall be open for inspection by the state fire marshal or his designated representative at any reasonable time.
G. The designated agent of a firm shall notify the state fire marshal of any change in the business address of the firm.

§1484.14. Application for an individual license; requirements to maintain; penalties
A. To engage in the inspection or operation of an inflatable amusement device, amusement attraction, or amusement ride, an individual shall apply for and obtain a license and the respective relevant endorsement for inspection or operation. The inspection endorsement authorizes the licensee to conduct any necessary testing. Each individual license holder shall include the initial expiration date on his person while engaging in any such activity. An individual license holder to perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride is subject to any applicable penalty as described in this Part, including suspension or revocation of a license.
B. An individual license holder shall notify the state fire marshal as soon as possible, within ten days, of any change of address or name.

§1484.15. Set-up inspection; license endorsement
A. To perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride, an individual shall apply for and obtain a license and a set-up inspection endorsement which authorizes its holder to perform set-up inspections.
B. Third-party inspectors, as licensed by this Part, may obtain a set-up inspection endorsement to perform set-up inspections as required by this Part.
C. Employees of the owners or operators of an inflatable amusement device, amusement attraction, or amusement ride may become licensed as specified by this Part to perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride owned or operated by his employer.
D. As a condition of licensure, each firm shall be open for inspection by the state fire marshal or his designated representative at any reasonable time.

§1484.16. Powers and duties of the state fire marshal
A. The state fire marshal shall:
1. Issue full or provisional licenses to firms and persons meeting the qualifications established by this Part.
2. Have authority, after notice and opportunity for hearing, to increase or decrease the rates of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason, the liability insurance coverage required by this Part is unavailable to applicants for or holders of licenses issued under this Part.
3. Have authority to set qualifications and fitness of applicants for a license as provided in this Part, which may include conducting examinations.
4. Issue full or provisional licenses to firms and persons meeting the qualifications established by this Part.
5. Have authority, after notice and opportunity for hearing, to increase or decrease the rates of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason, the liability insurance coverage required by this Part is unavailable to applicants for or holders of licenses issued under this Part.
6. Have authority to conduct inspections of licensed firms, whether in or out of state, for the purpose of observation and collection of facts and data relating to proper enforcement of this Part.
7. Conduct inspections and perform audits to ensure compliance with this Part and investigate at reasonable times, and within reasonable limits and manner, inflatable amusement devices, amusement attractions, or amusement rides in any area where they are assembled or in use. The state fire marshal or his designee, upon presenting credentials to an owner or operator, is authorized to act as described in this Paragraph without prior notice.
8. Employ such persons as he may deem qualified, consistent with applicable civil service regulations, and incur expenses as may be necessary in connection with the administration of this Part.
9. Investigate all accidents related to an inflatable amusement device, amusement attraction, or amusement ride resulting in injury or death, or as requested by an operator, customer, patron, rider, or user.
10. Investigate all accidents related to an inflatable amusement device, amusement attraction, or amusement ride resulting in injury or death, or as requested by an operator, customer, patron, rider, or user.
(a) Inflatable amusement device: $100.00
(b) Child or “Kiddie” amusement attraction or amusement ride: $100.00
(c) Adult amusement attraction or amusement ride: $200.00
C. The licensing fees for a firm are as follows:
(1) Initial Fee:
(a) Inspection endorsement: $500.00
(b) Operation endorsement: $500.00
(2) Renewal Fee:
(a) Inspection endorsement: $100.00
(b) Operation endorsement: $100.00
D. The licensing fees for an individual’s license are as follows:
(1) Initial Fee:
(a) Third-party inspector endorsement: $250.00
(b) Operator or Owner endorsement: $250.00
(c) Set-up inspector endorsement: $250.00
(d) Qualifier endorsement: $1,000.00
(2) Renewal Fee:
(a) Third-Party inspector endorsement: $50.00
(b) Operator or Owner endorsement: $50.00
(c) Set-up inspector endorsement: $50.00
(d) Qualifier endorsement: $100.00
F. All licenses are valid for one year, unless a multi-year license is created, and shall be renewed by the license holder within the thirty days prior to the license expiration date. The state fire marshal may create a prorated fee system to allow employee license renewal dates to coincide with the firm license renewal date.
F. Any license not renewed within the thirty days prior to its expiration date is past due for renewal and subject to late fees. The license holder shall pay a late fee penalty of twenty-five dollars for a license renewed within the first forty-five days past the license expiration date. The license holder shall pay a late fee penalty of forty dollars for a license renewed between forty-six and sixty days past the license expiration date.
G. The state fire marshal shall suspend a license if the license is not renewed within sixty days past its expiration date or if the license holder has failed to maintain a valid license as required by this Part.
H. The cost for a duplicate or replacement firm or individual license is twenty dollars, regardless of how many endorsements are carried.
I. The cost to transfer an individual license from one firm to another is twenty dollars.
J. The fees established in this Section are not refundable, except when certain conditions apply as the state fire marshal may establish.
K. There are no fees associated with compliance inspections and audits performed by the office of state fire marshal, unless otherwise indicated by this Part.
L. All fees collected pursuant to this Part shall be used exclusively for the operation and maintenance of the amusement rides and safety division within the office of state fire marshal, code enforcement and building safety.
§1484.21. Prohibited acts; set-up inspector
No person or firm shall do any of the following:
(1) Engage in the operation of an inflatable amusement device, amusement attraction, or amusement ride without a valid license issued as provided in this Part.
(2) Aid and abet an unlicensed individual, employee, or firm in the testing, inspection, or operation of an inflatable amusement device, amusement attraction, or amusement ride without a valid license.
(3) Operate an inflatable amusement device, amusement attraction, or amusement ride without a valid license.
(4) Certify, test, or inspect an inflatable amusement device, amusement attraction, or amusement ride contrary to the provisions of this Part and adopted standards, regulations, and applicable manuals, service bulletins, and notices.
(5) Submit an application or any other document to the office of state fire marshal when the third-party inspector reasonably should have known the document contained false or misleading information.
(6) Engage in false, misleading, or deceptive acts or practices.
(7) Fail to maintain a valid license as required by this Part.
(8) Fail to maintain a valid insurance policy as required by this Part.
(9) Refuse to admit the state fire marshal or his designated representative to any operating location or refuse to cooperate in the purposes of such inspection as required by this Part.
(10) Fail to maintain his license on his person and present it for inspection as required by this Part.
(11) Fail to abide by any lawful investigation by the office of state fire marshal.
(12) Fail to abide by the administrative rules promulgated pursuant to this Part.
§1484.22. Notice of violation of standard; cease and desist order
A. If after an inspection, investigation, or audit of any inflatable amusement device, amusement ride, or amusement attraction, the office of state fire marshal determines that the respective device, ride, or attraction is in violation of any standard promulgated pursuant to the provisions of this Part, and that there may be a substantial probability of death or serious physical injury to the public from its continued use, a notice of violation may be given to both the owner and operator of the device, ride, or attraction, and a red tag shall be attached to such device, ride, or attraction. The attached red tag constitutes a cease and desist order.
B. After the red tag is attached, the use of the inflatable amusement device, amusement ride, or amusement attraction is prohibited. The red tag shall not be removed until the device, ride, or attraction is made safe for public use and such bond shall not exceed the face amount.
C. In the event of cancellation of the policy or bond, the office of state fire marshal shall be notified immediately by either the insurer or the bond holder no later than ten days prior to cancellation.
D. The operator shall provide to any sponsor, lessor, landowner, or other person responsible for the offering of an amusement ride or attraction for which the bond was issued a copy of the required insurance policy or bond and the certificate of insurance.
E. The provisions of this Section shall also apply to operators of inflatable amusement devices. However, the policy of liability insurance or bond amount required of such operators shall be in an amount of not less than three hundred thousand dollars.
§1484.23. Violations and penalties; cease and desist order; injunctive relief
A. If the state fire marshal finds that any person, operator, or firm has violated any provision of this Part or any regulation, rule, or issued order, he may impose upon that person, operator, or firm a fine in an amount not
to exceed five thousand dollars for each violation. Each day on which the violation occurs is considered a separate offense.

§1484.25. Exemptions

The following inflatable amusement devices, amusement attractions, or amusement rides are exempt from the provisions of this Part:

(1) Non-mechanized playground equipment including but not limited to swings, seesaws, stationary spring-mounted animal figures, underpropelled merry-go-rounds, climmers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for use or an admission fee is charged to areas where such equipment is located.

(2) An inflatable amusement device, amusement attraction, or amusement ride which is owned and operated by a nonprofit religious, educational, or charitable institution or association if such attraction or ride is located within a building subject to inspection by the state fire marshal or his designee.

(3) Coin-operated mechanical devices occupying less than thirty-six square feet of floor space.

(4) Non-motorized rides and attractions.

§1484.26. Local regulation

Nothing contained in this Part shall prevent any local governmental subdivision of this state from licensing or regulating any inflatable amusement device, amusement attraction, or amusement ride, carnival, or circus as otherwise provided by law.

§1484.27. Waiver of inspection

The state fire marshal may waive the requirement that an inflatable amusement device, amusement attraction, amusement ride, or any component part be inspected before being operated in this state if an operator gives satisfactory proof to the office of state fire marshal that such device, amusement attraction, ride, or any component part has passed an inspection conducted by a public agency whose inspection standards and requirements are at least equal to those requirements and standards established by the state fire marshal pursuant to the provisions of this Part.

§1484.28. Rules adopted

The state fire marshal shall adopt and issue rules, in accordance with the provisions of the Administrative Procedure Act, establishing standards for inspection of inflatable amusement devices, amusement attractions, and amusement rides for the protection of the public. The rules shall be based upon generally accepted engineering standards and shall be concerned with but not necessarily limited to engineering force stresses, safety devices, and geographical maintenance. The rules shall provide for the reporting of accidents and injuries incurred from the operation of inflatable amusement devices, amusement attractions, or amusement rides.

§1485.2. Definitions

* As it appears in the enrolled bill

For the purposes of this Subpart, the following terms and phrases shall have the meanings ascribed to them:

(2) “Firm” means a sole proprietorship, corporation, limited liability company, or similar type of business entity.

(3) “Owner” means a person, a firm, the state, or a political subdivision of the state that owns an amusement ride, or if the ride is leased, the lessee of the ride.

(4) “Parent or guardian” means each parent, custodian, or guardian responsible for the control, safety, training, or education of a rider who is a minor, has a disability, or is incompetent.

(5) “Rider” means any person who is:

(i) Waiting in the immediate vicinity to enter a carnival or amusement ride.

(ii) Entering a carnival or amusement ride.

(iii) Using a carnival or amusement ride.

(iv) Exiting a carnival or amusement ride.

(v) Leaving a carnival or amusement ride and still in the immediate vicinity of the ride.

(vi) The term “rider” does not include employees or agents of the owner while engaged in the duties of their employment.

§1485.9. Applicability

The provisions of Subpart A of Part VII of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 44.41, through R.S. 44.20, are applicable in their entirety to the provisions of this Subpart.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Cedell
Secretary of State

ACT No. 463

HOUSE BILL NO. 1142 (Substitute for House Bill No. 941 by Representative Horton)

BY REPRESENTATIVES HORTON, AMEEDE, AND COX

To amend and reenact R.S. 23:1533(B)(5) through (11) and to enact R.S. 23:1553(B)(12) and 1601(1)(d), relative to unemployment compensation; to provide with respect to the application of R.S. 23:1601(1)(d), relative to unemployment compensation; to provide for the noncharging of benefits against the experience rating of an employer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1533(B)(5) through (11) and R.S. 23:1553(B)(12) and 1601(1)(d) are hereby amended and reenacted as follows:

$1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

B.

(5) Amounts noncharged as a result of the application of R.S. 23:1601(1)(d) relating to the relocation of a military spouse due to a permanent change of station order shall be recouped as a social charge to all employers.

(6) Amounts not charged against the experience-rating records of a base-period employer pursuant to the provisions of R.S. 23:1533 shall be recouped as a social charge to all employers.

(7) No amounts shall be credited to the Incumbent Worker Training Account as provided under R.S. 23:1534 in any calendar year in which the applied trust fund balance is less than seven hundred fifty million dollars. Furthermore, following any year in which monies are appropriated from the Incumbent Worker Training Account for use in the state general fund, such appropriated amount shall be subtracted from any amount to be charged pursuant to Paragraphs 2(2) and 9(2) and (10) of this Subsection.

(8) Amounts not to exceed twenty million dollars to be credited to the Incumbent Worker Training Account to fund the Incumbent Worker Training Program as provided under R.S. 23:1534 shall be charged to this account only in any calendar year in which the applied trust fund balance range as defined in R.S. 23:1474 is equal to or greater than seven hundred fifty million dollars, but less than one billion two hundred fifty million dollars and only in the amount necessary to bring the balance of unobligated funds in such subaccount to twenty million dollars.

(9) The monies appropriated each four million dollars to be credited to the Employment Security Administration Account as provided under R.S. 23:1515 for use expressly in the supplemental funding of costs associated with specific unemployment insurance and employment functions shall be
restricted to those provided according to the provisions of this Chapter for the following:
(1) Auditing of claims filed.
(2) Recovery of amounts overpaid to claimants.
(3) Auditing of experience-rating accounts.
(4) Recovery of delinquent contributions.
(5) Disposition of appeals.
(6) Cash management and remittance processing.
(7) Call center services.
(8) Outreach to employers, employees, and unemployed persons.
(9) Information technology services.
(10) Labor exchange services.
(11) Such amounts shall not be expended or be available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which in the absence of such monies would be made available for the administration of this Chapter.

To amend and reenact R.S. 23:1514 as follows:

(1) To bring this account in a calendar year in which the administrator deems necessary.

(a) (10) Amounts not to exceed thirty-five million dollars to be credited to the Incumbent Worker Training Account to fund the Incumbent Worker Training Program as provided under R.S. 23:1514 shall be charged to this account only in any calendar year in which the applied trust fund balance range as defined in R.S. 23:1474 is equal to or greater than one billion two hundred fifty million dollars and only in the amount necessary to bring the balance of unobligated funds in such subaccount to thirty-five million dollars.

(b) As used in this Chapter, the following terms shall be defined as follows:

- “Cash balance” means the actual cash balance in the Louisiana State Treasury account and at the Louisiana Workforce Commission at the close of business on September thirtieth.
- “Contractual obligations” means the open contract balance at the close of business on September thirtieth.
- “Noncontractual obligations” means the allowable ten percent maximum for administrative costs and the maximum amount to be allocated for small business employee training costs allowable under the law.
- “Unobligated funds” means cash balance, less contractual obligations, less noncontractual obligations.

(c) Amounts noncharged as the result of the application of R.S. 23:1604 shall be recouped as a social charge to all employers.

$1601. Disqualification for benefits
An individual shall be disqualified for benefits:

(1) No individual who is otherwise eligible for benefits shall be disqualified for benefits pursuant to the provisions of this Chapter if all of the following conditions are met:

(1)(a) He is the spouse of an active-duty military service person.
(1)(b) He has resigned his employment to relocate with his spouse pursuant to an agreement of permanent change of station.
(1)(c) He has resigned his employment to relocate with his spouse pursuant to a court order of permanent change of station.
(1)(d) Benefits paid pursuant to the provisions of this Subparagraph shall not be charged against the experience rating of an employer from whom an employee leaves to relocate, however benefits paid shall be recouped as a social charge to all employers in accordance with R.S. 23:1553(D).

Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 464

HOUSE BILL NO. 1155
(Substitute for House Bill No. 176 by Representative Hodges)
BY REPRESENTATIVES HODGES, ADAMS, AMEDEE, BACALA, BAGLEY, BANNERIS, BARRAS, BERTHELON, BROADWATER, TERRY BROWN, CARMODY, COUSSAN, COX, DAVIS, DEVILLIER, FALCONER, GAROFALO, GLASCLAIR, GUINN, HAVARD, HAZEL, HENRY, HILL, HOFFMANN, HORTON, HUGHES, FAYE, MIKE JOHNSON, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, NORTON, PEARSON, POPE, PYLANT, RICHARD, SCHRODER, SEAUBAUGH, TALBOT, WHITE, WILLMOTT, AND ZERINGUE

AN ACT

To enact R.S. 40:1379.3.2, relative to concealed handgun permits; to provide for the issuance of temporary concealed firearms permits; to authorize the temporary carrying of a concealed handgun without a permit for persons who have obtained a domestic abuse protective order; to provide for application for the application process; to provide relative to the effects of obtaining such a permit; to provide for time limitations; to provide relative to the payment of a fee; to provide for rulemaking; and to provide for related matters.

Section 1. R.S. 40:1379.3.2 is hereby enacted to read as follows:

SECTION 1. R.S. 40:1379.3.2 is hereby enacted to read as follows:

§1379.3.2. Temporary concealed handgun permit; protective order; time limitations
A. A person on whose behalf the court has issued a permanent injunction or a protective order to bring about the cessation of abuse by one family member, household member, or dating partner pursuant to a court-approved order or agreement to pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, or Children's Code Article 1570, Code of Civil Procedure Article 3604, 3607, 3607.1, 3607.2, 3607.3, 3607.4, 3607.5, 3607.6, 3607.7, 3607.9, 3607.10, 3607.11, 3607.13, 3607.14, 3607.15, 3607.16, 3607.17, 3607.18, 3607.19, 3607.20, Article 225 of R.S. 871.1 and which prohibits the subject of the order from possessing a firearm, and which prohibits the subject of the order from possessing a firearm for the duration of the injunction or protective order pursuant to the provisions of R.S. 46:2136.3 may apply to the secretary of public safety services of the Department of Public Safety and Corrections for the issuance of a temporary concealed handgun permit.

B. When submitting an application for a temporary concealed handgun permit, the applicant shall:

(1) Make sworn application in person or electronically to the deputy secretary of public safety services of the Department of Public Safety and Corrections. The application must be accompanied by rules and regulations required by the Department of Public Safety and Corrections. The providing of false or misleading information on the application or any documents submitted with the application shall be grounds for the denial or revocation of a temporary concealed handgun permit.

(2) Agree in writing to hold harmless and indemnify the department, the state, or any peace officer for any and all liability arising out of the issuance or use of the temporary concealed handgun permit.

(3) Meet the qualifications for the issuance of a concealed handgun permit as provided for in R.S. 40:1379.3(C); however, an applicant for a temporary concealed handgun permit shall be required to comply with the provisions of R.S. 40:1379.3(D) upon application.

(4) Pay the twenty-five dollar fee authorized in R.S. 40:1379.3(H)(2).

(C) The holder of a temporary concealed handgun permit shall not be subject to the provisions of R.S. 40:1379.3(A) or (B) pending completion of the requisite training for a concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3, but shall otherwise comply with all other restrictions and provisions of R.S. 40:1379.3.

(2) If the applicant for a temporary concealed handgun permit applies for a concealed handgun permit pursuant to the provisions of R.S. 40:1379.3, the twenty-five dollar fee paid shall be applied to the cost of a concealed handgun permit as provided for in R.S. 40:1379.3(H)(2) issued once the temporary concealed handgun permittee completes the requisite training pursuant to R.S. 40:1379.3(D).

THE ADVOCATE
D. The temporary concealed handgun permit:
(1) Is valid only in Louisiana and shall not be considered as satisfying the requirements of reciprocity with any other state concealed firearm provisions.
(2) Shall not be construed to constitute evidence of a background check required pursuant to 18 U.S.C. 922 prior to the transfer of a firearm as authorized by the provisions of R.S. 40:1379.3(T).
(3) Shall expire forty-five days from the date of issuance.
E. The person issued a temporary concealed handgun permit as provided by the provisions of this Section is authorized to carry a concealed handgun for a period of forty-five days from the date of issuance or until the concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3 is issued, whichever is less.
F. Failure to carry a copy of the permanent injunction or the protective order at all times the person is carrying the concealed handgun shall render the temporary concealed handgun permit invalid.
G. The department shall conduct a background check as provided for in R.S. 40:1379.3(K) prior to the issuance of a temporary concealed handgun permit.
H. The office of state police shall promulgate rules to implement the provisions of this Section.

Section 2. This Act shall be referred to as “The Brandi Trahan Act”.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 466

HOUSE BILL NO. 1156
(Substitute for House Bill No. 392 by Representative Nancy Landry)
BY REPRESENTATIVE NANCY LANDRY

AN ACT
To enact R.S. 17:418(C)(3)(d), relative to salaries for teachers and other school employees; to provide for the reduction of such salaries in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:418(C)(3)(d) is hereby enacted to read as follows:
§418. Salaries; teachers and other school employees. * * *

C. * * *
(3) The limitations on the reduction in the amount of the annual salary paid to teachers and other school employees shall not be applicable to:
* * *
(d) The elimination, discontinuance, or reorganization of the position to which the employee is assigned that results in the employee working fewer hours, days, or months. In such case, the employee’s salary for that academic year shall not be reduced. After that year, the employee’s salary shall be determined in accordance with the salary schedule established pursuant to Subsection A of this Section.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 467

HOUSE BILL NO. 1157
(Substitute for House Bill No. 761 by Representative Stokes)
BY REPRESENTATIVE STOKES

AN ACT
To amend and reenact R.S. 46:442 and to enact R.S. 46:437.4(A)(4), relative to review of healthcare provider claims within the Medicaid program; to provide for reimbursements issued by the Department of Health and Hospitals pursuant to certain provider claims; to provide relative to recoupment of provider claim payments; to authorize re-filing of claims in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:442 is hereby amended and reenacted and R.S. 46:437.4(A) (4) is hereby enacted to read as follows:
§437.4. Claims review and administrative sanctions. * * *

A. * * *
(4) The administrative rules promulgated by the department to implement the claim review process established pursuant to this Subsection shall provide for procedures to ensure that providers receive or retain the appropriate reimbursement amount for claims in which the department determines that services delivered have been improperly billed but were reasonable and necessary.
* * *
§442. Medicaid provider claims; period for filing

THE ADVOCATE * As it appears in the enrolled bill
and E of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner. Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least eighty-five percent of the sentence imposed, before being eligible for parole. The victim or victim’s family shall be notified whenever the offender is to be released provided that the victim or victim’s family has completed a Louisiana victim notification and registration form as provided in R.S. 46:1041 et seq., or has otherwise provided contact information and is registered with the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

* * *

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 470

SENATE BILL NO. 44
BY SENATOR GATTI
AN ACT
To amend and reenact R.S. 23:1103(D), relative to workers’ compensation; to provide for the recoupment of certain workers’ compensation benefits from certain third persons; to provide for a dollar-for-dollar credit for certain amounts paid on behalf of the employer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1103(D) is hereby amended and reenacted to read as follows:

$1103. Damages; apportionment of between employer and employee in suits against third persons; compromise of claims; credit

D. An insurer shall grant its insured a dollar-for-dollar credit for any amount on any claim paid pursuant to this Chapter on the employer’s behalf and recovered in the current year, less any reasonable expenses incurred in the recovery by the insurer, in an action or compromise pursuant to this Section and R.S. 23:1102. The credit shall be used by the insurer in the calculation—excluding but not limited to—loss experience modifiers promulgated by and in accordance with the rules of the National Council on Compensation Insurance, to be applied in determining the annual premium paid by the employer for workers’ compensation insurance under this Chapter. The group self-insurance fund shall apply the loss experience modifier authorized by R.S. 23:1196.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 471

SENATE BILL NO. 47
BY SENATOR LAMBERT
AN ACT
To amend and reenact R.S. 13:2593(A), (B), (C), and (E), to relative legal representation by the attorney general; to provide for representation of deputy constables; to provide for restrictions and limitations; to provide relative to reimbursement in certain cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2593(A), (B), (C), and (E) are hereby amended and reenacted and R.S. 13:2593(F) and (G) are hereby enacted to read as follows:

$2593. Legal representation by the attorney general

A. It is hereby declared to be the public policy of this state that the state, through the attorney general, shall provide legal representation to a justice of the peace, or a constable, or deputy constable of this state in all claims, demands, or suits, if such a claim, demand, or suit arises out of the discharge of his duties and within the scope of his office and the claim, demand, or suit did not result from his intentional wrongful act or gross negligence.

B. Within five days after a justice of the peace, or a constable, or deputy constable is served with any summons, complaint, process, notice, demand, or pleading, he shall deliver the original or a copy thereof to the attorney general. If, after thorough investigation by the attorney general, it appears that the defendant was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that the attorney was acting in an intentionally wrongful manner or was grossly negligent, the attorney general’s office shall decline representation and the state shall not be responsible for providing any representation to him.

(2) If a determination is made by a court that a justice of the peace, constable, or a deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful manner or was grossly negligent, the justice of the peace, constable, or deputy constable shall reimburse the office of the attorney general for expenses incurred including court costs and reasonable attorney fees.

E. This Section shall not be construed as creating a right of indemnification by a justice of the peace, constable, or deputy constable against the state for any claim, demand, suit, or judgment whatsoever.

F(1) The attorney general may decline to provide representation to a deputy constable who is not in compliance with the provisions of R.S. 13:2583.1 through 2583.7, including but not limited to the failure to file a copy of the oath of office with the office of the attorney general or failure to attend requisite training.

(2) If a determination is made by a court that a deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful manner or was grossly negligent, a deputy constable may be required to reimburse the office of the attorney general for expenses incurred including court costs and reasonable attorney fees.

G. The provisions of this Section that are applicable to deputy constables shall apply only to deputy constables serving on or before August 1, 2016.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 472

SENATE BILL NO. 91
BY SENATORS COLOMB, BARROW, BISHOP, BOUDREAUX, BROWN, CARTER, GATTI, MORRELL, TAHIER, THOMPSON AND WALSWORTH
AN ACT
To amend and reenact R.S. 32:300.5(C)(1) and (2), 300.6(C)(1) and (2), 300.7(E)(1)(a) and (b), and 300.8(D)(2)(a) and (b) and to enact R.S. 15:571.1(A)(4), relative to the prohibition against using wireless communications devices for text messaging and social networking while driving; to increase the penalties for violations of this prohibition by the general public, by holders of certain special licenses, by minors, and in school zones; to provide for the disposition of fines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.11(A)(4) is hereby enacted to read as follows:

§571.11. Dispositions of fines and forfeitures

A. * * *

(4) Notwithstanding any provision of law to the contrary, twenty-five dollars from all fines collected pursuant to R.S. 32:300.5, 300.6, 300.7, and 300.8 shall be distributed to the indigent defender fund of the judicial district in which the citation was issued.

* * *

Section 2. R.S. 32:300.5(C)(1) and (2), 300.6(C)(1) and (2), 300.7(E)(1)(a) and (b), and 300.8(D)(2)(a) and (b) are hereby amended and reenacted to read as follows:

$300.5. Use of certain wireless telecommunications devices for text messaging and social networking prohibited

* * *

C.(1) The first violation of the provisions of this Section shall be punishable by a fine of not more than one hundred seventy-five dollars.

(2) Each subsequent violation shall be punishable by a fine of not more than five hundred dollars.

C. The decision of the attorney general not to defend a justice of the peace, constable, or deputy constable against the state for any claim, demand, suit, or judgment whatsoever.

E(1) The attorney general may decline to provide representation to a deputy constable who is not in compliance with the provisions of R.S. 13:2583.1 through 2583.7, including but not limited to the failure to file a copy of the oath of office with the office of the attorney general or failure to attend requisite training.

(2) If a determination is made by a court that a deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful manner or was grossly negligent, a deputy constable may be required to reimburse the office of the attorney general for expenses incurred including court costs and reasonable attorney fees.

G. The provisions of this Section that are applicable to deputy constables shall apply only to deputy constables serving on or before August 1, 2016.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
$300.8. Use of wireless telecommunications devices in school zones prohibited; exceptions

D. (1) (a) The first violation of the provisions of this Section shall be punishable by a fine of not more than one hundred seventy-five hundred dollars. (b) Each subsequent violation shall be punishable by a fine of not more than five hundred one thousand dollars and a suspension of driver's license for a sixty-day period.

Section 3. This Act shall become effective upon signature by the governor, 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. 473
SENATE BILL NO. 109
BY SENATOR BARROW
AN ACT
To enact R.S. 17:407.29, relative to early childhood programs; to provide relative to confidentiality of applications and client case records for child care assistance clients; to provide for waiver of confidentiality; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:407.29 is hereby enacted to read as follows:
§407.29. Confidentiality of applications and client case records for child care assistance clients; waiver; penalty
A. Applications for assistance and information contained in case records of child care assistance clients of the Department of Education shall be confidential and, except as otherwise provided in this Section, it shall be unlawful for any person to solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of applications or client case records or the information contained therein for any purpose not directly connected with the administration of department programs.
B. Notwithstanding any provision of law to the contrary, all offices and divisions within the department are hereby expressly authorized to share access to child care assistance case records as necessary for the administration of the programs they administer, except as prohibited by federal law or regulation.
C. Publication of lists or names of clients or applicants is prohibited, except as provided in this Section.
D. Subject to the exceptions enumerated in this Subsection, confidential information may be released to an outside source not directly connected with the administration of department programs, but only upon written request of the client or child and only after written waiver by the applicant, client, or his legal representative is provided. Governmental authorities, the courts, and law enforcement agencies shall be considered the same as any other outside source, except as provided in Subsections E, F, and G of this Section.
E.(1) Upon request of any authorized person as defined in this Subsection, the most recent address and place of employment of any absent parent shall be provided if such information is available, notwithstanding any other provision of this Section. For the purposes of this Subsection, the term “authorized person” shall mean:
(a) Any agent or attorney of any state agency which has the duty or authority to seek to recover any amounts owed as child support.
(b) Any court of competent jurisdiction which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agency of such court.
(c) Any resident legal guardian, attorney, or agent of any child, except a child currently receiving aid to dependent children, without regard to the existence of any court order against an absent parent who has a duty to support and maintain the child.
(d) Department information pertaining to financial assistance programs may be released in accordance with federal laws and regulations governing the release of financial assistance program information.
E. The following information shall not be subject to waiver and shall not be released to applicants, recipients, or outside sources, except those outside sources engaged in the administration of department programs:
(1) Information furnished to the department by persons, governmental agencies, or other legal entities, when the provider of information is subject to a confidentiality statute or regulation which prohibits release of such information to an outside source.
(2) Information in applications for assistance and case records that is furnished to law enforcement agencies or courts to aid in the prosecution of criminal offenses related to any department program.
G. The department may release information to other state agencies that are engaged in rendering services or treatment to a department program recipient or former recipient. The agency receiving the information from the department pursuant to this Subsection shall be bound by the same confidentiality standard as prescribed in this Section with regard to release of information to the recipient, the client, the local representative, or any other legal entity.
H. Any person who knowingly and willfully violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars. Any person who violates any of the provisions of this Section shall be fined not more than two thousand five hundred dollars or imprisoned for not more than two years in the parish jail, or both, nor less than five hundred dollars.
I. Notwithstanding any provision of this Section, in any hearing before the State Civil Service Commission, Equal Employment Opportunity Commission, and any office in the Louisiana Workforce Commission in its capacity of administering the Louisiana Employment Security Law, or in any civil or criminal judicial proceeding wherein the work performance or conduct of an employee of the department is at issue, client case records relevant to said work performance or conduct shall be admissible. However, prior to admission into evidence, the client case records shall have client names and identifying data obliterated; and the department shall not furnish the employee the relevant case records with names and other identifying data obliterated, except that where an employee is disciplined as a result of allegations made by the guardian, parent, other legal entity, or the Department of Social Services, the names of the employee shall be protected.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 474
SENATE BILL NO. 150
BY SENATORS PERRY AND RISER
AN ACT
To enact Code of Criminal Procedure Article 330.4, relative to bail and bail hearings; to provide for the detention of a noncitizen defendant pending a bail hearing on a charge involving a fatality; to provide relative to bail hearing procedures; to provide relative to conditions of bail; to provide relative to revocation of bail and issuance of arrest warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Article 330.4 is hereby enacted to read as follows:
Art. 330.4. Detention of noncitizen defendant pending bail hearing
A. A contradictory bail hearing, as provided for in this Article, shall be held prior to setting bail for any person in custody who is not a citizen of the United States of America and who is charged with the commission of an offense in which there was a fatality. The hearing shall be held within five days from the date of determination of probable cause, exclusive of weekends and legal holidays. At the contradictory hearing, the court shall determine the conditions of bail or whether the defendant shall be held without bail pending trial.
B. In determining whether the defendant should be admitted to bail pending trial, or in determining the conditions of bail, the judge or magistrate shall consider the following:
(1) The criminal history of the defendant.
(2) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant’s release.
(3) Documented history or records of substance abuse by the defendant.
(4) The seriousness of the offense charged and the weight of the evidence against the defendant.
(5) The risk that the defendant might flee.
C. Following the contradictory hearing and based upon the judge’s or magistrate’s review of the factors set forth in Paragraph B of this Article, the judge or magistrate may order that the defendant not be admitted to bail, upon proof by clear and convincing evidence that the defendant might flee, or that the defendant poses an imminent danger to any other person or the community. If bail is granted, the judge or magistrate may consider, as a condition of bail, a requirement that the defendant wear an electronic monitoring device and be placed under active electronic monitoring and house arrest. The conditions of the electronic monitoring and house arrest shall be determined by the court and may include but are not limited to limitation of the defendant’s activities outside the home and a curfew. The defendant may be required to pay a reasonable supervision fee to the supervising agency to defray the cost of the required electronic monitoring and house arrest.
D. Any violation of the conditions of bail may be punishable by revocation of the bond and the issuance of a bench warrant for the defendant’s arrest or remanding of the defendant to custody or a modification of the terms of bail.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:920(B) and (C) are hereby amended and reenacted to read as follows:

§ 920. Appeal

A. Any party aggrieved by a decision of the commissioner to withhold, suspend, or revoke a permit may, within thirty (30) days of the notification of the decision, take a dilatory or suspensive appeal to the district court having jurisdiction of the applicant’s or permittee’s place of business, proposed or actual as the case may be. Such appeals shall be filed in the district courts in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard. When there has been a previous criminal prosecution for the same or a similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal, dismissal, or plea of nolo contendere in a court of competent jurisdiction is admissible in the trial of the appeal.

C. Within thirty (30) days of the signing of the judgment by the district court in any such appeal case, the commissioner or the applicant for a permit or permittee, as the case may be, may file a devolutive or suspensive appeal of the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive or suspensive only. A suspensive appeal granted pursuant to the provisions of this Section that does not result in the reversal of a decision of the commissioner to withhold, suspend, or revoke a permit, may subject the appellant to a fine of up to five thousand dollars upon a finding by the court that the appeal is frivolous. If the district court determines that the decision of the commissioner in withholding, suspending, or revoking the permit was in error, the decision of the commissioner shall not be voided if the commissioner takes an appeal to the court of appeals in the time provided for suspensive appeals.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 476

SENATE BILL NO. 223
BY SENATOR CLAITOR

AN ACT

To enact R.S. 37:2659.1, relative to the Louisiana Board of Examiners for Speech-Language Pathology and Audiology; to provide for the powers and duties of the board; to provide relative to certain qualifications for licensure by the board; to provide definitions; to require the board to request and obtain certain state and national criminal history record information for eligibility determination; to provide for confidentiality of certain information; to provide for a compliance hearing; to provide terms, conditions, requirements, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:920(B) and (C) is hereby amended and reenacted to read as follows:

§ 920. Appeal

A. Any party aggrieved by a decision of the commissioner to withhold, suspend, or revoke a permit may, within thirty (30) days of the notification of the decision, take a dilatory or suspensive appeal to the district court having jurisdiction of the applicant’s or permittee’s place of business, proposed or actual as the case may be. Such appeals shall be filed in the district courts in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard. When there has been a previous criminal prosecution for the same or a similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal, dismissal, or plea of nolo contendere in a court of competent jurisdiction is admissible in the trial of the appeal.

C. Within thirty (30) days of the signing of the judgment by the district court in any such appeal case, the commissioner or the applicant for a permit or permittee, as the case may be, may file a devolutive or suspensive appeal of the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive or suspensive only. A suspensive appeal granted pursuant to the provisions of this Section that does not result in the reversal of a decision of the commissioner to withhold, suspend, or revoke a permit, may subject the appellant to a fine of up to five thousand dollars upon a finding by the court that the appeal is frivolous. If the district court determines that the decision of the commissioner in withholding, suspending, or revoking the permit was in error, the decision of the commissioner shall not be voided if the commissioner takes an appeal to the court of appeals in the time provided for suspensive appeals.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 477

SENATE BILL NO. 215
BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 26:920(B) and (C), relative to the office of alcohol and tobacco control; to provide for the procedure for appeal of tobacco dealers; to provide for a fine for frivolous appeals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:920(B) and (C) are hereby amended and reenacted to read as follows:

§ 920. Appeal

A. No individual shall be eligible for licensure by the board as a speech-language pathologist or an audiologist, or as both, unless the individual:

(1) Is of good moral character;

(2) Holds a master’s degree, or equivalent, in speech-language pathology or audiology from an accredited educational institution program as evidenced by the submission of an official transcript, which consists of course work approved by the board in the area in which licensure is sought.

(3) Has completed supervised clinical practicum pertinent to the license being sought from an accredited educational institution program or its cooperating programs program, as evidenced by official documentation from the institution, the content of which shall be approved by the board.

(4) Has passed an examination approved by the board pertinent to the license sought.

(5) Provides written evidence from employers or supervisors of at least nine months of full time supervised postgraduate professional employment, or its part time equivalent, pertinent to the license being sought. This experience must follow the completion of the requirements set forth in Paragraphs (1) through (4) of this Section.

(6) No individual shall be eligible for licensure by the board as a speech-language pathologist unless the individual:

(a) Is of good moral character;
(b) Holds a master's degree, or equivalent, in speech-language pathology from an accredited educational program, as evidenced by the submission of an official transcript which consists of course work approved by the board.

(c) Has completed supervised clinical practicum through an accredited educational program, as evidenced by official documentation from the institution, the content of which shall be approved by the board.

(d) Has passed an examination approved by the board pertinent to the area of primary specialization.

(e) Presents written evidence from an employer or supervisor of at least thirty-six weeks of full-time supervised postgraduate professional employment, or its part-time equivalent. This experience must follow the completion of the requirements set forth in Subparagraphs (1)(b) and (c) of this Subsection.

(f) Has completed required supervised clinical practicum from an accredited educational institution or its cooperating programs, as evidenced by official documentation from the institution, the content of which shall be approved by the board, or has completed a combination of supervised clinical practicum from an accredited educational institution or its cooperating program as evidenced by official documentation from the institution, the content of which shall be approved by the board, as well as supervised on-the-job training, the content of which shall be approved by the board.

(g) The board may issue a provisional speech-language pathology license to an individual who, on or prior to August 13, 1995, and submits proof of such licensure. Such individual may maintain a restricted license in accordance with the requirements for renewal established in R.S. 37:2661.1.

(h) No individual shall be eligible for licensure by the board as a speech-language pathology assistant unless the individual:

(1) Is of good moral character.

(2) Holds at least a bachelor's degree from an accredited educational institution, as evidenced by the submission of an official transcript and has completed the course work specified by the board.

(3) Has completed required supervised clinical practicum from an accredited educational institution or its cooperating programs, as evidenced by official documentation from the institution, the content of which shall be approved by the board.

(4) Has completed the course work specified by the board.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) "Licensure" means any license, provisional license, certification, or registration that is issued by the board.

(7) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

(3) Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau may charge the board a reasonable processing fee for conducting and reporting on such searches.

E. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

F. Upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or is unsatisfactory and rejected. If an application is rejected, such notice shall state the reasons for the rejection and the applicant's right to a court hearing in accordance with the rules and regulations promulgated by the board.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schleder
Secretary of State

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ACT No. 479

SENATE BILL NO. 268
BY SENATOR MORRELL
AN ACT

To enact R.S. 47:513.2, relative to motor vehicles; to provide a fixed period for registration and inspection of motor vehicles of new residents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:513.2 is hereby enacted to read as follows:

513.2. New residents; registration; inspection
A. Any person who is a new resident of Louisiana shall apply for a certificate of registration for each motor vehicle he owns and operates on the public streets and roadways in Louisiana within thirty days of the date he establishes residence in Louisiana.

B. No motor vehicle owned and operated by a new resident of Louisiana on the public streets and roadways in Louisiana shall bear a valid safety inspection certificate within thirty days of the date he establishes residence in Louisiana.

C. For purposes of this Section, a person is considered to have established residence in Louisiana on the date he is issued a Louisiana driver's license.

Approved by the Governor, June 13, 2016.

A true copy:
Tom Schleder
Secretary of State

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ACT No. 480

SENATE BILL NO. 270
BY SENATOR BOUDBREUX
AN ACT

To enact R.S. 17:3914(L), relative to student information; to provide for certain school governing authorities to enter into a memorandum of understanding for the provision of certain student information; to provide for the confidentiality of such information; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(L) is hereby enacted to read as follows:

3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

L.1. Notwithstanding any provision of this Part to the contrary, a local public school system and the governing authority of a Type 2 charter school that enrolls students who reside in other regions of the public boundaries of the local school system shall enter into a memorandum of understanding to exchange student information necessary to verify student enrollment and residency status. The local public school system and the charter school governing authority shall keep
such information strictly confidential and shall use the information for no other purpose than verifying student enrollment and residency.

(2) A memorandum of understanding entered into pursuant to the provisions of this Subsection shall comply with all applicable state and federal law, including the Family Educational Rights Privacy Act.

(3) Any person knowingly and willfully fails to maintain the confidentiality of such information shall be subject to the penalties provided in Subsection G of this Act.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 16 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. 481

SENATE BILL NO. 273
BY SENATOR DONAHUE AN ACT

To enact Paragraph (8) of Section 1 and Sections 4.1 and 12.2 of Act No. 762 of the 1986 Regular Session, as amended by Act No. 875 of the 1986 Regular Session, Act No. 1227 of the 1995 Regular Session, Act No. 855 of the 1997 Regular Session, and Act No. 1469 of the 1997 Regular Session, relative to the Greater New Orleans Expressway Commission; to authorize the Greater New Orleans Expressway Commission to issue additional toll bonds to finance the costs of construction of improvements and betterments to the Greater New Orleans Expressway; to provide with respect to surplus funds; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Paragraph (8) of Section 1 and Sections 4.1 and 12.2 of Act No. 762 of the 1986 Regular Session, as amended by Act No. 875 of the 1986 Regular Session, Act No. 1227 of the 1995 Regular Session, Act No. 855 of the 1997 Regular Session, and Act No. 1469 of the 1997 Regular Session are hereby enacted to read as follows:

Section 1. Definitions

As used in this Act, the following terms shall have the following meanings:

(8) "Toll bonds" means the toll bonds issued to finance the costs of construction of improvements and betterments to the expressway as described in Section 12.2 of this Act and any refunding bonds issued therefor.

Section 4.1. Security for the toll bonds

The toll bonds are secured and are payable from all tolls, revenues, fees, charges, rents and other income and receipts derived from the operation of the expressway. The toll bonds shall not be supplemented by State Highway Fund No. 2 revenues.

The toll bonds shall be issued as subordinate lien bonds to any bonds issued pursuant to Section 2 of this Act.

The toll bonds may also be secured by a trust agreement by and between the commission and one or more corporate trustees, and may be further secured by any letters of credit, bank guarantees, municipal bond insurance, and any other cost-effective device designed to improve the credit quality and marketability of securities. Revenues pledged to the payment of toll bonds shall not be considered surplus until after (1) payment of all expenses of maintaining and operating the facilities of the commission and providing for necessary renewals and replacements thereof and (2) satisfaction of all obligations of the commission under the terms of any resolution, ordinance, or indenture authorizing the issuance of any bonds authorized in Section 2 and Section 12.2 of this Act. This surplus shall be transferred at the end of each fiscal year to the treasurer of the state of Louisiana for deposit in the state treasury in the manner set forth in Section 4 of this Act.

Section 12.2. Notwithstanding any other laws of the state of Louisiana and in addition to any bond authorization contained in Section 2 of this Act, the commission is hereby authorized and empowered, with the approval of the State Bond Commission and the governing bodies of each of the parishes, to issue toll bonds as herein provided on behalf of the parishes for the purposes of refunding, refinancing, restructuring, extending, or unifying the whole or any part of toll bonds; to issue bonds in an amount sufficient to provide the funds necessary to effectuate such purpose and to pay all costs associated therewith. The toll bonds authorized pursuant to this Section to be issued for the purpose of constructing improvements and betterments to the expressway may be issued in an amount not exceeding one hundred thirty-three million dollars ($133,000,000) exclusive of refunding bonds; provided, however, that the expenditure of any toll bond proceeds shall require the prior approval of the Senate and House committees on transportation, highways and public works, and the Joint Legislative Committee on the Budget. Toll bonds authorized pursuant to this Section may be issued for the purpose of constructing improvements and betterments to the expressway for the following specified projects indicated with the estimated costs for each being set forth opposite the particular project:

Safety Section

The construction of six sets (Northbound and Southbound) of Safety Shoulders to increase the emergency stopping area on the bridge for disabled vehicles to pull out of the travel lanes. The safety shoulders will be located on the outside of the bridges. Each of the safety shoulders will be 672 feet long and will add up to an additional 16 feet of width to the bridge. The Southbound Safety Shoulder will be constructed by widening 12 of the 56 foot long spans while the Northbound Safety Shoulder will widen 8 of the 56 foot long spans. Widening will involve driving new 54" Diameter by 96 feet long concrete piling into the lake bottom to support the bents caps. Over 12,500 linear foot of piling will be installed. Approximately 16,000 linear feet of AASHTO Type III & IV Precast Prestressed Concrete Girder will be used to widen the existing bridge spans. The girders will be topped with a concrete deck and a new bridge railing will be added. $63,000,000

Nothing herein contained shall prevent the commission from using any available monies from sources other than bond proceeds to fund in whole or in part any of the specified projects set forth in this Section, and amounts in excess of the estimated costs may be obtained from bond proceeds to complete the specified projects set forth in this Section. Bonds may be issued for other improvement projects approved by the commission and the governing bodies of each of the parishes.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 16 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. 482

SENATE BILL NO. 275
BY SENATORS MIZELL, ALARIO, BISHOP, BOUDREAUX, BROWN, CARTER, COLOMB, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LONG, MILKOVICH, MILLS, MORRELL, PEACOCK, PETERSON, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE HUNTER
AN ACT

THE ADVOCATE

As it appears in the enrolled bill

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CODING: Words in reverse type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
To enact R.S. 17:266 and 3996(B)(42), relative to required courses of instruction; to require that cursive writing be taught in public schools; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:266 and 3996(B)(42) are hereby enacted to read as follows:

$266. Cursive writing; required instruction

Cursive writing shall be taught in all public schools. Each public school shall ensure that cursive instruction is included in the third grade and incorporated into the curriculum in grades four through twelve.

$3996. Charter schools; exemptions; requirements

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

* * *

(42) Instruction in cursive writing, R.S. 17:266.

* * *

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

Approved by the Governor, June 13, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 483

SENATE BILL NO. 295

BY SENATORS PETERSON, BISHOP, CARTER, APPEL, CHABERT, JOHN COULOMB, HARVEY, MITTEN AND TARVER AND REPRESENTATIVES ADAMS, BAGNERIS, BOUIE, GARY CARTER, JIMMY HARRIS, HAZEL, TERRY LANDRY, LEGER, LOPINTO, MARCELLE, MORENO AND TALBOT

TO ENACT R.S. 27:248, relative to the land-based casino; to promote non-gaming economic development; to provide for personnel and total operating force; to provide for third-party tenants; to provide for compensation; to provide for reporting; to provide for definitions; to provide for credits; to provide for methods of calculation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:248 is hereby enacted to read as follows:

$248. Non-gaming economic development by casino gaming operator

A. An effective method of promoting non-gaming economic development by the casino gaming operator or an affiliate company exists through the development of businesses including but not limited to restaurants, entertainment outlets, and retail outlets leased or subleased to third-party tenants or subtenants within, adjacent to, and around the official gaming establishment.

B. Non-gaming economic development within, adjacent to, or around the official gaming establishment for which the casino gaming operator, on its own or through an affiliate, holds a legitimate interest, will revitalize the nearby properties and within the state and parish where the official gaming establishment is located.

C. As to non-gaming economic development activities:

(1) The casino gaming operator or an affiliate company exists directly and through its parent, subsidiary, or affiliate companies and its third-party tenants and subtenants, collectively seek to maintain and grow the operating force or personnel level related to the casino and non-gaming operations within, adjacent to, or around the official gaming establishment.

(2) The total operating force or personnel level of the third-party tenants shall be reported to the board quarterly on the following dates every year:

(a) March thirty-first, covering the three-month period beginning December first and ending on the last day of February.

(b) June thirtieth, covering the three-month period beginning March first and ending May thirty-first.

(c) September thirtieth, covering the three-month period beginning June first and ending August thirty-first.

(d) December thirty-first, covering the three-month period beginning September first and ending November thirtieth.

(3) The reported operating force or personnel level for the prior quarter shall be determined by taking into account the greater of either the three-month average for the applicable reporting quarter or the highest monthly total of employees reported for the prior quarter shall be credited to the casino operator for purposes of meeting its obligations under R.S. 27:244(A)(11), provided that such credit shall be limited to four hundred employment positions toward the total operating force or personnel level.

(4) The term “operating force or personnel level” shall mean the number of people employed by the casino and any related non-gaming entity, including hotel operations, third-party tenants, and corporate employees.

(5) The casino gaming operator shall be credited an amount equal to the pro rata share of compensation to employees of the third-party tenants. The credited amount shall be applied to the total salary level or compensation reported under R.S. 27:244(A)(12) and shall be calculated based on the total operating force or personnel level reported pursuant to R.S. 27:248(C)(2).

Approved by the Governor, June 13, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 484

SENATE BILL NO. 296

BY SENATOR PETERSON

AN ACT

To authorize and provide for the transfer of certain state rights and property in Orleans Parish; to provide for the applicable property descriptions; to provide for terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other provision of law to the contrary, the commissioner of administration and the secretary of the Department of Transportation and Development are hereby authorized and empowered for a public purpose, for and on behalf of the state of Louisiana, to enter into a cooperative endeavor agreement to convey, transfer, assign, lease, or deliver to the governing authority of the City of New Orleans in Orleans Parish a servitude of use over the following described parcels of property and any surface improvements situated thereon:

Legal Description

TWO CERTAIN LOTS OF GROUND together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, advantages and appurtenances therunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans, State of Louisiana in Square No. 30 bounded by Jackson Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street, and in accordance with survey made by Gilbert, Kelly & Couturie, Inc. Surveying and Engineering, dated February 10, 1976, a copy of which is annexed hereto for reference, said Lots are designated by the Nos. 1 and 2, which are, as they now exist and are described below:

LOT 1 forms the corner of Jackson Avenue and Tchoupitoulas Street and measures 32 feet, 2 inches, 7 lines front on Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 0 lines, a depth on its opposite side line adjoining Lot 2 of 104 feet, 11 inches, 6 lines, and a depth on its opposite side line adjoining Lot 3 of 109 feet, 1 inch, 4 lines.

The improvements on Lot 1 bear the Municipal No. 407 Jackson Avenue.

A CERTAIN LOT OF GROUND together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, advantages and appurtenances therunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans, in Square No. 30, bounded by Tchoupitoulas, Josephine and Rousseau Streets and Jackson Avenue, designated as Lot No. 3 on a plan of survey made by J. J. Krebs & Sons, C.E. & S., dated September 25, 1963, a copy of which is annexed to an act passed before Jerome Mouner, Notary Public, on October 23, 1963, and according to which said Lot No. 3 commences at a distance of 64 feet, 5 inches, 4 lines from the corner of Tchoupitoulas Street and Jackson Avenue, and measures thence 32 feet, 2 inches, 6 lines front on Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 5 lines, a depth on the other side line nearer Jackson Avenue of 109 feet, 1 inch, 4 lines, and a depth on the other side line nearer Josephine Street of 113 feet, 3 inches, 2 lines, all in accordance with a survey made by J. J. Krebs & Sons, Inc. dated September 19, 1963, a copy of which is annexed to act before John T. Charbonnet, N.P., dated October 2, 1968.

All in accordance with survey made by Gilbert, Kelly & Couturie, Inc., Surveying and Engineering, dated February 10, 1976, a print of which is annexed hereto for reference, except that Lot 3 commences at a distance of 64 feet, 5 inches, 6 lines from the corner of Tchoupitoulas Street and Jackson Avenue, and measures thence in the rear of 31 feet, 11 inches, 9 lines, a width in the rear of 31 feet, 11 inches, 5 lines, title.

THAT PORTION OF GROUND together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages therunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans in Square No. 30, bounded by Tchoupitoulas (Levee), Rousseau, Josephine Streets and Jackson Avenue, designated by the No. 4 on plan of V. Egloffstein and H. Hadin, Surveyors, dated April 5, 1847, deposited in the office of P. Gilly, late Notary, and measures 32 feet, 2 inches, 7 lines front on Tchoupitoulas Street, by 113 feet, 3 inches, 2 lines in depth on its side line adjoining Lot 3, and 117 feet, 5 inches, 0 lines, a depth on its side line nearer Josephine Street of 117 feet, 5 inches, 0 lines, and a depth on its opposite side line adjoining Lot 3 of 109 feet, 1 inch, 4 lines, all in accordance with a survey made by John T. Charbonnet, N.P., dated October 2, 1968.

The improvements on Lot 3 bear the Municipal No. 2137-29 Tchoupitoulas Street.

A CERTAIN LOT OF GROUND together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes,
and advantages thereunto belonging, or in anywise appertaining, situated in the CITY OF NEW ORLEANS, STATE OF LOUISIANA, in the FOURTH MUNICIPAL DISTRICT, in SQUARE 90, said Square being bounded by Jackson Avenue and Rousseau, Josephine, and Tchoupitoulas Streets; and in accordance with plan of survey by Gilbert, Kelly & Couturie, Inc. dated August 24, 1976, said Lot is designated as LOT NUMBER 5 and commences at a distance of 100 feet, 10 inches from the corner of Jackson Avenue and Tchoupitoulas Street and measures thence 29 feet front on Jackson Avenue, same width in the rear, by a depth of 127 feet, 8 inches between equal and parallel lines.

All of which together comprise the land designated as Lots No. 1-5 in accordance with the survey of Gilbert, Kelly & Couturie, Inc. dated August 24, 1976.

Section 3. Notwithstanding any other provision of law to the contrary, the commissioner of administration and the secretary of the Department of Transportation and Development are hereby authorized to enter into agreements, covenants, conditions, stipulations and standards, and to the governing authority of the Port of New Orleans in Orleans Parish any interest, excluding mineral rights, that the state may have to all or any portion of the following described parcels of property and to any improvements situated thereon, provided that such conveyance must be subject to the servitude of use provided for in Section 1:

Legal Description

All right, title and interest that the state may have in and to the ferry landing at the head of Jackson Avenue in the City of New Orleans, together with the ferry house and all other improvements pertaining thereto, being the same right, title and interest acquired, among other things, by the Mississippi River Bridge Authority by cash sale from Jackson Ave.-Gretna Ferry, Inc., in liquidation.

TWO CERTAIN LOTS OF GROUND together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans, State of Louisiana in Square No. 30 bounded by Jackson Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street, and in accordance with survey made by Gilbert, Kelly & Couturie, Inc. dated February 10, 1976, copy of which is annexed hereto for reference, said Lots are designated by the Nos. 1 and 2, adjoin each other and measure as follows:

LOT 1 forms the corner of Jackson Avenue and Tchoupitoulas Street and measures 29 feet, 2 inches, 7 lines front on Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 8 lines front on Jackson Avenue, a depth of 100 feet, 10 inches, 0 lines, and a depth on its opposite side line adjoining Lot 2 of 104 feet, 11 inches, 6 lines. LOT 2 adjoins Lot 1 and measures 29 feet, 2 inches, 7 lines front on Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 8 lines front on Jackson Avenue, a depth of 100 feet, 10 inches, 0 lines, and a depth on its opposite side line adjoining Lot 3 of 109 feet, 1 inch, 4 lines.

The improvements on Lot 1 bear the Municipal No. 407, Jackson Avenue.

A CERTAIN LOT OF GROUND together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans, in Square No. 30, bounded by Tchoupitoulas, Josephine and Rousseau Streets and Jackson Avenue, designated as Lot No. 3 on a plan of survey made by J. J. Krebs & Sons, Civil Engineers, dated November 25, 1963, a copy of which is annexed hereto for reference, except that Lot 3 commences at a distance of 64 feet, 5 inches 4 lines from the corner of Tchoupitoulas Street and Jackson Avenue, and measures thence 32 feet, 2 inches, 6 lines front on Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 8 lines, actual, 31 feet, 11 inches, 5 lines, title.

THAT PORTION OF GROUND together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans in Square No. 30, bounded by Tchoupitoulas (Levee), Rousseau, Josephine Streets and Jackson Avenue, designated by the No. 4 on plan of E. Eglisfield in H. Hadin, Surveyors, dated April 5, 1847, deposited in the office of P. Gillis, late Notary, and measures 29 feet, 2 inches, 7 lines front on Jackson Avenue, a depth in its side line adjoining Lot 4 and 117 feet, 5 inches, 6 lines in depth on its other side line, and 31 feet, 11 inches, 0 lines, in width in the rear. According to a print of survey by Gilbert & Kelly, S., dated August 22, 1963, annexed to an act before Eldon J. Andree, N.P., dated August 28, 1952, said Lot 4 commences at a distance of 64 feet, 5 inches 4 lines from the corner of Jackson Avenue and Tchoupitoulas Street and measures thence 29 feet front on Tchoupitoulas Street and Rousseau Street, same width in the rear, by a depth of 127 feet, 8 inches between equal and parallel lines.

Less and Except

Less and except any public streets and their associated right of way, and further less and except the right of use of the land designated as Lots No. 1-5 in accordance with the survey of Gilbert, Kelly & Couturie, Inc. dated August 24, 1976, and the surface improvements thereon.

Section 4. In the event that the agreement authorized by this Act is not entered into on or before December 31, 2018, the authorization to convey, transfer, assign, lease or deliver any interest in the property pursuant to this Act shall terminate and be null and void on that date and thereafter.

Section 5. This Act shall become effective upon the 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. 485

SENATE BILL NO. 310
BY SENATOR CLAIGHTOR
AN ACT

To amend and reenact R.S. 17:7(2)(f)(ii) and 3911(B)(1)(k), and to enact R.S. 17:3911(B)(1)(d) and (B)(4), relative to the collection and reporting of certain student data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(2)(f)(ii) and 3911(B)(1)(k) are hereby amended and reenacted, and R.S. 17:3911(B)(1)(d) and (B)(4) are hereby enacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(2) * * *

(f) * * *

(iii) Beginning with the 2009-2010 school year and continuing thereafter, the State Board of Elementary and Secondary Education shall annually publish revenue and expenditure data, including but not limited to the allocation and expenditure of funds generated by the minimum foundation program, local revenues, and federal grants, for each city, parish, or other local public school board by district and by school level, to the extent possible, in an easily understandable format on the state Department of Education website. Such data shall include but not be limited to comparative per pupil expenses reported by the school system for personnel, transportation, operating, and capital outlay categories of expenditures as determined by the state Department of Education. Student membership counts and any weighted student counts generated by student need characteristics as provided in the minimum foundation program formula, calculations of the amounts of minimum foundation program funding allocated to each city, parish, or other local public school board by district and by school level, as determined by the state Department of Education, the definitions of the terms ‘‘minimum foundation program’’ and ‘‘foundation program’’ as defined by the state Department of Education, and the local public school board shall be reported.

§3911. Data collection system; establishment

* * *
(k) **Number of students in the general population and number of students in classes for students with exceptionalities.**

(i) Such other data as the board may approve.

(b) The department shall annually collect the following data elements for students with an exceptionality by each disability classification, including breakdowns of each speech or language impairment category and breakdowns of each intellectual disability category, not including students identified exclusively as gifted and talented, for each city, parish, or other local public school board. The following data elements shall be reported for each disability classification in total as well as by unduplicated counts by race, gender, age and sex:

(i) **Setting.**

(ii) **Exit code.**

(iii) **Participation in each assessment type by grade and subject.**

(iv) **Scoring at the proficient level on each test administered pursuant to the school and district accountability program by grade and subject.**

(v) **Eligibility for an extended school year program.**

(vi) **Receiving initial evaluations, re-evaluations and waivers from evaluations.**

The data collection system shall also include information on student discipline for each public school by percentage and unduplicated counts of total students with exceptionalities receiving discipline, including:

(i) **Out-of-school suspensions, broken down by categories of ten days or less and more than ten days.**

(ii) **Out-of-school suspensions, broken down by categories of ten days or less and more than ten days.**

(iii) **Out-of-school suspensions, broken down by categories of ten days or less and more than ten days.**

(iv) **Out-of-school suspensions, broken down by categories of ten days or less and more than ten days.**

(v) **Restraint procedures.**

(vi) **Seclusion procedures.**

(vii) **Unilateral removals to an interim alternative educational setting by school personnel by disability classification and by reason for removal.**

The data collection system shall also include:

(i) Percentage and unduplicated count of special education teachers by qualification level for each city, parish, or other local public school system.

(ii) Data and information regarding city, parish, or other local public school board high cost assistance requests and awards including but not limited to the unduplicated count of students included in the request, the total amount requested, and the amount awarded.

(d) The department shall annually compile a report that includes data on each element gathered from the latest collection cycle and trend data from the three prior years. The report shall be sent to each public school governing authority and published on the department’s website.

(e) The requirements of this Paragraph shall not be construed to violate the provisions of R.S. 17:3914.

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

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**ACT No. 486**

SENATE BILL NO. 360

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 40:1155.2(5), to enact R.S. 40:1155.2.1, and to repeal R.S. 40:1155.2(8), relative to the Louisiana Physician Order for Scope of Treatment; to provide for definitions; to provide for the form; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1155.2(5) is hereby amended and reenacted:

Section 2. R.S. 40:1155.2(8) is hereby repealed.

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 13, 2016.

A true copy:

Tom Schedler
Secretary of State

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**ACT No. 487**

SENATE BILL NO. 390

BY SENATOR LONG

AN ACT

To amend and reenact Subsection A of Section 4 of Act No. 105 of the 1976 Regular Session of the Legislature, as amended by Act No. 222 of the 1977 Regular Session of the Legislature, relative to the Saline Lake Game and
Fish Preserve Commission; and to amend and reenact Section 4 of Act No. 191 of the 1926 Regular Session of the Legislature, as amended by Act No. 294 of the 1938 Regular Session of the Legislature, Act No. 120 of the 1946 Regular Session of the Legislature, Act No. 307 of the 1948 Regular Session of the Legislature, Act No. 17 of the 1956 First Extraordinary Session of the Legislature, Act No. 455 of the 1966 Regular Session of the Legislature, Act No. 105 of the 1976 Regular Session of the Legislature, and Act No. 303 of the 1977 Regular Session of the Legislature, relative to the Northwest Louisiana Game and Fish Preserve Commission; to provide for additional members to the commissions; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsection A of Section 4 of Act No. 105 of the 1976 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

* * *

Section 4. A. There is hereby created the Saline Lake Game and Fish Preserve Commission, to be composed of five elective members, each of the parishes of Winn and Natchitoches and the designated gaming area of a riverboat, the governing authority of the parish of Natchitoches shall appoint two elective members of Natchitoches as members of the commission and the governing authority of the parish of Winn shall appoint three elective members of Winn Parish as members of the commission. If, for any reason, a vacancy should occur on the commission, said vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

Each commissioner shall serve a term of four years, or until his successor is appointed and qualified.

* * *

B. No person under the age of twenty-one, except an emergency responder acting in his official capacity, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the designated gaming area of the official gaming establishment, or the designated slot machine gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

Approved by the Governor, June 13, 2016.
A true copy:

Tom Schedler
Secretary of State

* * *

ACT No. 488

SENATE BILL NO. 394
BY SENATOR CARTER AND REPRESENTATIVE MARCELLE
AN ACT

To amend and reenact R.S. 14:90.5(B), relative to the crime of unlawful playing of gaming devices by persons under the age of twenty-one; to provide relative to the elements of the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:90.5(B) is hereby amended and reenacted to read as follows:

§90.5. Unlawful playing of gaming devices by persons under the age of twenty-one; underage persons, penalty.

B. No person under the age of twenty-one, except an emergency responder acting in his official capacity, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the designated gaming area of the official gaming establishment, or the designated slot machine gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

Approved by the Governor, June 13, 2016.
A true copy:

Tom Schedler
Secretary of State

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ACT No. 490

SENATE BILL NO. 464
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 47:338.1(D)(1) and to enact R.S. 47:338.1(E), relative to sales tax of political subdivisions; to provide for the use of the tax proceeds of a sales tax district in certain municipalities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.1(D)(1) is hereby amended and reenacted and R.S. 47:338.1(E) is hereby enacted to read as follows:

§338.1. Tax authorized; rate; sales tax districts; certain municipalities

D.(1) Notwithstanding any other provision of law to the contrary and in addition to any other authority granted by law, the governing authorities of the municipalities of Breaux Bridge, St. Martinville, and Youngsville, and the governing authorities of municipalities having a population in excess of thirty thousand and five hundred but not more than thirty thousand seven hundred persons, based on the latest federal decennial census may create sales tax districts consisting of a portion of their respective municipalities. Each sales tax district, as a political subdivision of the state, is authorized to levy and collect an additional one percent sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, as defined by law, if approved by a majority of the electors of the district voting thereon in an election held for that purpose. The governing authority of a sales tax district shall be the governing authority of the municipality, the domicile of the sales tax district shall be the regular meeting place of the municipality, and the officers of the sales tax district shall be the officers of the municipality.

E.(1) Notwithstanding any other provision of law to the contrary and in addition to any other authority granted by law, the governing authority of a municipality having a population in excess of eight thousand one hundred thirty but not more than eight thousand one hundred forty-five persons, based on the latest federal decennial census may create sales tax districts consisting of a portion of their respective municipalities. Each sales tax district, as a political subdivision of the state, is authorized to levy and collect an additional one percent sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, as defined by law, if approved by a majority of the electors of the district voting thereon in an election held for that purpose. The governing authority of a sales tax district shall be the governing authority of the municipality, the domicile of the sales tax district shall be the regular meeting place of the municipality, and the officers of the sales tax district shall be the officers of the municipality.

THE ADVOCATE
existing infrastructure within the municipality according to a Master Plan for the Construction of Municipal Infrastructure, which shall list the specific infrastructure construction or improvement projects to be funded through the tax proceeds, including funding into bonds for such purposes in the manner provided by state law, and which shall be adopted by the governing authority of the municipality in the manner provided for in this Subparagraph.

(2) The provisions of this Subsection shall become effective on July 1, 2016, and shall remain effective through June 30, 2018.

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 Shedler
Secretary of State

ACT No. 491
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SENATE BILL NO. 471
(Substitute of Senate Bill No. 211 by Senator Martin)
BY SENATOR MARTIN

To amend and reenact Section 2 of Act No. 866 of the 2014 Regular Session of the Legislature of Louisiana, relative to the Louisiana State Board of Dentistry; to provide relative to the domicile of the board and certain proceedings; to provide for an extension of the effective date of such Section 2 from 2017 to 2018; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Section 2 of Act No. 866 of the 2014 Regular Session of the Legislature of Louisiana is hereby amended and reenacted to read as follows:

Section 2. The provisions of R.S. 37:753(I) and 786(A)(1) and (C) as amended by Section 1 of this Act shall become effective January 1, 2018.

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

ACT No. 492
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SENATE BILL NO. 474
(Substitute of Senate Bill No. 456 by Senator Cortez)
BY SENATORS CORTEZ, ALARIO, ALLAIN, APPLE, BARROW, BISHOP, BOUDREAUD, BROWN, CARTER, CHABERT, CLAFTOR, COLOMB, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZEILL, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ADAMSON, ADAMS, ANDERSES, ARMES, BACALA, BAGLEY, BAGNERS, BARRAS, BERTHELOT, BILLIOT, BISHOP, BOULIS, BROADWATER, CHAD BROWN, TERRY BROWN, CARBON, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSAN, COX, CRONER, DANAHAY, DAUPHIN, DEVILLIER, DOWITT, EDMONDS, EMERSON, FALCONER, FOIL, FRANKLIN, GAINES, GARPOL, GLASER, GLOVER, GUINN, HALL, JIMMY HARRIS, LANCE HARRIS, HAYWARD, HAZEL, HENRY, HENSGENS, HILFERTY, HILL, HODGES, HOFFMANN, HOLLIS, HORTON, HOWARD, HUNTER, HUVAL, IVEY, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, JONES, JORDAN, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LELOPOLD, LOPTOLO, LYONS, MACK, MAGEE, MARCELLE, MCFARLAND, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MONTUCET, MORENO, JAY MORM, JIM MORRIS, NORTON, PEARSON, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICARD, SCHEXNADY, SCHRODER, SEABAG, SHADOY, SIMON, SMITH, STOKES, TALBOT, THIBAUT, WHITE, WILLMOTT AND ZERINGUE

AN ACT

To enact R.S. 49:140.32, relative to the names of state buildings; to name a certain complex of state buildings and area in the city of Lafayette the Edgar G. “Sonny” Mouton, Jr. Sports and Entertainment Plaza; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:140.32 is hereby amended and reenacted to read as follows:


The area encompassing state buildings and grounds in the city of Lafayette bounded by West Congress Street to the north, Bertrand Drive to the west, Reinhardt Drive and Souvenir Gate to the south, and the coeule feeding into Coulee Cverte to the east, and containing facilities generally known as the Ragin’ Cajun Athletics Complex, the Cajundome, and the Cajundome Convention Center, is hereby named and shall hereafter be known as the Edgar G. “Sonny” Mouton, Jr. Sports and Entertainment Plaza.

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 Shedler
Secretary of State

ACT No. 493
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SENATE BILL NO. 475
(Substitute of Senate Bill No. 455 by Senator White)
BY SENATOR WHITE, BILLIOT, AND REPRESENTATIVES BAGNERS, BILLIOT, BOUTI, CARMOY, CHANEY, HENRY, HOFFMANN, IVEY, TALBOT AND WILLMOTT

AN ACT

To enact R.S. 40:1135.13, relative to emergency medical transportation; to provide for the Ambulance Transportation Alternatives Task Force; to provide for membership; to provide for duties; to provide for a pilot program; to provide for reporting; to provide for rule making; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1135.13 is hereby enacted to read as follows:

$1135.13. Ambulance Transport Alternatives Task Force; pilot program; rules and regulations.

A. Within the Department of Health and Hospitals there is hereby created the Ambulance Transport Alternatives Task Force, hereafter referred to as “task force”. The task force shall be charged with advising the secretary of the department on its recommendation regarding the development and implementation of a pilot program for ambulance transport alternatives in the parish of East Baton Rouge. Implementation of the pilot program shall be contingent on available and appropriate funding and reimbursement rates from federal, state, and commercial payors. The task force shall provide technical assistance, as required by the department, on application to the Centers for Medicare and Medicaid Services for an innovation grant award or any other grant, waiver, or federal or state funding opportunity to support implementation and sustainment of this Section. The task force shall further establish a data collection system to assess the progress and success of the pilot program and make recommendations to the department on statewide implementation of an ambulance transport alternatives program.

B. The task force shall be composed of the following fourteen members:

(1) One member appointed by the chairman of the Senate Committee on Health and Welfare.

(2) One member appointed by the chairman of the House Committee on Health and Welfare.

(3) The secretary of the Department of Health and Hospitals, or his designee.

(4) The executive director of the Louisiana Emergency Response Network, or his designee.

(5) The executive director of the Louisiana Ambulance Alliance, or his designee.

(6) The executive director of the Bureau of Emergency Medical Services, or his designee.

(7) Two members representing ambulance service providers.

(8) The administrator of the East Baton Rouge Parish Department of Emergency Medical Services, or his designee.

(9) Two members appointed by the mayor-president of East Baton Rouge Parish.

(10) The executive director of the Capital Area Human Services District, or his designee.

(11) One member representing a hospital in East Baton Rouge Parish appointed by the Louisiana Hospital Association.

(12) One member who shall be an emergency room physician appointed by the Louisiana Chapter of the American College of Emergency Physicians.

C. The task force shall convene for its first meeting to be held at the Department of Health and Hospitals headquarters in Baton Rouge no later than October 1, 2016. At the first meeting the members shall elect a chairman and vice chairman and other officers as they deem appropriate. The task force shall establish a regular meeting schedule and after the first meeting, may meet at such times and places as determined by the task force members. Meetings shall be held at the call of the chairman or at the call of a quorum of members upon not less than seven days’ notice. A majority of the members of the task force shall constitute a quorum. A quorum is present to transact any business. The members of the task force shall not be compensated for their services on the task force but may seek travel reimbursement from their respective agencies related to matters presented.

D. The task force shall study and evaluate all data available to carry out its duties in anticipation of the pilot program being implemented when fully funded. The task force shall evaluate and make recommendations on all matters within their jurisdiction, including but not limited to:
HOUSE BILL NO. 1102

BE IT ENACTED BY THE REPRESENTATIVES BISHOP, ADAMS, BAGERIS, BARRAS, BERTHELOT, BOULIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMDY, CARPENTER, CONNICK, DAVIS, GISCLAIR, JIMMY HARRIS, LANCE HARRIS, HOLLIS, JAMES, NANCY LANDRY, LEGER, LOPINTO, MARCELLE, GREGORY MILLER, MORENO, JAY MORRIS, PEARSON, PETERS, PETER, PIERRE, POPPEY, POPEY, RAYMONT, RAYMOND, REPPE, RENEAUX, RAVENEAU, RAYMOND, REYNOLDS, SASTRE, SCHEXNAYDER, SEAN, SENATORS ALLAIN, APPEL, BOURS, BOURDEAUX, BROWN, CHABERT, CLAITEM, GATTI, LUNEAU, PEACOCK, AND TARVER

AN ACT

To amend and reenact R.S. 14:236(E), R.S. 40:34(B)(1)(a)(viii), (b)(v), (i), and (j), and R.S. 44:4.1(B)(26), to enact Chapter I-C of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2718 through 2720.15, R.S. 14:236(E), and Part VII of Chapter 2 of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:93 through 96, and to repeal R.S. 9:2713, relative to gestational carriers; to provide for amendments to birth certificates; to provide for definitions relative to gestational carrier contracts; to provide for genetic gestational carrier contracts; to provide for the enforceability of gestational carrier contracts; to provide for the parties to a gestational carrier contract; to provide for contractual requirements for a gestational carrier contract; to provide for a proceeding to approve a gestational carrier contract; to provide for the check of the criminal records of the parties to a gestational carrier contract; to provide for an order preceding embryo transfer relative to a gestational carrier contract; to provide for mandatory conditions and standards for the failure to perform under a gestational carrier contract; to provide for the termination of a gestational carrier contract and for the effects of divorce, nullity, and death on a gestational carrier contract; to provide for the effect of a subsequent marriage of the gestational carrier to a non-carrier; to provide for continued and post-birth order; to provide for DNA testing when the child is alleged not to be the child of the intended parents; to provide for time limitations and finality; to prohibit certain acts relative to a gestational carrier contract occurring on or after the effective date; to provide for data collection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter I-C of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2718 through 2720.15, is hereby added to Title IV of the Code of Louisiana of 1950, comprised of Chapters 1 through 1-D, and as so added, designated Chapter I-C, relative to gestational carrier contracts.

PART I. LEGISLATIVE INTENT AND DEFINITIONS

§2718. Purpose and Intent

The purpose and intent of this Part is to regulate gestational surrogacy agreements. The legislature has found that this is desirable to assure that the intended parents of every child born through the use of assisted reproductive technology be legal and biological parents of the child. Accordingly, in regulating gestational surrogacy agreements by means of this Part, the legislature has restricted the range of enforceable gestational surrogacy agreements to those in which the parties who engage the gestational surrogate not only are married to each other, but also create the child using only their own gametes. This Part also provides for the termination of a gestational carrier contract by a court upon proof that the child is genetically related to both parents, so that the intended parents can bypass the current need to go through extended proceedings to adopt their own child.

§2718.1. Definition of terms

As used in this Chapter the following terms shall have the meanings ascribed to them in this Section unless otherwise provided for or unless the context otherwise indicates:

(1) "Compensation" means a payment of money, objects, services, or anything else having monetary value. Compensation shall not include the compensation ascribed to them in this Section unless otherwise provided for or unless the context otherwise indicates:

(a)  "Gamete" means either a sperm or an egg.

(b)  "Gestational carrier" means a person who is provided for in R.S. 9:2718, or who contracts to be the mother of a child born as a result of gestational surrogacy and who bears the child through artificial means, using the means of another.

(c)  "Gestational surrogacy agreement" means any contract that provides for the payment of compensation to a gestational carrier in return for the use of her body for the purpose of bearing a child that is intended to be the child of another.

(d)  "Intended parents" means any persons who enter into a gestational surrogacy agreement and who are the legal and biological parents of the child."
when there is an agreement to relinquish the custody of and all rights and duties as the parents of a child born as a result of in utero embryo transfer for any reason, including a prenatal diagnosis of an actual or potential disability, impairment, genetic variation, or any other condition such that a pregnancy would create serious risk of death or substantial and irreversible impairment of a major bodily function beyond the risk customary to public policy.

§2720.4. Institution of records check
A. Upon the initiation of the summary proceedings, the court shall do all of the following:
(1) Order and be entitled to the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information and the reports of criminal records, validated complaints of child abuse or neglect, and any other state in which either of the intended parents and the gestational carrier and her spouse, if she is married, has been domiciled since becoming a major.
(2) Order that the Department of Children and Family Services conduct a records check for court orders entered into the Louisiana Protective Order Registry involving each of the intended parents and the gestational carrier and her spouse, if she is married.
B. Each order shall state the full name, date of birth, social security number and former and current state of domicile since becoming a major of each subject of the check.
C. The sheriff of the parish, the Louisiana Bureau of Criminal Identification and Information, the Department of Children and Family Services, in accordance with the applicable rules and regulations promulgated by the department, and the judicial administrator’s office of the Louisiana Supreme Court shall accord priority to these orders and shall provide a certificate to the court indicating all information discovered, or that no information has been found.

§2720.5. Order Preceding Embryo Transfer
A. Upon the institution of a proceeding to approve a gestational carrier contract, the court shall set the matter for hearing, and after the hearing may issue an order, known as the Order Preceding Embryo Transfer, approving the gestational carrier contract and declaring that the intended parents, and the recipients of in utero embryo transfer, or the legal parents of a child born pursuant to the gestational carrier contract.
B. The court shall issue an Order Preceding Embryo Transfer upon finding that all of the following have occurred:
(1) The requirements of R.S. 9:2720.2 have been satisfied and the reports of criminal records, validated complaints of child abuse or neglect, and Louisiana Protective Order Registry checks show that there is no risk of harm to the child or the gestational carrier.
(2) Provisions have been made for all reasonable healthcare and legal expenses associated with the gestational carrier contract, including but not limited to: (a) Actual medical expenses, including hospital, laboratory, pharmacy, and other similar expenses, incurred by the gestational carrier for prenatal care and those medical and hospital expenses incurred incident to the birth of the child, including reasonable per diem for those expenses if the contract is terminated.
(3) The gestational carrier will receive no compensation other than: (a) Actual medical expenses, including hospital, laboratory, pharmacy, and other similar expenses, incurred by the gestational carrier for prenatal care and those medical and hospital expenses incurred incident to the birth.
(b) Actual expenses incurred for mental health counseling services provided to the gestational carrier prior to the birth and up to six months after birth.
(c) Actual lost wages of the gestational carrier, not covered under a disability insurance policy, when work rest has been prescribed for the gestational carrier for some maternal or fetal complication of pregnancy and is in accordance with the advice of the physician who is employed, unable to work during the prescribed period of bed rest.
(d) Actual travel costs related to the pregnancy and delivery, court costs, and attorney fees incurred by the gestational carrier.

PART II. GENETIC GESTATIONAL CARRIER
§2719. Contract for a genetic gestational carrier; nullity
A contract for a genetic gestational carrier shall be absolutely null.

PART III. GESTATIONAL CARRIER
§2720. Enforceability of gestational carrier contract
A. In accordance with the requirements of this Part, an agreement to be known as a gestational carrier contract is enforceable only if it is in writing and signed by the gestational carrier and her spouse, if she is married, and both of the intended parents.
B. A gestational carrier contract is enforceable only if approved by a court in advance of in utero embryo transfer, and is in accordance with all of the requirements of this Part.
C. No person shall enter into a gestational carrier contract for compensation as defined in R.S. 9:2718.1 or that is not in compliance with all of the requirements of this Part. Any such contract executed in the state of Louisiana or in any other state shall be absolutely null and unenforceable in the state of Louisiana or in any other state in which either of the intended parents and the gestational carrier and her spouse, if she is married.
D. No person shall enter into a gestational carrier contract that requires the gestational carrier to consent to terminate a pregnancy resulting from in utero embryo transfer for any reason, including a prenatal diagnosis of an actual or potential disability, impairment, genetic variation, or any other condition such that a pregnancy would create serious risk of death or substantial and irreversible impairment of a major bodily function beyond the risk customary to public policy.

§2720.2. Contractual requirements
A. In an enforceable gestational carrier contract, the gestational carrier shall do all of the following:
(1) Agree to become pregnant by means of in utero embryo transfer, using the gametes of the intended parents, and to give birth to the resulting child.
(2) Agree to reasonable medical evaluation and treatment during the term of the pregnancy, to adhere to reasonable medical instructions during the term of the pregnancy, and to medical decision-making during the term of the pregnancy consistent with the rights of a pregnant woman carrying her own biological child.
(3) Agree to assume custody of and to assume full parental rights and responsibilities for the child immediately upon the child’s birth, regardless of any impairment of the child.
(4) Agree to be recognized as the legal parents of the child.
(5) Agree to attend a minimum of one post-birth counseling session within six months of the birth of the child.
B. In an enforceable gestational carrier contract, the intended parents shall certify in writing that they do all of the following:
(1) Agreement to be present as embryos are transferred.
(2) Agreement to become pregnant by means of in utero embryo transfer, using the gametes of the gestational carrier.
(3) Agreement to assume all of the responsibilities for the child immediately upon the child’s birth.
(4) Agreement to become and remain the legal parents of the child.
C. The sheriff or the office of state police, Louisiana Bureau of Criminal Identification and Information, the Department of Children and Family Services, in accordance with the applicable rules and regulations promulgated by the department, and the judicial administrator’s office of the Louisiana Supreme Court shall accord priority to these orders and shall provide a certificate to the court indicating all information discovered, or that no information has been found.

§2720.3. Proceeding to approve gestational carrier contract
A. Prior to in utero embryo transfer, the intended parents or the gestational carrier and her spouse, if she is married, may initiate a summary proceeding in the court exercising jurisdiction over the adoption of minors where the intended parents or the gestational carrier reside, seeking to have the court approve a gestational carrier contract.
B. A proceeding to approve a gestational carrier contract shall be maintained only if all of the following occur:
(1) The gestational carrier and each of the intended parents have been domiciled in this state for at least one hundred eighty days.
(2) The intended parents, the gestational carrier, and her spouse, if she is married, are all parties to the proceeding.
(3) A copy of the proposed gestational carrier contract is attached to the motion.
(4) An independent board-certified physician in obstetrics and reproductive endocrinology, who has medically treated the intended mother over a period of time such that the physician is competent to reach medical conclusions about the intended mother’s medical condition and who submits a signed affidavit certifying that in utero embryo transfer with a gestational carrier is medically necessary to assist in reproduction.
(5) A court report of the proposed gestational carrier contract, the court shall set the matter for hearing, and after the hearing may issue an order, known as the Order Preceding Embryo Transfer, approving the gestational carrier contract and declaring that the intended parents, and the recipients of in utero embryo transfer, or the legal parents of a child born pursuant to the gestational carrier contract.
B. The court shall issue an Order Preceding Embryo Transfer upon finding that all of the following have occurred:
(1) The requirements of R.S. 9:2720.2 have been satisfied and the reports of criminal records, validated complaints of child abuse or neglect, and Louisiana Protective Order Registry checks show that there is no risk of harm to the child or the gestational carrier.
(2) Provisions have been made for all reasonable healthcare and legal expenses associated with the gestational carrier contract, including but not limited to: (a) Actual medical expenses, including hospital, laboratory, pharmacy, and other similar expenses, incurred by the gestational carrier for prenatal care and those medical and hospital expenses incurred incident to the birth of the child, including reasonable per diem for those expenses if the contract is terminated.
(3) The gestational carrier will receive no compensation other than: (a) Actual medical expenses, including hospital, laboratory, pharmacy, and other similar expenses, incurred by the gestational carrier for prenatal care and those medical and hospital expenses incurred incident to the birth.
(b) Actual expenses incurred for mental health counseling services provided to the gestational carrier prior to the birth and up to six months after birth.
(c) Actual lost wages of the gestational carrier, not covered under a disability insurance policy, when work rest has been prescribed for the gestational carrier for some maternal or fetal complication of pregnancy and is in accordance with the advice of the physician who is employed, unable to work during the prescribed period of bed rest.
(d) Actual travel costs related to the pregnancy and delivery, court costs, and attorney fees incurred by the gestational carrier.
(e) Payment of a judicially sanctioned settlement or judgment rendered in favor of the gestational carrier or her heirs as a result of her death, loss of reproductive organs or capability, or any other health complication caused by the in utero embryo transfer, pregnancy or resulting childbirth, miscarriage, or termination of pregnancy.

(d) The parties understand the contract and freely give consent.

§2720.6. Multiple embryo transfer attempts

If an intended parent desires to attempt a multiple embryo transfer, the gestational carrier contract and the Order Preceding Embryo Transfer shall continue in full force and effect in accordance with the parties' agreement until terminated under R.S. 9:2720.9 or 2720.11, or until a live birth occurs pursuant to the gestational carrier contract.

§2720.7. Replacement of the gestational carrier

All proceedings governed by this Chapter shall be heard by the judge in chambers or in a closed hearing, and no one shall be admitted to the hearings except the parties in interest, their attorneys, and officers of the court. The court shall determine and may modify the best interests of the embryo. If the gestational carrier is not pregnant at the time of the transfer and the transfer resulted in a pregnancy.

§2720.8. Continuing and exclusive jurisdiction

Subject to the jurisdictional requirements of the Uniform Child Custody Jurisdiction and Enforcement Act, the court having jurisdiction over the proceedings to approve a gestational carrier contract pursuant to this Part shall have exclusive, continuing jurisdiction of all matters arising out of the gestational carrier contract.

§2720.9. Termination of contract by notice

A. Before each in utero embryo transfer, the gestational carrier or either of the intended parents may terminate the gestational carrier contract by filing a motion with the court giving notice of termination and serving all other parties with the motion. Upon filing of the motion, the court shall issue an order vacating the Order Preceding Embryo Transfer.

B. A motion to terminate the gestational carrier contract may bring an action to annul a Post-Birth Order. However, except as otherwise provided in this Part, no action to annul a Post-Birth Order may be brought except on the grounds of fraud or duress.

§2720.10. Remedies

A. After an in utero embryo transfer, a failure to perform under the gestational carrier contract does not give rise to the right to dissolution. The parties' rights and responsibilities are otherwise governed by the rules of the Titles on Obligations in General and Conventional Obligations or Contracts.

§2720.11. Termination of contract and effects of divorce, nullity, and death

A. A judgment of divorce or judicial declaration of nullity of a marriage between the intended parents, entered before in utero embryo transfer, terminates the gestational carrier contract. Upon the filing of a motion notifying the court of the judgment of divorce or declaration of nullity, the court shall issue an order vacating the Order Preceding Embryo Transfer. If an embryo transfer is subsequent to the judgment of divorce or declaration of nullity, the deceased individual is not a parent of the resulting child unless the child was born within three years of the death of the decedent and the deceased agreed in writing that if the in utero embryo transfer were to occur after death, the decedent would be the mother and the child would have all rights, including the capacity to inherit from the decedent.

§2720.12. Effect of subsequent marriage

After the issuance of an Order Preceding Embryo Transfer, subsequent marriage of the gestational carrier does not affect the validity of a gestational carrier contract. The consent of the spouse is not required, and he is not a presumed father of the resulting child, notwithstanding any legal presumption to the contrary.

§2720.13. Post-Birth Order

A. Upon birth of a child to a gestational carrier within three hundred days after in utero embryo transfer, the intended parents or their successors, the gestational carrier, or her spouse shall file a motion requesting issuance of a Post-Birth Order. The motion shall be accompanied by a certified copy of the child's original birth certificate and an affidavit executed by the intended parents containing an accounting of fees and charges paid or agreed to be paid by or on behalf of the intended parents in connection with the gestational carrier contract. The motion shall also be accompanied by verification from the physician that performed the in utero embryo transfer for the intended parents into the gestational carrier that the gestational carrier was present at the time of the transfer and the transfer resulted in a pregnancy.

B. The court may order a hearing and, after finding that the parties have complied with this Part, shall issue a Post-Birth Order.

(1) If necessary, ordering that the child be surrendered to the intended parents.

(2) If necessary, ordering that the child be surrendered to the intended parents.
(d) Payment of actual travel costs related to the pregnancy and delivery, court costs, and attorney fees incurred by the gestational carrier.

(4) It shall be unlawful for any person to enter into, induce, arrange, procure, knowingly advertise for, or otherwise assist in an agreement for genetic gestational carrier, with or without compensation, whether written or unwritten. For purposes of this Section, “genetic gestational carrier” and “compensation” shall have the same meaning as defined in R.S. 9:2718.1.

(5) It shall be unlawful for any person to give or offer payment of money, objects, services, or anything of monetary value to induce any gestational carrier, whether or not she is party to an enforceable or unenforceable agreement for genetic gestational carrier or gestational carrier contract, to consent to an abortion as defined in R.S. 40:1061.9.

E. A person convicted of violating any of the provisions of this Section shall be punished by a fine not to exceed fifty thousand dollars or imprisonment with or without hard labor for not more than ten years, or both.

Section 4. Part VII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:93 through 96, is hereby enacted to read as follows:

PART VII. GESTATIONAL CARRIER DATA COLLECTION

§93. Gestational carrier data collection: purpose

The purpose of this Part shall be the compilation of relevant maternal life and health factors and data concerning gestational carriers to the extent that it is authorized by law.

§94. Forms for collection of data

The state registrar shall prescribe forms for the collection of information and statistics with respect to enforceable gestational carrier contracts. Such forms shall require but not be limited to the following information:

(1) The age, marital status, and state and parish of domicile of the gestational carrier.

(2) The parish in which the in utero embryo transfer took place.

(3) The full name and address of the physician or physicians performing or attending to the following phases of the gestational carrier:

(a) In vitro embryo transfer.

(b) Prenatal and postnatal care.

(c) Birth.

(d) Miscarriage.

(e) Induced abortion.

(f) The age, marital status, and state and parish of domicile of the intended parents.

(g) The medical reason necessitating the gestational carrier.

(h) The medical procedures employed in the birth, miscarriage, or termination of pregnancy for medical emergency as provided by R.S. 40:1061.93.

(i) The length and weight of the child born as a result of gestational carrier.

(j) The length and weight of an unborn child miscarried after the initiation of a gestational carrier.

(k) Other significant conditions or health complications of the unborn child.

(l) The results of pathological examinations of any unborn child who died as a result of pregnancy complications or termination incidental to a gestational carrier.

§95. Completion of forms; filing with vital records registry

The physician performing the in utero embryo transfer or termination of the pregnancy by birth, miscarriage, or abortion shall provide the information required by the provisions of R.S. 40:94. Such completed forms shall be transmitted by the physician to the vital records registry within fifteen days of the performance of the medical procedures and shall be confidential.

§96. Confidentiality

The vital statistics records required by this Part and the identities of the parties to a gestational carrier contract shall be confidential and shall not be subject to disclosure, release, or inspection except upon application to a competent court and in conformity with the applicable requirements of confidentiality applicable to adoptions in the Children’s Code. The reporting of the data for public health purposes shall redact any identifying information and any public report shall indicate patient numbers as assigned pursuant to rules promulgated by the Department of Health and Hospitals.

Section 5. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

§4. Exceptions

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41.73, 95.06, 526, 528, 1007, 1499.5, 1499.7, 1200.6, 1200.5, 1200.14, 1200.51, 1200.87, 1200.14, 1200.54, 1061.21, 1079.15, 1081.10, 1105.6, 1105.8, 1132.8, 1171.4, 1203.4, 1231.4, 1379.11(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.4, 2138, 2532, 2845.1

Section 6. R.S. 9:2713 is hereby repealed in its entirety.
Section 2. R.S. 40:1321(O) and (P) are hereby enacted to read as follows:

The Department of Public Safety and Corrections, office of motor vehicles, hereinafter in this Subsection referred to as “department,” shall provide for the option of the issuance of special identification cards that are compliant with the standards of REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, for official purposes, in the manner set forth in this Subsection.

(3) Any person applying for a special identification card pursuant to the provisions of this Section who elects not to apply for a special identification card that complies with REAL ID standards and who is otherwise eligible to be issued a special identification card that complies with REAL ID standards, may be issued a special identification card that is not REAL ID compliant. The applicant shall be required to indicate on the special identification card that he is not required by law to be issued a REAL ID compliant special identification card. The applicant shall be required to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a special identification card pursuant to the provisions of this Subsection. Compliance with REAL ID referenced in this Subsection shall be limited to those standards in effect as of January 1, 2016. Any subsequent changes or additions to federal laws or rules for implementation of REAL ID shall be implemented by the state only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

(4)(a) Each applicant for a special identification card shall be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. The applicant shall be required to indicate on his driver's license application whether he is applying for a REAL ID compliant driver's license or a driver's license that is not REAL ID compliant. The department shall not require the applicant to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license pursuant to the provisions of this Chapter. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not copy, scan, maintain, or share a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(b) The department shall provide each applicant for a driver's license a printed document that includes the following information:

(i) The documents that an applicant is required to provide to obtain a REAL ID compliant driver's license, and the documents an applicant is required to provide to obtain a driver's license that is not REAL ID compliant.

(ii) The purposes for which a REAL ID compliant driver's license may be utilized, the purposes for which a driver's license that is not REAL ID compliant may be utilized.

(iii) The electronic technology incorporated into a REAL ID compliant driver's license, and the electronic technology incorporated into a driver's license that is not REAL ID compliant.

(c) “Photographs” shall mean and include any captured image, digital or otherwise, of a person's face. It shall include all copies, scans, or digital images of such image.

(d)(a) Each applicant for a special identification card shall be informed that he is not required by law to be issued a REAL ID special identification card and may be issued a special identification card that is not REAL ID compliant. The applicant shall be required to indicate on the special identification card that he is not required by law to be issued a REAL ID compliant special identification card. The applicant shall be required to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a special identification card. If the person has elected not to apply for a REAL ID compliant special identification card, the department shall not copy, scan, maintain or share a copy of the applicant's documents proving his identity obtained from any person in the process of applying for the issuance or renewal of a special identification card. Documents proving identity shall include but not be limited to the applicant's birth certificate, social security card, or United States issued passport. If the person has elected not to apply for a REAL ID compliant special identification card, the department shall not scan or maintain a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(5) Compliance with REAL ID referenced in this Subsection shall be limited to those standards in effect as of January 1, 2016. Any subsequent changes or additions to federal laws or rules for implementation of REAL ID shall be implemented by the state only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

(6) Any eligible person electing to obtain a driver's license which bears a United States Department of Homeland Security approved security marking reflecting that such credential meets REAL ID standards prior to the renewal date of his driver's license may be issued such a driver's license at the cost of a duplicate license.

(7) Upon the request of any applicant for a driver's license, the department shall record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's photographs.

(8) The department shall not participate in any programs that exchange or allow the access of facial biometric data of Louisiana citizens obtained in the issuance or renewal of a Louisiana driver's license. If the person has elected not to apply for a REAL ID compliant driver's license pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, and for official purposes, in the manner set forth in this Subsection, A person who is issued a REAL ID compliant driver's license shall not be issued a REAL ID compliant special identification card.

(3) Any person applying for a special identification card pursuant to the provisions of this Chapter, who elects not to apply for a driver's license that complies with REAL ID standards, and who is otherwise eligible to be issued a driver's license pursuant to the provisions of this Chapter, shall be issued a driver's license which indicates the license's driver is not in compliance with REAL ID. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not require the applicant to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license pursuant to the provisions of this Chapter. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not copy, scan, maintain, or share a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(4)(a) Each applicant for a special identification card shall be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. The applicant shall be required to indicate on his driver's license application whether he is applying for a REAL ID compliant driver's license or a driver's license that is not REAL ID compliant. The department shall not require the applicant to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license pursuant to the provisions of this Chapter. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not copy, scan, maintain, or share a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(b) The department shall provide each applicant for a driver's license a printed document that includes the following information:

(i) The documents that an applicant is required to provide to obtain a REAL ID compliant driver's license, and the documents an applicant is required to provide to obtain a driver's license that is not REAL ID compliant.

(ii) The purposes for which a REAL ID compliant driver's license may be utilized, the purposes for which a driver's license that is not REAL ID compliant may be utilized.

(iii) The electronic technology incorporated into a REAL ID compliant driver's license, and the electronic technology incorporated into a driver's license that is not REAL ID compliant.

(c) “Photographs” shall mean and include any captured image, digital or otherwise, of a person's face. It shall include all copies, scans, or digital images of such image.

(5) Any eligible person electing to obtain a driver's license which bears a United States Department of Homeland Security approved security marking reflecting that such credential meets REAL ID standards prior to the renewal date of his driver's license may be issued such a driver's license at the cost of a duplicate license.

(6) Upon request of any person, any personal identifying source documents or photographs of such person obtained by the department or a contractor in the process of a person applying for or renewing a driver's license between July 7, 2008, and January 1, 2016, shall be disposed of as follows:

(a) Personal identifying source documents shall be removed and purged from department and contractor databases and systems.

(b) Photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(c) Photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(d) As used in this Subsection, the following terms shall mean and include:

(a) Personal identifying source documents” shall mean and include any captured image, digital or otherwise, of a person's face. It shall include all copies, scans, or digital images of such image.

(b) “Personal identifying source documents” shall mean and include any captured image, digital or otherwise, of a person's face. It shall include all copies, scans, or digital images of such image.
P.1) Upon the request of any person, any personal identifying source documents or photographs of such person obtained by the department or a contractor in the process of a person applying for or renewing a special identification card between July 7, 2008, and the effective date of this Subsection that were not required by state law to be captured by the department or a contractor as of July 7, 2008, shall be disposed of as follows:

(a) Personal identifying source documents shall be removed and purged from department and contractor databases and systems.

(b) All photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(2) As used in this Subsection, the following terms shall mean and include:

(a) “Contractor” shall mean and include any contractor of the department or any affiliate or subsidiary of such contractor and any subcontractor of such contractor or any affiliate or subsidiary of such subcontractor.

(b) “Personal identifying source documents” shall mean and include any document containing an image of a person’s face. It shall include all copies, scans, or digital images of such documents.

(c) “Photographs” shall mean and include any captured image, digital or otherwise, of a person’s face. It shall include all copies, scans, or digital images of such image.

Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of the Legislature are hereby repealed.

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

Approved by the Governor, June 14, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 497

SENATE BILL NO. 260
BY SENATOR MORRISH AND REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 17:3973(2)(a) and (3), 3982(B)(1) and (2)(a), 3983(A) (4)(a) and (d) and (B)(2), 3991(H), the introductory paragraph of 3995(A)(1) and (c), (3)(b), (4)(a)(i) and (H), 3996(G), and 4001(A) and (C)(1) and (2) and to repeal R.S. 17:3973(2)(b)(vi) and (4), 3974(A), 3981.1, 3981.2, and 3983(A) (2)(d), (D)(2), and (E)(3), relative to charter schools; to revise the definition of a chartering authority; to remove the authority of the State Board of Elementary and Secondary Education to certify certain entities as local charter authorizers; to remove the authority of local charter authorizers to approve charter proposals and to enter into charters; to eliminate certain types of charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3973(2)(a) and (3), 3982(B)(1) and (2)(a), 3983(A) (4)(a) and (d) and (B)(2), 3991(H), the introductory paragraph of 3995(A)(1) and (c), (3)(b), (4)(a)(i) and (H), 3996(G), and 4001(A) and (C)(1) and (2) are hereby amended and reenacted to read as follows:

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

(2) “Charter school” means an independent public school that provides a program of elementary or secondary education, or both, established pursuant to and in accordance with the provisions of this Chapter to provide a learning environment that will improve pupil achievement. Nothing in this Chapter shall be construed to prohibit a Type 1, Type 3, Type 3, Type 3B, or Type 4 charter school from having a residential component.

(3) “Chartering authority” means either a local school board; a local charter authorizer; or the State Board of Elementary and Secondary Education.

§3982. Local school boards; duties; Orleans Parish School Board; immovable property; sale or lease

B.1) Local school boards shall make available to chartering groups any vacant school facilities or land that was to be vacant for lease or purchase up to fair market value. In the case of a Type 1, 3, or 3B charter school created as a result of a conversion, the facility and all property within the existing school shall be made available to that chartering group. In return for the use of the facility and its contents, the chartering group shall pay a proportionate share of the local school board’s bonded indebtedness to be calculated in the same manner as set forth in R.S. 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school board, then such facilities including all equipment, books, instructional materials, and furniture within such facilities shall be provided to the charter school at no cost.

(4)(a) The Orleans Parish School Board shall make available to chartering groups, for lease or purchase up to fair market value, any school facility or other immovable property, whether improved or unimproved, that is owned by the school board and that is vacant or slated to be vacant. In the case of a Type 1B or a Type 2 charter school created as a result of a conversion, the immovable property, including any unimproved property and all other school board property within the existing school shall be made available to that chartering group. In return for the use of the facility and its contents, the chartering group shall pay a proportionate share of the local school board’s bonded indebtedness to be calculated in the same manner as set forth in R.S. 17:1990(C)(2)(a)(i). If such facility were constructed at no cost to the local school board, then such facilities including all equipment, books, instructional materials, and furniture within such facilities shall be provided to the charter school at no cost.

§3983. Chartering process by type; eligibility; limitations; faculty approval; parental approval

A.

(4)(a) A local school board and a local charter authorizer may enter into any charter it finds valid, complete, financially well-structured, and educationally sound after meeting the requirements of this Chapter. Each such charter entered into shall be reported by the local school board or local charter authorizer to the state board not less than two business days following the event.

(d) Prior to the consideration of a charter school proposal by any local school board, a local charter authorizer or the state board, each charter applicant shall be afforded the opportunity to provide written response to the independent evaluation conducted in accordance with R.S. 17:3981(A), 3991(D)(ii), or 3982(A)(1)(a)(i), as applicable. Such response shall be available to the independent reviewers for consideration prior to issuing a final recommendation to the chartering authority. However, if a proposal is not approved by the local school board or local charter authorizer and then also not approved by the state board within the same approval cycle, then the proposal shall be submitted to the local school board or local charter authorizer for its consideration during the next approval cycle prior to being submitted to the state board.

B.

(2) Additionally, each approved charter may be approved subject to whatever other resolutive or suspensive conditions the chartering authority requires provided those entering into the charter agree with the conditions. If the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may petition the state board to convert to a Type 2 charter school. Upon receipt of such request, the state board shall notify the local board or local charter authorizer of the request and shall permit the local board or local charter authorizer to provide a response prior to any action on such request.

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

H. Any assets acquired by a Type 1, 2, 3, 3B, or 5 charter school are the property of that charter school for the duration of that school’s charter agreement. Any assets acquired by a Type 4 charter school are the property of the local school board. If the charter agreement of any Type 1, 2, 3, 3B, or 5 charter school is revoked or the school otherwise ceases to operate, all assets purchased with any public funds become the property of the chartering authority. Assets that become the property of a local charter authority pursuant to this Subsection shall be used solely for purposes of education.

§3995. Charter school funding

A.1) For the purpose of funding, a Type 1, 3, 3B not acting as its own local education agency, and Type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement. Type 1B and Type 2 charter schools and a Type 3B charter school acting as its own local education agency shall receive a per pupil amount each year authorized by the state board each year as provided in the approved minimum foundation program formula. The per pupil amount provided to a Type 1, 2, 3, 3B, or 4 charter school shall be computed annually and shall be equal to the per pupil amount provided through the foundation program formula as determined by the allocation weights in the formula based upon student characteristics or needs, received by the school district in which the student resides from the following sources based on the district’s membership count used in the minimum foundation program formula.
(c) The provisions of this Paragraph permitting the calculation of the per pupil amount to be provided to a Type 1, Type 2, 3, 3B, or 4 charter school to exclude any portion of local revenues specifically dedicated by the legislature or by voter approval to capital outlay or debt service, shall be applicable only to a charter school housed in a facility or facilities provided by the district in which the charter school is located.

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

(b) Beginning July 1, 2016, for a district with one or more Type 3B charter schools in a parish that contains a municipality with a population of three hundred thousand or more persons according to the latest federal decennial census, the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, 1B, 2, 3, 3B, 4, and 5 charter schools with the authorized charter schools, and advocates for students with disabilities in the development of the district-level allocation policy that shall take effect on July 1, 2016.

(4)(a) The state board, and a local school board, and a local charter shall be required to submit no

* * *

Section 2. R.S. 17:3973(2)(b)(vii) and (4), 3974(A), 3981.1, 3981.2, and 3983(A)(2)

Section 3. The certification of any local charter by the State Board for School Development and Board of Educators by the state board shall be effective.

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

Approved by the Governor, June 14, 2016.

A true copy:

Tom Schneider
Secretary of State

ACT No. 498

BY SENATOR MORRIS AND REPRESENTATIVES PRICE AND SMITH

To enact R.S. 17:24.4(F)(1)(g), relative to statewide content standards and assessments for required subjects; to provide for the use of such results and information for specified purposes including purposes of distributing school and district letter grades, teacher evaluations, and pupil progression; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.4(F)(1)(g) is hereby enacted to read as follows:

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

(F)(1)(a)

(F)(1)(a) * * *

(F)(1)(b)

(F)(1)(c)

For the 2016-2017 school year

(i) The board shall collect results from the assessments administered to students but shall not require the use of such assessments for purposes of evaluating teacher performance or making placement decisions for fourth and eighth grade students.

(ii) The board shall use the statewide results from the assessments as the basis for a distribution of school and district letter grades that shall not vary from the distribution of letter grades resulting from the 2012-2013 assessment results, unless schools or districts improve in their performance such that the overall distribution of letter grades is better than the 2012-2013 distribution.

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

Approved by the Governor, June 14, 2016.

A true copy:

Tom Schneider
Secretary of State

ACT No. 499

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS AND MARCELLE

To amend and reenact R.S. 15:1087 and Children’s Code Arts. 815, 898, 900(A), and 1009.1(A) and (C) and to enact Part V-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:931 through 945, relative to juvenile justice; to provide for data compilation and reporting; to provide for program evaluation and funding; to provide for certain periods of detention in juvenile facilities under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:1087 is hereby amended and reenacted and Part V-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:931 through 945, is hereby enacted to read as follows:

PART V-A. JUVENILE JUSTICE ACCOUNTABILITY

AND COST EFFECTIVENESS

SUBPART I. DATA AND ACCOUNTABILITY

§931. Purpose and policy

It is hereby declared to be the policy of the state of Louisiana that all government agencies and officers, all government subdivisions, and all organizations and individuals working with children in the juvenile justice system shall conduct a continuing inquiry into the efficacy, cost effectiveness, and impact on public safety of the treatment and supervision methods that the juvenile justice system employs. The purpose of this policy is to promote accountability, efficiency, and cost effectiveness, and to facilitate continuous improvement by requiring regular reporting of clear and reliable data on Louisiana’s juvenile justice system.

§932. Definitions

As used in this Subpart, the following words shall have the following meaning:

(1) “Episode” shall mean a singular instance in which a youth is placed under the supervision, care, or custody of the office of juvenile justice.

(2) “Office of juvenile justice” or “the office” shall mean the Department of Public Safety and Corrections, youth services, office of juvenile justice.

§933. Office of juvenile justice: statistical data collection; reporting

A. The office of juvenile justice shall collect, maintain, and regularly report a record of statistical data concerning the services it provides, the youth it serves, the outcomes experienced by the youth, and the funds it expends.

B. Publication and reporting. (1) The office of juvenile justice shall tabulate, analyze, and publish electronically, on the website maintained by the office of juvenile justice, on or before January fifteenth and June fifteenth of each year, the complete set of statistical data required to be collected and reported under this Section.

(2) The first such electronic publication of all data collected and reported in this Section shall be published electronically no later than January 15, 2018.

(3) The statistical data published under this Section shall not include any identifying information served by the office of juvenile justice, but shall be limited to the nonidentifying information authorized for release under Children's Code Article 412(B).

C. Maintenance of data. All data collected and maintained under this Section shall be maintained by the office and shall remain available through the office’s website for a minimum of five years after collection.

D. Data to be collected and maintained. The data collected and maintained under this Section shall include but not be limited to the following data points for each child served:

(1) Name.

(2) Unique identification number assigned for the purposes of analyzing and reporting de-identified data.

(3) Date of birth.

(4) Gender.

(5) Race and ethnicity.

(6) Parish of residence.

(7) Parish in which the child was committed or placed on probation.

(8) Offenses with which the child was initially petitioned, with each offense stored as an individual variable.

(9) Offenses of adjudication, including variety of status offense, if applicable, with each offense stored as an individual variable.

(10) Date of adjudication prior to the disposition resulting in the child being placed under the supervision, care, or custody of the office of juvenile justice.

(11) Date of disposition resulting in the child being placed in the supervision, care, or custody of the office of juvenile justice.

(12) The child’s total number of prior episodes, disaggregated by whether the offense leading to each episode was a misdemeanor, felony, or both.

(13) The most serious known offense of the child.

(14) Length of disposition imposed that resulted in the child being placed under the supervision, care, or custody of the office of juvenile justice.

(15) Length of suspended commitment imposed that resulted in the child being placed under the supervision, care, or custody of the office of juvenile justice.

(16) If the child was revoked on probation or parole, whether the revocation was initiated by motion of the office of juvenile justice, the district attorney, or both.

(17) The initial judicial disposition of a child committed to the custody of the office of juvenile justice.

(18) The initial office of juvenile justice disposition for a child committed to the custody of the office of juvenile justice.

(19) The total amount of time spent in nonsecure care.

(20) The total amount of time spent in nonsecure care.

(21) The release date.

(22) The length of time on parole supervision.

(23) If any recommendation is made for the early release by the office of juvenile justice.

(24) Whether or not the office of juvenile justice’s recommendation for early release was granted.

(25) The number of days spent in a detention center after commitment to the office of juvenile justice and prior to placement in a secure or nonsecure facility.

(26) If the child was committed to the secure custody of the office of juvenile justice:

(a) The last school grade completed by the child before commitment.

(b) The last school grade completed by the child upon release from the custody of the office of juvenile justice.

(c) If the child was on HiSET or Carnegie Units while in the custody of the office of juvenile justice.

(27) Data to be reported: the reports mandated by the office of juvenile justice shall include but not be limited to the following data:

(1) Disaggregated by race, ethnicity, gender, parish of prosecution, and most serious offense of adjudication, data including:

(a) The total number of children admitted to the custody of the office of juvenile justice during the preceding year, further disaggregated by whether the admission was incident to an initial disposition, a revocation of probation, or a revocation of parole.

(b) The total number of children who spent a minimum of one day in the office of juvenile justice’s secure custody during the preceding year.

(c) The total number of children who spent a minimum of one day in the office of juvenile justice’s nonsecure custody during the preceding year.

(d) The duration of the commitment imposed by the court for all children admitted to the custody of the office of juvenile justice during the preceding year.

(e) The average length of stay in secure custody of all children released from the office of juvenile justice’s secure custody in the preceding year.

(f) The average length of stay in nonsecure custody of all children released from the office of juvenile justice’s nonsecure custody in the preceding year.

(g) The total number of youth placed under the probation supervision of the office of juvenile justice during the preceding year.

(h) The total number of youth placed under the parole supervision of the office of juvenile justice during the preceding year.

(i) The total number of days spent by youth in a detention center after commitment to the office of juvenile justice, but before placement in a nonsecure facility, or elsewhere, during the preceding year.

(j) The total number of days spent by children committed to the custody of the office of juvenile justice in each office of juvenile justice secure facility, and in each nonsecure facility in which the office of juvenile justice places youth in its custody, during the preceding year.

(k) The total number of days spent by children who were on parole supervision of the office of juvenile justice during the preceding year, disaggregated by legal status.

(2) The one-, two-, and three-year recidivism rates of youth served by the office of juvenile justice, disaggregated by most serious offense of adjudication and whether the youth was served on probation, in secure custody, or in nonsecure custody.

(3) The one-, two-, and three-year recidivism rates of youth served by the office of juvenile justice, disaggregated by methodology, for the following costs: staffing cost; facility maintenance cost; and cost of educational services.

(4) The total amount actually paid by the state of Louisiana to each nonsecure facility for the custody and care of youth committed to the custody of the office of juvenile justice during the preceding year.

§934. Detention centers

A. All facilities that detain juveniles pursuant to Title VII or Title VIII of the Louisiana Children’s Code shall collect and maintain data on each child detained. This data shall be retained permanently by the facility and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by the Department of Children and Family Services, and by persons collecting aggregate statistical information.

B. The data collected and maintained shall include but not be limited to the following information for each child:

(1) Name.

(2) Unique identification number assigned for the purposes of analyzing and reporting de-identified data.

(3) Date of birth.

(4) Gender.

(5) Race and ethnicity.

(6) Address.

(7) Reason for detention, including if applicable the most serious alleged offense.

(8) The date and time of the child’s entry into and exit from the juvenile detention center.

(9) Authority for confinement.

(10) The name of the officer and the law enforcement agency employing the officer responsible for transporting the child to the juvenile detention center.

(11) Whether the alleged offense occurred in a school, place of business, the child’s home, or other location and the name of the school if the offense is alleged to have occurred in a school.
Whether the referral source was a law enforcement agency, a school, a family member, or other, including the name of the school or law enforcement agency if the referring source was a school or law enforcement agency.

The child's score on a detention screening tool or risk assessment, if applicable.

The reason for detention if the child's detention screening tool or risk assessment score does not mandate detention.

The reason for detention which may include but not be limited to pre-adjudication detention, detention while awaiting a post-disposition placement, or serving a short-term program disposition.

Date of and authority for release or transfer.

Name of person to whom the child was released or the location where the child was transferred.

SUBPART II. JUVENILE JUSTICE REINVESTMENT PROGRAM

§941. Purpose and policy

It is hereby declared to be the policy and intent of the state of Louisiana to promote and improve the enforcement and administration of criminal justice, the Juvenile Justice Reinvestment Program as a fiscal incentive program to fund local efforts that provide alternatives to out-of-home placement.

A. The commission shall establish the program application and award process, including but not limited to the following:

(i) The use of evidence-based practices in program design.

(ii) How the program reduces the use of out-of-home placements.

(iii) How the program reduces recidivism.

(iv) How the program establishes or utilizes educational, vocational, substance abuse, and other services to improve the mental, health, or family intervention services, and local alternatives to detention.

(c) Description of how the proposed program collaborates with schools, community-based entities serving children and families, the office of juvenile justice, and local governmental divisions or departments of juvenile justice.

(d) A description of performance measures to be utilized to measure the outcome and overall impact of the program.

The implementation of the grant applications and the award of the grants including the following:

(a) A committee that includes subject matter experts to review the applications.

(b) Criteria to be utilized in awarding the grants, including but not limited to the following:

(i) The use of evidence-based practices in program design.

(ii) How the program reduces the use of out-of-home placements.

(iii) How the program reduces recidivism.

(iv) How the program establishes or utilizes educational, vocational, substance abuse, and other services to improve the mental, health, or family intervention services, and local alternatives to detention.

(c) Whether grant funds will be used to leverage existing funding resources or increase access to existing resources.

(d) Geographical distribution.

(e) The number of youth potentially served by the program or service.

(f) The cost of the program or service.

§942. Definitions

For the purposes of this Subpart, the following words shall have the following meaning:

(1) “Commission” shall mean the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(2) “Out-of-home placement” shall mean placement of a child in a juvenile detention center, or commitment of the child to the legal custody of the office of juvenile justice, pursuant to Articles 808, 812, and 814 of the Louisiana Children's Code. A child is deemed in the legal custody of the office of juvenile justice from the date of judicial commitment, whether or not the child is in the physical custody of the office of juvenile justice.

(3) “Program” shall mean the Juvenile Justice Reinvestment Program, a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs.

A. There is hereby established, within the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the Juvenile Justice Reinvestment Program as a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs.

B. Funds appropriated for the program shall be utilized for renewable grants to be awarded to judicial districts, or groups of judicial districts, for the purpose of establishing community-based sanction and treatment programs, including reentry programs, that provide alternatives to out-of-home placement.

§944. Program funding

A. Before January 1, 2017, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall determine the following:

(1) A baseline for calculating reductions and increases in custody placements using Fiscal Year 2016 data that includes all commitments to office of juvenile justice custody from each judicial district in the state.

(2) The average cost per day per child to the state for secure custody and the average cost per day per child to the state for nonsecure custody.

B. Reporting and calculations

(1) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall make a report on the fiscal impact realized as a result of reductions or increases in custody placements.

(2) The report shall be calculated based on the determinations required in Subsection A of this Section and based on the total number of days spent in custody by children in the same fiscal year, disaggregated by judicial district of origin of each child. The office of juvenile justice shall provide data to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice as necessary for the report.

C. Program implementation

The report shall be sent to the commissioner of administration, the chair of the Senate Committee on Appropriations, and the chair of the Juvenile Justice Reform Act Implementation Commission.

D. Reimbursements

The legislature, that beginning in the fiscal year that starts July 1, 2017, and continuing indefinitely on an annual basis, a minimum of seventy-five percent of all savings realized by the state from reductions in custody placements below the Fiscal Year 2016 baseline be designated by the governor and appropriated by the legislature for use in funding the Juvenile Justice Reinvestment Program.

§945. Program design

A. The commission shall establish the program application and award process, including but not limited to the following:

(a) The requirement that the children and youth planning board within each judicial district will be responsible for grant application and implementation for that judicial district. In the event that a group of judicial districts apply jointly for grant awards, the chair of the group of judicial districts shall indicate in writing its consent to the application and all applicant districts together shall designate a committee of persons who shall be responsible for the grant application and implementation.

(b) A description of the proposed program region and the juvenile justice need the program is intended to meet.

(c) A description of how the proposed program collaborates with schools, community-based entities serving children and families, the office of juvenile justice, and local governmental divisions or departments of juvenile justice.

(d) A description of performance measures to be utilized to measure the outcome and overall impact of the program.

The implementation of the grant applications and the award of the grants including the following:

(a) A committee that includes subject matter experts to review the applications.

(b) Criteria to be utilized in awarding the grants, including but not limited to the following:

(i) The use of evidence-based practices in program design.

(ii) How the program reduces the use of out-of-home placements.

(iii) How the program reduces recidivism.

(iv) How the program establishes or utilizes educational, vocational, substance abuse, and other services to improve the mental, health, or family intervention services, and local alternatives to detention.

(c) Whether grant funds will be used to leverage existing funding resources or increase access to existing resources.

(d) Geographical distribution.

(e) The number of youth potentially served by the program or service.

(f) The cost of the program or service.

§1087. Non-state providers; contracts; performance-based contracting and grant making

A. For the purposes of this Section, “contract” shall mean any legally binding agreement that provides for services to youth or their families in exchange for the direct or indirect payment, exchange, or granting of funds.

B. In fulfilling the purpose of Subsection A of this Section:

(1) The Juvenile Justice Reinvestment Program shall be delivered through contracts with non-state providers for services to juvenile offenders assigned to the Department of Public Safety and Corrections office of juvenile justice, and/or to their families, shall not exceed a term of five years without renewal and renegotiation. Nothing in this Section shall prohibit the department from entering into agreements or contracts for the provision of services to juvenile offenders, the cost of which is reduced by sixty percent as compared to the applicant's baseline, if the applicant's baseline is reduced by sixty percent as compared to the applicant's baseline, if the applicant has substantially complied with the requirements of the program, but has not attained the reductions required in this Subsection, the applicant may apply for a grant renewal if there is a fifteen percent reduction in the number of commitments to the office of juvenile justice, or a combination thereof during year one as compared to the applicant's baseline.

(2) Grants for the purposes of this Subpart, the following words shall have the following meaning:

(5) “Program” shall mean the Juvenile Justice Reinvestment Program, a fiscal incentive program to fund local efforts that provide alternatives to out-of-home placement.

(6) “Performance” shall mean the average cost per day per child to the state for secure custody and the average cost per day per child to the state for nonsecure custody.

(17) “Other costs” shall mean the average cost per day per child to the state for nonsecure custody.

(19) “Grandfathered client” shall mean the child who has been released to the care of his parents pursuant to Article 814(1).

B. Except as provided in Paragraph F of this Article, if the child has been taken into custody for the commission of a felony-grade delinquent act or of a misdemeanor-grade delinquent act based upon an offense against the person of another, the child shall be taken to a juvenile detention center.

C. Except as provided in Paragraph F of this Article, for the commission of any other misdemeanor-grade delinquent act, the child shall be taken to either a shelter care facility or a juvenile detention center.
D. Notwithstanding any other provision of this Code or other provision of law to the contrary, no judge shall order that a youth who is thirteen years of age or older and who is taken into custody for a felony-grade delinquent act or a misdemeanor-grade delinquent act based upon an offense against the person of another be placed in a shelter care facility.

E. The governing authority of the parish or municipality requesting placement of a juvenile in either a regional detention center or a shelter care facility shall be responsible to the regional detention center or shelter care facility for the cost of confinement in accordance with a schedule which may be adopted by the regional detention center or shelter care facility.

F. No child under the age of thirteen shall be detained in a juvenile detention center after being taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

Art. 989. Duration of a disposition based on a felony-grade adjudication
A. No judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for a maximum of two years.

B. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

C. No maximum do not apply if:

1. The child was under thirteen at the time of a commitment to custody of the Department of Public Safety and Corrections, in which case the child shall terminate upon the child's reaching age eighteen.

2. A portion of an order of commitment was suspended, when permitted by law, when the child has served the total duration of the commitment served shall not exceed nine months, including credit for time spent in detention prior to the imposition of the disposition unless all of the following conditions are met:

(a) The child is brought in person before the court for a contradictory modification hearing, pursuant to Article 909 et seq., before the lapse of the maximum duration of the initial nine-month commitment.

(b) The court finds by clear and convincing evidence that continued out-of-home placement is necessary for completion of the child's treatment.

(c) The court finds that the total duration of the order of commitment shall not exceed the maximum provided in this Article.

3. The provisions of this Paragraph may be waived at the time of disposition if the waiver is knowing, intelligent, and voluntary and made after the child is afforded an adequate and meaningful opportunity to consult with counsel.

4. The duration of the probation shall not exceed eighteen months unless all of the following conditions are met:

(a) The child is brought in person before the court for a contradictory modification hearing, as provided in Article 909 et seq., before the lapse of the maximum duration of the initial eighteen-month probationary period.

(b) The court finds by clear and convincing evidence that continued probation is necessary for completion of the child's treatment.

5. The provisions of this Paragraph may be waived at the time of disposition if the waiver is knowing, intelligent, and voluntary and made after the child is afforded an adequate and meaningful opportunity to consult with counsel.

6. The duration of a disposition based on a misdemeanor-grade adjudication
A. No judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for a maximum of one year.

B. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

C. No maximum do not apply if:

1. The child is brought in person before the court for a contradictory modification hearing, pursuant to Article 909 et seq., before the lapse of the maximum duration of the initial one-year commitment.

2. The court finds by clear and convincing evidence that continued out-of-home placement is necessary for completion of the child's treatment.

3. The court finds that the total duration of the order of commitment shall not exceed the maximum provided in this Article.

4. The provisions of this Paragraph may be waived at the time of disposition if the waiver is knowing, intelligent, and voluntary and made after the child is afforded an adequate and meaningful opportunity to consult with counsel.

5. The child is brought in person before the court for a contradictory modification hearing, as provided in Article 909 et seq., before the lapse of the maximum duration of the initial eighteen-month probationary period.

6. The court finds by clear and convincing evidence that continued probation is necessary for completion of the child's treatment.

7. The provisions of this Paragraph may be waived at the time of disposition if the waiver is knowing, intelligent, and voluntary and made after the child is afforded an adequate and meaningful opportunity to consult with counsel.

8. The Except as provided in Article 908, Notwithstanding any other provisions of law to the contrary, the Department of Public Safety and Corrections, office of juvenile justice, shall have sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for children described in this Title.

9. To amend and reenact Children's Code Art. 908(A), R.S. 15:905(A), (B), and (C), and the introductory paragraph of R.S. 17:3911(B)(1) and (3) and (C)(2), and 3912(A), and to enact R.S. 17:3911(B)(1)(J), relative to educational programs in juvenile justice facilities; to require oversight, accountability and control of the educational services delivered in juvenile justice facilities; to create a mutual accountability team; to provide for a specialized school performance score calculation system; to require the maintenance of certain data; and to provide for related matters.

To be enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 908(A) is hereby amended and reenacted to read as follows:

Art. 908. Care and treatment by department
A. Except as provided in Article 906, Notwithstanding any other provisions of law to the contrary, the Department of Public Safety and Corrections, office of juvenile justice, shall have sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for children described in this Title.

B. The Except as otherwise provided in laws and rules concerning oversight, accountability, and quality control of educational services delivered in juvenile justice facilities, the Department of Public Safety and Corrections, office of juvenile justice, shall have full control of all juvenile institutions, facilities, and programs under its administration and the affairs of such institutions, facilities, and programs and shall adopt all rules and regulations which it deems essential to the proper conduct of these institutions, facilities, and programs. All children in these juvenile
establish all rules and regulations for the placement, care, and treatment of juveniles in the custody of the office of juvenile justice.

C. Notwithstanding any other provisions of law to the contrary, Except as otherwise provided in laws and rules concerning oversight, accountability, and quality control of educational services delivered in state juvenile justice facilities, the deputy secretary for youth services shall establish policies and regulations for the placement, care, and treatment of a juvenile in the custody of the office of juvenile justice.

Section 3. The introductory paragraph of R.S. 17:3911(B)(1) and (3), (C)(2), and 3912(A) are hereby amended and reenacted, and R.S. 17:109 and 100.1(D) are hereby enacted to read as follows:

§10.9. Accountability: office of juvenile justice schools

A. The state school and district accountability program shall include all office of juvenile justice schools. For the purposes of this Section, “office of juvenile justice schools” shall mean all schools and programs providing educational services to students in secure care facilities operated by, or contracted under the authority of the Department of Public Safety and Corrections, youth services, office of juvenile justice.

B. Not later than July 1, 2016, the State Board of Elementary and Secondary Education shall convene a mutual accountability team as an ad hoc subcommittee of the School and District Accountability Commission. Not later than March 1, 2017, the mutual accountability team shall recommend to the board all rules and regulations for the placement, care, and treatment of juveniles in the custody of the office of juvenile justice.

The specialized accountability program for office of juvenile justice schools shall be consistent with the accountability program mandated for all schools in Louisiana and contain appropriate considerations for schools in secure juvenile justice facilities. The mutual accountability team shall consist of:

(1) One member of the School and District Accountability Commission to be designated by the chairperson of the School and District Accountability Commission, not later than March 1, 2017;

(2) One representative of a national nonprofit organization designated by the chairperson of the Juvenile Justice Reform Act Implementation subcommittee of the School and District Accountability Commission. No later than March 1, 2017, the mutual accountability team shall recommend selection criteria for assessment tools and accountability tools to be used in the accountability program for office of juvenile justice schools. The specialized accountability program for office of juvenile justice schools shall be consistent with the accountability program mandated for all schools in Louisiana and contain appropriate considerations for schools in secure juvenile justice facilities. The mutual accountability team shall consist of:

(i) The mutual accountability team shall recommend a uniform assessment protocol for identifying students entering office of juvenile justice schools with disabilities, including those who are dual enrolled in postsecondary education.

(ii) The mutual accountability team shall recommend a uniform assessment protocol to assess the readiness of students to take a high school equivalency test. For students who demonstrate readiness, the team shall recommend a benchmark passage rate against which student and school progress can be measured.

(iii) School attendance, defined as the percentage of students who are physically present in classrooms for school and educational programs,

(iv) The percentage of students pursuing a high school diploma; an industry-based certification approved by the State Board of Elementary and Secondary Education; a recognized high school diploma equivalent; credits for advanced placement courses, including but not limited to advanced placement courses and concurrent enrollment courses, which students are dual enrolled in postsecondary education institutions; and postsecondary education programs.

(v) Performance in educating youth with exceptionalities, including identifying specific learning disabilities and replicating best practices Individualized Education Programs, and providing services and supports mandated by Individualized Education Programs.

(vi) Re-enrollment in school or other educational or vocational training programs after leaving office of juvenile justice custody.

(vii) In post-release high school, postsecondary education, or job-training programs.

B. Not later than March 1, 2017, the mutual accountability team and the State Board of Elementary and Secondary Education shall develop and adopt rules in accordance with the Administrative Procedure Act to establish a specialized accountability program for office of juvenile justice schools based on recommendations of the mutual accountability team. The specialized accountability program for office of juvenile justice schools shall include:

(1) A specialized school report card for use in assessment of student achievement in office of juvenile justice schools. The report cards shall be consistent with other accountability systems as required by law and must articulate additional criteria tailored to measuring the progress of students in secure care facilities, such as the performance of those schools. In articulating these criteria, the mutual accountability team and the State Board of Elementary and Secondary Education shall consider but are not limited to:

(a) Student growth in reading and math as measured through an appropriate assessment instrument. The assessment instrument shall be administered to all students in office of juvenile justice schools upon entry, upon release, or at other appropriate intervals during the students’ term of custody. The mutual accountability team shall select additional criteria for assessment instruction, recommend benchmark standards around participation, and report the results on a school, district, and state level.

(b) Credit accumulation. The mutual accountability team shall recommend a mechanism through which the office of juvenile justice and the state Department of Education shall track students’ credit accumulation and recommend a benchmark standard for credit accumulation. The report cards shall indicate rates of student credit accumulation and equivalent passage rates.

(2) The mutual accountability team shall recommend a uniform assessment protocol for identifying students entering office of juvenile justice schools with disabilities, including those who are dual enrolled in postsecondary education.

(3) School attendance, defined as the percentage of students who are physically present in classrooms for school and educational programs.

(4) The percentage of students pursuing a high school diploma; an industry-based certification approved by the State Board of Elementary and Secondary Education; a recognized high school diploma equivalent; credits for advanced placement courses, including but not limited to advanced placement courses and concurrent enrollment courses, which students are dual enrolled in postsecondary education institutions; and postsecondary education programs.

(5) Performance in educating youth with exceptionalities, including identifying specific learning disabilities and replicating best practices Individualized Education Programs, and providing services and supports mandated by Individualized Education Programs.

(6) Re-enrollment in school or other educational or vocational training programs after leaving office of juvenile justice custody.

(7) In post-release high school, postsecondary education, or job-training programs.

C. Not later than March 1, 2017, the State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to establish a specialized accountability program for office of juvenile justice schools. The specialized accountability program for office of juvenile justice schools shall include:

(1) A specialized school report card for use in assessment of student achievement in office of juvenile justice schools. The report cards shall be consistent with other accountability systems as required by law and must articulate additional criteria tailored to measuring the progress of students in secure care facilities, such as the performance of those schools. In articulating these criteria, the mutual accountability team and the State Board of Elementary and Secondary Education shall consider but are not limited to:

(a) Student growth in reading and math as measured through an appropriate assessment instrument. The assessment instrument shall be administered to all students in office of juvenile justice schools upon entry, upon release, or at other appropriate intervals during the students’ term of custody. The mutual accountability team shall select additional criteria for assessment instruction, recommend benchmark standards around participation, and report the results on a school, district, and state level.

(b) Credit accumulation. The mutual accountability team shall recommend a mechanism through which the office of juvenile justice and the state Department of Education shall track students’ credit accumulation and recommend a benchmark standard for credit accumulation. The report cards shall indicate rates of student credit accumulation and equivalent passage rates.

(2) The mutual accountability team shall recommend a uniform assessment protocol for identifying students entering office of juvenile justice schools with disabilities, including those who are dual enrolled in postsecondary education.

(3) School attendance, defined as the percentage of students who are physically present in classrooms for school and educational programs.
SECTION 3. The department shall:

(2) Assist each local board and the office of juvenile justice in compiling the information by identifying and providing any required and discretionary information currently collected at the state level.

SEC. 3. Data collection system; establishment

$3912. Progress profiles; preparation; distribution

A. Using, at a minimum, the data required to be collected pursuant to R.S. 17:3911(B), the department shall annually prepare and produce a state-level progress profile, a district-level progress profile for each public school system, and a school-level progress profile for each public school. Each profile shall be produced in a format common to all of them and shall be designed by the department so as to provide to school-based users all pertinent information in a readily usable form and to provide to the public all pertinent information in a clear and understandable form. The state-level and each district-level profile shall contain the last three years of trend information as required by R.S. 17:3911(A)(4)(A). Each school profile shall contain all of the information relevant to the school as required to be collected pursuant to R.S. 17:3911(B) as well as the same information for the school system as a whole and the state. In addition, a parent-level progress profile shall be prepared containing, at a minimum, results from required state tests and other relevant information that can be used to compute a school’s performance score as part of the district and school accountability program. For the purposes of this Section, the Department of Public Safety and Corrections, office of juvenile justice, shall be considered a school district, and each secure facility operated by the Department of Public Safety and Corrections, office of juvenile justice, shall be considered a school.

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 14, 2016.

A true copy,

Tom Schedler
Secretary of State
(12) An expert in juvenile justice, appointed by the chair of the Children's Code Committee of the Louisiana State Law Institute.
(13) Five youth representatives who have been prosecuted in criminal court at the age of seventeen or older, appointed by the executive director of LouisianaChildren.org and one appointed by the executive director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.
(14) A representative of the Police Jury Association of Louisiana.

A Louisiana Board of Legal Specialization shall be appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.

B.(1) All appointments to the committee shall be made not later than September 1, 2016. Any vacancy on the committee shall be filled by the respective appointing authority.
(2) The executive director of the Children's Cabinet shall serve as chair of the committee and shall convene the committee no later than October 1, 2016.
(3) The members of the committee shall serve without compensation, except the compensation to which they may be individually entitled to as a member or employee of their respective organization or agency.
(4) A majority of the total committee membership shall constitute a quorum and any official action by the committee shall require an affirmative vote of a majority of the quorum present and voting.
(5) The committee shall conduct meetings as it deems necessary to fully and effectively perform its duties and accomplish the objectives and purposes of this Chapter and may receive testimony and information relative to any of the subjects enumerated in this Chapter.
(6) The committee shall terminate on December 31, 2020.

Section 2. Children's Code Art. 305(A)(2), 306(D), and 304(1) are hereby amended and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:
Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children; when acquired
A.(1) *   *   *   *   *
(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the child shall be treated by the appropriate court as a juvenile. If the court finds by a preponderance of the evidence that it is appropriate for the child to remain in the care of the child's parents, the court shall order the child's name removed from the records of the Department of Children and Family Services. If the court finds by a preponderance of the evidence that it is in the best interest of the child to be transferred to the appropriate adult facility for detention prior to his trial as an adult court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The child shall appropriate court of criminal jurisdiction may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for juvenile detention facility objects to such detention.

Art. 804. Definitions
As used in this Title:
(1)“Child” means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.
(2) After June 30, 2018, “child” means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs after the person attains eighteen years of age.
(3) After June 30, 2020, “child” means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains eighteen years of age.

Section 3.(A) The Louisiana State Law Institute is hereby directed to study the need to recommend to the Legislature in a written report, such other amendments and additions to the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana Revised Statutes as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall make its report, and shall recommend legislation as it may deem appropriate, to the Legislature by March 1, 2017.
(B) The Louisiana Judicial Council is hereby requested to study, and to recommend to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of Court as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system.

The Department of Children and Family Services is hereby directed to study, and to recommend for promulgation into law through the Administrative Procedure Act, such new or amended regulations for the safe operation of the state’s juvenile detention centers as may be appropriate given the inclusion of seventeen-year-olds in the juvenile justice system.

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

Section 5. This Act shall be known as the “Raise the Age Louisiana Act of 2016”.

Approved by the Governor, June 14, 2016.

Tom Schedler
Secretary of State

ACT No. 502

SENATE BILL NO. 397
BY SENATOR JOHNS AND REPRESENTATIVES BAGLEY, COX, HOLLIS, HORTON, JACKSON, LEBAS, POPE, STOKES AND WILMOTT

AN ACT
To amend and reenact R.S. 46:1402, 1403(7), 1403.1, 1407(B)(1)(a), (f), and (g), (E), (H), and (I), 1414.1(D), 1417, 1423, and 1428(A) and (B)(1), relative to residential facilities; to provide for the jurisdiction, powers, duties, and regulations of the Department of Children and Family Services regarding youth under care by specialized providers; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1402, 1403(7), 1403.1, 1407(B)(1)(a), (f), and (g), (E), (H), and (I), 1414.1(D), 1417, 1423, and 1428(A) and (B)(1) are hereby amended and reenacted to read as follows:
§1402. Legislative intent; declaration of purpose and policy
It is the intent of the legislature to protect the health, safety, and well-being of the children and youth of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of this Chapter to establish statewide minimum standards for the safety and well-being of children and youth, to improve the maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to ensure protection of all individuals under care by specialized providers and to encourage and assist in the improvement of programs. It is the further intent of the legislature that the Department of Children and Family Services jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum and Family Services jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum or instruction of a school or specialized provider sponsored by a church or religious organization so long as the civil and human rights of the clients and residents are not violated.

§1403. Definitions
As used in this Chapter, the following definitions shall apply unless the context clearly states otherwise:

(7) “Residential home” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care, twenty-four hours per day, for more than four children, who may remain at the facility in accordance with R.S. 46:1403.1, who are not related to the operators and, except as provided in this Paragraph, whose parents or guardians are not residents of the same facility, with or without transfer of custody. However, a child of a person who is a resident of a residential home may reside with that parent at the same facility.

§1403.1. Extended stay for completion of educational courses or other programs
As used in this Chapter, the following definitions shall apply unless the context clearly states otherwise:

(7) “Residential home” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care, twenty-four hours per day, for more than four children, who may remain at the facility in accordance with R.S. 46:1403.1, who are not related to the operators and, except as provided in this Paragraph, whose parents or guardians are not residents of the same facility, with or without transfer of custody. However, a child of a person who is a resident of a residential home may reside with that parent at the same facility.

§1403.1. Extended stay for completion of educational courses or other programs

A. Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a person child housed at a residential home may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

B. Notwithstanding Subsection A of this Section and any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed at a residential home that does not receive Title IV-E funding pursuant to the federal Social Security Act may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in struck through are deletions from existing law; words underscored (House Bill) and underlined and boldfaced (Senate Bills) are additions.
§1407. Rules, regulations, and standards for licenses

B.(1) The regulations developed by the department, at a minimum, shall accomplish all of the following:
(a) Promote the health, safety, and welfare of children and youth attending any specialized provider.

*   *   *

(f) Require residential home and maternity home providers to have a written description of admission policies and criteria which expresses the needs, problems, situations, or patterns best addressed by its program. These policies shall be available to the person legally responsible for any child or to any youth aged eighteen or above referred for placement.

(g) Include procedures by which parents and guardians are given an opportunity for consultation and information about the educational and therapeutic programs for the child or youth in attendance.

E. The secretary of the department, in specific instances, may waive compliance with a minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children and youth is not imperiled. If it is determined that the specialized provider or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

*   *   *

H. Nothing in the rules, regulations, and standards adopted pursuant to this Section shall authorize or require medical examination, immunization, or treatment of any child whose parents, or of any youth aged eighteen or above who, object to such examination, immunization, or treatment on religious grounds.

I. Each residential home and maternity home facility shall have a written discipline policy which shall be made available to parents, to youth aged eighteen or above, and to authorized inspection personnel upon request.

*   *   *

§1414.1. Disclosure requirements; penalties

D. Any owner, operator, current or prospective employee, or volunteer of a specialized provider licensed by the department who discloses that he is currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by the department to determine that an individual does not pose a risk to children or youth. Any such individual who is determined to pose a risk to children or youth shall have the right to file an appeal in accordance with R.S. 49:992 of the Administrative Procedure Act. Any such determination by the risk evaluation panel shall be kept on file at all times by the department.

*   *   *

§1417. Inspections

It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals not to exceed one year, or as deemed necessary by the department, and without previous notice all specialized providers subject to the provisions of this Chapter. The department shall also develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals. A specialized provider shall be open to inspection only during working hours by parents or legal guardians of children or youth in care and by authorized inspection personnel.

*   *   *

§1423. Removal of individuals from facility

The department shall remove any child, youth, or all children and youth from any facility or agency at any time, as determined by the department, provided that children and youth are not placed in imminent danger; that they are determined that one or more violations exist within the specialized provider which places the health and well-being of the child, youth, or children and youth in imminent danger; provided, however, that a contrary hearing shall be held within seven days thereafter by the district court of the district to determine whether the action was justified and whether and how long it shall continue.

*   *   *

§1428. Immunization information; influenza

A. Each licensed specialized provider or child-placing agency, before November first of each year, shall provide information to each child's parent or legal guardian and to each youth aged eighteen or above information relative to the risks associated with influenza and the availability, effectiveness, known contraindications, and possible side effects of the influenza immunization. Such information shall include the causes and symptoms of influenza, the means by which influenza is spread, and the places where a parent or legal guardian may obtain additional information and where a child or youth may be immunized against influenza. Such information shall be updated annually if new information on such disease is available.

B.(1) The Department of Health and Hospitals shall develop and provide information on influenza immunization to the Department of Children and Family Services. The Department of Children and Family Services shall provide such information to each licensed specialized provider or child-placing agency, which shall make the information available to each child's parent or legal guardian and to each youth aged eighteen or above pursuant to Subsection A of this Section.

*   *   *

Section 2. The department shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Act.

Section 3. Section 2 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for filing a veto 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, Section 2 of this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 503

SENATE BILL NO. 470
(Substitute of Senate Bill No. 89 by Senator Morrisey)
BY SENATORS MORRISSEY AND WALSWORTH
AND REPRESENTATIVE PRICE

AN ACT

To amend and reenact R.S. 17:5065(D), relative to the Taylor Opportunity Program for Students; to provide relative to reducing award amounts in the event of insufficient funding; to authorize public postsecondary institutions to bill students for certain tuition amounts; to provide for tuition waivers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5065(D) is hereby amended and reenacted to read as follows:

§5065. Funding

D.(1) In the event the legislature appropriates insufficient money to fund all awards made to students qualifying under the provisions of this Chapter, the number of students to whom awards shall be made shall be reduced as necessary pursuant to a procedure set out by rule adopted by the administering agency. The procedure shall provide for each reduction to be based on the scores on the ACT and then on the ability of each student's family to pay the student's tuition as evidenced by the expected family contribution determined by using the standardized federal methodology for establishing student financial need. The procedure shall provide that reductions of awards made necessary by insufficient appropriations shall first eliminate the ability of students whose families have the ability to pay the student's tuition to receive the award. The remaining procedures shall provide that within that cohort of students, whose families are most able to pay the student's tuition shall be eliminated first. After insufficient appropriations require the elimination of all students from the cohort, the remaining procedures shall be repeated on those students in the next highest cohort. In the event the legislature appropriates insufficient money to fully fund all awards made to students qualifying under the provisions of this Chapter, the administering agency shall equitably reduce the amount of the program award for each qualifying student by an equal percentage on a pro rata basis, so that every student receives the award for which he qualifies and the total amount of all awards in any award year does not exceed the funds available to the agency for this purpose, either from legislative appropriation or other sources of funding. Such reduction shall be made in such manner, to any additional amount awarded to a student as provided in R.S. 17:5065(C).

(2) Among students denied their awards as provided in this Subsection, those students whose families have the least capacity to pay shall be the first to receive their awards if monies become available. Any student for whom the expected family contribution cannot be determined as provided in Paragraph (1) of this Subsection shall be denied his award until the legislature appropriates sufficient monies to fund all awards made to students qualifying under the provisions of this Chapter. If a student's award amount is less than the tuition established for the public postsecondary institution in which he is enrolled, the institution may bill the student for the difference between the student's award amount and the tuition established for the institution, unless the institution grants a tuition waiver to the student.

(3) A student whose award is reduced pursuant to this Section shall not be required to accept payment of his award or to enroll or maintain continuous enrollment in an eligible college or university during the time period for which there is a funding shortfall and may defer acceptance of his award benefits. If a student opts to defer acceptance of his award payment pursuant to this Paragraph, or seeks the refund of any unexpended portion of his award pursuant to the following Subparagraphs (a) and (b), the student shall follow the procedure for withholding or reducing award payments set forth herein:

(a) The student, upon enrollment or re-enrollment in an eligible college or university, shall be eligible to receive all applicable award benefits for any remaining semester or semesters, or the equivalent thereof, of his unused eligibility.

(b) The student shall meet all academic and other eligibility requirements provided by this Chapter and by rule of the administering agency, except as otherwise provided in this Subsection.

(c) The student shall exhaust all unused award eligibility within five years of the initial reduction of his award pursuant to this Section, provided that if the student requests a reduction and is granted a reduction for cause; the requirement to enroll or to maintain continuous enrollment in an eligible college or university, the time period within which the student must exhaust his eligibility for his award shall be extended by the amount of time for which he was granted an exception.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words underscored (House Bill) and boldfaced (Senate Bills) are additions.
Section 2. This Act shall not apply to students receiving awards pursuant to R.S. 17:5081.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Approved by the Governor, June 14, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 504

SENATE BILL NO. 477
(Subtitle of Senate Bill No. 342 by Senator Boudreaux)

BY SENATORS BOUDREAUX, APPEL, BISHOP, MILKOVICH, MORRISH, WALSWORTH AND WHITE AND REPRESENTATIVES HALL AND PRICE

AN ACT

To amend and reenact R.S. 17:3902(B)(5) and 3997(D)(2), relative to the evaluation of public school teachers and administrators; to provide relative to the use of value-added data in such evaluations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3902(B)(5) and 3997(D)(2) are hereby amended and reenacted to read as follows:

$3902. Evaluation program; process. (5) Measure of effectiveness. Fifty percent of such evaluations shall be based on evidence of growth in student achievement using a value-added assessment model as determined by the board for grade levels and subjects for which value-added data is available. Data derived from a value-added assessment model, as determined by the state board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available and for personnel for whom value-added data is not available, the board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, eligibility for free or reduced price meals, student attendance, and student discipline. However, neither the value-added model nor the measures of student growth for grade levels and subjects for which value-added data are not available shall, in any given year, include a test score or data of a student who has ten or more unexcused absences in any school semester in that year. The state board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

$3997. Charter school employees.

D.

(2) By the beginning of the 2012-2013 school year, fifty fifty percent of each teacher and administrator evaluation conducted pursuant to Paragraph (1) of this Subsection shall be based on evidence of growth in student achievement using the value-added assessment model as determined by the state board for grade levels and subjects for which value-added data is available. Data derived from a value-added assessment model, as determined by the state board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available, the state board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, eligibility for free or reduced price meals, student attendance, and student discipline. The state board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

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

Approved by the Governor, June 14, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 505

HOUSE BILL NO. 702

BY REPRESENTATIVES JIMMY HARRIS AND TERRY LANDRY AND SENATOR CARTER

AN ACT

To enact R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) and R.S. 40:1321(0) and (P) and to repeal Act No. 807 of the 2008 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of the Legislature, relative to the issuance of drivers' licenses and special identification cards; to require applicants for either a driver's license or special identification card to prove of Louisiana residency; to provide for implementation of the REAL ID Act of 2005; to provide for exceptions; to require certain documents or photographs obtained in the process of applying for a driver's license or special identification card to be disposed of under certain circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) are hereby enacted to read as follows:

§409.1. Application or special certificate applications; penalties for false information.

A. * * *

(2) An applicant for a driver's license shall provide the following information:

* * *

(d) Identifying information including:

* * *

(ix) Proof of Louisiana residency. Proof of residency shall include but not be limited to paid receipts for utility bills and bank statements.

* * *

§410. Form of license; photograph, signature of licensee, anatomical gift statement, declaration of life-sustaining procedures, and additional information on license.

* * *

E.(1). The department shall provide for the option of the issuance of a driver's license that is either compliant or not compliant with the standards of the REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, in the manner set forth in this Subsection.

(2) Any person applying for a driver's license pursuant to the provisions of this Chapter may elect to apply for a driver's license that complies with the standards of REAL ID. If that person is eligible for a driver's license to be issued pursuant to the provisions of this Chapter and meets all requirements of the United States Department of Homeland Security for a REAL ID compliant credential, that person shall be issued a driver's license which bears a United States Department of Homeland Security approved security marking reflecting that such credential meets REAL ID standards. A person who is issued a REAL ID compliant driver's license shall not be issued a REAL ID compliant special identification card.

(3) Any person applying for a driver's license pursuant to the provisions of this Chapter, who elects not to apply for a driver's license that complies with REAL ID standards, and who is otherwise eligible to be issued a driver's license pursuant to the provisions of this Chapter, shall be issued a driver's license which indicates the driver's license is not in compliance with REAL ID. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not require the applicant to comply with any REAL ID requirements that were not required by the state as of January 1, 2016, or require the applicant to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license pursuant to the provisions of this Chapter. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not copy, scan, maintain, or share a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(4)(a) Each applicant for a driver's license shall be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. The applicant shall be required to indicate on his driver's license application whether he is applying for a REAL ID compliant driver's license or a driver's license that is not REAL ID compliant. Additionally, each applicant shall indicate receipt of the printed document required by Subparagraph (b) of this Paragraph on the signature page of his driver's license.

(b) The department shall provide each applicant for a driver's license a printed document that includes the following information:
(i) The personal identifying source documents shall be removed and purged from the database or system of that contractor.

(2) As used in this Subsection, the following terms shall mean and include:

(a) "Contractor" shall mean and include any contractor of the department, any affiliate or subsidiary of such contractor, and any subcontractor of such contractor, or any affiliate or subsidiary of such subcontractor.

(b) "Personal identifying source documents" shall mean and include any document provided by any person to prove his identity or residence. It shall include all copies, scans, or digital images of such documents.

(c) "Photographs" shall mean and include any captured image, digital or otherwise, of a person’s face. It shall include all copies, scans, or digital images of such image.

Section 2. R.S. 40:1321(O) and (P) are hereby enacted to read as follows:

§1321. Special identification cards; issuance; veteran designation; Section 2. R.S. 40:1321(O) and (P) are hereby enacted to read as follows:

Section 2. R.S. 40:1321(O) and (P) are hereby enacted to read as follows:

(1) The Department of Public Safety and Corrections, office of motor vehicles, hereinafter referred to as "department", shall provide for the option of the issuance of a special identification card that is either compliant or not compliant with the standards of the REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, for official purposes, in the manner set forth in this Subsection.

(2) Any person applying for a special identification card pursuant to the provisions of this Section may elect to apply for a special identification card that complies with the standards of REAL ID. If that person is eligible for, and chooses to apply for, a special identification card that complies with the standards of REAL ID, the department shall enter the following data into its database:

(a) Personal identifying source documents shall be removed and purged from the database or system of that contractor.

(b) All photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(c) "Photographs" shall mean and include any captured image, digital or otherwise, of a person’s face. It shall include all copies, scans, or digital images of such image.

Q. (1) The Department of Public Safety and Corrections, office of motor vehicles, hereinafter referred to as "department", shall provide for the option of the issuance of a special identification card that is either compliant or not compliant with the standards of the REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, for official purposes, in the manner set forth in this Subsection.

(2) Any person applying for a special identification card pursuant to the provisions of this Section may elect to apply for a special identification card that complies with the standards of REAL ID. If that person is eligible for, and chooses to apply for, a special identification card that complies with the standards of REAL ID, the department shall enter the following data into its database:

(a) Personal identifying source documents shall be removed and purged from the database or system of that contractor.

(b) All photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(c) "Photographs" shall mean and include any captured image, digital or otherwise, of a person’s face. It shall include all copies, scans, or digital images of such image.

Q. (1) The Department of Public Safety and Corrections, office of motor vehicles, hereinafter referred to as "department", shall provide for the option of the issuance of a special identification card that is either compliant or not compliant with the standards of the REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, for official purposes, in the manner set forth in this Subsection.

(2) Any person applying for a special identification card pursuant to the provisions of this Section may elect to apply for a special identification card that complies with the standards of REAL ID. If that person is eligible for, and chooses to apply for, a special identification card that complies with the standards of REAL ID, the department shall enter the following data into its database:

(a) Personal identifying source documents shall be removed and purged from the database or system of that contractor.

(b) All photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(c) "Photographs" shall mean and include any captured image, digital or otherwise, of a person’s face. It shall include all copies, scans, or digital images of such image.

Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of the Legislature are hereby repealed.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 15 of the State Constitution of 1974. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Approved by the Governor, June 14, 2016.

A true copy:

Toby A.上千
Secretary of State
ACT No. 506

BY REPRESENTATIVES HODGES, ADAMS, BACALA, BAGLEY, BERTHELOT, GARY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, DAVIS, EDMONDS, HENSGENS, HILFERTY, Hoffmann, HORTON, HOWARD, IVEY, JOHNSTON, LEBAS, LYNAS, MIGUEZ, MORENO, PEARSON, POPE, RICHARD, SCHEXNAYDER, SMITH, STOKES, THIBODEAUX, WILLMORE, SENATORS BROWN, CHABERT, CLAIRON, COLOMB, ERDEY, and LÉUNEAU

AN ACT

To enact Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1086.1 through 1086.4, relative to prevention of certain conditions affecting the health and safety of newborns and young children; to provide for definitions and findings; to establish requirements of birthing centers regarding delivery of information on shaken baby syndrome and sudden unexpected infant death; to authorize certain public awareness activities by the Department of Health and Hospitals; to provide for administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1086.1 through 1086.4, is hereby enacted to read as follows:

**SUBPART D. SHAKEN BABY SYNDROME AND SUDDEN UNEXPECTED INFANT DEATH PREVENTION**

§1086.1 Definitions

As used in this Subpart, the following terms have the meaning ascribed in this Section:

1. “Birthing center” means a healthcare facility, the primary purpose of which is the performance of low-risk deliveries, where births are planned to occur away from the mother’s usual residence following a low-risk pregnancy. For purposes of this Subpart, the term “birthing center” shall not include a hospital or a facility licensed as part of a hospital.

2. “Department” means the Department of Health and Hospitals.

3. “Hospital” means a facility licensed as a hospital in accordance with the provisions of the Hospital Licensing Law, R.S. 40:2100 et seq.

4. “Licensed midwife” means a midwife who is licensed in accordance with the provisions of the Midwife Practitioners Act, R.S. 37:3240 et seq.

5. “Postneonatal death” means the death of a child aged twenty-eight days to three hundred sixty-four days.

6. “Shaken baby syndrome” means the condition known also as abusive head trauma which is characterized by injuries resulting from violent shaking or shaking and impacting of the head of an infant or small child.

7. “Sudden unexpected infant death” means the death of an infant of less than one year of age, the cause of which is not immediately obvious before investigation, that occurs suddenly and unexpectedly. A sudden unexpected infant death requires the performance of a thorough postmortem investigation that includes a complete autopsy, an examination of the death scene, and a review of the clinical history of the deceased child. The term includes ill-defined and unknown causes of mortality, sudden infant death syndrome, and accidental suffocation and strangulation in bed.

§1086.2 Legislative findings; declaration

A. With respect to shaken baby syndrome, the legislature finds that this condition occurs when an infant or child is violently shaken as part of a pattern of abuse, or because an adult has momentarily succumbed to the frustration of responding to a crying infant or child. The legislature further finds that the effects of shaken baby syndrome can include brain swelling and damage, subdural hematomas, apnea, hypotonia, and death.

B. With respect to sudden infant death syndrome, which is a form of sudden unexpected infant death, the legislature finds all of the following:

1. Sudden infant death syndrome was the leading cause of postneonatal death in each year of the most recent ten year period for which complete child mortality data is available (2002 through 2012).

2. Even after a thorough investigation, it is difficult to distinguish sudden infant death syndrome from other sleep-related infant deaths such as from overlay or suffocation in soft bedding.

3. Parents and caregivers can take simple steps to reduce the risk of sudden unexpected infant death.

C. The legislature hereby declares that prevention of shaken baby syndrome and prevention of sudden unexpected infant death are major public health priorities of this state.

§1086.3 Information for parents of newborns; birthing center requirements

A. Every birthing center, hospital, and licensed midwife shall share resources with each maternity patient and father of a newborn child, if available, regarding shaken baby syndrome and sudden unexpected infant death.

B. (1) The department shall promulgate all rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Subpart. At minimum, the rules of the department shall designate the compendium of resources approved for use by birthing centers, hospitals, and midwives to meet the requirements of Subsection C of this Section. The compendium of resources shall, collectively, address all of the following:

   a. The dangers of shaking infants and children.
   b. The symptoms of shaken baby syndrome.
   c. The dangers associated with rough handling or striking of an infant.
   d. Safety measures which can be taken to prevent sudden unexpected infant death.
   e. The risks associated with infants sleeping in the same bed with other children or adults.

   (2) The department shall ensure that all approved resources provided for in this Subsection are publicly available, through the department’s website or any other means, to birthing centers, hospitals, and licensed midwives.

§1086.4 Public awareness activities authorized

The department is hereby authorized to conduct public awareness activities designed to promote the prevention of shaken baby syndrome and prevention of sudden unexpected infant death. The public awareness activities may include but shall not be limited to public service announcements, information kits and brochures, promotion of relevant telephone hotlines, and provision of information concerning shaken baby syndrome and sudden unexpected infant death on an internet website.

Section 2. This Act shall be known as the “Kaci Billings Act of 2016”. Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler
Secretary of State

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**ACT No. 507**

BY REPRESENTATIVES EMERSON AND DUSTIN MILLER

To amend and reenact R.S. 40:1081.2(A)(1) and to enact R.S. 40:1081.11, relative to newborn screening; to require all newborns to be screened for Krabbe disease; to make technical changes; to require information on Krabbe disease to be posted on the Department of Health and Hospitals’ website; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1081.2(A)(1) is hereby amended and reenacted and R.S. 40:1081.11 is hereby enacted to read as follows:

§1081.2 Tests

A. (1) The physician attending a newborn child, or the person attending a newborn child who was not attended by a physician, shall cause the child to be subjected to tests for phenylketonuria, congenital hypothyroidism, sickle cell diseases, biotinidase deficiency, congenital adrenal hyperplasia, carnitine uptake defect, long-chain 3-hydroxyacyl-CoA dehydrogenase deficiency, medium-chain acyl-CoA dehydrogenase deficiency, trifunctional protein deficiency, very long-chain acyl-CoA dehydrogenase deficiency, glucaric acidemia type I, 3-hydroxy-3-methylglutaryl-CoA lyase deficiency, isovaleric acidemia, 3-methylcrotonyl-CoA carboxylase deficiency, methylmalonic acidemia (CBL A,B), beta ketothiolase, methylmalonic acidemia (MUT), propionic acidemia, multiple carboxylase deficiency, argininosuccinate acidemia, citrullinemia type I, homocystinuria, maple syrup urine disease, tyrosinemia type I, cystic fibrosis, Krabbe disease, and other genetic conditions that have been approved by the Department of Health and Hospitals; however, no such tests shall be given to any child whose parents object thereto. Effective July 1, 2007, cystic fibrosis shall be included in the tests that the newborn child shall be subject to by the physician attending the newborn child or the person attending the newborn child who was not attended by a physician.

(* * *)

§1081.11 Krabbe disease; public information

A. The Department of Health and Hospitals shall develop and maintain information regarding Krabbe disease on its website.

B. The information provided by the department pursuant to this Section shall include, at a minimum, all of the following:

1. An explanation of Krabbe disease symptoms, diagnosis, and treatment options.

2. Information on relevant state agency and nonprofit resources, parent support groups, and available Medicaid waiver services.

Section 2. This Act shall be known and may be cited as “The Annoinston Bazar Act.”

Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler
Secretary of State

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* As it appears in the enrolled bill
ACT No. 508

HOUSE BILL NO. 614

BY REPRESENTATIVES MORENO, BAGNERIS, BOUIE, GARY CARTER, ROBBY CARTER, STEVE CARTER, JIMMY HARRIS, HAVARD, HILFERTY, HORTON, LYONS, MAGEE, MARCELLE, NORTON, PIERRE, PRICE, SMITH, AND WHITE

AN ACT

To amend and reenact R.S. 18:1310(A)(2) and to enact R.S. 18:1308(A)(1)(d), relative to voting absentee by mail; and to provide for the electronic transmission of voting materials to certain voters under certain circumstances; to provide relative to the procedures and requirements for voting using such materials; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1310(A)(2) is hereby amended and reenacted and R.S. 18:1308(A)(1)(d) is hereby enacted to read as follows:

§1308. Absentee voting by mail
A.(1)  ** * * *

(d)(i)  Upon request, the registrar shall transmit electronically a ballot, certificate, and waiver of the right to a secret ballot to a voter who is eligible to vote absentee by mail pursuant to R.S. 18:1308(F) or (1) and who is unable to vote an absentee by mail ballot without assistance because of a disability.

(ii)  The waiver of the right to a secret ballot shall contain the following statement: “My ballot was transmitted electronically to me, and I am voluntarily waiving my right to a secret ballot.” The waiver shall also contain spaces for the voter’s handwritten signature or mark, the date, and the last four digits of the voter’s social security number.

(iii)  The voter shall mark the ballot and complete the certificate and waiver as provided in R.S. 18:1310 and return his voted ballot and completed certificate and waiver to the registrar by facsimile or any means authorized by Subsection B of this Section. The registrar and his staff shall take the steps necessary to keep the voted ballot as confidential as practicable.

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

(2)  When a member of the United States Service or a person residing outside the United States who is registered to vote absentee by mail pursuant to R.S. 18:1310 and who is unable to vote an absentee by mail ballot without assistance because of a disability, the absentee voting materials are electronically transmitted to a voter pursuant to the provisions of this Chapter, the voter shall first mark each ballot according to the instructions on the ballot, either by marking the ballot electronically and then printing it, or by printing the ballot first and then marking it by hand. The voter shall then print all remaining documents and fill in all blanks on the certificate and the waiver of the right to a secret ballot for each ballot mailing. The voter shall then mark the ballot or ballots according to the printed instructions on its face. The voter shall then place the voted ballot or ballots, completed certificate, and waiver of the right to a secret ballot for each ballot mailing in a separate envelope, seal the envelope, mark “Absentee Ballot Enclosed” on the envelope, and mail the envelope and its contents to the registrar of voters.  ** * * *

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

Approved by the Governor, June 16, 2016.

A true copy,

Tom Schedler
Secretary of State

ACT No. 509

HOUSE BILL NO. 802

BY REPRESENTATIVE JACKSON

AN ACT

To amend and reenact Code of Criminal Procedure Article 893(A) and (E)(1)(b) and R.S. 13:5304(B)(10)(b) and (21)(b), and to enact Code of Criminal Procedure Article 890.3 and R.S. 15:824.2, and to repeal R.S. 15:827.1(E)(3)(b), relative to crimes of violence and parole eligibility; to provide a procedure by which certain crimes of violence are designated as such in the criminal statistics; to provide relative to certain benefits and restrictions based upon this designation; to provide with respect to deferral of sentences; to provide for participation in certain programs; to provide relative to parole eligibility for persons convicted of certain crimes of violence; to change the number of votes required to grant parole for offenders convicted of a crime of violence who meet certain conditions; to provide relative to the eligibility to participate in reentry preparation programs; to create the Programs to Reduce Recidivism Fund; to provide for the purposes of the fund; to provide for the appropriation of monies into the fund; to provide for the administration of the fund; to provide for the distribution of monies from the fund; to provide relative to the calculation of savings realized by the Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 893(A) and (E)(1)(b) are hereby amended and reenacted and Code of Criminal Procedure Article 890.3 is hereby enacted to read as follows:

Art. 890.3. Sentence for crimes of violence
A. Except as provided in Paragraph B of this Article, when a defendant is sentenced for any offense, or the attempt to commit any offense, defined or enumerated as a crime of violence in R.S. 14:2(B), upon the written recommendation of the district attorney, the court may designate in the minutes whether such offense is a crime of violence only for the following purposes:

(1)  To determine a defendant’s eligibility for suspension or deferral of sentence pursuant to Code of Criminal Procedure Article 893.

(2)  To determine a defendant’s eligibility for participation in a drug division probation program pursuant to R.S. 13:5304.

B. The following crimes of violence enumerated in R.S. 14:2(B) shall be designated by the court in the minutes as a crime of violence:

(1)  Solicitation for murder.

(2)  First degree murder.

(3)  Second degree murder.

(4)  Manslaughter.

(5)  Aggravated or first degree rape.

(6)  Forcible or second degree rape.

(7)  Simple or third degree rape.

(8)  Sexual battery.

(9)  Second degree sexual battery.

(10)  Intentional exposure to AIDS virus.

(11)  Aggravated kidnapping.

(12)  Second degree kidnapping.

(13)  Aggravated arson.

(14)  Armed robbery.

(15)  Armed assault with a firearm.

(16)  Carjacking.

(17)  Terrorism.

(18)  Aggravated second degree battery.

(19)  Aggravated assault with a firearm.

(20)  Armed robbery: use of firearm; additional penalty.

(21)  Second degree robbery.

(22)  Disarming of a peace officer.

(23)  Second degree cruelty to juveniles.

(24)  Aggravated crime against nature.

(25)  Trafficking of children for sexual purposes.

(26)  Human trafficking.

(27)  Home invasion.

Art. 893. Suspension and deferral of sentence and probation in felony cases
A. When it appears that the best interest of the public and of the defendant will be served, the court, after a first or second conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a conviction for an offense that is designated in the court minutes as a crime of violence pursuant to Article 890.3 or that is defined or enumerated as a crime of violence under R.S. 13:5304, or of a second conviction if the second conviction is for a violation of R.S. 14:73.5, 81.1, or 81.2. The period of probation shall be specified and shall not be less than one year nor more than five years. The suspended sentence shall be considered as being suspended as a sentence for granting or denying a new trial or appeal. Supervised release as provided for by Chapter 3-E of Title 15 of the Louisiana Revised Statutes of 1950 shall not be considered probation and shall not be limited by the five-year period for probation provided for by the provisions of this Paragraph.  ** * * *

E.(1)  ** * * *

(b)  The court shall not defer a sentence under this provision for an offense or an attempted offense which is designated in the court minutes as a crime of violence pursuant to Article 890.3 or that is defined or enumerated as a crime of violence under R.S. 13:5304, or a sex offense as defined by R.S. 14:343(A), R.S. 14:345, involving a child under the age of seventeen years or for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than five years or for a violation of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A).

** * * *

Section 2. R.S. 13:5304(B)(10)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program  ** * * *

B. Participation in probation programs shall be subject to the following provisions:  ** * * *

(10)  In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:
Section 3. R.S. 15:574.2(C)(2)(a) and 574.4(3)(b) are hereby amended and reenacted to read as follows:

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions.  

§574.4. Parole; eligibility.  
B. (1) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. Except as provided in Paragraph (2) of this Subsection, and except as provided in Subsections D and E of this Section, no prisoner serving a term of 20 years shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a sexual serial offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime of violence, and if the prisoner has been convicted of a crime of violence and not otherwise ineligible for parole shall serve at least eighty-five percent of the sentence imposed, before being eligible for parole. The victim or victim’s family shall be notified whenever the offender is to be released providing him with the victim or victim’s family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

Section 4. R.S. 15:824.2 is hereby enacted to read as follows:

§824.2. Programs to Reduce Recidivism Fund.  
A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the “Fund”, is hereby created in the state treasury. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund at the close of each fiscal year shall remain in the fund. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes provided by this Section.

B. The fund shall be comprised of all monies appropriated, donated, or otherwise made available to provide funding for the purposes set forth in the provisions of this Section. Any funds realized from a reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration as provided for in R.S. 15:574.4(B) shall also be appropriated to the fund. All of such monies required to be deposited in the state treasury in accordance with Article VII, Section 9(A) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.

C. Monies in the fund shall be appropriated and used for the following purposes:

(1) To defray the operational expenses of probation and parole and reentry initiatives.

(2) To assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs that do the following:

(a) Provide inmates housed in local facilities with fundamental resources in the areas of employment, life skills training, and job placement.

(b) Provide the inmates with access to as many support services as possible to appreciably increase the likelihood of successful reentry into society and to reduce recidivism.

(3) The fund shall be administered by the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice and the Department of Public Safety and Corrections, hereinafter referred to as “the administrators”, monies in the fund shall be distributed to probation and parole, reentry initiatives, and local prison facilities through a grant program established by the administrators.

(4) The administrators shall promulgate such rules, regulations, and procedures as are necessary in administering the provisions of this Section.

Section 5. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety.

Section 6. The provisions of Sections 3 and 5 of this Act shall have prospective application only and shall apply only to persons convicted on or after the effective date of this Act.

Section 8. The Department of Public Safety and Corrections shall measure and document cost savings from the implementation of this Act. The Department of Public Safety and Corrections shall establish a baseline for measurement using the average number of inmates incarcerated at each type of penal or correctional institution as defined in R.S. 15:824 and at local parish jails or institutions in Fiscal Year 2015-2016. The Department of Public Safety and Corrections shall provide information regarding the estimated savings to the legislature. The Louisiana Legislature shall appropriate the savings realized by the provisions of this Act to be deposited in the fund created by, and for the purposes set forth in, R.S. 15:824.2 enacted in Section 4 of this Act.

Section 9. The provisions of Sections 1, 2, 6, and 7 of this Section shall be effective August 1, 2016.

Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler  
Secretary of State

ACT No. 510  

HOUSE BILL NO. 1066  

BY REPRESENTATIVES MAGEE AND BERTHELTON  

AN ACT  
To amend and reenact R.S. 38:321.1(A)(introductory paragraph) and (B) and to enact R.S. 38:321.1(C), relative to the purchase of certain items through an existing public contract of another political subdivision; to authorize the state and any political subdivision of the state to purchase certain items through an existing public contract of another political subdivision; and to provide for related matters.

Be enacted by the Legislature of Louisiana:
A. An Act relative to the deceased state of Louisiana and political subdivisions of the state

§321.1. Additional procurement methods; levee districts state of Louisiana and political subdivisions of the state

(1) Any state agency, any political subdivision of the state, or any political subdivision of the state may purchase these items through an existing public contract of another political subdivision within one year of the opening of bids, provided that the following conditions are met:

B. The state of Louisiana and any levee district, or levee drainage district, municipality, parish, or other political subdivision of the state may rely on a certificate of the political subdivision that the contract was bid in compliance with state law.

C. A state agency or any local government agency may rely on a certificate of the political subdivision that the contract was bid in compliance with Title 39 of the Louisiana Revised Statutes of 1950, and has been adopted as a statewide cooperative contract pursuant to the cooperative purchase provisions of La. R.S. 39:1702 et seq.

Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler  
Secretary of State

ACT No. 511  

HOUSE BILL NO. 1160  

(Substitute for House Bill No. 921 by Representative Davis)

BY REPRESENTATIVES DAVIS, FRANKLIN, IVEY, NANCY LANDRY, JAY MORRIS, PIERRE, AND STOKES AND SENATORS THOMPSON AND WALSWORTH

AN ACT  
To amend and reenact R.S. 17:3394.3(A)(4), relative to corporations that support public postsecondary education; to provide relative to capital projects undertaken by a nonprofit corporation on behalf of the Board of Supervisors of Community and Technical Colleges; to provide procedures for soliciting and evaluating proposals from contractors; to provide that certain records of the corporation be made available to the public; to require monitoring and status reports on projects; to provide relative to the board of directors of such corporation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3394.3(A)(4) is hereby amended and reenacted to read as follows:

§3394.3. Authority of board to execute agreements relative to the finance of capital improvements and enhancements; nonprofit corporation; administration and management of projects

A.  

THE ADVOCATE  

*Coding: Words in small type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.  

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(4) Construction projects contained in this Section shall be managed and administered by a corporation established for such purposes, regardless of the source of revenue used to fund such construction projects. Notwithstanding any provision of this Chapter to the contrary, the corporation shall adhere to the following requirements with respect to any project it undertakes pursuant to this Section:

(a) The corporation shall disclose on the board’s internet homepage and make available consistent with the Public Records Law its responsibilities and those of any party contracting with the corporation in the development of a project.

(b) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(c) The corporation shall disclose on the board’s internet homepage and make available consistent with the Public Records Law its responsibilities and those of any party contracting with the corporation with respect to the financing of a project.

(d) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(e) The corporation shall disclose on the board’s internet homepage and make available consistent with the Public Records Law its responsibilities and those of any party contracting with the corporation with respect to the financing of a project.

(f) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(g) The corporation shall disclose on the board’s internet homepage and make available consistent with the Public Records Law its responsibilities and those of any party contracting with the corporation with respect to the financing of a project.

(h) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(i) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(j) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

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(l) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

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(q) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(r) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(s) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

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(w) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(x) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

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(A) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

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(W) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(X) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(Y) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(Z) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.

(A) The corporation shall disclose the contracts it enters into in connection with a project on the board’s internet homepage and make the contracts available consistent with the Public Records Law.
To enact R.S. 11:542.2, 883.4, 1145.3, and 1331.2, relative to state retirement system experience account funds from which accounts to pay a benefit increase to certain retirees and beneficiaries of state systems, to provide qualifications for receipt of such payments; to provide relative to the amount of such payments; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:542.2, 883.4, 1145.3, and 1331.2 are hereby enacted to read as follows:

§883.4. Permanent benefit increase; payable beginning July 1, 2016
A. Notwithstanding any provision of R.S. 11:542 to the contrary, the board of trustees of the Louisiana State Employees' Retirement System may pay a permanent benefit increase, payable beginning July 1, 2016, to the following retirees and beneficiaries:
1. Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year.
2. Any nonretiree beneficiary, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
3. Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year.
B. Any benefit increase paid pursuant to the provisions of this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account up to a maximum payment of one and one-half percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, a cost-of-living adjustment shall not be granted.
C. The amount of the increase authorized by this Section shall be payable only on the first sixty thousand dollars of a retiree or beneficiary's benefit.
D. The increase provided for in this Section shall be payable on only the first sixty thousand dollars of a retiree or beneficiary's benefit.

§883.4. Permanent benefit increase; payable beginning July 1, 2016
A. Notwithstanding any provision of R.S. 11:542.1 to the contrary, the board of trustees of the Teachers' Retirement System of Louisiana may pay a permanent benefit increase, payable beginning July 1, 2016, to the following retirees and beneficiaries:
1. Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year.
2. Any nonretiree beneficiary, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
3. Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year.
B. Any benefit increase paid pursuant to the provisions of this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account up to a maximum payment of one and one-half percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, a cost-of-living adjustment shall not be granted.
C. The amount of the increase authorized by this Section shall be payable only on the first sixty thousand dollars of a retiree or beneficiary's benefit.

§1145.3. Cost-of-living adjustment; payable beginning July 1, 2016
A. Notwithstanding any provision of R.S. 11:1145.1 to the contrary, the board of trustees of the Louisiana School Employees' Retirement System may pay a cost-of-living adjustment, payable beginning July 1, 2016, to the following retirees and beneficiaries:
1. Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year.
2. Any nonretiree beneficiary, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
3. Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
4. Any beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
B. Any benefit increase paid pursuant to the provisions of this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account up to a maximum payment of two percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, a cost-of-living adjustment shall not be granted.
C. The amount of the increase authorized by this Section shall be payable only on the first sixty thousand dollars of a retiree or beneficiary's benefit.

§3131.2. Cost-of-living adjustment; payable beginning July 1, 2016
A. Notwithstanding any provision of R.S. 31:1332 to the contrary, the board of trustees of the State Police Retirement System may pay a cost-of-living adjustment, payable beginning July 1, 2016, as follows:
1. In accordance with Subsection C of this Section, the board may pay a cost-of-living adjustment to the following retirees and beneficiaries:
   a. Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year.
   b. Any nonretiree beneficiary, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree or the beneficiary, or both combined, has attained age sixty.
   c. Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year.
2. In accordance with Subsection D of this Section, the board may pay a supplemental cost-of-living adjustment to the following retirees and beneficiaries who are at least age sixty-five and who retired on or before June 30, 2001:
   a. Any nonretiree beneficiary, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year.
   b. Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year.
B. The amount of the increase authorized by Paragraph (A)(2) of this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account after any credits or debits to the account up to a maximum payment of two percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, a cost-of-living adjustment shall not be granted.
C. The amount of the increase authorized by Paragraph (A)(3) of this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account after any credits or debits to the account up to a maximum payment of two percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, such cost-of-living adjustment shall not be granted.
D. The increases provided for in this Section shall be payable only on the first sixty thousand dollars of a retiree or beneficiary's benefit.

§3087.194. Board of commissioners, appointment; tenure; vacancies; selection; qualifications; compensation
A. The district shall be governed and controlled by a board of eleven members, each of whom shall be a qualified elector of the state of Louisiana.
B. The district shall be governed and controlled by a board of eleven members, each of whom shall be a qualified elector of the state of Louisiana.

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

ACT No. 512

SENATE BILL NO. 373
BY SENOIR MIZEZ

To amend and reenact R.S. 38:3087.194(A) and 3087.201 and to enact R.S. 38:3087.197(D) and 3087.206, relative to the Washington Parish Reservoir District; to provide for the board of commissioners; to provide for restrictions on the acquisition of land; to require public bid; to provide for open meetings; and to provide for related matters.

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

Section 1. R.S. 38:3087.194(A) and 3087.201 are hereby amended and reenacted and R.S. 38:3087.197(D) and 3087.206 are enacted to read as follows:

A. The district shall be governed and controlled by a board of eleven members, each of whom shall be a qualified elector of the state of Louisiana.

B. The district shall be governed and controlled by a board of eleven members, each of whom shall be a qualified elector of the state of Louisiana.

Approved by the Governor, June 30, 2016; declared inoperative on June 30, 2016, or on the day following such approval by the legislature, whichever is later.
of commissioners shall be appointed by the governor. The appointment of the members of the board of commissioners shall be subject to Senate confirmation.

(2) The governor shall appoint replacements for each board vacancy in the same manner that the original board members were appointed and in compliance with this Section as soon as possible.

§3087.197. Powers of the board

§3087.201. Contracts let by board; bond

All contracts of the district shall be let by the board of commissioners under the provisions of R.S. 33:9038 et seq. subject to Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

§3087.206. Open meetings; requirements for posting to parish government website

A. All board meetings shall be conducted pursuant to the open meetings law.

B. Notwithstanding any provision to the contrary, notice of all meetings of the board of commissioners shall be posted on the website maintained by the parish governing authority of Washington Parish no later than seventy-two hours prior to the meeting.

Approved by the Governor, June 12, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 514
SENATE BILL NO. 412
BY SENATOR BROWN
AN ACT

To amend and reenact R.S. 33:9038.31(2) and (3) and to enact R.S. 33:9038.70, relative to special districts; to provide for the governance and the powers and duties of the district, including tax, bond, and tax increment finance authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9038.31(2) and (3) are hereby amended and reenacted and R.S. 33:9038.70 is hereby enacted to read as follows:

§9038.31. Definitions

(2) “Issuer” means the local governmental subdivision, economic development district, industrial development board of the municipality or parish authorized and created pursuant to Chapter 7 of Title 51 of the Louisiana Revised Statutes of 1950, a public trust with the municipality or parish as the beneficiary thereof as provided in Chapter 2-A of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, as authorized in this Part, the Walnut Street Special District, any Tax Increment Development Corporation activated in a municipality with a population of not less than three thousand three hundred and not more than three thousand three hundred ninety-five persons according to the most recent federal decennial census for the purposes provided for in R.S. 33:9038.68, or any district created pursuant to R.S. 33:9038.70

(3) “Local governmental subdivision” means any municipality or parish, or any municipality, parish, local industrial board, a local public trust authorized pursuant to R.S. 33:9038.33(N) or 9038.34(N) having jurisdiction over the geographical area bounded by the Mississippi River, the Orleans/ Jefferson parish line and the Orlean/Plaquemines parish line, the Walnut Street Special District, any Tax Increment Development Corporation activated in a municipality with a population of not less than three thousand three hundred and not more than three thousand three hundred ninety-five persons according to the most recent federal decennial census for the purposes provided for in R.S. 33:9038.68, or any district created pursuant to R.S. 33:9038.70

§9038.70. Special district in certain cities

A. Definitions. As used in this Section, “city” means any municipality governed by a home rule charter and with a population between seven thousand and eight thousand persons according to the latest federal decennial census.

B. Creation. The governing authority of the city may, by ordinance, create a special taxing district and political subdivision of the state, hereinafter referred to as the “district”.

C. Boundaries. The ordinance creating the district shall establish its boundaries which shall be within the corporate limits of the city.

D. Purpose. The district is created to provide for cooperative economic development between the district, the city, and the owner or owners of businesses and other property within the district in order to provide for costs related to infrastructure within the district as determined by the board of commissioners of the district.

E. Governance. (1) In order to provide for the orderly development of the district and effectuation of the purposes of the district, the shall be administered and governed by a board of commissioners as follows:

(a) The mayor of the city, or his designee.

(b) The presiding officer of the city council, or his designee.

(c) The chief executive officer of the downtown development district, or his designee.

(2) A person who is an owner of property within the district, or an authorized representative of an entity which is an owner of property within the district, if such person or authorized representative applies to the board for membership on the board, or that person’s or representative’s designee.

(3) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available for inspection through the board’s secretary. The minute books and archives of the district shall be maintained by the board’s secretary.

(4) The monies, funds, and accounts of the district shall be in the official custody of the board.

(5) The board shall adopt bylaws and prescribe rules to govern its meetings. The members of the board shall serve without salary or per diem and shall be entitled to reimbursement for reasonable, actual, and necessary expenses incurred in the performance of their duties.

(6) The domicile of the board shall be established by the board at a location within the city.

(7) The board shall elect from its own members a president and secretary, whose duties shall be common to the offices or as may be provided by bylaws adopted by the board. The board shall hold regular meetings and hold special meetings as provided in the bylaws. All meetings shall be public meetings subject to the provisions of the Open Meetings Law.

F. Rights and powers. In addition to the taxing, tax increment financing, and bonding authority provided for in Subsection G of this Section, the district, the board of commissioners shall have and exercise all powers of a political subdivision and a special district necessary or convenient for the carrying out of its objects and purposes including but not limited to the following:

(1) To create and to be sued.

(2) To adopt bylaws and rules and regulations.

(3) To receive by gift, grant, or donation any sum of money, property, aid or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(4) For the public purposes of the district, to enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

(5) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(6) To acquire by gift, grant, purchase, or lease, but not by expropriation, such property as may be necessary or desirable for carrying out the objectives and purposes of the district and to mortgage and sell such property.

(7) To hold, possess, possess possession of, and use its own right to its own benefit; to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness. For this purpose the district shall be deemed and considered to be an issuer for purposes of R.S. 33:9037 and shall, to the extent not in conflict with this Section, be subject to the provisions of R.S. 33:9037.

(8) To establish such funds or accounts as are necessary for the conduct of the affairs of the district.

(9) To do all things reasonably necessary to accomplish the purposes of this Section.

(10) To designate by ordinance any territory within the district as a subdivision in which shall be exercised, to the exclusion of the remainder of the district, any authority provided to the district by Subsection G of this Section or any other provision of this Section or other law.

(11) To levy, collect, tax, increment financing, and bonding authority. (1) To provide for the cost of a project to fund infrastructure within the district, the district shall have such tax increment finance authority, taxing authority, and other authority that is provided to local governmental subdivisions in Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, including but not limited to the following: ad valorem tax increment financing and bonding in R.S. 39:3038.33; sales tax increment financing and bonding in R.S. 39:3038.34; cooperative endeavors authority in R.S. 39:3038.35; bond authority in R.S. 39:3038.36; and ad valorem, sales tax, and hotel occupancy tax authority in R.S. 39:3038.39. The project to fund infrastructure within the district is hereby deemed to be a development or “project” within the meaning of such authority provided in the district.

(2) Any agreement entered into by the district and any affected tax recipient entity authorizing the use and dedication of the affected tax recipient entity’s incremental increase in taxes may include additional public or private improvements, in the judgment of the board, to enhance the conditions and other provisions to which all parties to such agreement consent.

(3) Notwithstanding any provision of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 or any other law to the contrary, any powers, authorities, or duties granted under such laws may be restricted to a...
to amend and reenact R.S. 37:1361(B) and (E), 1366(A), 1367(A), 1368(A), 1371(A), 1373(A), 1377(B), and 1378(A)(3),(6), and (8), and to enact R.S. 37:1360(B) and (K), relative to the licensure of plumbers; to create and provide for the qualifications for a new "tradesman plumber" license; to provide relative to the membership and duties of the State Plumbing Board; to provide for definitions; to provide relative to the registration of apprentice plumbers; to provide relative to training programs, requirements, and examinations for plumbers; to provide for fees; to provide for disciplinary actions for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1361(B) and (E), 1366(A), 1367(A), 1368(A), 1371(A), 1373(A), 1377(B), and 1378(A)(3),(6), and (8) are hereby amended and reenacted and R.S. 37:1366(J) and (K) are hereby enacted to read as follows:

§1361. State Plumbing Board, appointments; qualifications; legislative intent

A. The board shall adopt tests of qualification to be possessed by any person actually engaged in the repair of existing plumbing in one- and two-family dwellings and see that any person engaged in the duties of a tradesman plumber shall possess a tradesman plumber limited license.

B. The State Plumbing Board is created. The board, which shall consist of one registered engineer, one plumbing inspector, three master plumbers, and three journeyman plumbers, and one tradesman plumber, one tradesman plumber, each an appointment shall be made from a list of three names, one of which shall be an individual as defined by R.S. 32:247(103)(A), for each appointment submitted by the following:

(1) The registered engineer and the plumbing inspector by the president of the Louisiana State Board of Plumbing, Heating and Cooling Contractors.

(2) Master Plumbers by the Louisiana Association of Plumbing, Heating and Cooling Contractors of Louisiana or its successors.

(3) Journeyman plumbers by the Louisiana Pipe Trades Association or its successor.

(4) The tradesman plumber by the executive director of the State Plumbing Board of Louisiana.

E. Four (4) members shall constitute a quorum.

§1366. Duties of the board

A. The board shall adopt tests of qualification to be possessed by any persons actually engaged in the repair of existing plumbing in one- and two-family dwellings and see that any person engaged in the duties of a tradesman plumber shall possess a tradesman plumber limited license.

B. The board shall adopt tests of qualification to be possessed by any persons actually engaged in plumbing installation or plumbing work of any character, and see that any person engaged in the duties of a journeyman plumber shall possess a journeyman plumber’s license.

J. Not later than January 1, 2017, the board shall establish and maintain a registry of all apprentice plumbers employed in Louisiana and shall issue a certificate to all registrants.

B. The board shall assist the Board of Supervisors of Community and Technical Colleges in developing training, program, and course requirements that will prepare individuals to meet the qualifications established by the board for a tradesman plumber limited license.
standards established by the Department of Health and Hospitals or any of its agencies or offices, or the habitual performance of work of a medical gas installer or medical gas and vacuum systems verifier not in compliance with regulations of the state fire marshal or related local governmental codes.

(6) The habitual practice of a tradesman plumber, journeyman plumber, master plumber, medical gas piping installer, or holder of a water supply protection specialist endorsement to knowingly allow any person not licensed by the board to perform plumbing work, medical gas piping installation, or the work of a water supply protection specialist, except as otherwise authorized by this Chapter.

(8) The habitual violation by a master plumber, journeyman plumber, tradesman plumber, apprentice plumber, medical gas piping installer, medical gas and vacuum systems verifier, or holder of a water supply protection specialist endorsement of the rules and regulations adopted by the board.

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Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler
Secretary of State

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AN ACT

BY SENATOR APPEL AND REPRESENTATIVE JIMMY HARRIS

To amend and reenact R.S. 41:1212(G) and 1215(B)(1), (2), (3), (4), (5), and (6) and to enact R.S. 41:1215(D), (E), and (F) relative to public benefit corporations; to provide relative to certain procedures and requirements; to provide relative to leases or subleases of immovable property owned, leased or controlled by a public benefit corporation; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 41:1212(G) and 1215(B)(1), (2), (3), (4), (5), and (6) are hereby amended and reenacted and R.S. 41:1215(D), (E), and (F) are hereby enacted to read as follows:

§1212. Lands which may be leased; purposes; leases of sixteenth section 1215 lands for agricultural purposes; negotiation of surface leases of school lands; negotiation of leases by certain public benefit corporations; negotiation of leases for administering buildings designated as historic landmarks

G. Whenever a public benefit corporation formed by the city of New Orleans or Orleans Parish, through its chief executive officer for the purposes of owning, leasing, developing, and operating properties owned by the public benefit corporation or the political subdivision, leases any property owned by the public benefit corporation or the political subdivision, such public benefit corporation shall not be required to advertise for and receive bids as hereinafter provided for in this Part for other leases. Such leases entered into shall provide for a fair and equitable return of revenue to the public benefit corporation, or the political subdivision, as hereinafter provided. A public benefit corporation that meets the requirements of R.S. 41:1212(G) shall not be required to advertise for and receive bids as hereinafter provided for in this Part for other leases. Such leases entered into shall comply with the provisions of R.S. 41:1215(C), and shall be subject to the provisions of R.S. 41:1215(B) through (F).

§1215. Opening of bids; execution of leases; exceptions; public benefit corporations; negotiated lease to nonprofit organizations

B. For the purposes of this Part a "public benefit corporation" is defined to be a nonprofit corporation formed pursuant to the general nonprofit corporation law of the state of Louisiana, except those formed pursuant to specific constitutional or statutory authority, by a political subdivision of the state of Louisiana through its chief executive officer for the purposes of owning, leasing, developing, and operating properties owned by such political subdivision or by such public benefit corporation, including but not limited to planning, renovating, constructing, leasing, subleasing, managing, and promoting such properties, which activity is declared to constitute a public purpose, and which shall meet each of the following requirements:

(1) The corporation must not be organized for profit except to the extent of retiring indebtedness;

(2) The corporate income must not inure to any private person except for operating expenses, salaries and other operating expenses;

(3) The political subdivisions must have a beneficial interest in the corporation while the indebtedness issued by the corporation to finance the acquisition, construction or improvement of property remains outstanding and it must obtain full legal title to the property of the corporation with respect to which the indebtedness was incurred upon retirement of such indebtedness;

(4) Nonprofit corporations which meet the requirements of a public benefit corporation as set forth herein and which own, lease, sublease, or control immovable property shall not be required to advertise for and receive bids

as provided for in this Part, provided that any lease or sublease entered into by and between such nonprofit corporation and a third party be approved by the governing body of such political subdivision on behalf of which the corporation exercises its powers. Such leases or subleases shall be negotiated and let in by the public benefit corporation in accordance with fair and reasonable criteria established and applied by the public benefit corporation, relating to a balance of factors including but not limited to uniqueness of operation, financial stability, architectural design, development and management of operational plan, uniqueness of operation, and overall economic importance to the political subdivision or the state.

(5) In the event that any person or other entity be unsuccessful in the bid for the lease or sublease of immovable property owned, leased or controlled by a public benefit corporation such person or other entity may, not later than thirty days following the occurrence of such event, appeal to the district court in which the political subdivision is located for such relief as may be provided by law. If no appeal is taken within said thirty day period, any such claim shall be prescribed.

(6) The corporation must be approved by the political subdivision creating it and any specific obligations issued or made by the corporation must also be approved by said political subdivision.

D. (1) In the event that any person or other entity challenges, seeks to nullify, or seeks to enjoin a lease or sublease of immovable property owned, leased or controlled by a public benefit corporation, including but not limited to any person or entity that was unsuccessful in being selected for the lease or sublease, such person or entity may appeal to or file suit in the district court in which the political subdivision is located for such relief as may be provided by law.

(2) In the case of an appeal or suit by a person or entity that was unsuccessful in being selected for the lease or sublease, such appeal or suit must be filed not later than thirty days following the occurrence of such event. In the case of a suit or appeal by any other person or entity, such appeal or suit must be filed not later than thirty days following the selection of the lessee or sublessee. If no appeal is taken or suit is filed within the thirty-day period, any such claim shall be prescribed.

(b) Any person or entity that files a suit or appeal pursuant to Paragraphs (1) and (2) of this Subsection shall notify the public benefit corporation of the appeal or suit and shall be entitled to an attorney's fee in an amount not to exceed forty dollars. If no appeal is taken or suit is filed within the thirty-day period, any such claim shall be prescribed.

(3)(a) Any person or entity that files a suit or appeal pursuant to Paragraphs (1) and (2) of this Subsection shall notify the public benefit corporation of the appeal or suit and shall be entitled to an attorney's fee in an amount not to exceed forty dollars. If no appeal is taken or suit is filed within the thirty-day period, any such claim shall be prescribed.

(3)(b) Any person or entity that files a suit or appeal pursuant to Paragraphs (1) and (2) of this Subsection shall notify the public benefit corporation of the appeal or suit and shall be entitled to an attorney's fee in an amount not to exceed forty dollars. If no appeal is taken or suit is filed within the thirty-day period, any such claim shall be prescribed.

E. All leases or subleases executed by a public benefit corporation under the provisions of this Part shall be for a period not exceeding ninety-nine years and shall provide for a rental payable in cash in a lump sum or installments, at the discretion of the lessor.

F. Notwithstanding the provisions of Subsection E of this Section and R.S. 41:1217, any lease or sublease executed by a public benefit corporation under the provisions of this Part, in the city of New Orleans, shall be for a period not exceeding ninety-nine years and shall provide for a rental payable in cash in a lump sum or installments, at the discretion of the lessor.

Section 3. The provisions of this Act shall be applicable to all leases entered into by public benefit corporations after the effective date of this Act, and all claims, suits or appeals pending on the effective date of this Act.

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

Approved by the Governor, June 16, 2016.

A true copy:

Tom Schedler
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill

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

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