To amend and reenact R.S. 15:1110(B) and (C), R.S. 40:2190(B), and R.S. 48:1604(A)(2) and (C) and to repeal R.S. 15:1110(D), Subpart B-1 of Part I of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1231 through 1237, Chapter 27-A of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1238.1 through 1238.7, Chapter 27-D of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.51 through 9039.56, Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:1811.1 through 1811.6, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the functional organization of state government by abolishing certain boards, commissions, councils, authorities, districts, and like entities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Task Force on Juvenile Detention Standards and Licensing, the State Advisory Commission on Teacher Education and Certification, Louisiana Historic Cemetery Trust Advisory Board, Concordia Parish Port Commission, Advisory Committee on Hospice Care, Northeast Louisiana Film Commission, Louisiana Bicentennial Commission, Battle of New Orleans Bicentennial Commission, and Interstate 10-12 Corridor District and Commission, to remove the at-large member appointed by the governor to the River Parishes Transit Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that abolishing, transferring, and consolidating certain boards, commissions, and other statutorily-created entities is in the public interest when such entities no longer serve a public purpose. It is the intent of the legislature to abolish, transfer, and consolidate boards, commissions, and other statutorily-created entities and make other changes as provided in this Act.

Task Force on Juvenile Detention Standards and Licensing

Section 2. (A) R.S. 15:1110(B) and (C) are hereby amended and reenacted to read as follows:

$1110. Detention standards; licensing; fees

(B) R.S. 15:1110(D) is hereby repealed in its entirety.

River Parishes Transit Authority

Section 3. R.S. 48:1604(A)(2) and (C) are hereby amended and reenacted to read as follows:

$1604. Board of commissioners; membership, terms, vacancies

(A)(1) (2) Each commissioner must be domiciled within the parish from which he is appointed, except for the one at-large member appointed by the governor and the one at-large member representing the workforce development board, who must be domiciled within the state.

C. All initial terms shall begin September 15, 1999. After the initial terms have expired, appointments shall be concurrent with the terms of the appointing authority, except that a vacancy shall be filled for the unexpired portion of the term by the authority which made the original appointment.

The at-large member appointed by the governor shall serve at his pleasure.

A member of the authority may be appointed by the appropriate authority to succeed himself.

State Advisory Commission on Teacher Education and Certification

Section 4. (A) Subpart B-1 of Part I of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:31 through 33, is hereby repealed in its entirety.

(B) R.S. 36:651(X) is hereby repealed in its entirety.

Louisiana Historic Cemetery Trust Advisory Board

Section 5. (A) R.S. 25:933(2) and 941 are hereby repealed in their entirety.

(B) R.S. 36:209(T) is hereby repealed in its entirety.

Northeast Louisiana Film Commission

Section 6. Chapter 27-D of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.51 through 9039.56, is hereby repealed in its entirety.

Concordia Parish Port Commission

Section 7. Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1851 through 1857, is hereby repealed in its entirety.

Advisory Committee on Hospice Care

Section 8. (A) R.S. 40:2190(B) is hereby amended and reenacted to read as follows:

§2190. Time for making license application

B. The governor shall appoint the initial members of the Advisory Committee on Hospice Care not later than September 1, 1988. The department shall develop appropriate rules and regulations necessary for the administration of this Part, and shall cause the publication in the Louisiana Register of the same not later than February 20, 1989.

(A) R.S. 36:259(X) is hereby repealed in its entirety.

(C) R.S. 40:2191 is hereby repealed in its entirety.

Interstate 10-12 Corridor District and Commission

Section 9. Chapter 21 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:1811.1 through 1811.6, is hereby repealed in its entirety.

Louisiana Bicentennial Commission

Section 10. (A) Chapter 27 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1231 through 1237, is hereby repealed in its entirety.

(B) R.S. 36:209(Q) is hereby repealed in its entirety.

(C) Subpart O of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.38, is hereby repealed in its entirety.

Battle of New Orleans Bicentennial Commission

Section 11. (A) Chapter 27-A of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1238.1 through 1238.7, is hereby repealed in its entirety.

(B) R.S. 36:209(U) is hereby repealed in its entirety.

Section 12. The property and funds, if any, of the entities abolished by this Act whose functions are not transferred to another entity or official shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Fund as otherwise provided by law.

Approved by the Governor, June 17, 2016.

A. True copy:

Tom Schedler
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
concealed or exposed weapons while acting within the course and scope of their duties. State museum police officers shall successfully complete a basic certified training program approved by the Council on Peace Officer Standards and Training as provided in R.S. 40:2405 and shall fulfill all requirements for annual basic firearms training. State museum police officers shall have the right to exercise the power of arrest when discharging their duties on property under jurisdiction of the Department of Culture, Recreation and Tourism and on all streets, roads, and rights-of-way within or contiguous to the perimeter of the property.

Section 2. R.S. 56:1688(E) is hereby enacted to read as follows:
§1688. Park wardens; powers and duties

E. State park wardens shall successfully complete a basic certified training program approved by the Council on Peace Officer Standards and Training as provided by R.S. 40:2405 and shall fulfill all requirements for annual basic firearms training.

Section 3. This Act shall become effective on January 1, 2017. Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 616
SENATE BILL NO. 283
BY SENATOR HEWITT
AN ACT
To amend and reenact R.S. 37:3651(A)(1), relative to professions and occupations; to provide for training of military personnel applying for certification as a professional engineer; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3651(A)(1) is hereby amended and reenacted to read as follows:
§3651. Licensure for individuals with military training and experience; certification, or registration of the licensing board is seeking licensure, certification, or registration in this state if, upon application to the board, the applicant satisfies all of the following conditions:
(1) Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the educational, examination, experience and other requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state, provided the applicant has otherwise met all of the minimum requirements for licensure, certification, or registration of the licensing board. Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 617
SENATE BILL NO. 302
BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS AND MARCELLE
AN ACT
To amend and reenact Children's Code Articles 412(C), 905, and 906, and R.S. 15:905(B), and to enact Children's Code Articles 412(D)(12) and 898(D) and (E), and Part III of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:186.1 through 186.6, relative to juvenile justice; to provide for the release of records; to provide for costs; to provide for presumptions of indigence; to provide for hearings; to provide for legal representation of certain juveniles; to create the Safe Return Program; to provide for data collection and reporting; to provide for standards of representation; to create the Safe Return Representation Program Fund; to provide for access to counsel; to provide relative to the duration of a disposition based on a felony-grade adjudication; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 412(C), 905, and 906 are hereby amended and reenacted and Children's Code Articles 412(D)(12) and 898(D) and (E) are hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions
C. Records and reports in individual cases may be released to parties, their counsel or other legal representatives, and court-appointed special advocates (CASAs) in accordance with discovery and disclosure provisions of this Code. Notwithstanding any other provision of law to the contrary, access to review all records and reports concerning a child in the custody of the office of juvenile justice, including but not limited to records relating to condition, housing, supervision, treatment, rehabilitation program, education, health, discipline, transition planning, risk assessments, or for use by the department in determining if a child is eligible to participate in a juvenile drug court program, operated by a court of this state, as a condition of probation, so long as the child is a full-time participant in such juvenile drug court program.

Art. 905. Progress reports to court
A. Any institution or agency to which a child is assigned, upon request, shall provide the court any information concerning the condition, supervision, treatment, or rehabilitation program of the child. When such information is provided to the court, it shall also be provided to the state and to counsel for the child at the same time it is provided to the court.
B. Any institution, agency, or person to which a child is assigned shall, not less than once every six months, report in writing the whereabouts and condition of the child to the judge who rendered the judgment of disposition and to counsel for the child. Such reports shall be provided to the court and counsel for the child not less than seventy-two hours before any in-court review hearing.
C. If the child is not a participant in a juvenile drug court program, and is committed or placed on probation for a felony-grade adjudication, the family court or the court may direct that the child be provided with an in-person hearing not more than six months after the child's commitment, and at every six months thereafter, unless such an in-person hearing is waived by counsel for the child and by the committing court.
(2) The purpose of the hearing shall be to ensure the child is receiving necessary treatment and services and all terms and conditions of his disposition are followed. The court may also consider any motions for modification of the order of commitment pursuant to Article 906 et seq., at the hearing.

(3) For the purposes of this Paragraph, a child is deemed “committed” by a court to the custody of the office of juvenile justice if he is judicially committed to the legal custody of the office of juvenile justice, regardless of where the child is physically held, including but not limited to state-run secure facilities, state-run non-secure facilities, private facilities with which the office of juvenile justice contracts, and detention centers.

Section 2. R.S. 15:905(B) is hereby amended and reenacted and Part III of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:186.1 through 186.6, is hereby enacted to read as follows:

PART III. REPRESENTATION OF CHILDREN IN CUSTODY

§186.1. Purpose
The purpose of this Part is to provide for an effective and efficient system of providing legal representation to indigent children committed to the custody of the office of juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children’s Code and to promote safe return and reentry for youth in custody.

§186.2. Definitions
For the purposes of this Part, the following words shall have the following meanings:

1. “Board” means the Louisiana Public Defender Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana Constitutions. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part.

2. “Custody” means the legal custody of the office of juvenile justice, which follows on commitment by a Louisiana court exercising juvenile jurisdiction to the office of juvenile justice as provided in Titles VII and VIII of the Louisiana Children’s Code.


4. “District public defender”, “chief indigent defender”, or “chief public defender” means an attorney employed by or under contract with the board to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.

5. “Indigent child representation” means the providing of legal services to indigent children committed to the custody of the office of juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children’s Code.

6. “Office of juvenile justice” and “the office” means the Department of Public Safety and Corrections, youth services, office of juvenile justice.

7. “Public defender” or “indigent defender” means an attorney employed by or under contract with the board, the district public defender, or a nonprofit organization contracting with the board or the district public defender to provide representation as required by the provisions of the Louisiana Children’s Code.

8. “Safe Return Program” or “the program” means the Safe Return Representation Program administered pursuant to the Part.

§186.3. Safe Return Representation Program: duties of the board; subject to appropriations
A. (1) Subject to appropriation and the availability of other monies to the program, the board shall administer a program to provide qualified legal representation to indigent children committed to the custody of the office of juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children’s Code and promote safe return and reentry for youth in custody.

B. Except for the regulatory authority of the Louisiana Supreme Court provided in Article V, Section 5, of the Louisiana Constitution, the Louisiana Public Defender Board or any successor to that board, shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power necessary to administer the program throughout the state.

In the administration of the Safe Return Program, the board shall:

1. Regularly collect detailed data from judicial districts, where applicable, of workload, resources, employees, and expenditures relating to representation of children in the custody of the office of juvenile justice.

2. Review and adopt an annual budget for the program.

3. Submit an annual report to the legislature regarding the state of the program. Such report shall include:

   (a) Recommendations for changes in the law regarding the board or any regulatory act.

   (b) A detailed explanation of all revenues and expenditures.

   (c) Comprehensive workload data regarding the program.

   (d) Compliance with all policies, procedures, and public announcements of the board recognizing the role of attorneys in safeguarding fundamental rights and promoting the safety, reintegration, and well-being of children in the custody of the office of juvenile justice.

   (e) Promote accessible family preservation, medical resources, educational resources, substance abuse treatment, vocational training, and mental health resources for children in the custody of the office of juvenile justice.

   (f) Take reasonable and appropriate steps to secure private and state, federal, or other public funds to help support the program.

   (g) Institute or cause to be instituted legal proceedings as necessary to enforce any of the duties or powers of the program.

   (h) Empower and train attorneys and other staff as may be necessary to carry out the functions of the program. All attorneys representing indigent children through this program shall be licensed to practice law in Louisiana and qualified in accordance with the standards and guidelines adopted by rule of the board.

(1) Contract with organizations or individuals for the legal services for indigent children in the custody of the office of juvenile justice.

(2) Administer an efficient and effective statewide program for the representation of indigent children which safeguards their rights and facilitates timely and fair decision-making concerning safety, reentry, reintegration, and well-being.

(3) Establish and modify a plan of organization to conduct the business of regulating and controlling the delivery of program services. The plan of organization shall provide for:

   (a) The granting of contracts.

   (b) The review of investigative and audit reports and findings.

   (c) The enforcement of board rules.

(4) Develop and disseminate standards, procedures, and policies to ensure that quality representation of indigent children in the custody of the office of juvenile justice is provided consistently throughout the state.

(5) Prepare and submit to the Joint Legislative Committee on the Budget not later than March first of each year an annual financial report which outlines the program’s revenue, federal funds, including local, state, and federal funds, for the previous calendar year.

(6) Prepare and submit to the governor, legislative auditor, and legislative fiscal officer, not later than June first of each year an estimate of unexpended balances in the fund after first meeting the requirements of Article VII, Section 9(B), of the Louisiana Constitution.

(7) Develop and maintain a comprehensive information system on the revenues received by the board and any district from local, state, and federal sources, as well as the expenditure of any revenue, and submit a summary of the information to the governor and legislative fiscal officer.

(8) Assign appropriate staff to:

   (a) Coordinate training and performance evaluation for attorneys representing indigent children pursuant to this Section.

   (b) Apply for and assist in the disbursement of federal funds or other grant monies to the board or any district public defender to implement standards, guidelines, supervision, policy, and procedures to maintain compliance.

(9) Work with public and private representatives, including but not limited to judges, social service personnel, district attorneys, and service providers to promote sound juvenile justice policy and practice.

All monies required to be deposited in the fund for purposes and duties provided by this Section shall be in addition to the powers and duties provided for in R.S. 15:147.

§186.4. Standards and guidelines for representation of indigent children in custody: rulemaking
A. The board shall adopt all rules necessary to implement the provisions of this Part.

B. The rules shall include mandatory statewide standards and guidelines for the representation of indigent children in the custody of the office of juvenile justice to be provided in a uniform manner and consistent throughout the state.

C. All rules and regulations shall be promulgated in accordance with the Administrative Procedure Act and subject to legislative oversight by the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

§186.5. Safe Return Representation Program Fund
A. “The Louisiana Safe Return Representation Program Fund”, hereafter referred to as “the fund”, is hereby created within the state treasury. Interest earned on the investment of monies in the fund shall be deposited into the fund. All interest earned on the investments of funds shall remain in the fund. Monies in the fund shall be appropriated, administered, and used solely as provided in this Section.

B. The fund shall be comprised of all monies appropriated by the legislature specifically for the purpose of providing or otherwise making available to the program. All monies required to be deposited in the state treasury in accordance with Article VII, Section 9(A), of the Louisiana Constitution shall be deposited in the fund after first meeting the requirements of Article VII, Section 9(B), of the Louisiana Constitution.

C. The fund shall be segregated from all other funds and shall be used solely for the implementation and operation of the Safe Return Representation Program. Monies appropriated to the fund shall also be used to supplement the judicial district indigent defender funds as provided in R.S. 15:168 and shall not be used to displace, replace, or supplant monies available for this program or the purpose of providing legal representation to children in the custody of the office of juvenile justice.
D. Monies in the fund which have been appropriated to the Louisiana Public Defender Board shall be administered by the Louisiana Public Defender Board, or any successor to that board.
E. The board shall not mingle the monies appropriated from the fund with any other monies of the board.

§186.6. Implementation of Safe Return Representation Fund
A. Subject to appropriation, or the availability of other monies to the program, the board shall develop a program to establish a flexible delivery system that is responsive to jurisdictional variances and local community needs. The board or any successor to that board. The board shall choose a model for implementation of the Safe Return Representation Program that is efficient, feasible, practicable, and appropriate to provide the best delivery of indigent parent representation.

§905. Rules and regulations; education; training and discipline, work opportunities, vocational training, contracts and agreements

B. The Notwithstanding any other provision of law to the contrary, the deputy secretary for youth services shall establish all rules and regulations for the placement, care, and treatment of juvenile in the custody of the office of juvenile justice. Such rules and regulations shall include:

1. Provisions for reasonable access to each child in the custody of the office of juvenile justice for defense counsel and for adequate and confidential meeting space in each juvenile facility for defense counsel and children they represent.

2. Provisions for direct, confidential, and readily accessible telephone or audio-visual connections between each child in the custody of the office of juvenile justice and their defense counsel. Telephones and audio or visual connections to counsel shall be available, by reasonable request on a daily basis, to each child in the custody of juvenile justice at no cost to the child or their family.

3. For the purposes of this Subsection:
   (a) A child is deemed “in the custody of the office of juvenile justice” if he is judicially committed to the Department of Public Safety and Corrections, youth services, office of juvenile justice, regardless of where the child is physically held, including but not limited to state-run secure facilities, state-run non-secure facilities, contracted facilities, and detention centers.

   (b) A “juvenile facility” is any facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted by any agency of the state.

Section 3. This Act shall be known and may be referred to as the “Safe and Fair Return Act of 2016”.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 619

SENATE BILL NO. 337
BY SENATOR MARTINY
AN ACT

To enact Part VIII of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2511, relative to retail pet stores; to provide for related matters.

Section 1. R.S. 17:3140 is hereby enacted to read as follows:

Section 1. R.S. 17:3140 is hereby enacted to read as follows:

A. As used in this Part, the following terms are defined as follows:

1. “Animal care facility” means an animal control center or animal shelter, maintained by or under contract with any state, parish, or municipality, whose mission or practice is protecting the welfare of animals and the placement of animals in permanent homes or with animal rescue organizations.

2. “Animal rescue organization” means any not-for-profit organization whose mission or practice is protecting the welfare of animals and the placement of animals into permanent homes, and which does not obtain dogs or cats from a retail pet store.

A true copy:

Tom Schedler
Secretary of State

ACT No. 466

SENATE BILL NO. 446
BY SENATOR HEWITT
AN ACT

To enact R.S. 17:3140 and to repeal R.S. 17:3140, relative to postsecondary education; to provide relative to a comprehensive review of the educational demands of the state and its regions; to provide for an evaluation of the state’s postsecondary education assets, needs, gaps and barriers; to provide for a report of the findings and recommendations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3140 is hereby enacted to read as follows:

§3140. Evaluation of the state's delivery of public postsecondary education delivery system
A. The Board of Regents shall conduct a comprehensive review of the present postsecondary education system in the state and recommend the optimal framework and structure for education in the future that will meet the needs of the state's citizens and industries while maximizing the state's resources. The review shall be of the state as a whole and of its workforce development areas as provided in R.S. 23:2192, which shall be referred to in this Section as “regions.”

B. The board shall submit a written report detailing its findings and recommendations relative to the assets, needs, gaps, and barriers to creating a comprehensive, efficient, and cost-effective public postsecondary education system in Louisiana to the Senate and House committees on education by no later than forty-five days before the 2017 Legislative Session. The report shall include, for the state as a whole and for each region, the following:

1. A description of assets, including:
   (a) The role, scope, and mission of each institution of postsecondary education in the state.

2. Academic and non-academic programs, including those below the certificate level and non-credit technical skills courses, offered at each public postsecondary education institution, excluding continuing education courses but including:
   (i) Program enrollment and completion data for the last five years.

3. Certification and discipline cost per full-time equivalent student for the current academic year.

4. Current centers of excellence, as defined by the Board of Regents, in each institution, with explanation of how each center fits into the institution’s role, scope, and mission and aids in transforming the workforce and economic development needs of the region or the state as a whole.

5. A list of each facility and all immovable property owned or leased by the state's public postsecondary institutions. The list shall also include a description of each facility as follows:

THE ADVOCATE

* As it appears in the enrolled bill

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CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
Section 1. Subpart N of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:201 through R.S. 23:237, is hereby enacted to read as follows:

SUBPART N. SMART GROWTH DEVELOPMENTS

§140.211. Finding—need and purpose

It is hereby found and declared that:

(1) It is the policy of the state to promote the sound growth and development of parishes and municipalities by enabling them to undertake the correction of deficient conditions, factors, and characteristics through a comprehensive master plan with coordinated community development, the formulation, participation in, and adoption of public and private improvement programs related thereto, and the encouragement of participation in such efforts by public agencies.

(2) It is the policy of the state to enable the governing body of parishes and municipalities to promote the safety, health, morals and welfare, comfort and security of the people of the state through the provision of adequate, safe, and sanitary accommodations and facilities incidental or appurtenant thereto, for persons and families of all income levels.

(3) It is the policy of the state to promote a vigorous and growing economy, to prevent economic stagnation, and to encourage the creation of new job opportunities, to increase revenues to the state and to its parishes and municipalities and to achieve stable and diversified local economies. In furtherance of these goals, it is the policy of the state to enable the governing authority of parishes and municipalities to retain existing zoning and planning initiatives, and to develop sites, reasonably accessible to residential facilities, for new commercial development and in coordination with smart growth development of housing, mass transportation and public services.

§140.212. Definitions

The following terms wherever used or referred to in this Chapter shall have the following meanings unless a different meaning is clearly indicated in the context:

(1) "Governing body" means the legislative body, commission, council, board of aldermen, police jury, or other body charged with governing the parish or municipality.

(2) "Master plan" means the comprehensive plan of the parish or municipality.

(3) "Smart growth development" means one or more works, undertakings, initiatives, and to develop sites, reasonably accessible to residential facilities, for new commercial development and in coordination with smart growth development of housing, mass transportation and public services.

(4) "Include" shall be interpreted as including any one or more of which may be used or referred to in this Chapter shall have the following meanings unless a different meaning is clearly indicated in the context:

(5) "Governing body" means the legislative body, commission, council, board of aldermen, police jury, or other body charged with governing the parish or municipality.

(6) "Master plan" means the comprehensive plan of the parish or municipality.

(7) "Smart growth development" means one or more works, undertakings, and activities for the development, redevelopment, improvement, construction, rehabilitation or conservation of structures, facilities and appurtenances in an area which is intended to result in a new community including the activities to carry out a new community development plan which may do the following:

(a) Open land uses together.
(b) Create a range of housing opportunities and choices.
(c) Create walkable neighborhoods which include schools and grocery stores.
(d) Foster distinctive, attractive communities with a strong sense of place.
(e) Preserve open space, farmland, natural beauty, and critical environmental areas.

(8) "Provide a variety of transportation choices."
ACT No. 621

HOUSE BILL NO. 14

BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 11:181(A)(introductory paragraph), (B)(introductory paragraph), and (E), 511(1), 822(A)(5), 1162(A)(2), 1302(A) (6) and (7), 1471(A) and (C), 1541, 1651(B)(1), 1821(B)(5), 1981(B), 2091(B)(1), 2173(A)(introductory paragraph), 2225(A)(2)(a), and 2260(A)(2)(d) and to enact R.S. 11:2173(A)(7) and (8), relative to boards of trustees of the state and statewide retirement systems, plans, and funds; to authorize certain officers of the legislature to be trustees on such boards; to authorize appointment of designees; 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. 11:181(A)(introductory paragraph), (B)(introductory paragraph), and (E), 511(1), 822(A)(5), 1162(A)(2), 1302(A)(6) and (7), 1471(A) and (C), 1541, 1651(B)(1), 1821(B)(5), 1981(B), 2091(B)(1), 2173(A)(introductory paragraph), 2225(A)(2)(a), and 2260(A)(2)(d) are hereby amended and reenacted and R.S. 11: 2173(A)(7) and (8) are hereby enacted to read as follows:

§181. Composition of governing boards of state and statewide systems; per diem and expenses.

A. Notwithstanding any other provision of law contained in any of the laws governing the state retirement systems listed in this Subsection, or any other laws to the contrary, a member of the House Committee on Retirement appointed by the chairman speaker of the House Committee on Retirement of Representatives and the chairman of the Senate Committee on Retirement, ex officio, or their designees, shall serve as voting ex officio members of the governing boards of each of the following state retirement systems:

* * *

B. Notwithstanding any other provision of law contained in any of the laws governing the statewide retirement systems or funds listed in this Subsection, or any other laws to the contrary, a member of the House Committee on Retirement appointed by the chairman speaker of the House Committee on Retirement of Representatives and the chairman of the Senate Committee on Retirement, ex officio, or their designees, shall serve as voting ex officio members of the governing boards of each of the following statewide retirement systems or funds:

* * *

C. The member of the House Committee on Retirement appointed by the chairman speaker of the House Committee on Retirement of Representatives and the chairman of the Senate Committee on Retirement, or their designees if members of the legislature, shall receive for attendance at meetings of the governing boards of the above enumerated retirement systems and statewide retirement systems or funds the same per diem and expenses as they receive for attendance at legislative committee meetings, and from the same sources.

* * *

§181. Composition of board of trustees.

The board of trustees shall consist of the following members:

(1) The chairman of the Retirement Committee A member of the House Committee on Retirement appointed by the speaker of the House of Representatives, ex officio, or his or her member's designee.

§822. Members of board of trustees; appointment or election; terms of office; vacancies; compensation.

A. The board shall consist of such trustees as follows:

(1) The chairman of the Retirement Committee A member of the Louisiana Committee on Retirement appointed by the speaker of the House of Representatives, ex officio, or his or her member's designee.

* * *

(5) The chairman of the Retirement Committee A member of the House Committee on Retirement appointed by the speaker of the House of Representatives of the Louisiana Legislature, ex officio, or his or her member's designee.

§1162. Members of board of trustees; appointment or election; terms of office; vacancies; compensation.

A. The board shall consist of the following trustees:

* * *

(2) Chairman of the Retirement Committee A member of the House Committee on Retirement appointed by the speaker of the House of Representatives, ex officio, or his or her member's designee.

§1302. Creation and composition of board; powers; expenses of administration.

A. The Louisiana State Police Retirement System Board is created and is composed of the following members:

* * *

(6) The chairman of the Retirement Committee A member of the House Committee on Retirement appointed by the speaker of the House of Representatives of the Louisiana Legislature or the member's designee.

(7) The chairman of the Retirement Committee of the Senate of the Louisiana Legislature Senate Committee on Retirement of his or her designee.

§1471. Membership and organization of board; election of members; vacations.

A. The board of trustees shall be composed of seventeen members as follows:

(1) The the president, vice president, and treasurer of the Louisiana Assessors' Association.

(2) Twelve and twelve other members who shall be elected for terms of two years, as provided in this Subsection Paragraph, and who may be reelected:

(a) Eight regular member representatives, one elected from each of the eight election districts established by the Louisiana Assessors' Association. Elections for regular member representatives on the board shall be held in even-numbered years for even-numbered districts and in odd-numbered years for odd-numbered districts, in conformity with the bylaws of the association.

(b) Two retiree representatives, nominated by the board and elected by the retirees of the fund.

(c) Two assessor employee representatives who are members of the fund, nominated by the board, and elected by the assessor employees who are members of the fund.

(3) The initial election for each of the twelve board members in Paragraphs (1), (2), and (3) of this Subsection shall be held in 2009. The members elected from even-numbered districts in 2009 shall serve three year terms.

(4) Any vacancy on the board shall be filled in the manner provided for in Subsection A of this Section.

§1541. Board of trustees; membership; officers; vacancies.

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

(1) The president of the Louisiana Clerks of Court Association who shall be the president of the board.

(2) The first vice president of such association the Louisiana Clerks of Court Association who shall be vice president of the board.

(3) The treasurer of such association the Louisiana Clerks of Court Association who shall be treasurer of the board.

(4) The second vice president of such association shall be a member of the board.

(5) The immediate past president of the Louisiana Clerks of Court Association shall be a member of the board.

(6) A retired clerk of court who is receiving regular or disability retirement benefits shall be elected to the board to serve a term of two years by such association; the Louisiana Clerks of Court Association.

(7) Three of the directors of such association the Louisiana Clerks of Court Association shall be elected to the board by the association to serve a term of five years.

(8) The chairman of the House Committee on Retirement and A member of the House Committee on Retirement appointed by the speaker of the House of Representatives, or his designee.

§1981. Board of trustees; membership; term of office; oath of office; compensation; voting power; vacancies.

A. The board shall consist of nine trustees as follows:

(1) The The chairman of the Senate Committee on Retirement appointed by the speaker of the House Committee on Retirement of the Senate of the Louisiana Legislature, or their designees shall serve as voting ex officio members of the board; their designees shall be filled in the manner provided for in Section 1. of this Act.

(2) The member of the Senate Committee on Retirement appointed by the speaker of the Senate of the Louisiana Legislature, or his or her designee.

(3) The chairman of the Senate Committee on Retirement of the Senate of the Louisiana Legislature

§1651. Board of trustees; membership; compensation.

A. The the president, vice president, and treasurer of the Louisiana Assessors' Association.

B. The board shall consist of nine trustees as follows:

(1)(a) The chairman of the Retirement Committee A member of the House Committee on Retirement appointed by the speaker of the House of Representatives, or the member's designee.

(b) Two retiree representatives, nominated by the board and elected by the retirees of the fund.

(5) The chairman A member of the House Committee on Retirement appointed by the speaker of the House Committee on Retirement, who shall serve as a voting ex officio member, or his or her member's designee.

$1981. Board of trustees; membership; term of office; oath of office; compensation; voting power; vacancies

* * *
B. The board shall consist of seven trustees, be composed of the following
seven members:
(1) Four active or retired members of the system who shall have at least
ten years of creditable service and at least three of whom shall be active
and contributing members of the Parochial Employees’ Retirement System,
elected by the members of this system in accordance with the election rules
prescribed by the board;
(2) One member shall be One member appointed by the executive board
of the Police Jury Association of Louisiana from its membership, and who
shall be an elected official;
(3) one of whom shall be the The chairman of the Senate Retirement
Committee on Retirement, or his designee, who shall serve as a voting ex
officio member;
(4) one of whom shall be A member of the House Committee on Retirement
appointed by the chairman of the House Retirement Committee of
Representatives, or his the member’s designee, who shall serve as a voting ex
officio member.

§2091. Board of trustees; membership; vacancies; compensation
A. The board shall consist of eight trustees as follows:
(1) The chairman A member of the House Committee on Retirement
appointed by the speaker of the House Committee on Retirement of
Representatives, or ex officio, or his or the member’s designee.

§2173. Board of trustees; executive counsel; educational requirements
A. The board of trustees shall consist of fourteen sixteen voting members
as follows:
(7) A member of the House Committee on Retirement by the
speaker of the House of Representatives, or the member’s designee.
(8) The chairman of the Senate Committee on Retirement, ex officio, or his
designee.

§2225. Administration
A. Board of trustees:
(2)(a) The board shall consist of fifteen trustees as follows: Seven members,
three of whom shall not be chiefs of police but shall be active contributing
members of the system with ten or more years of creditable service, and four
of whom shall be active contributing chiefs of police, with four or more years
of creditable service provided that no municipal police department shall
have more than one member and one chief of police on the board at the same
time; two regular retirees of the system, one retired from Chiefs District I
and one retired from Chiefs District II as those districts are comprised in
Subparagraphs (b) and (c) of this Paragraph; four three ex officio trustees
including the chairman of the House of Representatives Ex Officio, or
his designee; a member of the House Committee on Retirement appointed by
the speaker of the House of Representatives
Committee on Retirement or his designee; the chairman of the Senate Committee on
Retirement or his designee, the commissioner of administration or his
designee, and the state treasurer or his designee; a member of the House
Committee on Retirement appointed by the speaker of the House of
Representatives
Committee on Retirement or the member’s designee; and two mayors appointed by
the Louisiana Municipal Association from municipalities having police
departments participating in the system, to serve at the pleasure of the
Louisiana Municipal Association. The retired trustees shall be elected by
the retired members of the system for a term of five years with the first
retired trustees’ terms to commence on July 1, 1997. Whenever the term of
a board member expires, the term of the newly elected board member shall
be for a term of five years. The director of the retirement system shall be
selected by the board of trustees. Elections of members shall be under such
rules and regulations as the board of trustees shall establish.

§2260. Administration
A. Board of trustees:
(2) The board shall consist of ten trustees as follows:
(d) The chairman: (i) A member of the House Committee on Retirement
appointed by the speaker of the House of Representatives Committee on
Retirement and, or the member’s designee.
(ii) The The chairman of the Senate Committee on Retirement, or their
designee or his designee.

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

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

ACT No. 622

HOUSE BILL NO. 92
BY REPRESENTATIVE JAMES
AN ACT
To repeal R.S. 13:1000.10, 1415, 2002.1, 2488.40, and 2489.1, relative to warrant
recall fees to fund a misdemeanor detention facility in East Baton Rouge
Parish; to provide for the distribution of funds collected; to provide procedures; to repeal statutory authority for the levying and collection of
such fees; to provide an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:1000.10, 1415, 2002.1, 2488.40, or 2489.1 is hereby
repealed in its entirety.

Section 2. (A) On or before December 31, 2016, a person may apply to
the finance director of East Baton Rouge Parish for a refund of a warrant
recall fee that the person has paid pursuant to R.S. 13:1000.10, 1415, 2002.1, 2488.40,
or 2489.1 as set forth in this Section.
(B)(1) To obtain a refund pursuant to the provisions of this Section, a
properly completed request shall be submitted to the finance director for
the parish of East Baton Rouge on forms provided by the finance director.
Requests may be submitted electronically with the approval of the finance
director. Within thirty days after the date that a properly completed request
is received by the finance director, the finance director shall issue a refund
to check to the applicant or shall notify the applicant of the disallowance of
the request.

(2) For purposes of this Section, a “properly completed request” means
a request that includes the information required on the face of the request
form and is signed by the applicant.

(3) Within thirty days from receipt of the notification of a disallowed
request, the applicant may submit a properly completed request to the
finance director for reconsideration. The time periods for reconsideration of
a disallowed request shall be the same as the time periods for consideration
of the initial request.

(4) Failure of the finance director to timely process and pay a refund in
accordance with this Section shall entitle the applicant to interest on the
amount of the refund allowed in the properly completed request. Interest
shall begin to accrue on the date the properly completed request or
reconsideration of a disallowed request is received by the finance director
at the rate established pursuant to the provisions of R.S. 13:4202.

(C) All sums remaining in the Misdemeanor Detention Fund on January 1,
2017, shall be distributed as follows:
(1) The total amount of the sums collected and deposited to the
Misdemeanor Detention Fund by the Baker City Court shall be returned to
that court in its entirety.
(2) The total amount of the sums collected and deposited to the
Misdemeanor Detention Fund by the Zachary City Court shall be returned to
that court in its entirety.
(3) The total amount of the sums collected and deposited to the
Misdemeanor Detention Fund by the Nineteenth Judicial District Court,
East Baton Rouge Family Court, and the Baton Rouge City Court shall be
distributed as follows:
(a) Fifty percent of the remaining funds shall be returned to the court
that collected those sums in proportion to the amount of funds collected and
deposited to the Misdemeanor Detention Fund by each court.
(b) Twenty-five percent of the remaining funds shall be transferred to the
East Baton Rouge Public Defender’s Office.
(c) Twenty-five percent of the remaining funds shall be transferred to the
East Baton Rouge Parish District Attorney’s Office.

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

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

ACT No. 623

HOUSE BILL NO. 369
BY REPRESENTATIVE BISHOP
AN ACT
To enact Chapter 13-C of Title 18 of the Louisiana Revised Statutes of 1950,
to be comprised of R.S. 18:1945, relative to redistricting plans; to require
the submission of redistricting plans in a specified format to the secretary
of state; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Chapter 13-C of Title 18 of the Louisiana Revised Statutes of
1950, comprised of R.S. 18:1945, is hereby enacted to read as follows:

CHAPTER 13-C. REDISTRICTING PLAN SUBMISSIONS
§1945. Submission of redistricting plans to the secretary of state; required
format

THE ADVOCATE
PAGE 351
* 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.
A. If a local governing body utilizes a geographic information system to develop its redistricting plan, the local governing body shall submit an electronic shapefile which reflects its redistricting plan to the secretary of state within ten business days of its adoption of the redistricting plan.

B. If a local governing body is unable to submit an electronic shapefile, the local governing body shall submit an ASCII comma delimited block equivalency import file which indicates the census block assignments in accordance with its redistricting plan to the secretary of state within ten business days of its adoption of the redistricting plan.

C. For the purposes of this Section, “local governing body” shall include each parish governing authority, municipal governing authority, and school board.

Section 2. Each local governing body shall to the extent practicable transmit to the secretary of state in the manner prescribed by this Act each redistricting plan which is still in effect on the effective date of this Act no later than January 1, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 624

BY REPRESENTATIVES REYNOLDS, AMEDEE, ARMES, BAGLEY, BILLIOT, TERRY BROWN, CARMODY, COX, DAVIS, FALCONER, GLOVER, HALL, LANCE HARRIS, HOFFMANN, HORTON, HOWARD, HUNTER, JENKINS, LÉBAS, LYONS, MAGEE, PIERRE, SCHRODER, SMITH, WHITE, AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:282.3(B)(1), relative to personal financial education; to require public elementary or secondary schools to offer instruction in personal financial management; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:282.3(B)(1) is hereby amended and reenacted to read as follows:

§282.3. Personal financial education; instruction

B(1) Any public elementary or secondary school shall offer instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with earning, spending, saving, and investing. Such instruction and subject matter shall be integrated into an existing course of study.

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

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ACT No. 625

BY REPRESENTATIVES JAMES AND BOUIE AND SENATOR BISHOP

AN ACT

To amend and reenact R.S. 32:411(F)(1) and 412(D)(6) and to enact R.S. 32:411(F)(3), relative to the issuance and possession of drivers' licenses; to provide for the issuance of a digitized driver's license; to provide for a fee to install the application to display a digitized driver's license; to provide new requirements for the issuance of a driver's license that was renewed by mail or electronic commerce; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:411(F)(1) and 412(D)(6) are hereby amended and reenacted and R.S. 32:411(F)(3) is hereby enacted to read as follows:

§411. Deposit of license in lieu of security upon arrest, receipt; licensee to have license or receipt in instant possession; notification to vehicle owner; surrender of license; issuance of temporary permits

F(1) The licensee shall have his license, or a digitized driver's license as defined in Subsection (3), in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, parish, or municipality, except that where the licensee has previously deposited his license as provided in Subsection C of this Section, and has received a receipt, as provided in Subsection D of this Section, the licensee shall display the receipt upon demand of any officer or agent of the department or any police officer of the state, parish, or municipality, the same to serve as a substitute for the license until the license is returned to the licensee. However, when an officer or agent of the department or any police officer of the state, or any parish or municipality has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license in his possession, the police officer shall make every practical attempt based on identifying information provided by the person to confirm that the person has been issued a valid driver's license. If the police officer determines that the person has been issued a valid driver's license which is not under revocation, suspension, or cancellation, but that the license is not in his possession, the police officer shall issue a written summons to the offender in accordance with law, commanding him to appear and answer the charge.

(3)(a) For the purposes of this Subsection, a digitized driver's license shall mean a data file available on any mobile device which has connectivity to the Internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license, and also displays the current status of the license. For the purposes of this Subparagraph, “current status” shall include but is not limited to valid, expired, canceled, suspended, disqualified, hardship, or interlock hardship status.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 626

BY REPRESENTATIVE DANAHAY

AN ACT

To amend and reenact R.S. 18:1354(C), relative to the compensation of certain employees of parish custodians of voting machines; to increase the compensation amount paid to deputies of such custodians; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1354(C) is hereby amended and reenacted to read as follows:

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

C. The parish custodian of voting machines may employ persons on a temporary basis, as needed, to assist him in the performance of his duties. He may appoint a deputy parish custodian of voting machines for any polling place he deems necessary. He may take as a point of duty as deputy parish custodian of voting machines any person who has been convicted of a felony for which he has not been pardoned. The parish custodian shall not appoint a person who is a candidate or a member of a candidate's immediate family to serve in any polling location where the candidate's name appears on the ballot. The compensation of a deputy parish custodian shall be seventy-five hundred dollars for each election at which he serves. The deputy parish custodian shall deliver the key envelope and the supplemental list to the
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1165.1(A)(2)(b)(i) and (ii) are hereby amended and reenacted to read as follows:

§1165.1. Health care information; records
A. * * *
(2) * * *
(b)(i) Except as provided in R.S. 44:17, a patient or his legal representative, or in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient, or after a claim has been made, the insurance company or its agent, after it has been instituted, defense counsel or a defendant seeking any treatment record, including but not limited to any medical, hospital, laboratory, invoice or billing statement, or other record, including test results, relating to or generated as a result of or in connection to the patient’s medical treatment, history, condition, either personally or through an attorney, shall have a right to obtain a copy of the entirety of the records in the form in which they are generated, in which they exist, except microfilm, upon furnishing a signed authorization. If the original treatment records are generated, maintained, or stored exist solely in paper form, paper or digital copies shall be provided upon payment of a reasonable copying charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to three hundred fifty pages, and twenty-five cents per page thereafter, a handling charge not to exceed twenty-five dollars for hospital, nursing homes, and other health care providers, and actual postage. The charges set forth in this Section shall apply only to the portion of records stored in digital form. If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting forth the extent of the completeness of records on file. In the event a hospital record is not complete, the copy of the records furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of completeness of the records. Each request for records submitted by the patient or other person authorized to request records pursuant to the provisions of this Subparagraph shall be subject to only one handling charge, and the health care provider shall not divide the separate requests for different types of records, including but not limited to billing or invoice statements. The health care provider or person or legal entity providing records on behalf of the health care provider shall not charge any other fee which is not specifically authorized by the provisions of this Subparagraph, except for notary fees and fees for expedited requests as contracted by the parties.

(ii) The individuals authorized to obtain medical records pursuant to Item (i) of this Subparagraph shall also have the right to obtain copies of patient X-rays, and other imaging media, upon payment of reasonable reproduction costs and a handling charge of twenty dollars for hospitals and ten dollars for other health care providers. If the patient X-rays and other imaging media are generated, maintained, or stored in digital format, copies may be requested to be provided in digital format and charged at the rate provided by this Item; however, the charges for providing digital imaging media copies shall not exceed two hundred dollars, including all postage and handling charges actually incurred. If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting forth the completeness of the X-rays and other imaging media on file. In the event hospital patient X-rays and other imaging media are not complete, the copies furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of the completeness of the records. Each request for copies of patient X-rays and other imaging media submitted by the patient or other person authorized to request records pursuant to Item (i) of this Subparagraph shall not be considered a separate request and are subject to only one handling charge, and the health care provider shall not divide the requests for different types of X-rays and other imaging media. The health care provider shall not charge any other fee which is not specifically authorized by the provisions of this Subparagraph, except for notary fees and fees for expedited requests as contracted by the parties.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 627
HOUSE BILL NO. 537
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 40:1165.1(A)(2)(b)(i) and (ii), relative to medical records; to provide relative to the maximum charges for providing certain medical records; to provide for the form in which to store and provide medical records; and to provide related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1165.1(A)(2)(b)(i) and (ii) are hereby amended and reenacted to read as follows:

§1165.1. Health care information; records
A. * * *
(2) * * *
(b)(i) Except as provided in R.S. 44:17, a patient or his legal representative, or in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient, or after a claim has been made, the insurance company or its agent, after it has been instituted, defense counsel or a defendant seeking any treatment record, including but not limited to any medical, hospital, laboratory, invoice or billing statement, or other record, including test results, relating to or generated as a result of or in connection to the patient’s medical treatment, history, condition, either personally or through an attorney, shall have a right to obtain a copy of the entirety of the records in the form in which they are generated, in which they exist, except microfilm, upon furnishing a signed authorization. If the original treatment records are generated, maintained, or stored exist solely in paper form, paper or digital copies shall be provided upon payment of a reasonable copying charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to three hundred fifty pages, and twenty-five cents per page thereafter, a handling charge not to exceed twenty-five dollars for hospital, nursing homes, and other health care providers, and actual postage. The charges set forth in this Section shall apply only to the portion of records stored in digital form. If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting forth the extent of the completeness of records on file. In the event a hospital record is not complete, the copy of the records furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of completeness of the records. Each request for records submitted by the patient or other person authorized to request records pursuant to the provisions of this Subparagraph shall be subject to only one handling charge, and the health care provider shall not divide the separate requests for different types of records, including but not limited to billing or invoice statements. The health care provider or person or legal entity providing records on behalf of the health care provider shall not charge any other fee which is not specifically authorized by the provisions of this Subparagraph, except for notary fees and fees for expedited requests as contracted by the parties.

(ii) The individuals authorized to obtain medical records pursuant to Item (i) of this Subparagraph shall also have the right to obtain copies of patient X-rays, and other imaging media, upon payment of reasonable reproduction costs and a handling charge of twenty dollars for hospitals and ten dollars for other health care providers. If the patient X-rays and other imaging media are generated, maintained, or stored in digital format, copies may be requested to be provided in digital format and charged at the rate provided by this Item; however, the charges for providing digital imaging media copies shall not exceed two hundred dollars, including all postage and handling charges actually incurred. If requested, the health care provider shall provide the requestor, at no extra charge, a certification page setting forth the completeness of the X-rays and other imaging media on file. In the event hospital patient X-rays and other imaging media are not complete, the copies furnished shall indicate, through a stamp, coversheet, or otherwise, the extent of the completeness of the records. Each request for copies of patient X-rays and other imaging media submitted by the patient or other person authorized to request records pursuant to Item (i) of this Subparagraph shall not be considered a separate request and are subject to only one handling charge, and the health care provider shall not divide the requests for different types of X-rays and other imaging media. The health care provider shall not charge any other fee which is not specifically authorized by the provisions of this Subparagraph, except for notary fees and fees for expedited requests as contracted by the parties.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 628
HOUSE BILL NO. 539
BY REPRESENTATIVE HAZEL
AN ACT

To enact R.S. 9:1551(F), relative to the training of dogs; to authorize the donation of tissue and biological samples for training a dog to search for human remains; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1551(F) is hereby enacted to read as follows:

§1551. Disposition of remains
* * *
F(1) Notwithstanding any other provision of law to the contrary, the coroner may donate tissue or biological samples to an individual who is affiliated with an established search and rescue dog organization for the purpose of training a dog to search for human remains. Any request for biological sample donation shall be made to the coroner on the letterhead of the requesting organization and signed by the director, manager, or individual overseeing the respective dog training program. Donations of tissue or biological samples shall not be more than twenty-eight grams per tissue type.

(2) For purposes of this Subsection, a person shall be deemed affiliated with an established search and rescue dog organization if he presents to the coroner a signed letter from his director, manager, or other supervisor authorizing the request for biological samples.

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

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 629
HOUSE BILL NO. 556
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact Civil Code Article 3493.10 and to enact Civil Code Article 3496.2, relative to liberative prescription; to provide for prescription relative to crimes of sexual assault; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 3493.10 is hereby amended and reenacted to read as follows:

Art. 3493.10. Delictual actions; two-year prescription: criminal act
Delictual actions which arise due to damages sustained as a result of an act defined as a crime of violence under Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, except as provided in Article 3496.2, are subject to a liberative prescription of two years. This prescription commences to run from the day the injury or damage is sustained.

* * *
Art. 3496.2. Action against a person for act of sexual assault
A delictual action against a person for any act of sexual assault, as defined in R.S. 46:2184, is subject to a liberative prescription of three years. This prescription commences to run from the day the injury or damage is sustained or, if the victim is notified of the identity of the offender by law enforcement or a judicial agency, whichever is later. This prescriptive period shall be subject to any extension of prescription provided by law.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State
ACT No. 630
HOUSE BILL NO. 570
BY REPRESENTATIVE SCHROEDER
AN ACT
To amend and reenact R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A) and to enact R.S. 37:1271(B)(6) and R.S. 40:1223.5, relative to the practice of telemedicine; to provide with respect to communication between a telemedicine provider and a patient; to provide for medical record maintenance; to provide for in-state referrals; to provide for venue in suits involving care rendered via telehealth or telemedicine; to provide with respect to the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1271(B)(2)(b) and (4) are hereby amended and reenacted and R.S. 37:1271(B)(6) is hereby enacted to read as follows:

§1271. License to practice medicine in the state of Louisiana required

B. (2) Except as provided in R.S. 37:1276.1, all of the following shall apply to any physician practicing telemedicine as defined in this Part:

(b) The physician practicing telemedicine shall not be required to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter if the physician satisfies all of the following conditions:

(i) Holds an unrestricted license to practice medicine in Louisiana.

(ii) Has access to the patient’s medical records upon consent of the patient.

(iii) Maintains a physical presence within the state of Louisiana, or executes an affirmation with the board that the physician has an arrangement with another physician who maintains a physical practice location in Louisiana to provide for referrals and follow-up care which may be provided by telemedicine.

(iv) Creates a medical record on each patient and makes such record available to the board upon request.

(v) If necessary, provides a referral to a physician in this state or arrangements for follow-up care in this state as may be indicated.

(4) (a) A patient receiving telemedicine services may be in any location at the time that the telemedicine services are rendered. A physician practicing telemedicine may be in any location when providing telemedicine services to a patient.

(b) A physician practicing telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient’s medical records, the physician determines that he is able to meet the same standard of care as if the healthcare services were provided in person.

(6) Venue in any suit filed involving care rendered via telemedicine shall be in accordance with the provisions of R.S. 40:1223.5

Section 2. R.S. 40:1223.3(5) and 1223.4(A) are hereby amended and reenacted and R.S. 40:1223.5 is hereby enacted to read as follows:

§1223.4. Telehealth; rulemaking required

A. Each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider, as defined in this Part, may promulgate, in accordance with the Administrative Procedure Act, any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity. However, any rules and regulations shall be consistent with and no more restrictive than the provisions contained in this Section.

§1223.5. Venue; telehealth and telemedicine

Venue in any suit filed involving care rendered via telehealth pursuant to the provisions of this Part or telemedicine pursuant to the provisions of R.S. 37:1271(B) shall be proper and instituted before the district court of the parish in which the patient resides or in the district court having jurisdiction in the parish where the patient was physically located during the provision of the telehealth or telemedicine service. The patient is considered physically located at the originating site as defined in R.S. 40:1223.3.

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

Approved by the Governor, June 17, 2016.

Tom Schedler
Secretary of State

ACT No. 631
HOUSE BILL NO. 600
BY REPRESENTATIVE LEE LEGER
AN ACT
To amend and reenact R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B), 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, 2500.1(A), 2500.2, and 2501 and to repeal R.S. 13:2493(G) and 2496.1, relative to court reporting; to provide for the Municipal and Traffic Court of New Orleans; to provide for divisions of court; to provide for qualifications of judges; to provide for the number of judgeships; to provide for the salaries of judges; to provide relative to the appointment of ad hoc judges; to provide relative to court reporters and other court employees; to provide relative to law enforcement; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2492(A), (B), (D), (E), and (F), 2493(A), (B), and (C), 2495(B), 2495.1(A), 2496(A), 2496.2(A), 2496.3(F) and (G)(3), 2497(A), 2498, 2499, 2500.1(A), 2500.2, and 2501 are hereby amended and reenacted and R.S. 40:1223.5 is hereby enacted to read as follows:

§216. Number of judges; qualifications; election; salary; vacation

A. The Municipal and Traffic Court of New Orleans shall consist of eight judges, all of whom must be attorneys-at-law, who shall be elected by the qualified electors of the parish of Orleans. They shall not be less than thirty years of age. Each shall have practiced law in the state for at least five years preceding his election, and shall be a duly qualified elector of the parish of Orleans and shall be domiciled in the parish of Orleans for at least two years prior to his election.

(1) Each of the eight judges, one of whom shall be the judge of the housing court division, shall be elected in the general election and for a term of four years, with the election of the judges for even years, only, to succeed the judges then in office.

(b)(i) (aa) Beginning at midnight on December 31, 2022, the judge presiding over Division A shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. The judges assigned to Divisions A through D shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(b)(ii) (bb) Beginning at midnight on December 31, 2023, the judge presiding over Division E shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. The judges assigned to Divisions E through G shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(b)(iii) (cc) Beginning at midnight on December 31, 2024, the judge presiding over Division F shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. The judges assigned to Divisions F through G shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(b)(iv) (dd) Beginning at midnight on December 31, 2025, the judge presiding over Division G shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation. The judges assigned to Division G shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

(c) Beginning at midnight on December 31, 2024, the judge presiding over Division G shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation.

§217. Court reporters and other court employees

The judges assigned to Divisions A through D shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary shall be payable monthly by his own warrant.

§218. Ad hoc judges

The Municipal and Traffic Court of New Orleans shall be abolished. If a vacancy by death, resignation, retirement, or removal occurs during the provision of the telehealth or telemedicine service. The patient having jurisdiction in the parish where the patient was physically located of R.S. 37:1271(B) shall be proper and instituted before the district court having jurisdiction in the parish where the patient was physically located during the provision of the telehealth or telemedicine service. The patient is considered physically located at the originating site as defined in R.S. 40:1223.3.

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

Approved by the Governor, June 17, 2016.

Tom Schedler
Secretary of State
prior to December 31, 2020, the judgeship in that division shall be abolished instead of the judgeship in Division H.

(10) Upon abolishment of the judgeship in Division H or the judgeship that becomes vacant by death, resignation, retirement or removal as provided by the provisions of this Section, all cases of the abolished section of court shall be reallocated equally by the clerk of court among the remaining sections of the court.

B. Each of the judges shall be elected for an eight-year eight-year term at the regular congressional election held immediately preceding the expiration of such term. Every term shall expire on December thirty-first of the last year thereof. Any vacancy in the court for any cause where the unexpired term of less than one year shall be filled temporarily by appointment by the governor Louisiana Supreme Court until the next succeeding congressional election, at which time such vacancy shall be filled for the remainder of the unexpired term by election. All judges so elected shall take their office on the first day of January following their election.

D. Each of the judges of the Municipal and Traffic Court of New Orleans shall have annual vacation of not to exceed thirty days, the time to be fixed by the rules of the court.

E. Whenever any of the judges are temporarily absent because of court business, illness, or while on vacation, a judge ad hoc may be appointed by the judges of the municipal and traffic court, acting en banc, selected pursuant to the rules of the Louisiana Supreme Court to serve during the period of such temporary absence. The judge ad hoc shall have the qualifications for selection to the office, and his compensation shall be proportionately equal to that of such judge by the city of New Orleans pursuant to warrant of the judges.

F. The judge of the Municipal and Traffic Court of New Orleans having the most seniority shall become the senior and administrative judge during his tenure of office and shall not engage in the practice of law or share in the profits, directly or indirectly, of any law firm or legal corporation. The senior and administrative judge of the Municipal and Traffic Court of New Orleans shall possess the same qualifications that are required of district court judges and shall receive a salary of not less than eighteen thousand dollars per annum, but not more than the salary paid, from all sources, to the district court judges in and for the parish of Orleans. The governing authority of Orleans Parish shall determine the salary paid to the senior and administrative judge, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary of the senior and administrative judge shall be payable monthly on his own warrant. Should the senior judge decline the position of senior and administrative judge then the judges of the municipal and traffic court, sitting en banc, shall choose a judge to assume the position.

§2493. Jurisdiction

A. The jurisdiction of the court shall extend to the trial of violations of the ordinances of the city of New Orleans, including the regulation enforcement of traffic violations within the city of New Orleans.

B. The jurisdiction of the courts shall further extend to the trial of violations of state statutes which are not triable by a jury, which jurisdiction shall be concurrent with that of the Criminal District Court for the Parish of Orleans.

C. The jurisdiction of the court shall further extend to the trial of offenses involving traffic and the regulation thereof punishable by state statute including violations of the Criminal Code of Louisiana involving traffic and the trial of violations relating to street and highway regulatory laws, regulations, and orders promulgated under state laws. The jurisdiction over state traffic offenses shall be concurrent with the Criminal District Court for the Parish of Orleans. In addition, every prosecution in the Municipal and Traffic Court of New Orleans under state law shall be filed in the court by affidavit or bill of information under the provision of state law defining the offense and such prosecution shall be brought by the city attorney of New Orleans. The jurisdiction of the court shall further extend to appeals by any person aggrieved by an administrative hearing officer’s decision concerning a traffic violation enforced by the city of New Orleans. The court shall have all such powers and functions as that of such judge by the city of New Orleans pursuant to warrant of the judges.

§2494. Minute clerk, court reporter, other court personnel; salaries

§2494.1. Judicial administrator

A. There shall be one judicial administrator of the Municipal and Traffic Court of New Orleans, who shall be appointed by the judges thereof and shall be subject to removal by a majority of the judges of the court at will. The court shall adopt such rules and regulations governing the functions, duties, operations, and procedures of the judicial administrator’s office as may be necessary. The salary and benefits shall be paid by the city of New Orleans on the warrant of the chief administrative judge. If the city fails to pay the salary and benefits, they may be paid from the consolidated judicial expense fund of the court. The salary and benefits so paid shall be charged to the consolidated judicial expense fund of the court.

§2496. Expenses of municipal and traffic court

A. Notwithstanding any other law to the contrary, a majority of the judges of the Municipal and Traffic Court of New Orleans may authorize a payment from the consolidated judicial expense fund of the court to defray any expense of the court including but not limited to salary supplements for any person engaged in the operation of the court, including payment for the business and function of the court.

§2496.2. First appearance hearing officer; appointment; salary; qualifications

F. Quarters necessary for the conduct of the office of the first appearance hearing officer shall be provided by the governing authority of the city of New Orleans. The first appearance hearing officer may hold hearings at the facilities where city prisoners are incarcerated.

G. The first appearance hearing officer shall have all such powers and duties not inconsistent with the constitution and laws of this state, the rules of the Louisiana Supreme Court, and the rules of the Municipal and Traffic Court of New Orleans, and the duties assigned to the hearing officer by the judges of that court, including the following powers and duties:

(3) To sign orders including issuance of peace bonds and protective orders for cases triable in the Municipal and Traffic Court of New Orleans.

§2497. Deputy clerks; appointment; salaries; removal

A. There shall be a right of appeal in all cases from the Municipal and Traffic Court of New Orleans to the criminal district court for the parish of Orleans. The appeals shall be on the law and the facts and shall be tried by the judge of the appellate division of the criminal district court to whom the appeal shall be allotted upon the record made and the evidence offered in the Municipal and Traffic Court of New Orleans. The criminal district court shall have general and supervisory jurisdiction over the Municipal and Traffic Court of New Orleans, and may issue such writs and orders as may be necessary in aid of its appellate and supervisory jurisdiction.

B. The court reporters of the court shall, in all cases, take down the testimony verbatim. The stenographic notes need not be written out unless ordered by the judge. Each record shall be signed by the judge. In cases of appeal the clerk shall prepare the record for the appellate court. This will consist of the affidavit bond, testimony and every document, instrument, property or thing whatsoever in possession of the court, filed in the trial of the case, together with the ordinance, rules, and other ordinances on which the proceeding is based. The clerk shall make, in duplicate, a list of each specific thing, whose correctness shall be certified to by the judge to one of the lists. This record, and all it contains, and the signed list shall then be filed with the clerk of the criminal district court, who will receive for same after signing the other list. When the appeal is taken it directs the Municipal and Traffic Court of New Orleans from all further jurisdiction in the case. The judges shall appoint a competent court reporter to take the evidence in any case in which it is necessary to designate the hearing officer or the judge of the Municipal and Traffic Court of New Orleans shall hear the appeal and designate the court reporter. At the request of any party, the judges shall order the transcription of the testimony taken by the court reporter. Upon completion of the transcription of the testimony, the Municipal and Traffic Court of New Orleans and the court reporter shall integrate the testimony, digital recording procedures may be used by the assigned court reporter.

C. In all appeals, the appeal shall be heard by one of the judges of the criminal district court. No appeal shall be taken except when taken on the law and the facts. All cases on appeal from the Municipal and Traffic Court of New Orleans shall be by oral or written motion in open court, and they shall be returnable to the municipal court within five days. Upon application to the appellate court, this term may, in case of necessity, be extended.

D. In all appeals the appellant shall be responsible for any error, omission, or oversight in the record of the appeal.

§2499. Quarters, furniture, and stationery: police detail

The city of New Orleans shall provide suitable rooms, furniture, stationery, and other operating expenses for the Municipal and Traffic Court of New Orleans.
Orleans, and the Orleans Parish Sheriff’s Office, the city constable, or department of police of the city of New Orleans shall detail, subject to such rules and regulations as the judge may adopt, the necessary number of law enforcement officers to the court, provide one officer who is P.O.S.T. certified for each division of the Municipal and Traffic Court of New Orleans to keep order and execute orders and decrees of the judges thereof.

$2500.1. Additional costs; municipal and traffic court probation department; special fund
A. Any defendant, other than an indigent, who pleads guilty or is convicted of an offense by the Municipal and Traffic Court of the city of New Orleans shall be assessed costs not to exceed the sum of fifteen dollars for each offense, such costs to be in addition to any fine, clerk's fees or costs or any other fee or costs provided by law or sentence imposed by the court. When any defendant, other than an indigent, fails to pay the added costs referred to in this Subsection, he shall be sentenced to a term of thirty days in the House of Detention.

$2500.2. Additional court costs to defray expenses
A(1) In all cases over which the Municipal and Traffic Court of New Orleans has jurisdiction, there shall be assessed costs against every defendant, who is convicted after trial or after he pleads guilty or who forfeits his bond a nonrefundable sum of thirty dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.
B(1) In all prosecutions in the Municipal and Traffic Court of New Orleans, including all traffic violations other than parking, there shall be assessed as costs against every defendant, who is convicted after trial or plea of guilty or nolo contendere or who forfeits his bond, the sum of five dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the clerk of the Municipal and Traffic Court of New Orleans to be used by the court to defray its expenses.
B(2) The Municipal and Traffic Court of New Orleans shall by court rule provide procedures for the timely collection and accounting of the fees imposed by this Section. All fees collected under this Section shall be remitted to the Municipal and Traffic Court of New Orleans judicial administrator, who shall deposit the sums to the credit of the court's consolidated judicial expense fund to be used by the court to defray its expenses.
B(3) In all prosecutions in the Municipal and Traffic Court of New Orleans, including all traffic violations other than parking, there shall be assessed as additional costs against every defendant for every offense who is convicted after trial or plea of guilty or nolo contendere or who forfeits his bond, the sum not to exceed thirty dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed and which shall be transmitted to the consolidated judicial expense fund of the Municipal and Traffic Court of New Orleans to be used by the court to defray its expenses.

$2501. Fines imposed remitted monthly to city treasurer
Each judge of the Municipal and Traffic Court of New Orleans shall ensure that all fines imposed by him are collected and remitted monthly to the city treasurer of New Orleans.

$2502. Fines imposed remitted monthly to city treasurer
Each judge of the Municipal and Traffic Court of New Orleans shall ensure that all fines imposed by him are collected and remitted monthly to the city treasurer of New Orleans.

$1520. Careless handling of hazardous material
C. A person shall not be cited with a violation of this Section when that person or his representative reports an incident involving a hazardous material that does not meet the reporting criteria as set forth in R.S. 32:1510.

ACT No. 633

ACT No. 634
Section 1. R.S. 30:4.3 is hereby enacted to read as follows:

§4.3. Financial Security

A. As required by R.S. 30:4, an applicant for a permit to drill or to amend a permit to drill for change of operator shall provide financial security as provided in this Section in a form acceptable to the commissioner. For an application for a permit to drill, the security shall be provided within thirty days of the completion date or from the date the operator is notified that financial security is required. For an application to amend a permit to drill for a change of operator, the security shall be provided as required by this Section or by establishing a site-specific trust account in accordance with R.S. 30:48 prior to the operator change.

B. Except as provided in Paragraph (2) of this Subsection, the amount of the financial security shall be provided for in rules and regulations promulgated by the commissioner in accordance with the Administrative Procedure Act. The amounts may be on an individual-well or multiple-well basis and may be categorized based on the well’s location.

C. Financial security shall not be required for the following wells:

1. Any well declared to be orphaned by the commissioner and subsequently transferred to another operator.

2. Any well to be drilled by an operator who has an agreement with the office of conservation to plug a well that has been declared to be orphaned by the commissioner and that orphaned well is similar to the proposed well in terms of depth and location.

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

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 635

HOUSE BILL NO. 635
BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact the heading of R.S. 37:3084, 3087(A), and 3089 and to repeal R.S. 37:3084(F), relative to the Louisiana Board of Examiners in Dietetics and Nutrition; to repeal the domicile requirement; to provide for provisional licenses; to authorize the promulgation of licensing fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of R.S. 37:3084, 3087(A), and 3089 are hereby amended and reenacted to read as follows:

§3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership, terms, and vacancies; domicile; officers; meetings; quorum; compensation

§3087. Provisional license

A. The board may issue a provisional license to any resident dietitian/nutritionist who presents evidence to the board of successful completion of the educational requirements of R.S. 37:3084(C)(1) and (2) for licensure and who makes application for a provisional license upon the form and in the manner prescribed by the board, accompanied by applicable fees. A provisional license may be issued to such a person before he has taken the licensure examination prescribed by the board. A provisional license may be issued for a period not exceeding one year and may be renewed from year to year for a period not to exceed five years upon payment of a fee and presentation of evidence satisfactory to the board that the applicant is in the process of meeting the experience requirements in anticipation of taking the examination.

§3089. Fees

A. Fees to be paid under this Chapter shall be as follows:

1. Application fee   $ 45.00

2. Initial license fee   145.00

3. Provisional license fee  30.00

4. Provisional license renewal fee  30.00

5. Late reissuance fee  25.00

6. Reciprocity fee  25.00

7. Duplicate license fee  25.00

A (1) The board shall establish a reasonable fee schedule for applications, renewal, or reissuance of any license, certificate, or registration, or for any other administrative function provided for in this Chapter; and the receipts from the payment of the fees shall be used to carry out the purposes of this Chapter. The fee schedule may be modified from time to time as deemed necessary by the board. The fees shall be established and payable by rule adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

(2) The board is authorized to increase the fees in the fee schedule to not more than the following amounts:

(a) One hundred fifty dollars per application for licensure.

(b) One hundred dollars per renewal of any license, certificate, or registration.

(c) Fifty dollars per reissuance of any license, certificate, or registration.

B. Fees collected pursuant to the provisions of this Chapter shall be paid to the secretary-treasurer and used by the board to administer the provisions of this Chapter. Such funds shall be subject to a periodic audit by the legislative auditor.

B. The fees established pursuant to this Section shall be paid to the secretary-treasurer of the board. The board shall retain all fees and other monies received by it. The funds may be expended by the board without appropriation for cost of administration and other expenses. Any funds remaining unexpended and unencumbered at the end of each fiscal year shall be returned to the state general fund.

Section 2. R.S. 37:3084(F) is hereby repealed in its entirety.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill

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CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
ACT No. 637

HOUSE BILL NO. 667
BY REPRESENTATIVE REYNOLDS
AN ACT
To amend and reenact R.S. 26:75(C)(1), 275(B)(1), and 359(B)(1)(h) and (i), (2) and (3), (C), (D), (E), and (F) and to enact R.S. 26:353(B)(4), relative to wine sales and shipments, and to provide for sampling of beverages of low alcoholic content; to provide for sampling of beverages of high alcoholic content; to provide with respect to certain requirements for direct shipment sales; to provide for exceptions; to authorize the commissioner to promulgate rules; to provide for permit applications of certain wine producers, manufacturers, and retailers; to provide permit fees; to specify the due date of a monthly statement; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:75(C)(1), 275(B)(1), and 359(B)(1)(h) and (i), (2) and (3), (C), (D), (E), and (F) are hereby amended and reenacted and R.S. 26:353(B)(4) is hereby enacted to read as follows:

§75. Operation without permit prohibited

C.(1) Notwithstanding any law to the contrary, beer, wine, or other spirit sampling for the purpose of allowing a consumer to try the taste of a product may be conducted on the premises of a Class A, Class B, Class C, or a Special Event permit holder.

§275. Operation without permit prohibited

B.(1) Notwithstanding any law to the contrary, beer, wine, or other spirits sampling for the purpose of allowing a consumer to try the taste of a product may be conducted on the premises of a Class A, Class B, Class C, or a Special Event permit holder.

§359. Distribution of alcoholic beverages through wholesalers only

B.(1) Notwithstanding the provisions of Subsection A of this Section, wine or still wine may be sold and shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply:

(h) The wine producer, manufacturer, or retailer domiciled outside of Louisiana has complied with the provisions of Subsections B, C, and D of this Section.

(3)(a) Any person who transports sparkling wine or still wine for direct shipment to a consumer in Louisiana pursuant to Subsection B of this Section, or when the sparkling wine or still wine is shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply,

(3)(b) The commissioner shall promulgate rules in accordance with the Administrative Procedure Act governing the sale and shipment of sparkling wine or still wine directly to a Louisiana consumer.

(3)(c) In addition to the provisions of Paragraph (1) of this Subsection, prior to selling or shipping any sparkling wine or still wine directly to any consumer in Louisiana, a wine producer or manufacturer or retailer domiciled outside of Louisiana shall register with the state office of alcohol and tobacco control for a permit to engage in direct shipment of sparkling wine or still wine, on an application form promulgated by the commissioner. The registration permit shall be renewed on an annual basis and updated within thirty days of any change of any information contained on the registration application form. The annual fee for such permit shall be one thousand dollars.

§636. Periodic statement and report required

C.(1) Any wine producer or manufacturer, domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct sale and shipment of sparkling wine or still wine directly to consumers in Louisiana shall make an annual application to the secretary of the Department of Revenue for authority to make such shipments and shall pay an annual fee of one hundred fifty dollars to the Department of Revenue prior to selling or shipping any sparkling wine or still wine to a consumer in the state of Louisiana.

(2) Any retailer, domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct shipment of such beverages under the provisions of Subsection B of this Section shall make an annual application to the secretary of the Department of Revenue for authority to make such shipments and shall pay an annual fee of one thousand dollars to the Department of Revenue prior to selling or shipping any sparkling wine or still wine into the state of Louisiana.

(3) Notwithstanding any law to the contrary, to make such shipments shall be in a written form specified by the secretary of the Department of Revenue, and shall include the express agreement of the out-of-state wine producer, manufacturer, or out-of-state retailer to pay all excise and sales and use taxes assessed by the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to this Section.

§789. Early renewal of permit

D.(1) Any out-of-state wine producer, manufacturer, or out-of-state retailer who sells and ships directly to a consumer in Louisiana pursuant to Subsection B of this Section shall file a statement quarterly monthly indicating the amount of sparkling wine or still wine shipped to the state of Louisiana. The statement shall be filed by January twentieth, April twentieth, July twentieth, and October the twentieth of each calendar year month and shall indicate the total number of bottles sold and shipped during the preceding month.

This statement shall be made, the forms prescribed and furnished by the secretary of the Department of Revenue and shall include such other information as the secretary of the Department of Revenue may require.

(2) Upon the request of the commissioner, the secretary of the Department of Revenue may provide copies of the annual application or quarterly monthly statements filed by any out-of-state wine producer or manufacturer or any out-of-state retailer selling or shipping directly to a Louisiana consumer.

(3)(a) Any person who transports sparkling wine or still wine for direct shipment into or out of the state in violation of this Section or the provisions of Subsection B of this Section, or when the sparkling wine or still wine is shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply,

(3)(b) Any person who transports sparkling wine or still wine for direct shipment to a consumer in Louisiana pursuant to Subsection B of this Section, the commissioner shall promulgate rules in accordance with the Administrative Procedure Act for transport registrants that shall include regular reporting requirements related to size of containers and quantities of sparkling wine and still wine contained in each shipment and any other reporting requirements deemed necessary by the commissioner.

The rules shall include requirements that prevent sales and deliveries to underage persons.

(3)(c) Any person who transports sparkling wine or still wine for direct shipment into or out of the state in violation of this Section or the provisions of Subsection B of this Section, or when the sparkling wine or still wine is shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply,

(3)(c) Any person who transports sparkling wine or still wine for direct shipment to a consumer in Louisiana pursuant to Subsection B of this Section, or when the sparkling wine or still wine is shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply,

E. The provisions of R.S. 26:35, 142, 143, 348 through 350, 360, 364, and 365 shall not apply to wine producers, manufacturers, and retailers only in connection with the sale and shipment of sparkling wine or still wine included in such shipments, the quantities of each sparkling wine or still wine included in such shipments, and the price of each item included in such shipments. All excise and sales and use taxes due to the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to this Section shall be remitted by the company check drawn on an account in the name of the permit holder or by electronic funds transfer at the time of the filing of the required statement, and copies of all invoices transmitted with each shipment shall be attached to the statement. The statement shall be made on forms prescribed and furnished by the secretary of the Department of Revenue and shall include such other information as the secretary of the Department of Revenue may require.

F. Any out-of-state retailer domiciled outside of Louisiana or any wine producer or manufacturer who violates any provision of this Section shall be subject to a penalty of not less than one hundred thousand dollars or the seizure of any sparkling wine or still wine, or both.

The provisions of Paragraph (1) of this Subsection, or when the sparkling wine or still wine is shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply,
secretary or the commissioner may initiate and maintain a civil action in a
court of competent jurisdiction to enjoin any violation of this Section and
to impose the civil penalty established in this Subsection, together with
all costs and attorney fees incurred by the secretary or the commissioner
incidental to any such action.

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

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State  - - - - -

**ACT No. 638**

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**HOUSE BILL NO. 689**

BY REPRESENTATIVE JONES

AN ACT

To amend and reenact R.S. 13:2005.1, 2488.7, and 2488.77 and to enact R.S.
13:2005(D) and (E) and 2013, relative to city courts; to provide for the city
courts of New Iberia, Franklin, Breaux Bridge, Jeanerette, and Morgan City;
to provide for the creation of Indigent Defender Fund Boards in those
city courts; to provide for membership; to provide relative to fees collected
for purposes of indigent defense; to deposit a portion of those fees into a
special fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2005.1, 2488.7, and 2488.77 are hereby amended and
reenacted and R.S. 13:2005(D) and (E) and 2013 are hereby enacted to read as
follows:

§2005.1. New Iberia

* * *

D. Thirty percent of the funds collected by the city court of Morgan City
pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special
fund created for this purpose. The fund shall be referred to as the Morgan
City Indigent Defender Fund.

E. The Morgan City Indigent Defender Fund Board shall manage and
oversee funds remitted to the Morgan City Indigent Defender Fund and
shall consist of three members residing in the Morgan City Court district
and shall be composed of the following:

(1) One member appointed by the city council of Morgan City.
(2) One member appointed by the St. Mary Parish Council.
(3) One member appointed by the legislative delegation from nominees
from the Louis A. Martinet Legal Society.

§2488.7. Collection of fines, forfeitures, penalties, and costs

A. The city judge or any officer of the city court as may be designated by
the city judge, shall collect all fines, forfeitures, penalties and costs, and
all funds so collected, excluding costs, shall be paid into the town treasury
of the town of Franklin when the prosecution is on behalf of the town, and

into the parish treasury when the prosecution is on behalf of the state or the
parish.

B. Notwithstanding any other provision of this Section to the contrary,
thirty percent of the funds collected by the city court of Franklin pursuant
to the provisions of R.S. 15:168(B) may be deposited into a special fund created
for this purpose. The fund shall be referred to as the Franklin Indigent
Defender Fund.

C. The Franklin Indigent Defender Fund Board shall manage and oversee
funds remitted to the Franklin Indigent Defender Fund and shall consist of
three members residing in the Franklin City Court district and shall be
composed of the following:

(1) One member appointed by the city council of Franklin.
(2) One member appointed by the St. Mary Parish Council.
(3) One member appointed by the legislative delegation from nominees
from the Louis A. Martinet Legal Society.

§2488.77. Collection of fines, forfeitures, penalties, and costs

A. The city judge, or any other officer of the city court designated by
the city judge, shall collect all fines, forfeitures, penalties, and costs, and
all funds so collected, excluding costs, shall be paid into the town treasury
of the town of Breaux Bridge when the prosecution is on behalf of the town,
and into the parish treasury of the St. Martin Parish police jury general
fund when the prosecution is on behalf of the state or the parish.

B. Notwithstanding any other provision of this Section to the contrary,
thirty percent of the funds collected by the city court of Breaux Bridge
pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special
fund created for this purpose. The fund shall be referred to as the Breaux
Bridge Indigent Defender Fund.

The Breaux Bridge Indigent Defender Fund Board shall manage and
oversee funds remitted to the Breaux Bridge Indigent Defender Fund and
shall consist of three members residing in the Breaux Bridge City Court
district and shall be composed of the following:

(1) One member appointed by the city council of Breaux Bridge.
(2) One member appointed by the St. Martin Parish Council.
(3) One member appointed by the legislative delegation from nominees
from the Louis A. Martinet Legal Society.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State  - - - - -

**ACT No. 639**

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**HOUSE BILL NO. 696**

BY REPRESENTATIVES LEGER, BAGNERIS, BOUIE, CHAD BROWN,
GUINN, LANCE HARRIS, HUNTER, IVEY, JACKSON, MARCELLE,
GREGORY MILLER, JAY MORRIS, STOKES, AND THIBAUT

AN ACT

To enact Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of
the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 and
100.112, and Subpart P-5 of Part II-A of Chapter 1 of Title 39 of the
Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.115,
relative to dedications of revenues; to provide for the deduction of certain
revenues; to create the Revenue Stabilization Trust Fund; to provide for
deposits into the fund; to provide for investments of the fund; to provide
for uses of the fund; to provide for an effective date; and to provide for
related matters.

Be enacted by the Legislature of Louisiana:

1. Subpart P-4 of Part II-A of Chapter 1 of Title 39 of the
Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 and
100.112, and Subpart P-5 of Part II-A of Chapter 1 of Title 39 of the
Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.115, are
hereby enacted to read as follows:

§100.111. This Subpart shall be known as the “Restrict, Restore, Rebuild
Act.”

§100.112. Revenue Stabilization Trust Fund

A. There is hereby established in the state treasury a special trust fund,
the Revenue Stabilization Trust Fund, hereinafter referred to as the “fund.”

B. After allocation of money to the Bond Redemption and Security Fund
as provided in Article VII, Section (B) of the Constitution of Louisiana, the
treasurer shall deposit in and credit the fund the revenues as provided
for in Subsections C and D of this Section.

C. The treasurer shall deposit into the fund the amount of mineral
revenues as provided in R.S. 39:100.115.

D. The treasurer shall deposit into the fund the amount of revenues in
excess of six hundred million dollars received each fiscal year from

corporate franchise and income taxes as recognized by the Revenue
Estimating Conference.

E(1) Except as provided for in Subsection F of this Section, monies
deposited into the Revenue Stabilization Trust Fund shall be permanently
credited to the trust fund and shall be invested by the treasurer in the same
manner as investments of the Millennium Trust, as provided in R.S. 39:98.2.

E(2) The treasurer shall deposit all interest or other income from the
fund into the state general fund.
(2) Revenues received by the state as a result of grants or donations when the terms or conditions thereof require otherwise.

(2) Revenues derived from any tax on the transportation of minerals.

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 603 of this 2016 Regular Session of the Legislature is adopted at a statewide election and become operative.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT NO. 640

HOUSE BILL NO. 710

BY REPRESENTATIVE HOLLIS

AN ACT

To amend and reenact R.S. 47:843(D)(1), 847(A) and (D)(1), 849(B) and (C), and 851(D), relative to tobacco; to provide for requirements relative to stamped and unstamped cigarettes; to provide relative to the time period in which cigarettes must be stamped; to provide relative to the inventory or stock of certain cigarettes; to provide relative to prima facie evidence of a violation; to provide for requirements relative to products not listed on the attorney general's state directory; to provide for the maintenance of invoices by nonresident tobacco dealers; to require non-resident tobacco dealers to keep certain stock separated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:843(D)(1), 847(A), 849(B) and (C), and 851(D) are hereby amended and reenacted to read as follows:

§843. Use of stamps or meter impression required; limitations

D. Affixing stamps. (1) No person other than a dealer holding a valid stamping agent designation pursuant to R.S. 26:902(2) may affix a stamp to any package of cigarettes. Stamps shall be affixed by the dealer, on the smallest container or package of cigarettes that is subject to the tax, to permit the secretary to readily ascertain by the inspection of any dealer's stock on hand, whether or not the tax has been paid. The dealer shall cause to be affixed on every package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon, before any person, firm, partnership, corporation, or association of persons sells, offers for sale, handles, services, removes, or otherwise distributes such cigarettes. The stamps shall be affixed in such a manner that their removal will require continued application of steam or water and shall be canceled by placing thereon the license number of the dealer.

§847. Dealers required to affix stamps

A. Every registered tobacco dealer holding a valid stamping agent designation pursuant to R.S. 26:902(2) shall immediately after receipt of any unstamped cigarettes unless sooner offered for sale and prior to selling, offering for sale, handling, distributing, or otherwise disposing of such cigarettes in or into the state to wholesale dealers or retail outlets. The dealer shall have the requisite denominations and amount of stamp or stamps to represent the tax affixed as stated herein. The stamping of the unstamped cigarettes shall begin with the first stamp affixed to each package of cigarettes in the premises of the tobacco dealer and shall be continued with reasonable diligence by the dealer until all of the unstamped cigarettes have been stamped as provided by law. Stamped cigarettes shall be kept separate and apart from the dealer's stock of unstamped cigarettes.

D. (1) If and whenever any of the cigarettes taxed in this Chapter are found in the place of business of any tobacco dealer or any other person, except bonded interstate tobacco dealers, a dealer holding a valid stamping agent designation pursuant to R.S. 26:902(2), without the stamps affixed as herein provided, the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this Chapter.

§849. Interstate business of tobacco dealers

B. A dealer may not purchase or possess unstamped cigarettes in this state for sale into another state where the manufacturer and brand family of the cigarettes are not listed on the attorney general's state directory unless it holds an exporter license pursuant to R.S. 26:902(2)(b). The dealer holding an exporter license shall affix the stamp required by the other state to the package containing the cigarettes within seventy-two hours after receipt. However, if the law of the other state permits the sale of the cigarettes to the dealer not bearing the stamp, the dealer shall possess the unstamped cigarettes in the state without a stamp only if it first pays an excise, use, or similar tax imposed on the cigarettes by the other state. The dealer shall ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed and stamped as provided by law shall be sold, distributed, or otherwise disposed of into the other state without a stamp only if it first pays an excise, use, or similar tax imposed on the cigarettes by the other state. The dealer shall ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed and stamped as provided by law shall be sold, distributed, or otherwise disposed of into the other state without a stamp only if it first pays an excise, use, or similar tax imposed on the cigarettes by the other state. The dealer shall ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed and stamped as provided by law shall be sold, distributed, or otherwise disposed of into the other state without a stamp only if it first pays an excise, use, or similar tax imposed on the cigarettes by the other state. The dealer shall ensure that any cigarettes and roll-your-own tobacco in its stock that are not listed and stamped as provided by law shall be sold, distributed, or otherwise disposed of into the other state without a stamp only if it first pays an excise, use, or similar tax imposed on the cigarettes by the other state.
bond provided for in R.S. 47:348, in an amount and of tenor and solvency satisfactory to the collector. He shall then be permitted to set aside each part of his stock as may be absolutely necessary for the conduct of such interstate business, without affixing the stamp required by this Chapter. Such interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock, and the interstate business shall be conducted by the dealer in accordance with rules and regulations to be promulgated by the collector.

§851. Dealers receiving unstamped and/or nontax paid cigarettes, cigars, and smoking tobacco required to file monthly reports and maintain records; vending machine restrictions

D. Nonresident tobacco dealers. All purchases of cigars, cigarettes, and smoking tobacco for distribution within the state of Louisiana by any nonresident tobacco dealer shall be evidenced by a separate invoice from the seller correctly showing the date of purchase and the quantity of each article purchased by said dealer for distribution within the state of Louisiana. Such stock purchased for distribution within the state of Louisiana shall be kept in an entirely separate part of the building, separate and apart from stock purchased for sale or distribution, or both, in another state. A nonresident tobacco dealer shall maintain invoices correctly showing the date, quantity, recipient, manufacturer, and brand of cigars, cigarettes, and smoking tobacco sold by the dealer for distribution in or into the state of Louisiana. The nonresident tobacco dealer shall keep stock affixed with a Louisiana tax stamp separate and apart from the remainder of the dealer's stock. Every nonresident tobacco dealer shall, at the time of shipping or delivering any cigars, cigarettes, or smoking tobacco in or into the state of Louisiana, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable article and shall retain the same subject to the use and inspection of the collector for the period of two years. Nonresident tobacco dealers shall also keep a record of all cigarettes, cigars and smoking tobacco purchased by them for distribution within the state of Louisiana, and hold all bills of sale, receipts and memoranda pertaining to the purchase and sale of such cigars, cigarettes, and smoking tobacco open to the inspection of the collector.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 641

HOUSE BILL NO. 711

BY REPRESENTATIVE SHADOIN

AN ACT

To amend and reenact R.S. 1431(D) and to enact Children's Code Article 1427(C), relative to minors who are mentally ill or suffering from substance abuse and in need of immediate medical treatment; to provide relative to procedures pursuant to issuance of a physician's emergency certificate for treatment of a minor; to provide relative to transportation of a child in whose name an emergency certificate has been issued; to authorize certain persons to accompany the child during such transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1431(D) is hereby amended and reenacted and Children's Code Article 1427(C) is hereby enacted to read as follows:

A true copy:
Tom Schedler
Secretary of State

ACT No. 643

HOUSE BILL NO. 766

BY REPRESENTATIVE BROADWATER

AN ACT

To repeal Subpart B-44 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.811 through 130.814, relative to sustainable energy financing districts; to remove the authority granted to local governmental subdivisions to create such districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-44 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.811 through 130.814, is hereby repealed in its entirety.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 644

HOUSE BILL NO. 773

BY REPRESENTATIVE MARCELLE

AN ACT

To amend and reenact R.S. 13:992.1(A) and (C)(4), R.S. 33:447.11, and Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature, to enact R.S. 13:1000.7, and to repeal R.S. 13:1000.7 effective on August 1, 2021, relative to court costs; to provide for court costs collected in the Nineteenth Judicial District Court and Juvenile Court of East Baton Rouge Parish; to provide for the use of proceeds; to provide relative to the Judicial Building Fund; to provide for the applicability of certain costs and service charges in the Nineteenth Judicial District; to provide for certain court costs in certain mayor's courts and the use of such costs; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:992.1(A) and (C)(4) are hereby amended and reenacted to read as follows:

§992.1. Judicial building fund

(A) There is hereby created the Judicial Building Fund to be used for the following purposes:

(1) To provide for the expenses of the Nineteenth Judicial District Court and the clerk of court of the Nineteenth Judicial District.

Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State
The costs and charges provided in Subsection B of this Section shall not apply to cases involving juvenile and family matters or any child welfare proceedings instituted by the Department of Children and Family Services or an attorney's office. The costs and charges may be up to and include the maximum amount set forth and shall be imposed on order of the judges en banc. Such costs and charges shall be paid to the clerk of court when the filing is made.

* * *

C. No monies generated pursuant to this Section shall be forwarded by the clerk of court and sheriff to the fiscal agent bank chosen by the commission to be held in the courthouse construction fund. Any funds currently on deposit to the separate account of the judicial expense fund from the costs and charges authorized by this Section shall be transferred at the discretion of the commission to the courthouse construction fund held by the commission's fiscal agent. These monies deposited to the courthouse construction fund shall be dedicated to the design, planning, feasibility, acquisition, construction, equipping, operating, and maintaining a new facility to house the Nineteenth Judicial District Court, the Family Court of East Baton Rouge Parish, the Juvenile Court, the offices of the clerk of court for the Nineteenth Judicial District, and such other ancillary agencies as may be necessary. No monies generated pursuant to this Section shall be used for payment of any bonded indebtedness involving site acquisition or construction of a new facility unless approved by the Joint Legislative Committee on the Budget and the State Bond Commission.

* * *

Section 2. R.S. 13:1000.7 is hereby enacted to read as follows:

§1000.7. Criminal matters; additional costs in East Baton Rouge Parish

A. In all criminal cases, including traffic offenses of which the Nineteenth Judicial District Court and Juvenile Court of East Baton Rouge Parish have jurisdiction, there shall be assessed as additional costs against every defendant who is convicted after trial or who pleads guilty or forfeits bond, the sum of ten dollars to the Nineteenth Judicial District Court Building Commission or ten dollars to the Juvenile Court of East Baton Rouge Parish as applicable. These costs shall be in addition to all other fines, costs, or forfeitures lawfully imposed and shall be transmitted to the sheriff of East Baton Rouge Parish and all sums so received shall be expended pursuant to the order of the judges of the respective courts, en banc.

B. No defendant shall be assessed costs pursuant to Subsection A of this Section in excess of ten dollars.

C. The provisions of this Section shall be null, void, and of no effect on and after August 1, 2021.

Section 3. R.S. 33:447.11 is hereby amended and reenacted to read as follows:

§447.11. Mayor’s court; certain municipalities; additional court costs

A. Notwithstanding any other provision of law to the contrary, the mayors of the municipalities of DeQuincy, Iowa, Vinton, and Westlake may impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance or traffic violation, provided that fifty percent of any additional court cost collected pursuant to this Section shall be remitted to the Fourteenth Judicial District’s Indigent Defender Fund.

B. Notwithstanding any provision of law to the contrary, the additional costs levied pursuant to R.S. 40:2264 and 2264.1 in excess of ten dollars per offense shall be optional in a mayor’s court that actually levies the additional costs authorized pursuant to Subsection A of this Section.

Section 4. Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature is hereby amended to read as follows:

Section 2. R.S. 33:447.11 as enacted by this Act shall be null and void and ordered repealed at the conclusion of the regular session of the legislature to be held in the year 2023.

Section 5. R.S. 13:1000.7 is hereby repealed in its entirety.

Section 6.A. The provisions of this Section and Section 1 of this Act shall become effective July 1, 2016. If vetoed by the governor and subsequently approved by the legislature, this Section and Section 1 of this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

B. The provisions of Sections 2, 3, and 4 of this Act shall become effective on the day following the last day of the session of the legislature at which this Act is passed by both houses of the legislature.

C. The provisions of Section 5 of this Act shall become effective on August 1, 2021.

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

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ACT No. 645

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HOUSE BILL NO. 830

BY REPRESENTATIVE SEABAUGH

AN ACT

To amend and reenact R.S. 15:587.1(B)(1) (C/introductory paragraph) and R.S. 17:407.42(B)(1)(a), relative to the Department of Education; to authorize the department to request criminal history information on certain personnel of early learning centers; to provide requirements relative to the state Bureau of Criminal Identification and Information upon which the department may request; to provide relative to fees; to provide relative to effectiveness; to provide relative to implementation; and to provide for related matters.

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

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ACT No. 645

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HOUSE BILL NO. 792

BY REPRESENTATIVE ADAMS

AN ACT

To amend and reenact R.S. 37:3562(10) and to enact R.S. 37:3564(C) and 3567(C), relative to the regulation of massage therapists and establishments; to amend definitions; to provide for the regulation of advertisements; to authorize and prohibit certain enforcement by state and local officials; to provide for an effective date; and to provide for related matters.

Approved by the Governor, June 17, 2016.
A true copy:
Secretary of State
been arrested for or convicted to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Civil Procedure Articles 893 and 894.

C. The provisions of R.S. 15:825.3, 15:1715, 407.42, and 407.71, R.S. 46:51.2 and 1441.13, and Children’s Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

Section 2. R.S. 17:407.42(B)(1)(a) is hereby amended and reenacted to read as follows:

§407.42. Criminal History Review

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation, requirements and procedures consistent with the provisions of R.S. 15:587.1 under which:

(a) The owner or operator of an early learning center department may shall request information concerning whether or not any owner or volunteer, applicant, or employee of any kind including contractors, of an early learning center has been arrested for or convicted of or pled nolo contendere to any criminal offense. The department may collect the processing fees charged by the Bureau of Criminal Identification and Information for a state criminal history report and the Federal Bureau of Investigation for a federal criminal history information report when it receives a request for an employment eligibility determination and shall timely submit the processing fees to the Bureau of Criminal Identification and Information.

Section 3. This Act shall become effective when the State Board of Elementary and Secondary Education promulgates rules providing for implementation procedures by which the state Department of Education shall conduct employment eligibility determinations for staff members of child care providers or on September 30, 2017, whichever is earlier.

Approved by the Governor, June 16, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 647

HOUSE BILL NO. 37

BY REPRESENTATIVE JONES AND SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 11:1821(B)(5), (2), (6), and (7), (C), and (E) and 1842 and to enact R.S. 11:1823(A)(22), relative to the board of trustees of the Municipal Employees' Retirement System; to grant certain trustees and their designees the authority to vote; to provide relative to qualifications for service as an elected trustee; to provide for term duration; to provide for submission of reports to the legislature; to provide for trust fund compensation; to provide for expenditure of system funds; to prohibit trustees from accepting certain things of economic value; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1821(B)(5), (2), (6), and (7), (C), and (E) and 1842 are hereby amended and reenacted and R.S. 11:1823(A)(22) is hereby enacted to read as follows:

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

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

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

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

(6) The commissioner of administration, who shall be a nonvoting serve as an ex officio member, or his designee.

(7) The state treasurer, who shall be a nonvoting serve as an ex officio member, or his designee.

C. Except as otherwise provided in this Subsection, the term of office for each of the six trustees who are active contributing members of the system shall be for a period of six years. No person who has been elected to serve as an active and contributing member for more than one and one-half terms shall be elected to the board for another term.

D. Notwithstanding the provisions of Paragraph (1) of this Subsection, the term of office for the person elected to serve on the board of trustees in 2003 shall be five years, and the term of office for the person elected to serve on the board of trustees in 2006 shall be seven years. Thereafter, the terms of their successors shall be six years.

E. The trustee shall serve without compensation but shall be reimbursed at the rate of fifty dollars for each regularly scheduled meeting of the board and for reasonable expenses in performing duties on behalf of the board as provided by R.S. 11:181(D). Notwithstanding the exceptions provided in R.S. 42:1102(22) and 1123(41), no trustee shall accept any thing of economic value from any person identified in R.S. 42:1115(A)(1) unless the thing of value is food, drink, or refreshments consumed by the trustee while the personal guest of someone during an educational or professional development seminar or conference.

§1823. Board responsibilities; powers and duties

A. Each board member shall discharge his fiduciary duties solely in the interest of the system’s members and beneficiaries and for the exclusive purpose of providing benefits to the members and their beneficiaries, and defraying reasonable expenses of administering the system, with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man exercising in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The board shall have the following powers and duties in administering the system:

22. To include in the financial statement submitted to the legislature pursuant to R.S. 11:1711(A) an itemized schedule of all amounts paid by the system to or on behalf of the system's board members.

§1842. Board of trustees as custodian of funds

A. The board of trustees shall be the custodian of the several funds. All expense vouchers and pension payrolls shall be certified by the administrative director. The administrative director shall furnish the board of trustees a surety bond in a company authorized to do business in...
Louisiana and in such an amount as shall be required by the board, the premium to be paid from the expenses of the fund.

B. The board shall not authorize the use of system funds to pay for a board member’s attendance at any educational or professional development seminar or conference per fiscal year held outside of the state of Louisiana. The board shall not authorize the use of system funds to pay for a board member’s attendance at any educational or professional development seminar or conference that is not affiliated with an association related to state retirement systems.

Section 2. It is the intent of the legislature that the provisions of Section 2 of Act No. 225 of the 2014 Regular Session of the Legislature be applied in accordance with R.S. 11:1622B(1) and (2) as amended by this Act for all trustee elections held in 2017 and thereafter.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 649

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HOUSE BILL NO. 40

BY REPRESENTATIVE REYNOLDS

AN ACT

To amend and reenact R.S. 11:1762(A) and (B), relative to reemployed retirees in the Municipal Employees’ Retirement System; to require contributions to the retirement system during reemployment and to provide for disposition of such contributions upon termination of reemployment; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1762(A) and (B) are hereby amended and reenacted to read as follows:

* §1762. Reemployment of retirees

A. Whenever a retired member receiving normal retirement benefits becomes reemployed by an employer such that his monthly earnings exceed the difference between his monthly average final compensation and his monthly retirement benefit, his retirement benefits shall continue and he shall not be a member of the system.

B. Whenever a retired member receiving normal retirement benefits becomes reemployed by an employer such that his monthly earnings exceed the difference between his monthly average final compensation and his monthly retirement benefit, his retirement benefits shall be reduced by the amount his monthly earnings exceed the difference between his monthly average final compensation and his monthly retirement benefit for every month of such employment and he shall not be a member of the system.

For a retired member first reemployed on or after July 1, 2016, during a period of reemployment by an employer, the retiree and his employer shall make contributions to the retirement system as provided by this Chapter, but the retiree shall receive no additional service credit and shall not be a member of the system.

Upon termination of reemployment, employee contributions paid since reemployment shall, upon application, be refunded to the retiree without interest. The retirement system shall retain the employer contributions and interest on contributions made pursuant to this Subsection.

* * *

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

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 650

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HOUSE BILL NO. 54

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 11:42B(introductory paragraph) and (2), relative to certain unfunded accrued liabilities of the Clerks of Court Retirement and Relief Fund; to provide with respect to payments on such debt; 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. 11:42B(introductory paragraph) and (2) are hereby amended and reenacted to read as follows:

§42. Unfunded accrued liabilities; amortization

* * *

B. The provisions of this Subsection shall be implemented and accomplished by the governing authorities of the state and statewide public retirement systems as set forth herein follows:

(2) Clerks’ Court Retirement and Relief Fund. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(2), shall be amortized over a forty-year period, commencing with Fiscal Year 1989-1990, with payments forming an annual increase at four and three-quarters percent annually. However, effective for the June 30, 2016, valuation and beginning July 1, 2016, the outstanding balance of this unfunded accrued liability shall be amortized over the remaining thirteen-year period, commencing with Fiscal Year 2016-2017, with annual level-dollar payments.

* * *

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

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 651

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HOUSE BILL NO. 56

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 11:3384(A)(2), (B)(2), and (D)(2) and 3386(B) and to enact R.S. 11:3384(A)(3), (B)(3), and (D)(3), relative to new members of the Firefighters’ Pension and Relief Fund in the city of New Orleans; to provide for relative to retirement eligibility and benefits for such members; to provide relative to benefits for beneficiaries and survivors of certain such members; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 and Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:3384(A)(2), (B)(2), and (D)(2) and 3386(B) are hereby amended and reenacted and R.S. 11:3384(A)(3), (B)(3), and (D)(3) are hereby enacted to read as follows:

§3384. Firefighters employed after December 31, 1967; computation of benefits

A. * * *

(2) Any firefighter who enters the employ of the fire department on or after January 1, 2015, and before August 15, 2016, who has reached the age of fifty-two years, who has not less than twelve years of service in the fire department, and who is a contributing member of this system may retire upon his written application to the board setting forth at what time he desires to be retired, if at the time so specified for his retirement he meets the requirements as provided in this Section.

B. Any firefighter who enters the employ of the fire department on or after August 15, 2016, who has reached retirement age as defined in 42 U.S.C. 416(l)(1), hereinafter in this Part referred to as full retirement age, less ten years, who has not less than twelve years of service in the fire department, and who is a contributing member of this system may retire upon his written application to the board setting forth at what time he desires to be retired, if at the time so specified for his retirement he meets the requirements provided in this Section.

* * *

(2) Any firefighter who enters the employ of the fire department on or after January 1, 2015, and before August 15, 2016, shall receive a retirement benefit equal to two and one-half percent of his average compensation, based on the five highest consecutive years of employment, multiplied by the number of years of creditable service. The service benefits of such firefighters shall not exceed one hundred percent of the average compensation earned during any five highest average consecutive years of service preceding retirement.

(3) A firefighter who enters the employ of the fire department on or after August 15, 2016, shall receive a retirement benefit equal to two and one-half percent of his average compensation, based on the five highest consecutive years of employment, multiplied by the number of years of creditable service.

(2) Any member who enters the employ of the fire department on or after January 1, 2015, and before August 15, 2016, whose withdrawal from service occurs prior to the attainment of fifty-two years of age and who shall at such
time have completed at least twelve years of creditable service shall remain a member of the retirement system, and in such case the member shall receive a service retirement beginning when he attains fifty-two years of age.

(3) (a) Any member who enters the employ of the fire department on or after August 15, 2016, whose withdrawal from service occurs prior to the attainment of the full retirement age, less ten years and who at that time has completed at least twelve years of creditable service shall remain a member of the retirement system and receive a service retirement calculated as provided in Paragraph (B)(3) of this Section beginning when he attains the full retirement age, less ten years.

(b) If a member with twelve years of creditable service dies after withdrawal from service but prior to attaining the full retirement age, less ten years, his widow, child or children, or estate, as applicable, shall receive his accumulated contributions in a lump sum with interest credited thereto. If a member receiving benefits pursuant to Subparagraph (a) of this Paragraph and to authorize the fund to debit his DROP account if the fund’s investment portfolio experiences a negative earning rate and to permanently reduce the value of his DROP account if the fund assets are devalued by a negative earning rate, that member’s DROP account may earn interest at a rate based on a five-year rolling average of the composite rate of return of the system’s investment portfolio as determined by the board of trustees.

§3386. Vested rights and benefits

B.(1) Any member who enters the employ of the fire department on or before January 1, 2015, and before August 15, 2016, whose withdrawal from service occurs prior to the attainment of fifty-two years of age and who shall at such time have completed at least twelve years but less than twenty years of creditable service shall remain a member of the pension and relief fund, and, in such a case, said member shall receive a service retirement benefit beginning when he attains fifty-two years of age, provided such member has not withdrawn his accumulated contributions. The retirement benefit to be paid shall be two and one-half percent of average compensation during the best year of service preceding the date of withdrawal from service for each year of credited service. If the member dies after withdrawal from service but prior to attaining age fifty-two but having twelve years credited service, his widow, child or children, or estate, as applicable, shall be entitled to receive his accumulated contributions in a lump sum with interest credited thereto.

(2) If the member receiving benefits under this Subsection or R.S. 11:3384(D)(3)(a) dies, his surviving widow shall receive the minimum benefit as set forth in R.S. 11:3383. If the member receiving benefits under this Subsection or R.S. 11:3384(D)(3)(a) dies leaving a widow and children under the age of eighteen, then the widow and children under eighteen years of age shall receive the minimum benefit as set forth in R.S. 11:3383 equally divided between them. When the children of the member attain the age of eighteen or become married while receiving benefits under this Subsection, the benefits they are receiving shall be paid to the widow of the member.

Section 2. This Act shall become effective on August 15, 2016.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 653

HOUSE BILL NO. 59
BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 11:3391, relative to conversion of leave to retirement credit in the Firefighters’ Pension and Relief Fund in the city of New Orleans; to authorize such conversion; to provide with respect to the amount of credit received for such conversion; to provide with respect to the election to convert such leave; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 and Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:3391 is hereby amended and reenacted to read as follows:

§3385.1. Deferred Retirement Option Plan

H.

(2)(a) Beginning January 1, 2015, and continuing each year thereafter, upon expiration of the participation period or termination of employment, if earlier, and each year until the member’s DROP account is distributed in its entirety, interest shall be allocated each year based on the one-year composite rate of return of the pension fund as determined by the actuary, less an administrative fee as determined by the board of trustees. Prior to January 1, 2015, interest shall be allocated each year based on the one-year composite rate of return of the pension fund, less an administrative fee determined by the board of trustees, not to exceed two percent. The balance of a member’s DROP account shall not be diminished or impaired, except as otherwise provided in Subparagraph (c) of this Paragraph.
To enact R.S. 44:33.1, relative to public records; to require public bodies to make certain information concerning the custodian of records publicly available; to provide for the manner in which such information is required to be made publicly available; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:33.1 is hereby enacted to read as follows:

§33.1. Custodian: contact information

Each public body that has a custodian of public records shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including by placing such information on the internet.

Section 2. This Act shall be known and may be cited as the C.B. Forgotten Act.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 654

HOUSE BILL NO. 81
BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 51:1422, relative to the regulation of the sale or the solicitation for sale of an extended service agreement for motor vehicles; to provide certain requirements for unsolicited offers; to provide certain definitions, terms, conditions, procedures, exceptions, and effects; to classify a violation as a deceptive and unfair trade practice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1422 is hereby enacted to read as follows:

§1422. Unfair or deceptive trade practice; unsolicited offer to sell extended service agreement for a motor vehicle; requirements; definitions; penalties

A. The provisions of this Section shall apply to any unsolicited offer, made by mail or common carrier, to sell to another an extended service agreement relative to a motor vehicle.

B. If the unsolicited offer is in writing, it shall state at the top of each page: “THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL DOCUMENT.” The statement shall be in conspicuous and legible type that is not smaller than fourteen-point font and is in contrast by typography, layout, or color with any other printing on the writing.

C. If the unsolicited offer is oral, it shall begin and end with the statement: “THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL NOTIFICATION OR DEMAND FOR ACTION.”

D. A violation of the provisions of this Section shall constitute a deceptive and unfair trade practice and subject the violator to any and all actions and penalties authorized in this Chapter. Each offer in violation of this Section shall be considered a separate offense.

E. For the purposes of this Section, “extended service agreement” shall include any vehicle mechanical breakdown insurance policy, vehicle service contract sold by an independent payment provider or their agent, or vehicle component coverage contract. “Unsolicited offer” shall not include an offer made subsequent to a prior personal contact that included a meaningful exchange between the offeror and offeree.

F. The provisions of this Section shall not apply to any manufacturer, distributor, or dealer of motor vehicles as defined in R.S. 32:1259, any vehicle mechanical breakdown insurance licensed pursuant to R.S. 22:362, any person acting pursuant to an agreement in which on behalf of a manufacturer, distributor, dealer, or licensed vehicle mechanical breakdown insurer, any entity licensed pursuant to R.S. 9:689.37, or any Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) insured depositary financial institution operating with a main office or one or more branches in this state, or their subsidiaries or affiliates.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 655

HOUSE BILL NO. 146
BY REPRESENTATIVES MORGNO, ADEMEDDE, BAGLEY, BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, EDMONDS, EMERSON, FALCONER, GAINES, GLOVER, HALL, HILFERTY, HORTON, JACKSON, JAMES, LERGER, LYONS, MARCELLE, NORTON, PIERRE, REYNOLDS, SMITH, WHITE, AND ZERINGUE
AN ACT

To enact Code of Criminal Procedure Article 895(O), relative to limitations of liability for court-approved mentors; to provide a limitation of liability to certain persons mentoring offenders on probation; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 895(O) is hereby enacted to read as follows:

Art. 895. Conditions of probation

* * *

O.(1) Any mentor of an offender on probation under the supervision of any court division created pursuant to R.S. 13:5304, 5354, 5366, or 5401 shall not be liable for any injury or loss caused or suffered by an offender that arises out of the performance of duties as a mentor, unless the injury or loss was caused by the gross negligence or intentional acts of the mentor.

(2) Neither the court nor any officer, agent, or employee of the court shall be liable for any injury or loss to the offender, the mentor, or any third party for the actions of the mentor or the offender.

(3) As provided in this Subsection, “mentor” means a person approved by the court who volunteers to provide support and personal, educational, rehabilitation, and career guidance to the offender during probation and who has either completed a court-approved mentor training program or who has successfully completed his sentence pursuant to R.S. 13:5304, 5354, 5366, or 5401.

(4) Nothing in this Subparagraph shall affect the vicarious liability of the court, and court officers, agents, and employees; to provide definitions; and to provide for related matters.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 656

HOUSE BILL NO. 257
BY REPRESENTATIVE IVEY
AN ACT

To amend and reenact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to except deposits in excess of the expenditure limit from the suspension of required deposits into the Budget Stabilization Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:94(C)(4) is hereby amended and reenacted to read as follows:

§94. Budget Stabilization Fund

* * *

C. The money in the fund shall not be available for appropriation except under the following conditions:

* * *

(4) Notwithstanding any provision of this Section to the contrary, except pursuant to a specific appropriation by the legislature, Paragraph (A)(1) of this Section, or any annual deposit required by Paragraph (A)(2) of this Section, no appropriation or deposit to the fund shall be made in the same fiscal year as an appropriation, use or withdrawal is made from the fund or until such time as the official forecast exceeds the actual collections of state general fund (direct) revenue for Fiscal Year 2008. The provisions of this Subparagraph shall be null, void, and of no effect on July 1, 2017.

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

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 657

HOUSE BILL NO. 340
BY REPRESENTATIVES STOKES, ARMES, BACALA, BAGLEY, CHAD BROWN, TERRY BROWN, CARMODY, CONNICK, COX, DAVIS, EDMONDS, HILFERTY, HOFMANN, HORTON, JONES, LYONS, MIGUEZ, JAY MORRIS, PYLANT, REYNOLDS, WILLMOTT, AND ZERINGUE
AN ACT

To enact R.S. 51:1422, relative to the regulation of the sale or the solicitation for sale of an extended service agreement for motor vehicles; to provide certain requirements for unsolicited offers; to provide certain definitions, terms, conditions, procedures, exceptions, and effects; to classify a violation as a deceptive and unfair trade practice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1422 is hereby enacted to read as follows:

§1422. Unfair or deceptive trade practice; unsolicited offer to sell extended service agreement for a motor vehicle; requirements; definitions; penalties

A. The provisions of this Section shall apply to an unsolicited offer, made by mail or common carrier, to sell to another an extended service agreement relative to a motor vehicle.

B. If the unsolicited offer is in writing, it shall state at the top of each page: “THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL DOCUMENT.” The statement shall be in conspicuous and legible type that is not smaller than fourteen-point font and is in contrast by typography, layout, or color with any other printing on the writing.

C. If the unsolicited offer is oral, it shall begin and end with the statement: “THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL NOTIFICATION OR DEMAND FOR ACTION.”

D. A violation of the provisions of this Section shall constitute a deceptive and unfair trade practice and subject the violator to any and all actions and penalties authorized in this Chapter. Each offer in violation of this Section shall be considered a separate offense.

E. For the purposes of this Section, “extended service agreement” shall include any vehicle mechanical breakdown insurance policy, vehicle service contract sold by an independent payment provider or their agent, or vehicle component coverage contract. “Unsolicited offer” shall not include an offer made subsequent to a prior personal contact that included a meaningful exchange between the offeror and offeree.

F. The provisions of this Section shall not apply to any manufacturer, distributor, or dealer of motor vehicles as defined in R.S. 32:1259, any vehicle mechanical breakdown insurance licensed pursuant to R.S. 22:362, any person acting pursuant to an agreement in which on behalf of a manufacturer, distributor, dealer, or licensed vehicle mechanical breakdown insurer, any entity licensed pursuant to R.S. 9:689.37, or any Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) insured depositary financial institution operating with a main office or one or more branches in this state, or their subsidiaries or affiliates.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 658

HOUSE BILL NO. 357
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 48:388(F), relative to rail; to provide relative to assistance for rail service; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 48:388(F) is hereby amended and reenacted to read as follows:
§388. State rail freight service assistance

F. State funds shall be used for financial assistance to any private or public person or corporation, provided the department submits a report to the House and Senate committees on transportation, highways, and public works prior to application for federal funds.

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

Approved by the Governor, June 17, 2016.

Tom Schedler
Secretary of State

ACT No. 659

HOuse Bill No. 361
BY REPRESENTATIVE PYLANT
AN ACT
To amend and reenact R.S. 17:407.37, relative to early learning centers; to provide penalties for persons operating an early learning center under a valid license issued by the state Department of Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.37 is hereby amended and reenacted to read as follows:
§407.37. Operating without a license; penalties

(1) Wherever the department may take action against a person who operates an early learning center without a valid license issued by the department shall be fined by the department not less than one thousand dollars for each day of such offense. Such actions may include the following:
   (A) Assessing a civil fine of up to one thousand dollars for each day of the knowing and continued unlicensed operation of an early learning center.
   (B) Filing a suit in the district court in the parish in which the center is located for injunctive relief, including a temporary restraining order, to enjoin the institution, agency, corporation, person or persons, or any other group from continuing the violation.
   (C) If any early learning center operates without a valid license issued by the department, the department may file suit in the district court in the parish in which the center is located for injunctive relief, including a temporary restraining order, to enjoin the institution, agency, corporation, person or persons, or any other group operating the center from continuing the violation.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 660

HOUSE Bill No. 572
BY REPRESENTATIVES SMITH, ADAMS, AND STEVE CARTER
AN ACT
To amend and reenact R.S. 47:463.31(B), (C), (E), (F), (G)(1), and (H) and to enact R.S. 47:463.31(J), relative to the issuance of special college and university license plates; to provide fees for such plates; to provide relative to charitable donations associated with such plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.31(B), (C), (E), (F), (G)(1), and (H) are hereby amended and reenacted and R.S. 47:463.31(J) is hereby enacted to read as follows:
§463.31. Special college and university license plates

(1) The prestige license plates shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate. The applicant shall designate his institutional preference.

(2) Application for college or university special prestige license plates constitutes prior written consent and instruction by the applicant to the department to provide his name, address, and birth date to the university designated by the applicant. The secretary shall ensure that the application for the plate includes a statement granting such consent.

C. An annual royalty fee of twenty-six dollars for the use of the institution's design by the department fifty-one dollars shall be paid to the institution for each license plate issued as provided in this Section.

E. The department shall collect the annual royalty fee required by Subsection C of this Section for each license plate. The department shall retain one dollar from each annual royalty fee to offset administrative costs. The remainder of the royalty fee shall be forwarded to the specific institution for which such license plate is designated. The amount forwarded to the designated institution shall be deemed to be a charitable donation to that institution by the applicant.

F. The secretary shall establish such rules and regulations as are necessary to implement the provisions of this Section, including but not limited to rules and regulations governing the collection and disbursement of royalty fees, the transfer and disposition of such license plates, the colors and patterns of such license plates, and related criteria.

G.(1) The monies received from the royalty fees by each respective institution shall be used solely for academic or financial need-based scholarships for that participating institution.

H. Upon the signing of a contract authorizing the use of the logo of any regionally accredited independent college or university, the secretary of the Department of Public Safety and Corrections shall establish prestige motor vehicle license plates for colleges or universities in accordance with the provisions of this Section. This contract shall include an agreement on the part of each institution to use the royalty fees as provided in Subsection G of this Section.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 661

HOUSE Bill No. 735
BY REPRESENTATIVE ABRAMSON AND SENATOR THOMPSON
AN ACT
To amend and reenact R.S. 47:103(A), 287.614(A)(1), 287.651(A)(1), 609(A), and 1675(H)(1)(e), (f), and (g) as enacted by Act No. 23 of the 2016 First Extraordinary Session of the Legislature, relative to income tax returns; to provide for the time and place of filing of certain income tax returns; to provide for the deadline for the payment of certain taxes; to provide relative to the claiming of certain transferable tax credits in the Tax Credit Registry; 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. 47:103(A), 287.614(A)(1), 287.651(A)(1), and 609(A) are hereby amended and reenacted to read as follows:
§103. Time and place for filing returns; information concerning federal return
A. Time and place for filing returns. (1) Corporation income tax returns. Returns for corporations on the basis of the calendar year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April, May following the close of the calendar year. Returns for corporations made on the basis of a fiscal year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April, May following the close of the fiscal year.
(2) Partnership tax returns. Except as provided for in Subparagraph (b) of this Paragraph, returns made by a partnership required to file a partnership return of income made on the basis of the calendar year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April, May following the close of the calendar year. Returns made by a partnership required to file a partnership return of income made on the basis of the fiscal year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April, May following the close of the fiscal year.
(3) Partnership composite returns. Composite returns required to be made for an entity treated as a partnership for state income tax purposes and which is made on the basis of the calendar year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April, May following the close of the calendar year. Returns other than corporation and partnership returns made on the basis of the fiscal year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of the fifth month following the close of the fiscal year.

THE ADVOCATE
CODING: Words in square brackets are additions. Words in italics are deletions from existing law; words underscored (House Bills) are additions. (Senate Bills) are additions.
In the event that the date on which returns shall be filed falls on Saturday, Sunday, or a legal holiday, the return shall be made and filed on the next business day.

§237.614. Time and place for filing returns; information concerning federal return; extension of time to file
A. (1) Returns made on the basis of the calendar year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April of the tax period for which the tax is due.

$237.651. Payment of tax
A. Time of payment.
(1) The total amount of tax on a calendar year return imposed by this Part shall be paid on the day following such approval.

Section 18 of the Constitution of Louisiana. If vetoed by the governor and become law without signature by the governor, as provided by Article III, or, if not signed by the governor, upon expiration of the time for bills to become law, then the tax shall be paid when the return is filed; and, if the return is on the basis of a fiscal year, then the total amount of tax shall be paid on the fifteenth day of the fourth month following the close of the fiscal year; or, if a fiscal year return is filed before said due date, then the tax shall be paid when the return is filed.

§609. Due date, payment and reporting of tax
A. The tax levied by this Chapter is for the annual accounting period, fiscal, or calendar year, regularly used by the taxpayer in keeping its books, with no proration for a portion of the year in the case of dissolution of domestic corporations or withdrawal from the state by foreign corporations, or where a corporation otherwise ceases to become taxable under this Chapter. The tax is due on the first day of each calendar or fiscal year and annually thereafter and is computed on the basis of the previous calendar or fiscal year closing. The tax is payable to the secretary on or before the fifteenth day of the fourth month following the close of the tax period for which the tax is due. However, if the day on which the tax is payable falls on a Saturday, Sunday, or legal holiday, the tax shall be payable on the next business day. With its payment the taxpayer shall deliver to the secretary a full, accurate, and complete report and statement signed by a duly authorized official of the corporation, containing such information as the secretary may require.

Section 2. R.S. 47:1675(H)(1)(e), (f), and (g) as enacted by Act No. 23 of the 2016 First Extraordinary Session of the Legislature are hereby amended and completed by adding the following:

§1675. General administrative provisions for credits against income and corporation franchise tax

H. Transferable income or corporation franchise tax credits.
(i) Unless otherwise provided in the statute granting the credit:

(e) To claim a credit on a tax return, either:

(1) The effective date of transfer, as reflected in the Tax Credit Registry pursuant to R.S. 47:1524, shall be on or before the due date of the return, without regard to the granting of any extension; or

(ii) On or before the due date of the return, without regard to the granting of any extension, the transferor and transferee shall have executed a binding agreement to transfer the credit to the department; the agreement shall be approved by the secretary. The specific project from which the credit shall be generated, specific type of transferable credit, and the exact amount of credit to be transferred shall not be required terms of the agreement.

(2) For purposes of this Paragraph, “effective date of transfer” means the date of transfer as reflected in the Tax Credit Registry pursuant to R.S. 47:1524.

(iv) A credit acquired through transfer can be applied to any allowable tax liability that is due for the year the credit was originally earned or to any year due after the applicable carryforward period is over.

(f) A tax credit with an effective date of transfer, as reflected in the Tax Credit Registry pursuant to R.S. 47:1524, or an executed transfer agreement entered into after the due date of the return, without regard to the granting of any extension, shall be utilized as a payment applied only to any allowable tax liability, interest, and penalty that is due for the year the credit was originally earned or to any year due after the applicable carryforward period is over.

A. The provisions of this Act shall be applicable for income tax periods beginning on and after January 1, 2016 and corporation franchise tax periods beginning on and after January 1, 2017.

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 the bill to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

THE ADVOCATE
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§114. Returns and payment of tax

E. Date for filing annual returns. On or before the first business day following February twenty-seventh of each year for the preceding calendar year, an employer shall file an annual return with the secretary on or before January thirty-first of each year for the preceding calendar year.

§164. Information at source

D. Withholding of tax at source.

(1) 

(2)(a) The motion picture investor tax credit pursuant to R.S. 47:6007 awards a tax credit for investments made and used for production expenditures in this state for state-certified productions. Therefore, any individual receiving any payments for the performance of services used directly in a production activity, which payments shall be claimed as a production expenditure for purposes of certification of tax credits, is deemed to be receiving Louisiana taxable income whether directly or indirectly through an agent or agency, loan-out company, a personal service company, an employee leasing company, or other entity and therefore these payments are subject to the withholding requirements of state and federal law and regulations.

(b) Any motion picture production company, motion picture payroll services company, or other entity making or causing to be made payments as provided in Subparagraph (a) of this Paragraph, to an individual, or to an agent or agency, loan-out company, personal service company, employee leasing company, or other entity is considered to be paying compensation taxable by the state of Louisiana. For purposes of eligibility as a production expenditure, the company or other entity shall withhold taxes from those payments at the highest individual rate of six percent, or the highest individual rate in effect at the time and remit these payments to the department quarterly, excluding any amount that would otherwise not be subject to the withholding requirements imposed pursuant to state and federal law and regulations.

(c) The motion picture production company, motion picture payroll services company, or other entity required to withhold income taxes as required by this Paragraph shall electronically report the information required by Items (i) through (vi) of this Subparagraph to the Department of Revenue. The report shall also include all of the following information:

(i) Name, address, and taxpayer identification number of the loan-out company or other entity.

(ii) Identification of entity type: C Corporation, S Corporation, or Limited Liability Company with tax type specified.

(iii) Name, address, and social security number of the payee.

(iv) An affirmative statement of whether or not the production company is a related party to the loan-out company or other entity, and if so, provision of an affidavit stating under penalty of perjury that the transaction is valued at the same value that an unrelated party would value the same transaction. If the production company is a related party to the loan-out company, the report shall also include all of the following information:

(aa) The ownership structure of the loan-out company or other entity.

(bb) An estimate amount of what the loan-out company or other entity will pay the payee.

Section 2. Section 2 of Act No. 425 of the 2015 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 2. The provisions of this Act shall be applicable to expenditures occurring after January 1, 2016, for productions which receive initial certification on or after January 1, 2016.
section 3. The provisions of this Act shall be applicable to all taxable years beginning on and after January 1, 2016.

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 17, 2016.

A true copy of
Tom Schedler
Secretary of State

ACT NO. 663

HOUSE BILL NO. 783

BY REPRESENTATIVE ABRAMSON AND SENATORS THOMPSON AND WALSWORTH

AN ACT
To amend and reenact sections 51:2456(B), 2457(A)(1), (B), and (C), and 2461 and to enact sections 51:2457(A)(5) and (6), (D), (E), and (F), relative to the Louisiana Quality Jobs Program; to provide relative to incentive rebates; to provide for definitions; to provide relative to sales and use tax rebates; to provide for a project facility expense rebate; to extend the termination date of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

section 1. section 51:2456(B), 2457(A)(1), (B), and (C), and 2461 are amended and reenacted and sections 51:2457(A)(5) and (6), (D), (E), and (F) are hereby enacted to read as follows:

§2456. rebate; payments

(1) In addition to the rebates provided in this Chapter, an employer who has executed a contract under the provisions of this Chapter and who meets the requirements of R.S. 51:2455(E) shall be entitled to the same sales and use tax rebates or refundable investment income tax credit authorized according to R.S. 51:2455(E)(1), two hundred fifty thousand dollars, the rebates shall be suspended and shall not be resupplied until such time as the actual verified gross payroll shows a minimum of five new direct jobs and an amount which equals or exceeds a total of five hundred thousand dollars, or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand dollars, shall be increased by the amount of rebates previously allowed. If at any other time during the ten-year period when the employer applies for a rebate at the end of the employer's fiscal year, the actual verified gross payroll for such fiscal year does not show a minimum of five new direct jobs and an amount which equals or exceeds a total of five hundred thousand dollars, or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand dollars, the rebates shall be suspended and shall not be resupplied until such time as the actual verified gross payroll shows a minimum of five new direct jobs and an amount which equals or exceeds five hundred thousand dollars or, where applicable according to R.S. 51:2455(E)(1), two hundred fifty thousand dollars. No rebate shall accrue or be paid to the employer during a period of suspension.

(2) Application for the final payment of the rebate of state sales and use taxes granted pursuant to this Section shall be filed no later than six months after the Department of Revenue authorizes submission of the request in an alternate form.

(3) Requests for rebates of state sales and use taxes pursuant to this Section shall be processed by the Department of Revenue as follows:

(a) A properly completed rebate request shall be submitted to the Department of Revenue on forms provided by the Department of Revenue.

(b) Within ten business days of receipt of a properly completed rebate request, the Department of Revenue shall authorize submission of the request in an alternate form.

(c) If the Department of Revenue authorizes submission of the request in an alternate form, the Department of Revenue shall send a written request for delay of consideration of the application within the time allowed, the board may unilaterally approve or deny the request for the rebate of the sales and use taxes imposed by the state only. In the event that all local sales and use taxes are dedicated and are unavailable to be rebated, no endorsement resolution shall be required of a local governing authority before the board considers its application for benefits under this Chapter.

(d) All requests for a rebate of local sales and use taxes shall be accompanied by the endorsement resolution or letter of approval from the appropriate local governing body in whose jurisdiction the employer is or will be located, either.

(ii) A project facility expense rebate equal to one and one-half percent of the amount of qualified capital expenditures for the facility or facilities designated in the contract.

(iii) A qualified business shall be allowed to increase its qualified capital expenditures to the extent the qualified business’ capitalized basis in property shall be made out by claiming a federal credit.

§2457. filing claim to receive rebate; determination; repayment

(a) Payment rebate.

(1) After the end of the fiscal year of an employer for which an employer has qualified pursuant to this Chapter, the employer shall file a claim for a rebate in accordance with the requirements as required in R.S. 51:2456 with the Department of Economic Development.

(b) Rebate shall be made only in accordance with the provisions under which it initially applied and was approved. If an employer that is receiving rebates expands, it may apply for additional rebates based on the gross payroll anticipated from the expansion only, pursuant to R.S. 51:2455. Rebate payments of state sales and use taxes under this act:

(1) Qualifying purchases of material used in the construction, addition, or improvement of a building made on or after the effective date of the contract shall be eligible for the rebate and shall be included in the application for payment of the rebate of sales and use taxes.

(2) The Department of Revenue shall determine the total amount of any additions or improvements to any building, and the business, or no later than thirty days after the completed rebate request is received at the rate of interest, which shall begin to accrue on the date the completed rebate request is received at the rate of the amount that should have been allowed shall be subject to collection by the Department of Revenue.

(3) Failure of the Department of Revenue to timely pay rebates as provided herein shall entitle the taxpayer to interest, which shall begin to accrue three months after the completed rebate request is received at the rate of three percent, but in no case shall the rate of interest exceed two percent.

(4) The rebate of sales and use taxes imposed by the State, and imposed by any political subdivision as provided for in Item (B)(1)(a)(ii) of this Section, on purchases of materials used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise and machinery and equipment used in that enterprise.

(d) The amount of qualified capital expenditures for the facility or facilities designated in the contract.
and it is received by the Department of Revenue, the political subdivision, and the business. The project completion report shall not be signed until the project is complete and the contract has been approved by the board and the secretary of state.

(2) Requests for the project facility expense rebate pursuant to this Section shall be processed by the Department of Revenue as follows:

(a) A properly completed project facility expense rebate request shall be submitted electronically to the Department of Revenue on forms provided by the Department of Revenue. A properly completed project facility expense rebate request shall mean a rebate request that is signed and includes the general information required on the face of the request, a copy of the executed incentive contract, and a copy of any approved invitation to apply. The rebate request shall be submitted electronically unless the secretary of the Department of Revenue authorizes submission of the request in an alternate form.

(b) The Department of Revenue shall make the rebate payment from the current collections of the taxes collected pursuant to Chapter 2, Chapter 2 A, or Chapter 2 B of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

1. Extensions of application filing deadlines. For purposes of filing the application provided for in Subsections B and C of this Section, upon request, the business filing the application shall be granted a thirty-day extension of time in which to file its application, provided the request for extension is received by the Department of Revenue prior to the expiration of the filing period. In addition to the thirty-day extension, the Department of Revenue is authorized to grant the business an additional extension of time, not to exceed sixty days, in which to file its application, provided that the business provides reasonable cause for the granting of the additional extension.

2. Rebate Requests and Sales and Use Tax Rebate. (1) Within ninety days from the date that a properly completed rebate request submitted by a taxpayer is received by the appropriate local taxing authority, the taxing authority shall review the rebate request and issue a rebate approval, denial, or notification of disallowed items. The taxing authority shall notify the taxpayer of any disallowed items. For purposes of this Subsection, a properly completed rebate request shall mean a rebate request that is signed and includes the general information required on the face of the request, a copy of each invoice, and all required schedules.

(2) A taxpayer requesting reconsideration of any disallowed item shall do so within sixty days from receipt of the notification of the disallowed items by resubmitting a properly completed rebate request for the disallowed items to the taxing authority for reconsideration. The time periods for reconsideration of disallowed items in a rebate request shall be the same as the time periods for consideration of the initial rebate request.

(3) Rebate requests may be submitted electronically with the approval of the local taxing authority.

(4) Failure by a local taxing authority to timely process and pay a local sales and use tax rebate in accordance with the provisions of this Subsection shall entitle the taxpayer to interest on the amount of the allowed items contained in the properly completed rebate request. Interest shall begin to accrue on the date the properly completed rebate request or reconsideration of disallowed items is received by the taxing authority. The interest rate charged shall be the rate established by the provisions of R.S. 13:4202.

3. Sales tax imposed by a political subdivision that are designated as the replacement of bonded indebtedness or dedicated to schools shall not be eligible for rebate. All other state and local sales and use taxes shall be eligible for rebate.

4. No governing authority of a political subdivision or sheriff’s office shall charge any fee or require any employment practice that conflicts with the enterprise zone program hiring requirements and all other limitations, restrictions, or limitations, including but not limited to, any such request for a rebate of local sales and use taxes be accompanied by an endorsement resolution approved by the governing authority of the appropriate political subdivision, or law enforcement district in whose jurisdiction the qualified business is or will be located. Rebate of sales and use tax imposed by the state and any political subdivision of the state, upon approval of the governing authority of the appropriate political subdivision, including the office of sheriff in the case of a law enforcement district, on the purchases of the materials used in the construction of a building or any addition or improvement thereon, for any legitimate business enterprise or project of which capital expenditures are used in that enterprise.

5. In lieu of the sales and use tax rebate, a qualified business shall be entitled to a project facility expense rebate equal to one and one-half percent of the amount of qualified capital expenditures for the facility or any facilities designated in the contract for which an invitation to apply was extended by the secretary before July 1, 2015. With respect to projects for which an invitation to apply is extended by the secretary on or after July 1, 2015, a qualified business shall be entitled to a project facility expense rebate equal to the lesser of the amount of qualified capital expenditures for the facility or any facilities designated in the contract, or the amount of the project facility expense rebate as determined by the Department of Economic Development. Additional tax credits or rebates shall be allowed to increase its qualified capital expenditures to the extent the qualified business’s capitalization basis is properly reduced by claiming a federal credit. A qualified business earns the project facility expense rebate in the qualified business’s fiscal year in which the project is placed in service but the qualified business may not be entitled to the project facility expense rebate until the Department of Economic Development signs a project completion report or other time as provided for by rule or regulation. The project completion report for the project facility expense rebate shall adhere to the general information provided for in R.S. 51:3121(C)(3)(a) through (l), minus the capitalized cost of land, capitalized leases of land, capitalized interest, capitalized costs of manufacturing machinery and equipment to the extent capitalized manufacturing machinery and equipment costs are excluded from state and local sales and use tax credits.”

The 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.
HOUse BiLL no. 805
BY REPRESENTATIVES BROADWATER AND AMEDEE
An ACT

To amend and reenact R.S. 33:9106(A)(3) through (5) and 9109 and to enact R.S. 33:9108, relative to communications districts; to provide relative to the levy of an emergency telephone service charge on certain communications services provided to the public; to provide relative to the use of service charge proceeds; to provide relative to the necessary technological requirements; to provide relative to the definition of terms; to provide relative to the technology; and for other matters.

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

(3) “Exchange access facilities”, “exchange access lines”, or “lines” means all lines, provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs, or interconnected Voice over Internet Protocol (VoIP) service as defined in 47 CFR 9.3. For a Primary Rate Interface (PRI) circuit or other multiline service, the number of exchange access facilities is equal to the capacity as activated by the service supplier for simultaneous outward voice calls to the public switched telephone network.

§9109. Additional service charge on wireless telecommunications service
A. Intent. (1) The Federal Communications Commission has issued rulings requiring that suppliers of cellular and other forms of wireless telecommunications services capable of accessing the 911 emergency telephone number provide certain enhancements to their services when requested by a communications district. These enhancements will automatically provide the number and location of the wireless caller to the communications district when a caller accesses 911. Although these enhancements currently exist for persons dialing 911 from “landline telephones”, certain technological enhancements must be made in order to provide this information from wireless devices outlined a plan that will require the public safety community to field a new generation of 911 emergency call services which will allow the use of additional and widely used digital media to contact Public Safety Answering Points (PSAPs). Next Generation 911 (NG911) will permit the public use of text messages, data, videos, as well as to transmit emergency information to the servicing PSAP. This data will further be shared with first responders for their use enroute to and at emergency scenes. Specific technological enhancements shall be made within each PSAP in order to receive and utilize this information from wireless devices.

(2) The legislature also finds that it is in the public interest to automatically provide a wireless cellular telephone number when such a caller requests emergency services by calling the 911 telephone number for 911 systems operated by the communications districts within Louisiana to provide NG911 service to the public when the necessary technological requirements can be met. The legislature also finds that funding to make these improvements becomes available.

(3) The Federal Communications Commission further requires that a mechanism be established which will enable wireless service suppliers and communications districts to recover all costs associated with providing the enhanced service.

(4) It is the purpose of this Section to provide funding for such a cost recovery mechanism NG911, E911, 911 call taking, dispatch, telecommunications systems for first responders and for other lawful purpuses of communications districts. It is also the purpose of this Section to provide increased community for the provision of 911 services by wireless service suppliers and all communication districts.

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

(9) The term “wireless E911 service” means E911 service that provides automatic number identification of wireless subscribers and their service address information.

(10) The term “wireless service supplier” means any person providing exchange telephone service whose customers do not have access to 911 service or to a similar service, to telephone service, or a network radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(11) The term “wireless service supplier” includes persons providing for the use of such service by the public when the necessary technological requirements can be met. It is the purpose of this Section to provide for the use of such service by the public.

(12) The term “wireless service supplier” includes persons providing for the use of such service by the public when the necessary technological requirements can be met. It is the purpose of this Section to provide for the use of such service by the public.

§9110. Service user
A. Intent. (1) The Federal Communications Commission has issued rulings requiring that suppliers of cellular and other forms of wireless telecommunications service whose customers do not have access to 911 service or to a similar service, to telephone service, or a network radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(3) The term “service supplier” means any person who provides service to the public when the necessary technological requirements can be met.

(4) The term “service charge” means the CMRS emergency telephone service charge levied and collected pursuant to this Section.

(5) The term “district” means any communications district created pursuant to this Chapter or pursuant to or by any local or special Act.

(7) The term “E911” means an emergency telephone service that provides the caller with emergency 911 system service, that directs 911 calls to appropriate public safety answering points by selecting routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission may require in the future.

(8) The term “CMRS” means commercial mobile radio service under Section 332(c)(8) of the Telecommunications Act of 1996, 47 United States Code Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-256. The term includes the term “wireless” and includes service provided by any wireless real-time two-way voice communication service, commercial mobile radio service, or any network radio access line service, beacon service, mobile telecommunication service, land mobile service, personal communication service, specialized mobile radio service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to a similar service, to telephone service, or a network radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(9) The term “wireless E911 service” means E911 service that provides automatic number identification of wireless subscribers and their service address information.

§9119. Service user
A. Intent. (1) The Federal Communications Commission has issued rulings requiring that suppliers of cellular and other forms of wireless telecommunications service whose customers do not have access to 911 service or to a similar service, to telephone service, or a network radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(3) The term “service supplier” means any person who provides service to the public when the necessary technological requirements can be met.

(4) The term “service charge” means the CMRS emergency telephone service charge levied and collected pursuant to this Section.

(5) The term “district” means any communications district created pursuant to this Chapter or pursuant to or by any local or special Act.

(7) The term “E911” means an emergency telephone service that provides the caller with emergency 911 system service, that directs 911 calls to appropriate public safety answering points by selecting routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission may require in the future.

(8) The term “CMRS” means commercial mobile radio service under Section 332(c)(8) of the Telecommunications Act of 1996, 47 United States Code Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-256. The term includes the term “wireless” and includes service provided by any wireless real-time two-way voice communication service, commercial mobile radio service, or any network radio access line service, beacon service, mobile telecommunication service, land mobile service, personal communication service, specialized mobile radio service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to a similar service, to telephone service, or a network radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(9) The term “wireless E911 service” means E911 service that provides automatic number identification of wireless subscribers and their service address information.
in service charge authorized by this Section shall commence within sixty days after receipt of such notice.

(8) The service supplier shall add the service charge to its invoice to the service user, but may state it separately therein.

(d)(i) The service supplier shall have no obligation to take any legal action to enforce the collection of any service charge. However, the service supplier shall annually provide the district governing authority with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected in accordance with the regular billing practice of the service supplier.

(ii) Good-faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier’s determination of nonpayment or the identification of service users in connection therewith or both.

(9) The service charge collected for such purposes as are designated in Paragraph (a) of this Subparagraph, the service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than sixty days after the close of a calendar quarter.

(i) On or before the sixtieth day after the close of a calendar quarter, a return, in such form as the district governing authority and the service supplier agree upon, shall be filed with the district, together with a remittance of the amount of service charge collected payable to the district.

(ii) The service supplier shall maintain records of the amount of the service charge collected for a period of at least two years from date of collection. The district governing authority may, at its expense, require an annual audit of the service supplier’s books and records with respect to the collection and remittance of the service charge.

(iii) Trunks or service lines used to supply service to service suppliers and used by service suppliers to provide CMRS service shall not have a service charge levied against them.

(iv) The service charge, or any part or percentage thereof, shall not be subject to any sales, use, franchise, income, excise, or any other tax, fee, or assessment, and shall not be considered revenue of the service supplier for any purpose.

(i) Any person or entity otherwise exempt from taxation shall be exempt from the service charge authorized by this Section.

(1) Use of proceeds. (i) In any district having a population of less than thirty thousand persons as of the most recent federal decennial census, proceeds of the service charge collected after July 9, 1999, less the administration fee which the wireless service supplier is authorized to retain, shall be used for the following purposes:

(a) Compensation of service suppliers and the district’s costs associated with the implementation of Phase 1 enhancements required by the FCC Order.

(b) If the district determines that net proceeds from the service charge remitted to the district are sufficient to implement wireless E911 service by the district and all service suppliers providing service within the district, the district shall request that each such service supplier implement such enhancements and shall provide funds to each such service supplier in accordance with the provisions of the Section.

(c) In any district having a population of not less than thirty thousand persons as of the most recent federal decennial census, such enhancements shall be completed by the district and all of the service suppliers providing service within the district within one year of the initial levy of the service charge authorized by this Section.

(d) In any district having a population of less than thirty thousand but not less than twenty thousand persons, such enhancements shall be completed by the district and all of the service suppliers providing service within the district within eighteen months of the initial levy of such charge.

(e) The financial records of the district shall be audited pursuant to the provisions of R.S. 24:513. In addition, each district shall submit an annual report to the district’s legislative bodies containing a detailed certification of the revenues derived from the service charge authorized by this Section and the use of such revenues. Such report shall include a report on the status of implementation of wireless E911 service.

F.E. Liability. (1) Each wireless service supplier shall establish a mechanism to permit a district to have full-time access to such customer data as is available and necessary to exist in the appropriate response to any emergency call which originates from that wireless service. Such customer data shall be used only by the district for the exclusive purpose of providing emergency services and shall otherwise remain confidential and shall be exempt from disclosure under R.S. 44:1 et seq.

(2) Each wireless service supplier shall adhere to a standard of service in providing access to the 911 telephone system by its wireless service users as may be established by the National Emergency Number Association. Until such standards are promulgated, each wireless service supplier shall adhere to commonly recognized and observed industry standards. * * *

§9109.2. Restrictions imposed on use of certain funds

Notwithstanding any provision of law to the contrary, all revenues collected from the service charge authorized by this Section and all proceeds from sales and purchases of land, mineral rights, and other properties of a district, as provided in this Chapter, shall be used for the express purpose of providing 911 emergency response communications services and operations.

The funds shall not be diverted for use by any other entity or for any purpose other than those outlined in this chapter.

* * *
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(49) (12) "Secretary" means the secretary of the Department of Natural Resources.

(49) (14) "Site restoration" means any and all oilfield site restoration activities required of a responsible party of an oil or gas property by regulations adopted by the office of conservation pursuant to this Subtitle, including without limitation plugging of oil and gas wells, pit closure, site remediation, and removal of oilfield equipment.

(49) (15) "Unusable oilfield site" means an oilfield site which has no continued useful purpose for the exploration, production, or development of oil or gas for which a responsible party can be located.

$83. Oilfield Site Restoration Commission; Department of Natural Resources

F. The powers of the commission shall be limited to the following:

(2) At the direction of the secretary, pledge the revenues available to fund authorized purposes and to secure the issuance of bonds to fund such purposes provided in R.S. 30:83.1, provided that annual debt service shall not be in excess of fifty percent of the pledged revenues estimated to be received in the calendar year the bonds are issued.

§83.1 Authorization of bonds

A. (1) An issuer is authorized to issue bonds pursuant to the provisions of R.S. 9:2341 through 2347 for the benefit of the commission, at the direction of the secretary, to raise funds for authorized purposes in accordance with the provisions of this Section and the constitutional and statutory provisions governing the issuance of bonds by such entities.

(2) The bonds may be secured by an irrevocable pledge and dedication of revenues of the commission, at the direction of the secretary, to the redemption of outstanding bonds or other debt obligations on behalf of the issuer.

B. (1) Any pledge of revenues for the security of the bonds shall be valid and binding against all parties lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding against all parties in interest.

(2) Any pledge of revenues for the security of the bonds shall be irrevocable, and shall be valid and binding against all parties lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the state, the department, or the commission whether or not such parties have notice thereof. Any trust agreement by which a pledge is created need not be filed or recorded.

(3) The bonds shall be entitled to priorities on the revenues pledged and dedicated pursuant to Paragraph (2) of this Subsection, subject to the provisions of this Section and the constitutional and statutory provisions governing the issuance of bonds by such entities.

C. The treasurer of the state of Louisiana shall certify, to the secretary of the Department of Revenue, the date on which the balance in the fund equals or exceeds ten fourteen million dollars. The oilfield site restoration fees on oil and gas provided for in R.S. 30:37 shall not be collected or required to be paid on or after the first day of the second month following the certification. At the direction of the secretary of the Department of Natural Resources, the oilfield site restoration fees collection of certification to the treasurer that, based on the expenditures or commitments to expend monies, the fund has fallen below ten million dollars. The secretary of the Department of Revenue shall not count the excess monies in the fund that have been suspended in the manner provided by this Section. The sums in the site-specific trust accounts within the fund and sums generated from the issuance of bonds pursuant to R.S. 30:83.1 shall not be counted to determine the balance of the fund for the purposes of this Subsection.

D. The administration of this Part by the Department of Natural Resources in an amount not to exceed seven nine hundred fifty thousand dollars each fiscal year.

E. In addition to the disbursements and expenditures authorized by Subsection E of this Section, not less than one million dollars or twenty percent of the amount of revenues collected and realized which shall be used to plug orphaned wells drilled to a depth less than three thousand feet in the Shreveport District and the Monroe District of the office of conservation beginning Fiscal Year 2016-2017 and through the end of Fiscal Year 2019. However, these monies are subject to being disbursed and expended for any costs associated with response to any emergency as provided in R.S. 30:6.1.

§87. Oilfield site restoration fees

A. There is hereby imposed on crude petroleum produced from producing wells in this state a fee in the amount of one and one-half cents on each barrel of oil and condensate. "Oil" and "condensate" shall mean the same such oil and condensate as is taxable under the provisions of Part I of Chapter 6 of Title 47 of the Louisiana Revised Statutes of 1950. The fee is imposed as a tax imposed pursuant to the Louisiana Revised Statutes of 1950, Title 47. The provisions of the Louisiana Tax Code Chapters 17 and 18 of Title 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration, collection, and enforcement of the fee imposed herein, and the provisions of R.S. 30:6.1 shall apply to the collection of the fee by any person who fails to pay any portion of the fee.

B. The fees provided for in Subsections A and B of this Section shall be borne by the responsible parties and not by the royalty and overriding royalty owner. The fees provided for in Subsections A and B shall commence with production on or after July 1st, 1979, and shall continue in full force and effect until the last day of the 12th month following the month in which the last monies were collected hereunder.

C. The site restoration fee shall be the following:

(1)(a) Full rate production: one and one-half cents per barrel on crude oil and condensate or For crude oil and condensate, the fee shall be based on the oil price on July first of each year for the ensuing twelve months.
based upon the average New York Mercantile Exchange Price per barrel of crude oil per month on the close of business on June thirtieth for the prior two months. The amount of the fee for a well that produces crude oil and condensate shall be as follows:

(i) The fee shall be one and one-half cents per barrel on crude oil and condensate if the price of oil is at or above sixty dollars per barrel.
(ii) The fee shall be three cents per barrel on crude oil and condensate if the price of oil is above sixty dollars and at or below ninety dollars per barrel.
(iii) The fee shall be four and one-half cents per barrel on crude oil and condensate if the price of oil is above ninety dollars per barrel.

§56. No inference of liability on the part of the state.

Notwithstanding in this Part shall establish or create any liability or responsibility on the part of the commission or the state of Louisiana to pay any costs associated with site restoration from any sources other than the fund created by R.S. 33:2531. The funds established in connection with the issuance of bonds on behalf of the commission, at the direction of the secretary pursuant to R.S. 33:2531 nor shall the commission or the state of Louisiana have any liability or responsibility to make any payments for costs associated with site restoration if the trust created herein is insufficient to do so.

* * *

Section 2. This Act shall take effect and become operative if and when the Act which originated as House Bill No. 632 of this 2016 Regular Session of the Legislature is enacted and becomes effective.

Approved by the Governor, June 17, 2016.

Tom Schedler
Secretary of State

ACT No. 667

HOUSE BILL NO. 858
BY REPRESENTATIVE MONTUCET
AN ACT

To amend and reenact R.S. 33:2476(C) and (H) and 2536(C) and (H), and (relative to the municipal fire and police civil service board; to provide relative to the appointment of such members; to provide for the judicial remedy for failure to appoint such members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2476(C) and (H) and 2536(C) and (H) are hereby amended and reenacted to read as follows:

$2476. Municipal fire and police civil service boards

C.(1)(a) The first five members of a board shall be appointed by the governing body of the municipality during the ninety-day period immediately following the date that the Part takes effect in a municipality under R.S. 33:2471.

(b) If the governing body fails to appoint the members as required in Subparagraph (a) of this Paragraph and the state examiner has given written notification to the governing body of its failure to appoint such members, then the governing board shall make the appointments within ninety days following such notification.

(c) If the governing body fails to make appointments as required in Subparagraphs (a) and (b) of this Paragraph, then the state examiner shall seek a writ of mandamus which shall lie to the court of original and unlimited jurisdiction in the parish in which the board is domiciled.

The members of the board shall be appointed by the governing body as follows:

(a) One shall be appointed by the governing body upon its own nomination.

(b)(i) Two members shall be appointed from a list of four nominees that shall be furnished, within sixty days after the governing authority makes a request by certified letter for such list, by the executive head of a legally chartered and established four-year institution of higher education located within the municipality; or, if there is no such institution in the municipality, by the executive head of such an institution which is within and which is the most geographically proximate to the municipality. However, if no such four-year institutions of higher education are located within the municipality, the head of each of the two institutions shall furnish a list of two nominees and one member shall be appointed from each such list.

(b)(ii) If a list of nominations is not submitted within sixty days after submission of request for such list, such failure shall be considered a failure to perform a ministerial duty required by law of a public officer or corporate officer. To this end, the district attorney for the parish in which the institution is located shall provide the issuance of a writ of mandamus to compel the official or officer to act as provided by law.

(c) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments as follows:

(i) One member shall be elected and appointed from the fire department, and

(ii) One member shall be elected and appointed from the police department.

§2536. Fire and police civil service boards

C.(1)(a) The first five members of a board shall be appointed by the governing body of the municipality, parish, or fire protection district, as the case may be, during the ninety-day period immediately following the date that this Part takes effect in a municipality, parish, or fire protection district under R.S. 33:2531.

(b) If the governing body fails to appoint the members as required in Subparagraph (a) of this Paragraph and the state examiner has given written notification to the governing body of its failure to appoint such members, then the governing board shall make the appointments within ninety days following such notification.

(c) If the governing body fails to make appointments as required in Subparagraphs (a) and (b) of this Paragraph, then the state examiner shall seek a writ of mandamus which shall lie to the court of original and unlimited jurisdiction in the parish in which the office of state examiner is domiciled.

The members of the board shall be appointed by the governing body as follows:

(a) One shall be appointed by the governing body upon its own nomination.

(b)(i) Two members shall be appointed from a list of four nominees that shall be furnished, within sixty days after the governing authority makes a request by certified letter for such list, by the executive head of a regularly chartered and established four-year institution of higher education located within the area served; or, if there is no such institution in the area served, by the executive head of such an institution which is within the state and which is the most geographically proximate to the area served.

(b)(ii) If a list of nominations is not submitted within sixty days after submission of request for such list, such failure shall be considered a failure to perform a ministerial duty required by law of a public officer or corporate officer. To this end, the district attorney for the parish in which the institution is located shall provide the issuance of a writ of mandamus to compel the official or officer to act as provided by law.

(c) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police department as follows:

(i) One member shall be elected and appointed from the fire department, and

(ii) One member shall be elected and appointed from the police department.

* As it appears in the enrolled bill
The district attorney of the district wherein the board member resides may institute such suit from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.

15. “Promotion employment list” or “promotion list” means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Part to be established from the results of a competitive test.

16. “Promotion test” means a test for positions in a particular class which is not specifically required by this Part to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

17. “Reemployment list” means an employment list for the entrance or lowest ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the “lay off” provisions of this Part. This list shall not be applicable to persons who have resigned or have been discharged.

18. “Regular employee” or “permanent employee” means an employee who has been appointed to a position in the classified service in accordance with this Part after completing his working test period.

19. “Regular paid and regularly paid department” means any fire or police department in any municipality that employs personnel in positions of the classified service as defined in this Section and compensates such personnel at regular intervals.

10. “Eligible” means a person whose name is on a list.

7. “Classification plan” means all the classes of positions established for a limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

6. “Classification plan” means all the classes of positions established for a limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

5. “Class” or “class of position” means a definitely recognized kind of employment in the classified service, designated to embrace positions that may fairly and consequent qualification requirements that they may fairly and equitably be treated alike under like conditions for all personnel purposes.

4. “Class” or “class of position” means a definitely recognized kind of employment in the classified service, designated to embrace positions that may fairly and consequent qualification requirements that they may fairly and equitably be treated alike under like conditions for all personnel purposes.

3. “Appointing authority” means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal, parish or fire protection district government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Part.

2. “Appointing authority” means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal, parish or fire protection district government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Part.

1. “Allocation” means the official determination of the class to which a position in the classified service belongs.

The following words and phrases, when used in this Part shall have the following meaning, unless the context clearly requires otherwise:

(iii) If more than one name is placed in nomination, the chief of each department shall call such an election within forty-five days after this Section takes effect in the area affected by posting, for a fifteen-day fifteen-day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department and the chief shall officially notify the governing body of the area affected within the ten-day ten-day period immediately following the election, the name of the employee-nominees so elected by the regular employees of his department.

The chief of the department shall vote in the election only in the case of a tie vote.

H. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile over which jurisdiction in civil suits of the parish wherein the board is domiciled shall have been acquired by the vote of the district attorney of the district wherein the board member resides may institute such suit.
functions specifically set forth to be included in the classified service by the provisions of this Part; and excludes all elective and appointive offices and positions in the departmental service which are to be included in the unclassified service by the provisions of this Part.

8. “Demotion” means a change of an employee in the classified service from a position of one class to a position of a lower class which generally involves less responsibility and provides less pay.

9. “Department service” means employment in the public service offered and performed separately by the fire or police department of the municipality, parish or fire protection district.

10. “Eligible” means a person whose name is on a list.

11. “Employee” means a person legally occupying a position.

12. “Employment list” or “lists” means a reinstatement employment list, a promotional employment list, a competitive employment list and a re-employment list.

13. “Position” means any office or employment in the municipal, parish or fire protection district, fire or police service, the duties of which call for services to be rendered by one person.

14. “Promotion” means a change of an employee in the classified service from a position of one class to a position of a higher class which generally involves increased responsibilities and provides increased pay.

15. “Promotion employment list” or “promotion list” means an employment list, containing the names of eligible persons established from the results of promotion tests given for a particular class of positions; which is not specifically required by this Part to be established from the results of a competitive test.

16. “Promotion test” means a test for positions in a particular class which are not specifically required by this Part to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

17. “Re-employment list” means an employment list for the entrance or lowest ranking class in the classified service, or any group of classes that may be grouped in the classification plan, containing names of regular employees who have been laid off under the “lay-off” provisions of this Part. This list shall not be applicable to persons who have resigned or have been discharged.

18. “Regular employee” or “permanent employee” means an employee who has been appointed to a position in the classified service in accordance with this Part after completing his working test period.

19. “Regular paid and regularly paid department” means any fire or police department in any municipality, parish, or fire protection district that employs personnel in positions in the classified service as defined in this Section and compensates such personnel at regular intervals.

20. “Reinstatement employment list” or “reinstatement list” means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.

21. “Seniority” means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously, to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940 shall be construed to mean seniority.

22. “Temporary appointment” means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond such period.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Approved by the Governor, June 17, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 669

HOUSE BILL NO. 873
BY REPRESENTATIVE MONTOUCET

To amend and reenact R.S. 39:2175(6), relative to public contracts; to require a certain percent of evaluation points to be awarded to certain veterans in requests for proposals; and to provide for related matters.

By enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2503 and 2563 are hereby amended and reenacted to read as follows:

§2503. Duties of municipal officers and employees
A. The appointing authority shall report to the board within fifteen days following any appointment or employment of any employee in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority shall also report the date of any official action in or knowledge of any separation, promotion, demotion, suspension, lay-off, reinstatement, or re-employment in the classified service.

B. An officer or employee of the municipality shall comply with, and aid in all proper ways in carrying out the provisions of this Part and the rules, regulations, and orders. All officers and employees shall furnish any records or information which the board or state examiner requests for any purpose of this Part.

§2563. Duties of officers and employees
A. The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority also shall report the date of any official action in, or knowledge of, any separation, promotion, demotion, suspension, lay-off, reinstatement, or re-employment in the classified service.

B. An officer or employee of the municipality, parish, or fire protection district shall comply with, and aid in all proper ways in carrying out the provisions of this Part and the rules, regulations, and orders. All officers and employees shall furnish any records or information which the board or state examiner requests for any purpose of this Part.

A true copy:
Tom Schedler
Secretary of State

ACT No. 670

HOUSE BILL NO. 882
BY REPRESENTATIVE ARMES

To amend and reenact R.S. 39:2175(6), relative to public contracts; to require a certain percent of evaluation points to be awarded to certain veterans in requests for proposals; and to provide for related matters.

By enacted by the Legislature of Louisiana:

Section 1. R.S. 39:2175(6) is hereby amended and reenacted to read as follows:

§2175. Competitive source selection
Methods of source selection which may be utilized by an agency to satisfy a state goal for contracting with veteran and service-connected disabled veteran-owned small businesses include but not be limited to:

(6) An allowance for ten percent of the total evaluation points in a request for proposal shall be awarded to an offeror who is a certified veteran and service-connected disabled veteran-owned small business entrepreneurship. The mandatory award of evaluation points required by this Paragraph shall be included in all requests for proposals, unless the inclusion jeopardizes funding for the procurement or violates any other provision of law. Any request for an exemption from the requirements of this Paragraph shall be submitted in writing to the commissioner of administration who shall either deny or approve the request. The provisions of this Paragraph shall not apply to design-build or construction manager at risk projects.

Approved by the Governor, June 17, 2016.
A true copy:
Tom Schedler
Secretary of State
To amend and reenact R.S. 34:2471(A)(introductory paragraph), (3), (4), (5), and (6), relative to the Port of South Louisiana; to increase the membership on the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:2471(A)(introductory paragraph), (3), (4), (5), and (6) are hereby amended and reenacted to read as follows:

§2471. Creation; membership.
A. There is hereby created the Port of South Louisiana, as a political subdivision of the state, with jurisdictional authority encompassing the geographical boundaries of the parishes of St. Charles, St. John the Baptist, and St. James. The Port of South Louisiana shall be governed by a board of nine members who shall be appointed as follows:

(3) Two members shall be appointed by the governor from a list of one nominee each from every parish located within the territorial jurisdiction of the port who is a resident of such parish, or who may, instead of holding residence, be the chief executive officer of a business which is principally operated within each parish from the list of nominees submitted to him by each of the following organizations:
   (a) Louisiana Farm Bureau.
   (b) Louisiana AFL-CIO.
   (c) Southern University River Parishes Alumni Association.
   (d) River Region Chamber of Commerce.

(4) One member shall be appointed by the governor from a list of one nominee each from every parish located within the territorial jurisdiction of the port who is a resident of such parish, or who may, instead of holding residence, be the chief executive officer of a business which is principally operated within each parish from the list of nominees submitted to him by each of the following organizations:
   (a) River Parishes Chemical Industry Council.
   (b) Grain Elevator and Processing Society.
   (c) Greater New Orleans Barge Fleeting Association.
   (d) New Orleans and Baton Rouge Port Pilots Association.

(5) One member-at-large who shall reside and be domiciled within the geographical boundaries of the port shall be appointed by the governor. The person appointed shall be selected on the basis of his demonstrated experience in civic leadership and his ability and experience to act effectively for the best interest of the port and the state of Louisiana. Three members, one of whom is a resident of St. Charles Parish, one of whom is a resident of St. John the Baptist Parish, and one of whom is a resident of St. James Parish, shall be appointed by the governor at his sole discretion.

(6) One member-at-large who shall reside and be domiciled within the geographical boundaries of the port shall be appointed by the governor. The person appointed shall be selected on the basis of his demonstrated experience in civic leadership and his ability and experience to act effectively for the best interest of the port and the state of Louisiana. Three members, one of whom is a resident of St. Charles Parish, one of whom is a resident of St. John the Baptist Parish, and one of whom is a resident of St. James Parish, shall be appointed by the governor at his sole discretion.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 672

HOUSE BILL NO. 887
BY REPRESENTATIVES STEVE CARTER, CARMODY, DAVIS, EDMONDS, FALCONER, FOIL, GISCLAIR, GLOVER, GUINN, HILFERTY, JAMES, LOPINTO, MACK, MARCELLE, PRICE, RICHARD, SCHRODER, SMITH, STOKES, TALBOT, THIBAUT, AND ZERINGUE

AN ACT

To enact Part II-D of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1971 through 1976, and R.S. 36:651(D)(9), to create a residential school for certain at-risk students; to provide for a board of directors and a school director; to provide for the powers, duties, and responsibilities of such board and director; to provide for board membership, terms, and compensation; to provide for funding; to provide for definitions; to provide for legislative intent; to provide for other purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-D of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1971 through 1976, is hereby enacted to read as follows:

PART II-D THRIVE ACADEMY

§1971. Legislative intent.
A. It is the intent of the legislature to establish an independent, residential, public school as a pilot school for certain at-risk students in grades six through twelve with the express purpose of providing a more challenging educational experience to develop students to their full potential through high expectations, personal support, and educationally enriching activities. The educational goal for students that are at risk includes independent, residential, and a documented history of truancy. The person appointed shall be selected on the basis of his demonstrated experience in civic leadership and his ability and experience to act effectively for the best interest of the port and the state of Louisiana. Failing grade 12.

§1973. Thrive Academy; creation; location; governance.
A. There is hereby created the Thrive Academy which shall be a residential, public school for at-risk students. The school shall be located in Baton Rouge. The school shall be independent of the control of the state superintendent and of all local and state education boards except its board of directors.

B. The school shall be subject to the same laws, rules, regulations, and other requirements applicable to public schools as specifically provided for in R.S. 17:3996.

§1974. Board of directors; creation; membership; terms; powers; voting.
A. There is hereby created a board of directors for the school, hereinafter referred to as the “board”. The board shall be composed of nine members as follows:
   (1) A member selected by the state superintendent of education.
   (2) The superintendent of schools for East Baton Rouge Parish or his designee.
   (3) The chairperson of the East Baton Rouge Parish School Board or his designee.
   (4) The chairperson of the East Baton Rouge Parish School Board or his designee.
   (5) The chairperson of the East Baton Rouge Parish School Board or his designee.
   (6) One teacher who shall be a member of the faculty of the school and who shall be elected by the members of the faculty.
   (7) The secretary of the Department of Children and Family Services or his designee.
   (8) The president of the Louisiana Association of School Superintendents or his designee.
   (9) The district attorney of East Baton Rouge Parish or his designee.

B. The members of the board shall constitute a quorum for the transaction of business, and all official action of the board shall require the favorable vote of a majority of those members present and voting.

1. The board may:
   (1) Accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of the constitutions and laws of the United States and the State of Louisiana.
   (2) Purchase land and equipment and make improvements to facilities necessary for the use of the school, in accordance with applicable law.
   (3) Lease land or other property belonging to it or to the school, subject to agreements with the Louisiana Department of Education.
   (4) Sell or exchange land or other property not needed for school purposes, but only when specifically authorized by law and then only in accordance with the procedures provided in R.S. 41:892 for the sale of unused school lands. The sale shall be authorized by section 41:892 of Act No. 671, Acts of 2016, and the fact of sale shall be signed by the president of the board or such other person to whom the signing may be delegated by the board in the authorizing resolution.
   (5) Adopt rules, regulations, and policies necessary or proper for the conduct of the business of the board.
   (6) Award certificates and issue diplomas for successful completion of programs of study. All such certificates and diplomas shall be in addition to a regular high school diploma which shall be issued by the state board.
in accordance with the provisions of R.S. 17:6(A)(11) to any student who successfully completes the program of study adopted by the board.

(5) Enter into contracts and agreements which have been recommended by the board and which are in accordance with law, and to the extent that funds are specifically appropriated therefor, with other public agencies with respect to cooperative enterprises and undertakings, related to or associated with an educational purpose or program affecting education in the school. This shall not prevent the board from entering into other such contracts and agreements that it deems necessary to carry out its duties and functions.

(6) Perform such other functions as are necessary for the supervision and control of the school.

In addition to the authorities granted by this Section and any powers, duties, and responsibilities vested by any other applicable law, the board shall:

(1) Adopt rules, regulations, and policies, including a student handbook, that are necessary for the efficient operation of the school.

(2) Establish criteria to be used in determining eligibility of applicants for enrollment. In enrolling students, preference shall be given to students with the greatest need based on the criteria specified in R.S. 17:197(2) as determined by the board. No student shall be enrolled without the written consent of the student’s parent or legal guardian.

(3) Prescribe and select for use in the school free textbooks and other materials of instruction for children enrolled in the school and programs under its jurisdiction.

(4) Enter into an agreement, as recommended by the director, with a city, parish, and other local public school system for the enrollment of a student who otherwise would have attended school in the local public school system.

(5) Select a director who shall be the chief administrative officer of the school and who shall administer the rules, regulations, and policies adopted by the board. The board shall delegate to the director such of its powers and duties as it deems appropriate to the director in the efficient administration of his responsibility for the implementation of the policies of the board. The director shall be responsible for all the administrative functions, duties, and needs of the board including but not limited to the following:

(a) Preparing an annual budget necessary for the continued operation of the school and submitting such budget to the board for adoption.

(b) Paying the expenses of the board and its members and the salaries and expenses, including but not restricted to facilities, equipment, and supplies of the faculty and staff of the school out of funds appropriated or otherwise made available for the operating and administrative expenses of the board and the school.

(c) Exercising budgetary responsibility and allocating for expenditure by the school all monies appropriated or otherwise made available for purposes of the board and the school.

(d) Developing and annually updating a student handbook including but not limited to all rules, regulations, and policies for the disciplining of students and submitting such handbook to the board for adoption as provided in Paragraph (1) of this Subsection.

(e) Determining faculty and staff positions necessary for the efficient operation of the school and the school personnel system.

(f) Create an advisory panel consisting of a representative from each city, parish, and other local public school system that has entered into an agreement with the board for the enrollment of a student who otherwise would have attended school in the local public school system. The representative shall be selected by the local superintendent of the system. The advisory panel shall advise and provide assistance to the board on matters affecting the school as determined by the board.

(g) Members of the board shall not receive any compensation for their service as members.

H. The school shall act as its own local education agency.

I. Extracurricular activities

A. Whenever possible, the school shall offer such extracurricular activities as may be found in other public schools in the state. The East Baton Rouge Parish public school system shall, to the extent practicable, allow the students of the school to participate in any extracurricular activities the system offers at other schools which the school does not offer, particularly athletic activities.

B. Any student attending the school shall be eligible to participate in any extracurricular activity at any nonpublic school that is located within the attendance zone of the school if such nonpublic school is approved by the State Board of Elementary and Secondary Education. The school shall also be eligible to receive such other funding as may be specifically appropriated by the legislature.

Section 2. R.S. 36:801.1 is hereby enacted to read as follows:

(2) Any dealer of motor vehicles who receives a lease return or a previously owned vehicle with the intention of reselling such vehicle shall remove the license or number plate from such vehicle before resale. After the dealer so removes the plate, he shall execute an affidavit of destruction of a license plate for such dealers to leased vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:505(B)(2) is hereby amended and reenacted to read as follows:

§505. Number plates

A. * As it appears in the enrolled bill

B. * As it appears in the enrolled bill

(2) Any dealer of motor vehicles who receives a lease return or a previously owned vehicle with the intention of reselling such vehicle shall remove the license or number plate from such vehicle before resale. After the dealer so removes the plate, he shall execute an affidavit of destruction of a license plate for such dealers to leased vehicles; and to provide for related matters.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

* * * * *

ACT No. 673

HOUSE BILL NO. 883
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 47:505(B)(2), relative to license plates; to modify the notice requirement for canceled license plates applicable to dealers who resell trade-in vehicles; to extend the notice requirement for canceled license plates for such dealers to leased vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:505(B)(2) is hereby amended and reenacted to read as follows:

§505. Number plates

A. * As it appears in the enrolled bill

B. * As it appears in the enrolled bill

(2) Any dealer of motor vehicles who receives a lease return or a previously owned vehicle with the intention of reselling such vehicle shall remove the license or number plate from such vehicle before resale. After the dealer so removes the plate, he shall execute an affidavit of destruction of a license plate for such dealers to leased vehicles; and to provide for related matters.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

* * * * *

ACT No. 674

HOUSE BILL NO. 896
BY REPRESENTATIVE GAROFALO
AN ACT

To enact R.S. 24:15, relative to the legislature; to authorize a means other than mail for the transmission of the ballot, petition, or other document; to provide for the authority of the clerical officers of the legislature with respect thereto; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:15 is hereby enacted to read as follows:

§15. Transmission of documents

A. Whenever the clerk of the House of Representatives is required to send a ballot, petition, or other document to the members of the House of Representatives by mail, either by law or pursuant to the rules of procedure of the House of Representatives, and the clerk determines that it is feasible and desirable to utilize the system designed pursuant to R.S. 39:461.1 instead of mail for the transmission of the ballot, petition, or other document, then notwithstanding any requirement to the contrary, the
The state treasurer shall separate accounts of the fund at the close of each fiscal year shall remain in rata basis. All unexpended and unencumbered monies remaining in the same manner as monies in the state general fund. All interest earned account.

A. There is hereby established as a special fund in the state treasury, the Louisiana Medical Assistance Trust Fund, hereinafter referred to as the “fund”, which shall consist of monies generated by the provider fees on healthcare services collected and authorized for deposit into the fund as provided for in Subsection A (1) of this Section. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited in and remain to the credit of the fund and allocated to each separate account on a pro rata basis. All unexpended and unencumbered monies remaining in the separate accounts of the fund at the close of each fiscal year shall remain in the separate accounts of the fund.

B.1 Within the fund there shall be segregated sub-accounts, one for each health care provider group that pays fees pursuant to R.S. 46:2623. Monies collected from each health care provider group shall accrue to the sub-account of that health care provider group. The state treasurer shall establish a separate account within the fund for each healthcare provider group in which provider fees are collected and deposited into the fund in accordance with law. Any monies deposited into the fund from other sources, and the interest earned on those monies, shall be deposited into a separate account within the fund, hereinafter referred to as the “general account.”

The monies shall be allocated, with accompanying federal matching money, to each of the health care provider groups in proportion to the amount of fees collected in each sub-account, based upon fees established by the Department of Health and Hospitals pursuant to R.S. 46:2623. Such allocation shall be calculated using collections data from the most recent fiscal year and the Department of Health and Hospitals a true copy:

ACT No. 675

HOUSE BILL NO. 922
BY REPRESENTATIVE HENSGENS
AN ACT
To amend and reenact R.S. 46:2623 and 2625(A)(1)(introductory paragraph) and (a) and to repeal R.S. 46:2625(B), relative to fees on healthcare services collected and authorized for deposit into the Medicaid Assistance Trust Fund, hereinafter referred to as the “Fund”, which shall consist of monies generated by the provider fees on healthcare services collected and authorized for deposit into the Fund as provided for in Subsection A (1) of this Section. The monies in the Fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the Fund shall be deposited in and remain to the credit of the Fund and allocated to each separate account on a pro rata basis. All unexpended and unencumbered monies remaining in the separate accounts of the Fund at the close of each fiscal year shall remain in the separate accounts of the Fund.

B.1 Within the Fund there shall be segregated sub-accounts, one for each health care provider group that pays fees pursuant to R.S. 46:2623. Monies collected from each health care provider group shall accrue to the sub-account of that health care provider group. The state treasurer shall establish a separate account within the Fund for each health care provider group in which provider fees are collected and deposited into the Fund in accordance with law. Any monies deposited into the Fund from other sources, and the interest earned on those monies, shall be deposited into a separate account within the Fund, hereinafter referred to as the “general account.”

The monies shall be allocated, with accompanying federal matching money, to each of the health care provider groups in proportion to the amount of fees collected in each sub-account, based upon fees established by the Department of Health and Hospitals pursuant to R.S. 46:2623. Such allocation shall be calculated using collections data from the most recent fiscal year and the Department of Health and Hospitals a true copy:

ACT No. 676

HOUSE BILL NO. 1052
BY REPRESENTATIVE HENRY
AN ACT
To amend and reenact Code of Criminal Procedure Article 893(B)(1)(b) and to enact Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:3571 through 3577, and Code of Criminal Procedure Article 893(B)(1)(a)(iv)(dd), relative to a probation pilot program in the 24th Judicial District Court; to provide for the Swift and Certain Probation Pilot Program; to provide for applicability; to provide for eligibility; to provide for the suspension of sentence for certain cases; to provide for the effects of participation in the program; to provide for the use of funds realized from participation in the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:3571 through 3573, is hereby enacted to read as follows:

CHAPTER 33-C. SWIFT AND CERTAIN PROBATION PILOT PROGRAM §3571. Creation...
The provisions of this Chapter are to create a pilot program in the 24th Judicial District Court entitled The Swift and Certain Probation Pilot Program.

§5372. Goals of the Swift and Certain Probation Pilot Program
The goals of the Swift and Certain Probation Pilot Program created under this Chapter include the following:

1. To reduce alcoholism and drug abuse and dependency among offenders.
2. To reduce the number of new crimes.
3. To reduce criminal recidivism.
4. To reduce the alcohol- and drug-related workload of the courts.
5. To increase the personal, familial, and societal accountability of offenders.
6. To promote effective interaction and use of resources among criminal justice personnel and community agencies.

§5373. Swift and Certain Probation Pilot Program: 24th Judicial District Court
A. The 24th Judicial District Court, by rule adopted by a majority of the judges sitting en banc, may establish the Swift and Certain Probation Pilot Program to be administered by the presiding judge or judges of a special division of court established by the court or any judge of the district court if the presiding judge or judges are unavailable. The judicial district is authorized to provide funding for any expenses related to the administration and operation of the pilot program.

B. Any funds realized from a reduction in the amount of time a person would have been required to serve in prison if the defendant had not been placed on probation as provided by this Chapter shall be appropriated to the Department of Public Safety and Corrections shall be used to defray the additional operational expenses of probation and parole and realign in each county. Probation and Parole shall submit an annual report to the legislature regarding the estimated savings annually for the term of the probation pilot program shall be decided by the presiding judge or judges, which shall be in conformity with the principles of the original Hawaii Opportunity Probation with Enforcement (HOPE) program. Probationers in the program receive swift, predictable, and immediate sanctions typically resulting in several days in jail for each detected violation, such as drug use or missed appointments with a probation officer. Sanctions imposed pursuant to this Chapter shall be served without diminution of sentence or credit for time served.

D. The court may impose the conditions of the probation pilot program on any defendant placed on probation pursuant to Code of Criminal Procedure Article 893.

E. Nothing in this Section shall be construed to limit the judge's authority over an offender on probation.

Section 2. Code of Criminal Procedure Article 893(B)(1)(b) is hereby amended and reenacted and Code of Criminal Procedure Article 893(B)(1)(a)(iv)(dd) is hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

B. 1(a) The court may suspend, in whole or in part, the imposition or execution of the sentence when the following conditions exist:

1. The court orders the defendant to do any of the following:

   a. * * *
   b. * * *

(dd) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:3571 et seq. When a case is assigned to this pilot program, the defendant shall be placed on probation for a period of not less than one year and not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to ensure successful completion of the program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

(b) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. The period of probation shall be specified by the court. The court may place the defendant on probation for a period of not less than one year and not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to ensure successful completion of the program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 5. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2016.

A true copy:

Tom Schedler
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in square type are additions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(2) Each assessor shall establish a procedure whereby a person may annually apply for the exemption. Eligibility for the exemption shall be established by the production of documents and certification of information by the surviving spouse to the assessor as follows:

(a) In an initial application for the exemption, the surviving spouse shall produce documentation issued by their deceased spouse's employer evidencing the death.

(b) For purposes of the continuation of an existing exemption, the surviving spouse shall annually provide a sworn statement to the assessor attesting to the fact that the surviving spouse has not remarried.

(c) Once an unmarried surviving spouse has qualified for and taken the exemption, the surviving spouse then acquires a different property which qualifies for the homestead exemption, the surviving spouse shall be entitled to an exemption on that subsequent homestead, the exemption being limited in value to the amount of the exemption claimed on the prior homestead in the last year for which the exemption was claimed. The assessor may require the submission of certain information concerning the amount of the exemption on the prior homestead for purposes of determining the extent of the exemption available for the subsequent homestead.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2016.

Section 3. Be it further resolved that this proposed amendment shall become effective December 1, 2016.

Section 4. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to authorize an exemption from ad valorem property tax for the total assessed value of the homestead of an unmarried surviving spouse of a person who died while on active duty as a member of the armed forces of the United States or the Louisiana National Guard, or while performing their duties as a state police, law enforcement, or fire protection officer? (Effective December 1, 2016) (Adds Article VII, Section 21(M))

A true copy,
Tom Schedler
Secretary of State

ACT No. 679

BY REPRESENTATIVES LEGER, BAGNERS, BOUHE, CHAD BROWN, HALL, LANCE HARRIS, HUNTER, IVEY, JACKSON, GREGORY MILLER, JAY MORRIS, PEARSON, SCHRODER, SMITH, STOKES, AND THIBAUT

A JOINT RESOLUTION

Proposing to add Article VII, Section 10(F)(4)(h), 10.15, and 10.16 of the Constitution of Louisiana, relative to dedications of revenues; to provide for the dedication of certain revenues; to create the Revenue Stabilization Trust Fund; to provide for deposits into the funds; to provide for investments of the fund; to provide for procedures for the disbursement of the fund; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 10(F)(4)(h), 10.15, and 10.16 of the Constitution of Louisiana, to read as follows:

§10. Expenditure of State Funds

Section 10. * * *

(F) Projected Deficit.

* * *

(4) The provisions of Subparagraphs (1) and (2) of this Paragraph shall not be applicable to, nor affect:

* * *

(h) The Revenue Stabilization Trust Fund, as provided in Article VII, Section 10.15 of this constitution.

§10.15. Revenue Stabilization Trust Fund

Section 10.15. Revenue Stabilization Trust Fund. (A) The Revenue Stabilization Trust Fund is hereby established in the state treasury as a special trust fund, hereinafter referred to as the “fund.”

(B) After allocation of money to the Bond Redemption and Security Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund the revenues as provided in Paragraph (A)(2) of this Section.

(C) The treasurer shall deposit into the fund the amount of mineral revenues as provided in Section 10.16 of this constitution.

(D) The treasurer shall deposit into the fund the amount of revenues in the budget of five billion dollars received each fiscal year from corporate franchise and income taxes as recognized by the Revenue Estimating Conference.

(E) Except as provided for in Paragraph (F) of this Section, monies deposited into the Revenue Stabilization Trust Fund shall be permanently credited to the trust fund and shall be invested by the treasurer in a manner provided for by law.

(2) The treasurer shall deposit all interest or other income from investment growth from the fund into the state general fund.

(F)(1) Except as provided in Subparagraphs (2) and (3) of this Paragraph, no appropriations shall be made from the Revenue Stabilization Trust Fund.

(2)(a) In any fiscal year in which the balance of the fund at the beginning of the fiscal year is less than five billion dollars, the legislature may appropriate to the fund a sufficient amount to provide for the expenditure of the fractional part of the fund balance as required by law. In no event may the legislature appropriate more than twenty percent of the fund balance.

(2)(b) In any fiscal year in which the balance of the fund at the beginning of the fiscal year is greater than five billion dollars, the legislature may appropriate to the fund a sufficient amount to provide for the expenditure of the fractional part of the fund balance as required by law. In no event may the legislature appropriate more than twenty percent of the fund balance.

(3) In order to ensure the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time for any purpose only after the consent of two-thirds of the elected members of each house of the legislature. If the legislature is not in session, the two-thirds requirement may be satisfied upon obtaining the written consent of two-thirds of the elected members of each house of the legislature in a manner provided by law.

§10.16. Dedications of Mineral Revenues

Section 10.16(A) All mineral revenues as defined in Paragraph (D) of this Section received in each fiscal year by the state as a result of the production of or exploration for minerals, hereinafter referred to as “mineral revenues”, shall be allocated as provided in this Section after the following allocations and deposits of mineral revenues have been made:

(1) The property tax as provided in Article VII, Section 9(B) of this constitution.

(2) To the political subdivisions of the state as provided in Article VII, Sections 4(D) and (E) of this constitution.

(3) To the Louisiana Wildlife and Fisheries Conservation Fund as provided by the requirements of Article VII, Section 10-A of this constitution and as provided by law.

(4) To the Louisiana Wildlife and Fisheries Conservation Fund and the Oil and Gas Royalty Fund as provided by law.

(5) To the Rockefeller Wildlife Refuge and Game Preserve Fund as provided by law.

(6) To the Marsh Island Operating Fund and the Russell Sage or Marsh Island Refund Fund as provided by law.

(7) To the MC Davis Conservation Fund and the White Lake Property Fund as provided by law.

(8) To the Louisiana Education Quality Trust Fund and Louisiana Quality Education Support Fund as provided in Article VII, Section 10.1 of this constitution.

(9) To the Coastal Protection and Restoration Fund as provided in Article VII, Section 10.2 of this constitution and as provided by law.

(10) To the Mineral Revenue and Audit Settlement Fund as provided in Article VII, Section 10.5 of this constitution and as provided by law.

(11) To the Transportation Trust Fund as provided in Article VII, Section 10.6 of this constitution and as provided by law.

(12) To the Budget Stabilization Fund as provided in Article VII, Section 10-D of this constitution.

(13) An amount equal to the state general fund deposited into the Transportation Trust Fund and the Louisiana State Transportation Trust Fund.

(14) An amount equal to the state general fund deposited into the Budget Stabilization Fund.

(15) Allocation of Mineral Revenues. After the allocations and deposits provided in Paragraph (A) of this Section, the mineral revenues received in each year in excess of six hundred sixty million dollars less than nine hundred fifty million dollars shall be allocated as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees’ Retirement System and the Teachers’ Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.

(C) Mineral revenues in excess of the base which would otherwise be deposited into the Budget Stabilization Fund under Subparagraph (A)(2) of Section 10.3 of this constitution, but shall be deposited into the fund under Subparagraph (C)(4) of Section 10.3 of this constitution shall be distributed as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees’ Retirement System and the Teachers’ Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded accrued liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.
(D) For purposes of this Section, “mineral revenues” shall include severance taxes, royalty payments, bonus payments, or rentals, with the following exceptions:

(1) Revenues designated as nonrecurring, pursuant to Article VII, Section 10(B) of this constitution.

(2) Revenues received by the state as a result of grants or donations when the terms or conditions thereof require otherwise.

(3) Revenues derived from any tax on the transportation of minerals.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2016.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to establish the Revenue Stabilization Trust Fund for the deposit of recurring mineral and corporate tax revenues, to restrict the use of the fund to 10% of the balance when the balance reaches $5 billion, to restrict the use of the fund to construction projects and transportation infrastructure, and to allocate recurring mineral revenues to the payment of state employee retirement debt? (Adds Article VII, Section 10(F)(4)(h), 10.15, and 10.16)

A true copy:
Tom Schedler
Secretary of State

ACT No. 680
SENATE BILL NO. 80
BY SENATOR MORRIS
A JOINT RESOLUTION

Proposing to add Article VIII, Section 7.2 of the Constitution of Louisiana, relative to postsecondary education, to authorize certain postsecondary education management boards to establish the tuition and mandatory fee amounts charged by the institutions under their supervision and management; and to specify an election for submission of the proposition to voters and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 10(F)(2)(b) of the Constitution of Louisiana and to enact Article VII, Section 10(F)(4)(h), (i), (j), (k), and (l) of the Constitution of Louisiana, to read as follows:

$10. Expenditure of State Funds

Section 10.

(F) Projected Deficit.

(2)

(b)(i) Notwithstanding any other provision of this constitution to the contrary, for purposes of the budget estimate and enactment of the budget for the next fiscal year, when the official forecast of recurring revenues for the next fiscal year is at least one percent less than the official forecast for the current fiscal year, or at any time when the official forecast of recurring revenues for the next fiscal year has been reduced by at least one percent from the most recently adopted estimate for the ensuing fiscal year, the following procedure may be employed to avoid a budget deficit in the next fiscal year:

(a) An amount not to exceed five percent of the total appropriations or allocations for the current fiscal year from any fund established by law or this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or this constitution.

(b) An amount not to exceed one percent of the balance in the current fiscal year from any fund established by this constitution shall be available in the next fiscal year for a purpose other than as specifically provided by law or this constitution.

(h) Monies in the Coastal Protection and Restoration Fund as provided in Article VII, Section 10.2 of this constitution.

(i) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(j) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(k) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(l) Supplements to the salaries of full-time local law enforcement and fire protection officers as provided in Article VII, Section 10(D)(3) of this constitution.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2016.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to authorize the use of up to five percent of current year appropriations or allocations from statutorily or certain constitutionally created funds or up to one percent of the current year’s balances in certain constitutionally created funds to eliminate a projected deficit in the next fiscal year if the official forecast for the next fiscal year is less than the official forecast for the current fiscal year or if the official forecast has been reduced by at least one percent from the most recently adopted estimate for the ensuing fiscal year, and to exempt certain funds and mandates from being used to eliminate a projected deficit? (Amends Article VII, Section 10(F)(2)(b); adds Article VII, Section 10(F)(4)(h), (i), (j), (k), and (l))

A true copy:
Tom Schedler
Secretary of State

ACT No. 681
SENATE BILL NO. 201
BY SENATOR ALLAIN
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(F)(2)(b) of the Constitution of Louisiana and to enact Article VII, Section 10(F)(4)(h), (i), (j), (k), and (l) of the Constitution of Louisiana, relative to postsecondary education, to authorize certain postsecondary education management boards to establish the tuition and mandatory fee amounts charged by the institutions under their supervision and management; and to specify an election for submission of the proposition to parents and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 10(F)(2)(b) of the Constitution of Louisiana and to enact Article VII, Section 10(F)(4)(h), (i), (j), (k), and (l) of the Constitution of Louisiana, to read as follows:

$10. Expenditure of State Funds

Section 10.

(F) Projected Deficit.

(2)

(b)(i) Notwithstanding any other provision of this constitution to the contrary, for purposes of the budget estimate and enactment of the budget for the next fiscal year, when the official forecast of recurring revenues for the next fiscal year is at least one percent less than the official forecast for the current fiscal year, or at any time when the official forecast of recurring revenues for the next fiscal year has been reduced by at least one percent from the most recently adopted estimate for the ensuing fiscal year, the following procedure may be employed to avoid a budget deficit in the next fiscal year:

(a) An amount not to exceed five percent of the total appropriations or allocations for the current fiscal year from any fund established by law or this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specified by law or this constitution.

(b) An amount not to exceed one percent of the balance in the current fiscal year from any fund established by this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or this constitution.

(h) Monies in the Coastal Protection and Restoration Fund as provided in Article VII, Section 10.2 of this constitution.

(i) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(j) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(k) Any healthcare provider fees or assessments in the Hospital Stabilization Fund as provided in Article VII, Section 10.14 of this constitution.

(l) Supplements to the salaries of full-time local law enforcement and fire protection officers as provided in Article VII, Section 10(D)(3) of this constitution.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2016.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to authorize the use of up to five percent of current year appropriations or allocations from statutorily or certain constitutionally created funds or up to one percent of the current year’s balances in certain constitutionally created funds to eliminate a projected deficit in the next fiscal year if the official forecast for the next fiscal year is less than the official forecast for the current fiscal year or if the official forecast has been reduced by at least one percent from the most recently adopted estimate for the ensuing fiscal year, and to exempt certain funds and mandates from being used to eliminate a projected deficit? (Amends Article VII, Section 10(F)(2)(b); adds Article VII, Section 10(F)(4)(h), (i), (j), (k), and (l))

A true copy:
Tom Schedler
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

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