

ACTS OF 2016

LEGISLATURE

Acts 335-445

ACT No. 335

HOUSE BILL NO. 978 BY REPRESENTATIVE DANAHAY AN ACT

To amend and reenact R.S. 47:302(K)(7)(b) and (W)(1), (2), and (4) as enacted by Act No. 22 of the 2016 First Extraordinary Session of the Legislature, 351, 1403(C), 1418(4)(b) and (7)(d), 1431(A), 1432(B), and 1484(A), and Section 2 of Act No. 198 of the 2014 Regular Session of the Legislature and to enact R.S. 47:351.1, 1418(4)(c) and (7)(e), 1435(D), 1437(C), and 1484(C), relative to state and local taxes; to provide with respect to the enforcement and adjudication of certain taxes; to provide for the disposition of certain taxes, penalties, and interest; to provide with respect to disputes concerning certain taxes and other claims against the state; to provide with respect to legal challenges concerning constitutionality; to authorize refunds of certain occupational license taxes; to authorize the transfer of cases; to require interagency transfers between certain state agencies; to authorize an offset against certain tax liabilities to satisfy certain claims against the state; to provide for applicability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(K)(7)(b) and (W)(1), (2), and (4) as enacted by Act No. 22 of the 2016 First Extraordinary Session of the Legislature, 351, 1403(C), 1418(4)(b) and (7)(d), 1431(A), 1432(B), and 1484(A) are hereby amended and reenacted and R.S. 47:351.1, 1418(4)(c) and (7)(e), 1435(D), 1437(C), and 1484(C) are hereby enacted to read as follows:

§302. Imposition of tax

K. An additional tax shall be levied as follows:

(7)

(b) The amount specified in ~~Item (a)(i) Subparagraph (a)~~ of this Paragraph as transferred to the Department of State Civil Service, Board of Tax Appeals, shall be increased by fifty-five thousand dollars on July 1, 2015, ~~by thirty-two thousand dollars on July 1, 2016,~~ and by five thousand dollars on the first day of each of the two subsequent fiscal years ~~when the amount distributed pursuant to this Subsection in the fiscal year immediately preceding that date actually exceeds the amount distributed in Fiscal Year 2013-2014.~~ The amounts specified in Subparagraphs (a) and (b) of this Paragraph shall be transferred by the secretary within the first thirty days of each fiscal year and the Department of State Civil Service, Board of Tax Appeals, may retain all funds which are transferred as directed in Subparagraphs (a) and (b) of this Paragraph.

W.(1) Nothing in ~~this Subsection~~ Subsection K of this Section shall prohibit a taxpayer from electing to separately file with the applicable parish sales and use tax collector or central collection commission a use tax return and to remit the correct and full amount of use tax due pursuant to the provisions of all applicable local ordinances, hereinafter referred to as “paid local use tax return”.

(2) If a dealer has withheld and remitted tax for a specific purchase pursuant to the provisions of ~~this Subsection~~ Subsection K of this Section from a taxpayer who subsequently files a paid use local tax return, the taxpayer may file an annual use tax refund request with the secretary, hereinafter referred to as “refund request”.

(4) The secretary shall pay any refund due pursuant to this ~~Subparagraph~~ Subsection from current collections of any tax levied pursuant to Subsection K of this Section.

§351. Failure to pay tax; judgment prohibiting further pursuit of business
A. Failure to pay the tax levied by this Chapter shall ipso facto, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent, and the collector is hereby vested with authority, on motion in the Board of Tax Appeals or a court of competent jurisdiction, to take a rule on the delinquent taxpayer to show cause in not less than two or more than ten days, exclusive of holidays, why the delinquent taxpayer should not be ordered to pay the total amount due and owing under this Chapter. This rule may be tried out of term and in chambers and shall always be tried by preference. If the rule is made absolute, the order therein rendered shall be considered a judgment in

favor of the municipality or parish for the amount of the license, penalty, fees, and costs against the defendant, who shall also be ordered to cease the further pursuit of business until the judgment is satisfied.

B. As an additional optional remedy of collection, the collector may issue an assessment to a taxpayer in the same manner as is provided for in the Uniform Local Sales Tax Code pursuant to Chapter 2-D of this Subtitle. The assessment may be appealed to the Local Tax Division of the Board of Tax Appeals in the same manner and subject to the same thirty day deadline as provided for in that Chapter.

§351.1. Occupational license tax refunds

Any taxpayer may apply to the collector for a refund of occupational license tax paid that was not due. A taxpayer may appeal the collector's action on a claim for refund to the Local Tax Division of the Board of Tax Appeals, in the same manner and subject to the same deadlines as provided for in the Uniform Local Sales Tax Code under Chapter 2-D of this Subtitle, including the prescriptive periods referenced in R.S. 47:337.81(A)(2).

§1403. Designation of officers; domicile; quorum; seal

C. A majority of the members of the board shall constitute a quorum for the transaction of the business of the board, except as otherwise provided in this Chapter. A vacancy in the board shall not impair the powers nor affect the duties of the board, nor of the remaining members of the board. In the event of a vacancy or in the absence of a board member, the chairman, or vice chairman during the absence of the chairman, may order a case involving a state collector to be heard in accordance with Paragraph (B) (2) of this Section, and the hearing judge shall render the judgment of the board.

§1418. Definitions

For purposes of this Chapter, except when the context requires otherwise, the words and expressions defined in this Section shall have the following meanings:

(4) “Local collector” means any of the following:

(b) The individual or entity responsible for collecting occupational license tax or occupancy tax, or other collector responsible for collecting local taxes where an action is appealable to the board.

(c) The agent or successor to any of the above, including any joint commission, authority, or other duly constituted single collection entity, created by an agreement, when administering or collecting the taxes of any local political subdivision within the jurisdiction of the Board of Tax Appeals.

(7) “State collector” means any of the following:

(d) Any other collector of state taxes or fees, or any other state agency where an agency action is appealable to the board.

(e) The agent or successor of any of the foregoing offices when administering a state tax or fee within the jurisdiction of the Board of Tax Appeals.

§1431. Taxpayer's petition

A. Whenever a taxpayer is aggrieved by an assessment made by ~~the~~ a state collector, or by ~~the~~ a state collector's action or failure to act on a claim for refund or credit of an overpayment, such taxpayer may appeal to the board for a redetermination of the assessment or a determination of the alleged overpayment, by filing a petition with the board within the respective periods set forth in R.S. 47:1565, 1566, and 1625, or other applicable law.

§1432. Notice; hearing; decision

B.(1)(a) The board has no jurisdiction to declare a statute or ordinance unconstitutional. When the taxpayer or collector has pled the unconstitutionality of a statute or ordinance, the board shall order the case transferred to the district court of proper venue upon the motion of any party if the board finds that the case cannot be resolved without reaching a declaration on the alleged unconstitutionality. Any motion for transfer filed pursuant to this Subsection involving a state statute shall be served upon the attorney general.

(b) Upon the motion of any party, a hearing on a request for a declaration of unconstitutionality in a case transferred pursuant to this Subsection shall be given priority and be heard by preference in the district court. After the issue concerning the declaration of unconstitutionality has been finally decided, the district court, on the motion of any party or on its own motion, may order the case remanded to the board for adjudication of the underlying tax dispute.

(2)(c) A district court shall consider de novo the issues of unconstitutionality pled in any case transferred to it pursuant to this Subsection, but upon the joint motion of all parties and the attorney general, the board may develop a record and make a recommendation to the district court on the issue.

(2)(a) The provisions of Paragraph (1) of this Subsection shall not be used to challenge the constitutionality of any provision of this Chapter, or any other laws relating to the jurisdiction of the board.

(b) Any party to an action brought pursuant to the provisions of this Chapter that seeks to raise the challenges referenced in Subparagraph (a)

of this Paragraph shall file a petition in the Nineteenth Judicial District Court specifically pleading the basis for their challenge prior to either the filing or the deadline for filing of any pleading with the board. Any petition filed pursuant to this Subparagraph shall be served upon the board, the attorney general, and any opposing parties in the underlying board action, and shall be given priority of hearing by the district court. Failure to follow the procedures set forth in this Subparagraph shall bar any appeal on the claims required to be brought pursuant to the provisions of this Paragraph. The provisions of this Paragraph do not extend the date for filing any pleading with the board.

* * *

§1435. Jurisdiction of courts to review decisions of the board

* * *

D. Except as otherwise specifically provided for by local rule of a court of appeal, when a judgment of the board is to be modified or reversed and one court of appeal judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority shall concur to render judgment.

§1437. Effect of final judgment

* * *

C. In addition to the remedies provided for in this Section, or in any other applicable law, a final decision or judgment of the board may also be enforced in any manner provided by law for a final judgment of a district court. A writ of mandamus may also be issued to enforce provisions of Subsection B of this Section relating to final judgments.

* * *

§1484. Satisfaction of claims

A. At each regular session of the legislature, an amount shall be appropriated, except as provided in ~~Subsection B~~ Subsections B and C of this Section, for the purpose of paying any and all claims that might be approved in accordance with the provisions of this Part, and which may be drawn against for the purpose of paying claims that might be duly approved by the Board of Tax Appeals.

* * *

C.(1) When the Board of Tax Appeals has approved a claim against the state for erroneous payments of corporate franchise tax, and the claim is not paid pursuant to Subsection A of this Section within one year of the date the board's approval of the claim becomes final, the secretary of the Department of Revenue and the claimant may agree that the payment of the claim may be taken as an offset against state corporate income or franchise tax liability of the claimant.

(2) Up to twenty-five percent of the total claim approved by the board shall be allowed as an offset in each of the four taxable years immediately following the agreement of the parties to the offset. For each taxable year in which an offset authorized by this Subsection is taken, the amount of the offset shall not exceed the amount of the state corporate income or franchise tax liability against which the offset is taken after application of all income or corporation franchise tax credits. The secretary shall authorize an extension of time not to exceed two years within which an offset may be taken if payment of the amount of the total claim approved is not satisfied after four years.

(3) A party for which the secretary has authorized an offset pursuant to this Subsection may transfer the offset to a member of the party's affiliated group included in the federal consolidated return filed under the Internal Revenue Code. Any offset transferred to a member of the federal consolidated group shall be allowed only as an offset against the same taxes and shall be subject to the same limitations provided in Paragraph (2) of this Subsection. The transfer shall be in accordance with the procedures set forth by rule or on forms or instructions provided by the secretary.

(4) No offset authorized pursuant to this Subsection may be taken prior to July 1, 2017.

Section 2. Section 2 of Act No. 198 of the 2014 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 2. The Board of Tax Appeals and the secretary of the Department of Revenue ~~may~~ shall enter into an agreement for a fixed annual interagency transfer to the board as payment in lieu of filing fees owed by the secretary.

Section 3. The provisions of this Act amending R.S. 47:1418, 1431, 1432, 1435, and 1437 are procedural and interpretative and shall be effective on the effective date of Act No. 640 of the 2014 Regular Session of the Legislature, except that in any pending case, the provisions of this Act enacting R.S. 47:1432(B)(2)(b) shall be applicable only to those pleadings filed by, or due from, a party after the effective date of this Act.

Section 4. Upon the joint motion of all parties, a district court may transfer to the Board of Tax Appeals for adjudication any matter pending before the court concerning disputes of state or local taxes or fees.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 336

SENATE BILL NO. 100
BY SENATOR GARY SMITH
AN ACT

To amend and reenact R.S. 32:402.1(A)(1)(a) and (2)(b), 407(A)(2)(a), and 408(A)(1), relative to driver education; to provide for education and knowledge of trailer safety; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:402.1(A)(1)(a) and (2)(b), 407(A)(2)(a), and 408(A)(1) are hereby amended and reenacted to read as follows:

§402.1. Driver education; required

A. No application for a license for the operation of a motor vehicle shall be received from any person making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections, public safety services, written evidence of the successful completion by the applicant of one of the following:

(1)(a) A “driver education course” for any person under the age of eighteen, which shall consist of not less than eight hours of actual driving instruction and thirty hours of classroom instruction. A person shall not be allowed to receive more than four hours of actual driving instruction on any single calendar day. The Department of Public Safety and Corrections, public safety services, shall establish rules and regulations to administer and define the requirements of the course. The rules and regulations established by the Department of Public Safety and Corrections, public safety services, shall provide for instruction relative **to trailer safety and** to the economic effects of littering. Oversight review of these rules shall be conducted by the House and Senate committees on transportation, highways and public works in accordance with the Administrative Procedure Act.

* * *

(2) A “prelicensing training course” from any person eighteen years or older if a driver education course is not completed. The prelicensing training course shall consist of a minimum of six hours of classroom instruction and a minimum of eight hours of actual driving instruction. A person shall not be allowed to receive more than four hours of actual driving instruction on any single calendar day. The Department of Public Safety and Corrections, public safety services, shall establish rules and regulations to administer and define the requirements of the course. Oversight review of these rules shall be conducted by the House and Senate committees on transportation, highways and public works in accordance with the Administrative Procedure Act. The rules shall provide for:

* * *

(b) Course content and presentation, including content relative **to trailer safety and** to the economic effects of littering.

* * *

§407. Application of minors; revocation; applications of persons less than twenty-one years of age

A.(1)

(2)(a) Upon completion of a driver's education course approved by the Department of Public Safety and Corrections, public safety services, and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, knowledge of distracted driving issues, **knowledge of trailer safety**; and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of age, but less than seventeen years of age, applying for the first time may be issued a Class “E” learner's license. The license may be issued for a four-year period at the same fee as a Class “E” driver's license and must be maintained for at least one hundred eighty days, unless prior to such time the driver reaches seventeen years of age, prior to being converted to a Class “E” intermediate driver's license. The Class “E” learner's license shall authorize the holder to drive while being accompanied by a licensed parent, guardian, adult at least age twenty-one or older, or licensed sibling at least age eighteen or older.

* * *

§408. Examination of applicants required; classes of licenses

A.(1) Except as otherwise provided, every applicant must pass a written knowledge and skills test for a motor vehicle representative of the type of motor vehicle he operates or expects to operate, or provide evidence on a form approved by the department that he has successfully passed the written knowledge test and a driving or skills test administered by an authorized third party. In addition to the specialized knowledge and skills tests, each such examination shall include: a test of the applicant's eyesight; his ability to understand highway signs regulating, warning, and directing traffic; his knowledge of railroad and highway grade crossing safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks; his knowledge of the economic effects of littering; his knowledge of distracted driving issues; **his knowledge of trailer safety**; and his knowledge of all relevant traffic regulations.

* * *

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 337

SENATE BILL NO. 102
BY SENATOR GARY SMITH
AN ACT

To amend and reenact R.S. 14:95.6(A) and (E), relative to firearm-free zones; to provide that signs or other markings designating a firearm-free zone are to include language that law enforcement weapons are permitted in the zone; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.6(A) and (E) are hereby amended and reenacted to read as follows:

§95.6. Firearm-free zone; notice; signs; crime; penalties

A. A “firearm-free zone” is an area inclusive of any school campus and within one thousand feet of any such school campus, and within a school bus, wherein the possession of firearms is prohibited, except as specifically set forth in Subsection B of this Section and R.S. 14:95.2(C).

* * *

E.(1) The state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, and the commissioner of higher education, with the approval of the Board of Regents, shall develop a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on and in each school bus indicating that such area is a firearm-free zone and that such zone extends to one thousand feet from the boundary of school property. The state Department of Education shall assist each approved school with the posting of notice as required in this Subsection.

(2) Signs or other markings, in addition to the method developed pursuant to Paragraph (1) of this Subsection, shall provide notice that armed law enforcement officers are permitted within the firearm-free zone by including in the signs or other markings the language “Law Enforcement Weapons Permitted” or language substantially similar thereto.

* * *

Approved by the Governor, June 2, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 338

SENATE BILL NO. 114
BY SENATOR LAFLEUR
AN ACT

To enact R.S. 36:254(L), relative to the powers and duties of the secretary; to provide for approval for salary adjustments or cost of living adjustments; to provide for covered management boards; to provide for covered human services districts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:254(L) is hereby enacted to read as follows:

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

* * *

L. Any salary adjustment or cost of living adjustment for any employee or board member of a board, entity, agency, or commission transferred to the Department of Health and Hospitals and enumerated in R.S. 36:259 or any employee of a human services district established and enumerated in R.S. 28:912 shall not be granted in any year after a deficit is declared without express written approval of two-thirds of the members of the respective governing board. The express written approval shall be submitted to the secretary in accordance with the reporting provided for in R.S. 36:803.

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 2, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 339

SENATE BILL NO. 117
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 46:153.3(B)(2)(a)(iv), the introductory paragraph of (D)(2), (D)(2)(c), (d), (e), (f), (g), (h), (k), and (p), and (D)(5)(b) and (c) and to repeal R.S. 46:153.3(B)(1)(b), (c), (d), and (e), (B)(2)(d), (B)(3) and (4), (C)(2) and (3), and (D)(5)(d) and (e), relative to the Medicaid Pharmaceutical and Therapeutics Committee; to remove legislative intent and expired implementation restrictions; to remove references to committees that no

longer exist; to remove provisions that have been sunset by subsequent legislation; to change the Medicaid Pharmaceutical and Therapeutics Committee membership selection criteria; to change terminology; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:153.3(B)(2)(a)(iv), the introductory paragraph of (D)(2), (D)(2)(c), (d), (e), (f), (g), (h), (k), and (p), and (D)(5)(b) and (c) are hereby amended and reenacted to read as follows:

§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

* * *

B.

* * *

(2)(a)

* * *

(iv) Involve medical personnel, including but not limited to pharmacists; ~~pharmacy technicians, nurses,~~ and physicians.

* * *

D.

* * *

(2) Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of no less than one hundred fifty Medicaid recipients. The committee shall be comprised of the following persons:

* * *

(c) One practicing physician who is participating in the Title XIX program as a family practitioner recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(d) One practicing physician who is participating in the Title XIX program as an internal medicine specialist recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(e) One practicing physician who is participating in the Title XIX program as a pediatrician recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(f) One practicing physician who is participating in the Title XIX program as a surgeon recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(g) One practicing physician who is participating in the Title XIX program as an obstetrics/gynecologist recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(h) Two practicing physicians who are participating in the Title XIX program recommended ~~from a list of six names submitted~~ by the Louisiana Medical Association.

* * *

(k) Two practicing pharmacists who are participating in the Title XIX drug program ~~recommended from a list of six names submitted by the Louisiana Pharmacists Association.~~ One pharmacist shall be an independent pharmacist recommended by the Louisiana Independent Pharmacies Association and one pharmacist shall be a pharmacist representing a chain pharmacy recommended by the Louisiana Pharmacists Association.

* * *

(p) One practicing physician who is participating in the Title XIX program as a psychiatrist recommended ~~from a list of three names submitted~~ by the Louisiana Psychiatric Medical Association.

* * *

(5)

* * *

(b) The committee shall be responsible for developing and maintaining a pharmacopoeia preferred drug list established in conjunction with a prior approval process as provided in Subparagraph (B)(2)(a) of this Section. The ~~pharmacopoeia preferred drug list~~ shall comply with all applicable state and federal laws, rules, and regulations. The committee may recommend additions and deletions to the ~~pharmacopoeia preferred drug list~~ and the ~~pharmacopoeia preferred drug list~~ may change in accordance with those recommendations. The committee shall also advise the secretary of the department on policy recommendations related to the prudent administration of the Medicaid drug program. The secretary shall assure that all actions of the committee comply with applicable state and federal laws, rules, and regulations prior to implementation or modification of the ~~pharmacopoeia preferred drug list~~. The clinical decisions regarding the preferred drug list shall be made transparent through a written report that is publicly available. If the decision of the Medicaid Pharmaceutical and Therapeutics Committee is contrary to the clinical evidence found in labeling, drug compendia, or peer review literature, such decisions shall be justified in writing.

(c) Any new drug approved by the United States Food and Drug Administration ~~shall may~~ be added to the formulary preferred drug list as soon as when it becomes commercially available and the manufacturer enters into a federal medicaid drug rebate program if the department determines it is in the best interest of the medical assistance program. The Medicaid Pharmaceutical and Therapeutics Committee shall conduct an evidence-based analysis of the drug to determine if the drug shall be maintained on the formulary preferred drug list. The analysis shall include but not be limited to the medical evidence of the clinical effectiveness of the drug as well as evidence of the cost-effectiveness of the drug in treating illness and

disease. ~~The determination by the committee on any new drug approval by the United States Food and Drug Administration shall be made no later than ninety days after the drug becomes commercially available. Prior to a drug being prior authorized, it must have been reviewed by the Medicaid Pharmaceutical and Therapeutics Committee. When a new drug that is included in the Medicaid Pharmaceutical and Therapeutics Committee process is approved by the United States Food and Drug Administration, the drug shall be reviewed at the next Medicaid Pharmaceutical and Therapeutics Committee meeting.~~

Section 2. R.S. 46:153.3(B)(1)(b), (c), (d), and (e), (B)(2)(d), (B)(3) and (4), (C)(2) and (3), and (D)(5)(d) and (e) are hereby repealed in their entirety.

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

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 340

SENATE BILL NO. 153
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 40:1788(B), relative to firearms; to provide regarding an identification number or other mark on a firearm; to delete provisions relative to a presumption of guilt against a defendant in possession of a firearm with an identification number or mark that has been removed or altered; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1788(B) is hereby amended and reenacted to read as follows:

§1788. Identification with number or other mark; obliteration or alteration of number or mark

* * *

~~B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.~~

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 341

SENATE BILL NO. 154
BY SENATOR CLAITOR
AN ACT

To repeal R.S. 13:5105(C), relative to courts and judicial procedure; to repeal certain provisions relative to jury trials that were declared unconstitutional; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5105(C) is hereby repealed.

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 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 342

SENATE BILL NO. 165
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 30:91(B)(1) and to enact R.S. 30:28(J), relative to the commissioner of conservation; to require notification to certain landowners; to provide for orphaned oilfield sites; to provide for requirements of drilling permits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.R.S. 30:91(B)(1) is hereby amended and reenacted and R.S. 30:28(J) is hereby enacted to read as follows:

§28. Drilling permits; issuance; fees; location plat; notice and hearing; funds from drilling permit fees

* * *

J. No later than thirty days after the issuance of an amended permit to transfer a well to another operator, the commissioner shall require that the operator identify on a form approved by the commissioner the surface owner of lands on which the well site is located. “Surface owner” shall mean the person shown in the assessor’s rolls of the parish as the current owner of the surface rights for the land on which the well site is located.

* * *

§91. Orphaned oilfield sites

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B.(1) Prior to declaring a site to be an orphaned oilfield site, the assistant secretary shall seek to notify the last operator of record, at his last known address contained in the department records, of the site that is to be declared orphaned and shall publish a notice in the Louisiana Register that the oilfield site is to be declared orphaned. **Additionally, the assistant secretary shall seek to notify the surface owner of the site, at the address provided by the operator pursuant to R.S. 30:28(J), that the site is to be declared orphaned. Failure of the assistant secretary to notify the surface owner of the site shall not invalidate the decision to declare a site orphaned.** If resolution of a factual dispute is requested by any owner or operator, the assistant secretary shall hold a fact-finding hearing prior to declaring the site orphaned and the assistant secretary shall make any fact determination necessary to resolve the dispute.

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Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 343

SENATE BILL NO. 180
BY SENATOR MILLS
AN ACT

To enact R.S. 40:966(I), relative to the Uniform Controlled Dangerous Substances Law; to provide an exemption from prosecution under the Uniform Controlled Dangerous Substances Law for a person lawfully in possession of medical marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(I) is hereby enacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin

* * *

I. Immunity from prosecution. Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and who possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation, shall not be subject to prosecution for possession or distribution of marijuana under this Section for possessing medical marijuana or dispensing medical marijuana to his minor child who is a patient of the state-sponsored medical marijuana program. This defense must be raised in accordance with R.S. 40:991, and the defendant bears the burden of proof of establishing that the possession or distribution of the marijuana was in accordance with the state-sponsored medical marijuana program.

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 344

SENATE BILL NO. 210
BY SENATOR BARROW
AN ACT

To amend and reenact R.S. 40:2154, relative to behavioral health services rendered to specialty courts; to exempt from licensure requirements providers furnishing behavioral health services to certain specialty courts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2154 is hereby amended and reenacted to read as follows: §2154. Applicability

A. The provisions of this Part shall not apply to the licensing of any of the following facilities or persons and shall not be construed as requiring any of the following facilities or persons to seek licensure as a behavioral health services provider:

- (1) Hospitals licensed under R.S. 40:2100 et seq.
- (2) Crisis receiving centers licensed under R.S. 40:2180.11 et seq.
- (3) Nursing homes licensed under R.S. 40:2009.3 et seq.

(4) Psychiatric residential treatment facilities or therapeutic group homes licensed under R.S. 40:2009.

(5) Facilities or services operated by the federal government.

(6) Federally qualified health care centers certified by the federal government.

(7) Community mental health centers certified by the federal government.
(8) Home- and community-based service providers licensed under R.S. 40:2120.1 et seq.

(9) An individual Licensed Mental Health Professional (LMHP), whether incorporated or unincorporated, or a group practice of LMHPs, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses.

(10) An individual licensed physician, or a group of licensed physicians, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses.

(11) An individual licensed physician assistant, or a group practice of licensed physician assistants, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses.

(12) School-based health clinics/centers that are certified by the Department of Health and Hospitals, office of public health, and enrolled in the Louisiana Medicaid Program.

(13) A health care provider or entity solely providing case management or peer support services, or a combination thereof.

(14) A health care provider that meets all of the following criteria:

(a) Was an accredited mental health rehabilitation provider enrolled in the Louisiana Medicaid Program as of February 28, 2012.

(b) Was enrolled with the statewide management organization for the Louisiana Behavioral Health Partnership as of March 1, 2012.

(c) Maintains continuous, uninterrupted accreditation through an approved accreditation organization.

(d) Maintains continuous, uninterrupted enrollment with the statewide management organization for the Louisiana Behavioral Health Partnership.

(15) An individual licensed advanced practice registered nurse, or a group practice of licensed advanced practice registered nurses, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses.

(16) Rural health clinics licensed under R.S. 40:2197.

(17) Facilities or services operated by the Department of Public Safety and Corrections, corrections services.

(18) Facilities or services operated for the sole purpose of providing substance abuse or mental health services to courts that are recognized and certified by the Louisiana Supreme Court as specialty courts.

B. Nothing in this Part shall be construed to authorize any person to provide behavioral health services unless the person is licensed, certified, registered or credentialed as provided in state law, and the services rendered are in accordance with all applicable laws, rules, professional training and ethical standards.

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 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 345

SENATE BILL NO. 217

BY SENATOR BISHOP AND REPRESENTATIVE BAGNERIS
AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:2045, relative to insurance receiverships; to provide for the confidential treatment of documents disclosed to the commissioner of insurance by an insurance receivership; to provide for the confidential treatment of documents disclosed by the commissioner of insurance to an insurance receivership; to provide for an exemption to the Public Records Law for such documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2045 is hereby enacted to read as follows:

§2045. Confidentiality

A. All working papers, recorded information, documents, and copies thereof produced by, obtained by, or disclosed to the commissioner, or any other person, in the course of an action pursuant to this Chapter, which are confidential or privileged pursuant to any other provision of law, shall be given confidential treatment and shall not be subject to subpoena or disclosed pursuant to the Public Records Law.

B. All working papers, recorded information, documents, and copies thereof disclosed by the commissioner, or any other person, to the receiver in the course of an action pursuant to this Chapter, which are confidential or privileged pursuant to any other provision of law, shall be given confidential treatment and shall not be subject to subpoena or disclosed pursuant to the Public Records Law.

C. Nothing contained in this Chapter shall be construed to limit the commissioner's authority to use any working papers, recorded information, documents, and copies thereof or any other information discovered or developed during the course of any action pursuant to this Chapter in the furtherance of any legal or regulatory action that the commissioner may, in his sole discretion, deem appropriate.

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

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

* * *

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1927, 1929, 1983, 1984, 2036, ~~2045~~, 2056, 2085, 2091, 2293, 2303

* * *

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 346

SENATE BILL NO. 319

BY SENATORS PERRY AND THOMPSON

AN ACT

To enact R.S. 17:3141.2(5)(p), relative to education; to provide an exception to the definition of proprietary schools for advanced police and service dog training programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3141.2(5)(p) is hereby enacted to read as follows:

§3141.2. Definitions

The following words and phrases, when used in this Chapter, shall have the meaning herein ascribed to them unless the context clearly indicates a different meaning:

* * *

(5) "Proprietary school", hereinafter referred to as "school", means any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within this state, or which sells or offers for sale any course of instruction in this state, either by correspondence using the mails or by any other means of communication, or by personal solicitation, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study is available through classroom or Internet instruction, or both, to a person or persons for the purpose of training or preparing such person for a field of endeavor in a business, trade, technical, or industrial occupation, except as hereinafter excluded. The definition of a proprietary school shall not include:

* * *

(p) A school or business enterprise which provides students with advanced training techniques for police and service dogs.

* * *

Approved by the Governor, June 2, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 347

SENATE BILL NO. 355

BY SENATOR CORTEZ

AN ACT

To enact R.S. 17:81(A)(7), relative to the powers of local public school boards; to provide for local school board policies and procedures; to provide relative to contracting authority; to require contracts to comply with local public school board policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(A)(7) is hereby enacted to read as follows:

§81. General powers of local public school boards

A.

* * *

(7)(a) Any person purporting to enter into any contract on behalf of the school district or schools under the board's jurisdiction, including but not limited to contracts with vendors or contracts of membership in any private or quasi-public entity, shall do so in compliance with policies and procedures adopted by the local public school board in effect at the time the contract is executed.

(b) The provisions of this Paragraph shall not apply to any contract in effect on July 31, 2016, but shall apply to any new contract or renewal or extension of an existing contract executed on or after August 1, 2016.

* * *
Approved by the Governor, June 2, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 348

SENATE BILL NO. 357
BY SENATOR CARTER
AN ACT

To enact R.S. 32:44, relative to red light cameras; to require notification of red light camera locations; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:44 is hereby enacted to read as follows:

§44. Required notification for red light cameras
A. Local municipal authorities or local parish authorities shall post signs, indicating that a red light camera is present, within five hundred feet of each red light camera, in such a manner as to be clearly visible to traffic approaching the red light camera.

B.(1) Failure of a municipal or parish authority to comply with Subsection A of this Section shall prohibit the use of any photographic or video images collected by the red light camera to impose or collect any civil or criminal fine, fee, or penalty by or on behalf of the municipal or parish authority.

(2) In any proceeding to collect a civil or criminal fine, fee, or penalty by or on behalf of a municipal or parish authority, a rebuttable presumption shall exist that signs were posted in accordance with Subsection A of this Section.

C. For the purposes of this Section, “red light camera” means a device installed at an intersection designed to collect photographic or video evidence of alleged traffic violations by recording images that depict the license plate or other identifying feature of a motor vehicle that is not operated in compliance with instruction of a traffic control signal or a posted traffic sign.

Approved by the Governor, June 2, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 349

SENATE BILL NO. 381
BY SENATOR MARTINY
AN ACT

To enact R.S. 35:415, relative to ex officio notaries; to provide for the appointment of ex officio notaries for the Causeway Police Department; to provide for the exercise of authority; to provide for the authority of the chief of police of the department to suspend or terminate the appointment; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:415 is hereby enacted to read as follows:

§415. Ex officio notaries for the Causeway Police Department
A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the chief of police of the Causeway Police Department, which employs peace officers who are certified pursuant to the Peace Officer Standards and Training Law and are duly authorized with the powers of arrest, may designate ten officers in his office as ex officio notaries public.

B. Each officer appointed as an ex officio notary public may exercise, within the jurisdictional limits of the Causeway Police Department, the functions of a notary public only to administer oaths and to execute affidavits, acknowledgments, and traffic tickets, all limited to matters within the official functions of the department.

C. Any acts performed by an ex officio notary public appointed pursuant to this Section shall be performed only in the parishes in which the Causeway Police Department has jurisdiction.

D. All acts performed by an ex officio notary public appointed pursuant to this Section shall be performed without charge or other compensation.

E. The chief of police of the Causeway Police Department may suspend or terminate an appointment made pursuant to this Section at any time and separation from the employ of the department shall automatically terminate the former employee’s appointment as an ex officio notary public.

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 2, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 350

SENATE BILL NO. 453
BY SENATOR WHITE
AN ACT

To enact R.S. 15:1352(A)(63), relative to racketeering; to add Medicaid fraud to the list of crimes governed by state racketeering laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1352(A)(63) is hereby enacted to read as follows:
§1352. Definitions

A. As used in this Chapter, “racketeering activity” means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *
(63) R.S. 14:70.1 (Medicaid fraud)
* * *

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 2, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 351

SENATE BILL NO. 376
(Substitute of Senate Bill No. 121 by Senator Colomb)
BY SENATORS COLOMB, ALARIO, BARROW, BISHOP, BOUDREAUX, BROWN, CARTER, CHABERT, CORTEZ, ERDEY, GATTI, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MILLS, MIZELL, MORRELL, MORRISH, PETERSON, GARY SMITH AND TARVER AND REPRESENTATIVES AMEDEE, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BOUIE, GARY CARTER, ROBBY CARTER, COX, GLOVER, HAZEL, HILL, HORTON, HUNTER, JAMES, JEFFERSON, JENKINS, ROBERT JOHNSON, JONES, LYONS, MAGEE, DUSTIN MILLER, MORENO, PEARSON, PIERRE, PRICE, PYLANT, REYNOLDS, RICHARD, SCHRODER, SMITH, WHITE, WILLMOTT AND ZERINGUE
AN ACT

To enact Part IX of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1226.1 through 1226.7, relative to hospital discharge planning; to provide for designation of a family caregiver; to provide for notice and instruction; to provide for exceptions and limitation of liability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IX of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1226.1 through 1226.7, is hereby enacted to read as follows:

PART IX. LOUISIANA FAMILY CAREGIVER ACT

§1226.1. Definitions

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

(1) “Hospital” means a facility licensed under the provisions of Part II of Chapter II of this Title.

(2) “Aftercare” means any assistance provided by a caregiver to a patient pursuant to this Part after the patient’s discharge from a hospital. Such assistance may include tasks that are limited to the patient’s condition at the time of discharge and that do not require a licensed professional.

(3) “Caregiver” means an individual who meets all of the following conditions:

(a) Is eighteen years of age or older.

(b) Provides aftercare to an individual.

(c) Is identified by the patient or, if applicable, the legal guardian of the patient as a person who is involved with the health care of the patient pursuant to 45 C.F.R. §164.510(b), as it existed on January 1, 2015.

(4) “Discharge” means a patient’s release from hospital care to the patient’s residence following an inpatient admission.

(5) “Patient” means an individual who has been admitted to a hospital for inpatient care and who is eighteen years of age or older.

(6) “Residence” means a dwelling that the patient considers to be his home. A residence shall not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home.

§1226.2. Designation of a caregiver

A.(1) A hospital shall provide each patient or, if applicable, the patient’s legal guardian with at least one opportunity to designate a caregiver following the patient’s inpatient admission into a hospital and prior to the patient’s discharge.

(2) In the event that the patient is unconscious or otherwise incapacitated upon his entry into a hospital, the hospital shall provide such patient or his legal guardian with an opportunity to designate a caregiver following the patient's recovery of his consciousness or capacity.

(3) In the event that the patient or the patient's legal guardian designates an individual as a caregiver, the hospital shall record the patient's designation of caregiver and the name, telephone number, and address of the patient's designated caregiver in the patient's medical record.

(4) In the event the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient prior to discharge, a patient may elect to change his designated caregiver, and the hospital shall record this change in the patient's medical record.

B. The hospital shall be deemed to have complied in full with the provisions of this Part in the event that the patient or, if applicable, the legal guardian of the patient declines to designate a caregiver under this Part.

C. A designation of a caregiver by a patient or a patient's legal guardian under this Part does not obligate any individual to perform any aftercare tasks for any patient.

D. This Section shall not be construed to require a patient or a patient's legal guardian to designate any individual as a caregiver.

§1226.3. Notice to caregiver

If a patient has designated a caregiver, a hospital shall make a good faith attempt to notify the patient's designated caregiver of the patient's discharge to the patient's residence as soon as possible prior to the patient's discharge. If the hospital is unable to contact the designated caregiver, the lack of contact may not interfere with, delay or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

§1226.4. Education and instruction provided to caregiver

A. As soon as practicable prior to the patient's discharge, the hospital shall make a reasonable effort to consult with the designated caregiver along with the patient, taking into account the capabilities and limitations of the caregiver, to accomplish the aftercare tasks that may be included in a discharge care plan that describes the patient's aftercare needs at his residence.

B. As part of the consultation under Subsection A of this Section, the hospital shall educate and instruct the caregiver concerning the aftercare needs of the patient in a manner that is consistent with the discharge plan and is based on the learning needs of the caregiver. In addition, the hospital shall also provide an opportunity for the caregiver and patient to ask questions and receive explanations about the aftercare tasks.

C. In the event the hospital is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect an appropriate discharge of the patient.

§1226.5. Noninterference with medical decision making

The provisions of this Part shall not allow or otherwise be interpreted or construed to allow a caregiver to make any medical decisions or provide informed consent on behalf of the patient unless the caregiver is otherwise authorized to do so pursuant to law. Nothing in this Part shall be construed to interfere with, supersede, or any other way affect the provisions of Parts I and II of Subchapter A of this Chapter or with the rights of a mandatary of the patient acting pursuant to a mandate.

§1226.6. Limitation of liability

A. Nothing in this Part shall be construed to create a cause of action against a hospital, hospital employee, duly authorized agent of the hospital, or any consultant or contractor with whom the hospital has a contractual relationship.

B. A hospital, hospital employee, or any consultant or contractor with whom a hospital has a contractual relationship shall not be liable, vicariously or otherwise, to any patient for any injury, death, loss, civil penalty, or damage as a result of any act or omission of a caregiver in rendering assistance or care to a patient or as a result of any act or failure to act or failure to provide care rendered by a caregiver to a patient.

C. A hospital, hospital employee, or any consultant or contractor with whom a hospital has a contractual relationship shall not be liable to any caregiver designated pursuant to the provisions of this Part, except for gross negligence or willful and wanton misconduct directly related to the education and instruction provided to the caregiver concerning the aftercare needs of the patient, for any injury, death, loss, civil penalty, or damage as a result of any act or omission of a caregiver in rendering assistance or care to a patient or as a result of any act or failure to act or failure to provide care rendered by a caregiver to a patient.

§1226.7. Compensation of caregiver

A caregiver designated under the provisions of this Part shall not accept compensation in exchange for aftercare provided to the patient. A licensed medical professional may be designated as a caregiver as long as the individual does not accept compensation for aftercare provided to the patient.

Section 2. This Act shall be known and may be cited as the "Louisiana Family Caregiver Act".

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

Approved by the Governor, June 3, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 352

HOUSE BILL NO. 42

BY REPRESENTATIVES DWIGHT, BACALA, TERRY BROWN, CARPENTER, DAVIS, HOFFMANN, JACKSON, MORENO, JAY MORRIS, NORTON, SMITH, AND STOKES

AN ACT

To enact Code of Criminal Procedure Article 573.2, relative to time limitations for initiating prosecutions; to provide relative to time limitations in which to institute prosecution for the crime of video voyeurism; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 573.2 is hereby enacted to read as follows:

Art. 573.2. Running of time limitations; exception; video voyeurism
The time limitations established by Article 572 of this Code shall not commence to run as to the crime of video voyeurism (R.S. 14:283) until the crime is discovered by the victim.

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 353

HOUSE BILL NO. 141

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 24:521(A), (C), and (D), relative to actuarial notes; to require certain content in an actuarial note; to provide relative to certain legislative procedures regarding obtaining actuarial notes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:521(A), (C), and (D) are hereby amended and reenacted to read as follows:

§521. Actuarial notes

A. Every bill, joint resolution, and simple or concurrent resolution introduced in the legislature proposing any change in the law relative to any state, municipal or parochial retirement system, funded in whole or in part out of public funds shall have attached to it at the time of its consideration by any committee of either house of the legislature a brief explanatory statement or note which shall include a reliable estimate of the ~~financial~~ fiscal and actuarial effect of the proposed change in any such retirement system. The statement or note shall be known as an actuarial note. Such note shall be attached to the original of each proposed bill or resolution which is reported favorably by any committee of either house of the legislature, but shall be separate therefrom, shall be clearly designated as an actuarial note, and shall not constitute a part of the law or other provisions or expression of legislative intent proposed by the bill or resolution.

* * *

C. The note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars. In addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range fiscal and actuarial effect of the measure. The fiscal and actuarial effect of the measure shall include any impact on the costs to or the revenues of the retirement system and the estimated fiscal impact on governmental entities, including the effect on federal, state, and local funds. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall set forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merit, or lack thereof, of the measure for which the note is prepared. However, technical or mechanical defects may be noted.

D. At any time any committee of either house reports any legislative instrument, to which an actuarial note was attached at the time of committee consideration, with any amendment of such nature as would substantially affect the costs to or the revenues of any retirement system or the estimated fiscal impact on governmental entities, including the effect on federal, state, and local funds as stated in the actuarial note attached to the measure at the time of such consideration, it shall be the responsibility of the chairman of the committee reporting such instrument to obtain from the legislative auditor an actuarial note of the fiscal and actuarial effect of the change proposed by the amendment reported. ~~Such~~ The actuarial note shall be attached to the report of the committee on the measure as a supplement thereto, but shall not be printed in the journal. At any time a floor amendment is offered in either house to any bill or resolution to which an actuarial note was attached at the time of committee consideration or committee report, which amendment would substantially affect the cost to or the revenues of any retirement system or the estimated fiscal impact on governmental entities, including the effect on federal, state, and local funds as stated in the most recent actuarial note, and the member proposing such amendment does not present to the house an actuarial note prepared by the legislative auditor as to the fiscal and actuarial effect of his proposed amendment, any member may offer a motion that the proposed amendment be withdrawn. If the motion is adopted by the favorable vote of a majority

of the quorum present the amendment shall be deemed to be withdrawn, though the amendment may be proposed again at any time it would otherwise be in order, provided that the required actuarial note is presented at that time.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 354

HOUSE BILL NO. 182
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 14:93.12(B)(1) and (2), relative to the unlawful possession of alcoholic beverages; to remove the possibility of jail time as a penalty for violations; to provide relative to the criminal history record of a person issued a citation for the unlawful possession of alcoholic beverages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:93.12(B)(1) and (2) are hereby amended and reenacted to read as follows:
§93.12. Purchase and public possession of alcoholic beverages; exceptions; penalties

B.(1) Whoever violates the provisions of this Section shall be fined not more than one hundred dollars ~~or imprisoned for not more than six months, or both.~~

(2) Any person apprehended while violating the provisions of this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations. A citation issued by a law enforcement officer for such violation shall not be included on the person's criminal history record.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 355

HOUSE BILL NO. 232
BY REPRESENTATIVE STOKES
AN ACT

To amend and reenact R.S. 40:1169.5, relative to limitation of liability for parties involved in the care of certain terminally ill patients; to add limitation of liability provisions to the Right To Try Act; to provide for construction of certain provisions of the Right To Try Act relative to causes of action; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1169.5 is hereby amended and reenacted to read as follows:

§1169.5. Limitation of liability; ~~no cause of action created~~
A. Notwithstanding any provision of law to the contrary, a physician who prescribes an investigational drug, biological product, or device to an eligible patient pursuant to the provisions of this Subpart shall be immune from civil liability, including but not limited to any cause of action arising under R.S. 40:1231.1 et seq., for any adverse action, condition, or other outcome resulting from the patient's use of the investigational drug, biological product, or device.

B. Nothing in this Section shall be construed as creating a cause of action by or on behalf of any person against a manufacturer of an investigational drug, biological product, or device, or against any person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device, for any harm done to the eligible patient resulting from the investigational drug, biological product, or device.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 356

HOUSE BILL NO. 293
BY REPRESENTATIVE HAVARD
AN ACT

To enact R.S. 33:4305(B)(5), relative to gas utility districts; to provide relative to the members of the governing boards of districts located in certain parishes; to increase the maximum per diem authorized to be paid to such members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:4305(B)(5) is hereby enacted to read as follows:

§4305. Domicile; meetings; officers; bonds; depositories; compensation; rate fixing

B.

(5) Notwithstanding any other provision of law to the contrary, no member of the board of commissioners of any gas utility district located in a parish with a population of not less than twenty thousand persons and not more than twenty thousand five hundred persons according to the latest federal decennial census shall receive a salary for the performance of his duties as a member. Each member may receive a per diem for each meeting attended, up to twenty-five meetings per year. The board shall fix the amount of the per diem in an amount not to exceed one hundred twenty dollars. A member may be reimbursed for all proper expenses incurred in carrying on the business of the district. The board may fix reasonable additional compensation, commensurate with the additional duties performed, for a member who serves as secretary or treasurer or secretary-treasurer of the board.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 357

HOUSE BILL NO. 398
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact Code of Evidence Articles 404(A)(introductory paragraph) and 412.1 and to enact Code of Evidence Article 412(G), relative to the admissibility of certain evidence; to extend to civil proceedings the prohibition on admissibility of certain evidence of victim conduct or behavior; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Evidence Articles 404(A)(introductory paragraph) and 412.1 are hereby amended and reenacted and Code of Evidence Article 412(G) is hereby enacted to read as follows:

Art. 404. Character evidence generally not admissible in civil or criminal trial to prove conduct; exceptions; other criminal acts

A. Character evidence generally. Evidence of a person's character or a trait of his character, such as a moral quality, is not admissible in a civil or criminal proceeding for the purpose of proving that he acted in conformity therewith on a particular occasion, except:

Art. 412. Victim's past sexual behavior in sexual assault cases; trafficking offenses

G. The rules of admissibility of evidence provided by this Article shall also apply to civil actions brought by the victim which are alleged to arise from sexually assaultive behavior, human trafficking, or trafficking of children for sexual purposes by the defendant, whether or not convicted of such crimes.

Art. 412.1. Victim's attire in sexual assault cases
A. When an accused is charged with the crime of aggravated or first degree rape, forcible or second degree rape, simple or third degree rape, sexual battery, or second degree sexual battery, the manner and style of the victim's attire shall not be admissible as evidence that the victim encouraged or consented to the offense; however, items of clothing or parts thereof may be introduced in order to establish the presence or absence of the elements of the offense and the proof of its occurrence.

B. The rules of admissibility of evidence provided by this Article shall also apply to civil actions brought by the victim which are alleged to arise from the crimes of aggravated or first degree rape, forcible or second degree rape, simple or third degree rape, sexual battery, or second degree sexual battery committed by the defendant, whether or not convicted of such crimes.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 358

HOUSE BILL NO. 470
BY REPRESENTATIVE DANAHAAY
AN ACT

To amend and reenact R.S. 18:55(A)(4)(b) and to enact R.S. 18:24(A)(6), relative to registrars of voters; to provide relative to merit evaluations of a registrar; to provide relative to appeals of such evaluations; to provide relative to the duties and authority of the State Board of Election Supervisors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:55(A)(4)(b) is hereby amended and reenacted and R.S. 18:24(A)(6) is hereby enacted to read as follows:
§24. Powers and duties; authority to intervene in actions
A. To accomplish the purposes of this Part and Subpart G of Part V of Chapter 5 of this Title, the board shall have the following powers, duties, and functions:

(6) To conduct appeals of merit evaluations of registrars of voters as provided in R.S. 18:55.

§55. Compensation of registrar of voters; amount and manner of payment; reduction during tenure prohibited; prohibited increase

A.
(4)

(b) Each registrar whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation shall be determined by the secretary of state in conjunction with the Registrar of Voters Association. ~~It shall provide that each~~ Each registrar ~~shall~~ be evaluated by the secretary of state or his designee acting on his behalf. Upon a finding of “excellent” on a merit evaluation, the registrar shall receive a salary increase to the next step until the registrar’s salary is equal to the highest step of the appropriate population range. A registrar may appeal the finding on a merit evaluation to the State Board of Election Supervisors in accordance with rules promulgated by the board. If a member of the board participates in the merit evaluation of a registrar, the member shall not participate in an appeal of the evaluation.

Section 2.(A) The provisions of this Act shall apply to evaluations conducted in 2017 and thereafter.

(B) The State Board of Election Supervisors shall promulgate rules in accordance with the Administrative Procedure Act for appeals of merit evaluations as soon as reasonably possible after the passage of this Act.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 359

HOUSE BILL NO. 486
BY REPRESENTATIVE ROBERT JOHNSON
AN ACT

To amend and reenact R.S. 46:236.15(D)(1)(introductory paragraph) and (a), relative to child support enforcement; to provide relative to authority for seizures and intercepts by the Department of Children and Family Services; to provide for an administrative hearing process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:236.15(D)(1)(introductory paragraph) and (a) are hereby amended and reenacted to read as follows:

§236.15. Limited administrative authority for certain paternity and child support actions

D. Authority to seize and intercept.
(1) In cases in which there is a child support arrearage or child support overpayment made to a custodial parent, and after notice of such arrearage or overpayment has been made by certified or regular mail, personal service, or domiciliary service, the agency shall have the administrative authority to:

(a) Intercept, encumber, freeze, or seize periodic or lump sum payments from a state or local agency or any entity licensed or permitted by any state agency or board under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of 1950, including but not limited to unemployment compensation benefits, workers’ compensation, and other benefits, judgments, settlements, lottery winnings, progressive slot machine annuities beginning with the second annuity payment, cash gaming winnings, assets held in financial institutions, and public and private retirement funds. However, child support overpayments are excluded from recovery from unemployment compensation benefits. The provisions of R.S. 13:3881 providing general exemptions from seizure are applicable to the provisions of this Subparagraph. After the agency encumbers, intercepts, or freezes any assets set out in this Subsection, it shall notify the payor ~~or custodial parent~~ that he has thirty days to advise the agency that he wishes to appeal the seizing of ~~said~~ the assets. Upon receipt of such notice, the agency shall either release the property or schedule a hearing ~~with the appropriate court in accordance with the Administrative Procedure Act. Such hearing may be conducted telephonically or by means of any other such electronic media. The sole issue at the administrative hearing shall be whether the payor is in compliance with an order of support or whether the custodial parent owes an overpayment of support.~~ If the payor ~~or custodial parent~~ fails to file an appeal within thirty days, the agency may institute proceedings through administrative process to seize or sell the property in accordance with state law.

* * *
Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 360

HOUSE BILL NO. 593
BY REPRESENTATIVE DANA HAY
AN ACT

To amend and reenact R.S. 18:51(A), (B), and (C)(1) and to enact R.S. 18:51.1, relative to registrars of voters; to provide relative to the manner of appointment of the registrar of voters; to require notice; to provide for the form of the notice; to provide relative to the powers, duties, and responsibilities of the parish governing authority relative to the appointment of the registrar of voters; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:51(A), (B), and (C)(1) are hereby amended and reenacted and R.S. 18:51.1 is hereby enacted to read as follows:

§51. Registrar for each parish; appointment; ~~tenure; books and records; commission; bond and oath~~

A. There shall be a registrar of voters for each parish in the state, who shall be appointed by the governing authority of the parish in the manner provided in this Section and R.S. 18:51.1.

B.(1) The Upon receipt of notice and supporting documentation from the governing authority that show the governing authority complied with the requirements of this Section and R.S. 18:51.1 in appointing the registrar, the governor shall issue a commission to each the registrar, who thereupon shall make the bond, subscribe to the oath, and receive the compensation prescribed in this Chapter.

(2) If the governing authority fails to submit notice and documentation pursuant to Paragraph (1) of this Subsection or if the notice and documentation submitted by the governing authority is not sufficient to show the governing authority complied with the requirements of this Section and R.S. 18:51.1 in appointing the registrar, the governor shall not issue a commission to the registrar but shall instead send notice to the governing authority that it has failed to show compliance.

C.(1)(a) A vacancy for any cause in the office of registrar shall be filled by the parish governing authority within thirty days after the date on which the vacancy occurs. The parish governing authority shall advertise the vacancy and solicit applications for the office in the manner provided in R.S. 18:51.1.

(b) Until the appointment is made, the chief deputy shall perform the duties of the registrar in a parish having a chief deputy. If there is no chief deputy, within forty-eight hours after the office becomes vacant, the parish governing authority shall appoint a person temporarily to perform the duties of the registrar until the parish governing authority fills the vacancy as ~~herein~~ provided in this Section. However, if the parish governing authority neither fills the vacancy nor, in a parish having no chief deputy, designates a person temporarily to perform the duties of registrar within forty-eight hours after the office becomes vacant, the State Board of Election Supervisors shall appoint a person to perform the duties until the parish governing authority fills the vacancy. A person appointed temporarily to perform the duties of registrar shall have authority to register voters in accordance with law.

* * *
§51.1. Manner of appointment of the registrar
A. The parish governing authority shall appoint the registrar of voters for the parish in accordance with the provisions of this Section.

B.(1) The parish governing authority shall take all reasonable steps to make as many people in the parish as possible aware of the upcoming appointment of a registrar, including without limitation by issuing press releases to local news services and other media outlets and, if the governing authority has a website, by posting notice on its website.

(2)(a) At a minimum, the parish governing authority shall publish notice of the upcoming appointment together with a request for the submission of applications to fill the office on two separate days at least one week apart in the official journal of the governing authority and in another newspaper with a larger circulation within the parish than the official journal if there is such a newspaper.

(b) The notice shall comply with the following requirements:
(i) Prominent placement in a section other than the classified advertisement or public notice section.
(ii) Formatting in a box with a bolded outline.
(iii) A size of not less than two inches by four inches.
(iv) Print in bold face type.

(c) The notice shall contain the deadline for submitting applications, which shall be no later than seven calendar days following the last day of publication of notice as provided in this Paragraph.

C. In appointing the registrar, the governing authority shall offer to interview each applicant who meets the qualifications provided by law for the office of registrar of voters.

Section 2. This Act shall become effective if and when the proposed amendment of Article XI, Section 5 of the Constitution of Louisiana contained in the Act which originated as House Bill No. 459 of this 2016

Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 361

HOUSE BILL NO. 627
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 33:441(A)(2) and (3) and Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature and to enact R.S. 33:441(A)(4), relative to court costs assessed by mayor's courts; to authorize an additional court cost to be assessed; to provide that a portion of such costs shall support the local public defender's office; to provide for effectiveness; to extend the effectiveness of court costs authorized to be imposed in certain mayor's courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:441(A)(2) and (3) are hereby amended and reenacted and R.S. 33:441(A)(4) is hereby enacted to read as follows:

§441. Mayor's court
A.

* * *

(2) Notwithstanding any other provision of law to the contrary, the mayor may impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance or traffic violation, on any defendant convicted of a violation of a municipal ordinance, provided that ten dollars of such additional court costs collected shall be remitted to the local public defender's office.

~~(2)(3)~~ The mayor may suspend the execution in whole or in part of a fine or imprisonment, or both, imposed for violation of a municipal ordinance and place the defendant on unsupervised or supervised probation with such conditions as the mayor may fix and, at any time during the probation, modify, add, or discharge. The probation shall be for a period as the mayor shall specify up to one year. The mayor may terminate or revoke the probation at any time. At the termination of the probation, the mayor may set the conviction aside and dismiss the prosecution.

~~(3)(4)~~ Notwithstanding any other provision of law to the contrary, when a defendant has been convicted of violation of a municipal ordinance, the mayor may suspend the imposition or the execution of the whole or any part of the sentence and place the defendant on unsupervised probation upon such conditions as the mayor may fix. Such suspension of sentence and probation shall be for a period of six months or such shorter period as the mayor may specify. But in no case shall the probationary period imposed exceed the maximum penalty of imprisonment that may be imposed for violation of a particular ordinance.

* * *

Section 2. 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 on and after August 1, ~~2020~~ 2016.

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

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 362

HOUSE BILL NO. 640
BY REPRESENTATIVE LEGER
AN ACT

To enact R.S. 49:214.5.2(H), (I), and (J), relative to the functions and responsibilities of the Coastal Protection and Restoration Authority Board; to authorize the board to establish a restoration banking program; to authorize the board to establish an oil spill compensation schedule; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.5.2(H), (I), and (J) are hereby enacted to read as follows:

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

* * *

H.(1) The board may establish a natural resource damages restoration banking program as an alternative method to offset injuries to natural resources sustained as a result of oil spills in coastal areas as defined in R.S. 49:214.2(4), consistent with the Oil Pollution Act of 1990 and the Oil

Spill Prevention and Response Act, R.S. 30:2451 et seq. A "restoration bank" is a site where land or resources are restored, created, enhanced, or preserved for the purpose of restoring natural resources injured by oil spills in Louisiana's coastal areas. "Restoration" is an umbrella term whose meaning encompasses the creation, enhancement, preservation, rehabilitation, or replacement of natural resources. Such restoration bank program shall be established through the promulgation of rules and regulations under the Administrative Procedure Act and shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for oversight. The rules and procedures developed by the board shall do the following:

(a) Set forth a process and procedures for the certification and establishment of restoration banks in the state, including criteria for adoption of a restoration banking instrument. "Restoration banking instrument" is the documentation of state and bank sponsor agreement on the objectives and administration of the bank that describes in detail the physical and legal characteristics of the bank, including the service area, the types and numbers of restoration credits expected to be generated, and how the bank will be established and operated. "Restoration credit" means a unit of trade generated by a restoration bank certified by the state and representing the increase in the ecological value of the bank site, as measured by acreage, ecological function, or another recognized assessment method.

(b) Ensure certification is provided only to restoration banks meeting the requirements of this Chapter and the rules and procedures promulgated by the board.

(c) Ensure priority for certification is given to restoration banks that enhance the resilience of coastal resources to inundation and coastal erosion.

(d) Ensure certification is provided only to restoration banks for which the restoration banking sponsor has secured adequate financial assurance and permanent legally enforceable protection for any restored lands or resources. "Financial assurance" means the money or other form of financial instrument required of the sponsor of a restoration bank to ensure that the functions of the bank are achieved and maintained over the long term.

(e) Establish criteria for determining service areas for restoration banks.

(f) Establish criteria for operation and monitoring of restoration banks.

(g) Establish ecological success criteria or performance standards for restoration banks.

(h) Establish a system for calculating the number and type of restoration credits generated by a restoration bank.

(i) Establish a system for the transfer or sale of restoration credits to a responsible party or natural resource trustee and for the transfer of liability for restoration from a responsible party to the restoration bank sponsor in a manner that provides natural resource trustee agencies with certainty as to restoration outcomes.

(2) Neither the state nor any state agency may act as a natural resource damage restoration bank sponsor under the provisions of this Subsection. For the purposes of this Subsection, a "bank sponsor" is a person or entity responsible for developing and operating a natural resource damage restoration bank.

I. The board may adopt rules establishing a compensation schedule for the unauthorized discharge of oil in coastal areas. The compensation schedule shall be adopted under the provisions of the Administrative Procedure Act and submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for oversight. "Unauthorized discharge of oil" means any actual or threatened discharge of oil not authorized by a federal or state permit as provided in R.S. 30:2451 et seq., the Oil Spill Prevention and Response Act. Any compensation schedule adopted pursuant to this Section shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost and shall take into account the following:

(1) Characteristics of any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources.

(2) The sensitivity of the affected areas as determined by such factors as the following:

(a) The location of the spill.

(b) Habitat and living resource sensitivity.

(c) Seasonal distribution or sensitivity of living resources.

(d) Areas of recreational use or aesthetic importance.

(e) The proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law.

(f) Significant archaeological resources as determined by the division of archaeology of the Department of Culture, Recreation and Tourism.

(g) Other areas of special ecological or recreational importance, as determined by the authority.

(3) Actions taken by the party who spilled oil or any other responsible party for the spill that include the following:

(a) Demonstrating a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment.

(b) Enhancing or impeding the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

J. The board shall submit to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by January fifteenth of each calendar year a report listing each restoration bank certified under the provisions of Subsection H of this Section, including the names of the principals involved in the bank, every restoration credit traded over the past twelve months, and the two parties between whom the credits were traded.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 363

HOUSE BILL NO. 709
BY REPRESENTATIVE HUNTER
AN ACT

To enact R.S. 35:396, relative to ex officio notaries for the Department of Insurance; to authorize certain persons to appoint ex officio notaries for the Department of Insurance; to provide for the duties and functions of the ex officio notary; to provide for limitations and termination of the ex officio notary; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 35:396 is hereby enacted to read as follows:
§396. Ex officio notaries public for Department of Insurance
A. Notwithstanding any provisions of law relative to qualifications for notaries public, except R. S. 35:391, the commissioner of insurance may appoint not more than six employees of the Department of Insurance as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall be limited to matters within the official functions of the Department of Insurance. They shall use the official seal of the department.

C. All acts performed by an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The commissioner of insurance may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the Department of Insurance shall terminate the powers of the ex officio notary public.

Section 2. This Act shall become effective upon signature by the governor or, if signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 364

HOUSE BILL NO. 712
BY REPRESENTATIVE JACKSON AND
SENATORS THOMPSON AND WALSWORTH
AN ACT

To enact R.S. 17:1944(F), relative to assignment of students with exceptionalities; to require local education agencies to assign a student to the school requested by the parent; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:1944(F) is hereby enacted to read as follows:
§1944. Local education agency; responsibilities
* * *

E. A student with an exceptionality, except a gifted or talented student, shall be assigned to a school as requested by the parent if all of the following conditions are met:

(1) The parent submits a written request to the local education agency responsible for the student and the local education agency having jurisdiction over the school being requested by not later than April first of the school year preceding the school year for which the parent is requesting the school assignment. The request shall include a recommendation from at least two licensed physicians who have treated the student during the year prior to the submission of the request.

(2) The local education agency responsible for the student and the local education agency having jurisdiction over the school being requested by the parent enter into an agreement for the assignment of the student to the requested school.

(3) The requested school is located at least ten miles from the school the student is assigned to in accordance with applicable school attendance zone requirements.

(4) The requested school is located at least fifteen miles from the student's home.

(5) The requested school is not located in a public school district in which fifty percent or more of the public schools in the district are charter schools and fifty percent or more of the public schools in the district participate in a single application and enrollment process for public school enrollment.
Section 2. This Act shall be known and may be cited as "Aeden's Law".

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 365

HOUSE BILL NO. 758
BY REPRESENTATIVE PUGH
AN ACT

To enact R.S. 32:1306(C)(6), relative to school bus inspection fees; to increase the school bus inspection fee; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:1306(C)(6) is hereby enacted to read as follows:
§1306. Operation of official inspection stations
* * *

C.(1)(a) A charge or fee shall be charged for each certificate of inspection and approval issued, as provided in this Subsection.
* * *

(6)(a) The charge or fee for the inspection of student transportation vehicles which are required to be inspected under LAC 28: CXIII.701(A)(3) shall be twenty dollars. No charges or fees other than the twenty-dollar fee shall be charged for a student transportation vehicle inspection. Of the twenty-dollar fee, the motor vehicle inspection station operator who performs this inspection shall retain fourteen dollars and seventy-five cents; one dollar and twenty-five cents shall be transferred to the office of motor vehicles for expenses associated with motor vehicle and financial responsibility programs; and four dollars shall be transferred to the office of state police for use in traffic law enforcement.

(b) The adjustment of headlights shall be included in the inspection at no additional cost to the owner or operator of the school bus being inspected.

(c) The Legislature of Louisiana hereby declares that a student transportation vehicle inspection is much more extensive than the inspection required of other motor vehicles and that the increase in the fee or charge for the inspection of student transportation vehicles is based on the difference in these types of inspections.
* * *

Section 2. This Act shall become effective on January 1, 2017.
Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 366

HOUSE BILL NO. 844
BY REPRESENTATIVE JAMES
AN ACT

To amend and reenact R.S. 32:668(C), relative to the suspension or revocation of certain driving privileges; to allow for extension of driving privileges following an order by the Department of Public Safety and Corrections suspending or revoking such privileges and if the licensee takes certain actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:668(C) is hereby amended and reenacted to read as follows:
§668. Procedure following revocation or denial of license; hearing; court review; review of final order; restricted licenses
* * *

C.(1) After a person has exhausted his remedies with the department, he shall have the right to file a petition in the appropriate court for a review of the final order of suspension or denial by the Department of Public Safety and Corrections in the same manner and under the same conditions as is provided in R.S. 32:414 in the cases of suspension, revocation, and cancellation of licenses. The court in its review of the final order of suspension or denial by the Department of Public Safety and Corrections may exercise any action it deems necessary under the law including ordering the department to grant the person restricted non-commercial driving privileges where appropriate as provided in Subsection B of this Section.

(2) Upon filing a petition for review, the licensee shall serve the Department of Public Safety and Corrections with a copy of the petition and summons. Upon receipt of a copy of the petition for review, the department shall issue the licensee driving privileges, which shall be valid until the decision on the petition for review is final. The court on its own motion, or on the motion of either party, may modify or vacate such driving privileges upon a showing of good cause.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 367

HOUSE BILL NO. 915
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:2313(A), relative to the sale of policies issued by Louisiana Citizens Property Insurance Corporation through its FAIR and Coastal Plans; to limit the sale of such policies to resident licensed producers; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:2313(A) is hereby amended and reenacted to read as follows:
§2313. Producers; authority to bind coverage
A. Every producer resident in this state and licensed to sell property and casualty insurance may sell insurance policies ~~which that~~ are issued by the Louisiana Citizens Property Insurance Corporation through its FAIR and Coastal Plans.

* * *
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 368

HOUSE BILL NO. 918
BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact R.S. 37:969(B)(introductory paragraph), (1) through (3), and (4)(a) and (c) and 969.1(B) through (D) and to enact R.S. 37:21(B)(11) and 969(B)(4)(d), relative to the Louisiana State Board of Practical Nurse Examiners; to exempt the board from certain limitations on disciplinary proceedings; to authorize the board to obtain certain criminal history record information; to provide for methods of obtaining such information; to provide for technical corrections; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:969(B)(introductory paragraph), (1) through (3), and (4)(a) and (c) and 969.1(B) through (D) are hereby amended and reenacted and R.S. 37:21(B)(11) and 969(B)(4)(d) are hereby enacted to read as follows:
§21. Limitations on disciplinary proceedings by professional or occupational boards and commissions

* * *
B. The provisions of this Section shall not apply to the following:
* * *
(11) The Louisiana State Board of Practical Nurse Examiners.

* * *
§969. Duties and powers of the board
* * *

B. The board may do all of the following:
(1) Issue subpoenas and administer oaths to persons giving testimony at hearings;,
(2) Employ and fix compensations of persons necessary to carry on the work of the board;,
(3) Appoint an attorney to represent the board in all matters pertaining to the administration of this Part and fix his compensation and define his duties;~~or,~~
(4)(a) Request and obtain state and national criminal history record information on any person applying for the issuance, renewal, or reinstatement of any license or permit which the board is authorized by law to issue, including permission to enroll as a student in nurse training courses.

* * *
(c) Promulgate the rules, regulations, and procedures, in cooperation with the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice, in accordance with the Administrative Procedure Act, that are necessary to implement the provisions of this ~~Paragraph~~ Section.
(d) Require any applicant requesting the issuance, renewal, or reinstatement of any license or permit which the board is authorized to issue, including permission to enroll as a student in any nurse training course, to provide a full set of fingerprints, in a form and manner prescribed by the board, as a condition of the board's consideration of his application.

* * *
§969.1. Louisiana State Board of Practical Nurse Examiners; authorization to obtain criminal history record information
* * *

B.(4) In addition to any other requirements established by law or board rules, the board ~~may shall~~:
(a) ~~(1) Require that any person applying for any license or permit which the board is authorized by law to issue each applicant, as a condition for eligibility for licensure, to provide all of the following:~~
(a) A full set of fingerprints, in a form and manner prescribed by the board.
(b) provide written Written consent to the board to request and obtain for state and national criminal history record information on such person to be obtained as a condition for consideration of his application.
(b) ~~Charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.~~

(2) ~~The board shall provide~~ Provide each applicant with a copy of the written standards specifying the requirements that must be met by an applicant for licensure and the grounds on which a license may be denied or revoked.
C. In accordance with the provisions and procedures prescribed by this Section, or any other law or board rule, the board ~~may shall~~ request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice bureau and the FBI relative to any person applying for a license to determine issuance, renewal, or reinstatement of any license or permit whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.
D. ~~Upon request by the board, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days after receipt of any such request. Upon receiving fingerprints, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau shall provide a report promptly and in writing, but shall provide only such information as is necessary to specify whether or not the person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or 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 any conviction dismissed pursuant to Code of Criminal Procedure Article 893 or 894. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.~~

* * *
Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 369

HOUSE BILL NO. 934
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 37:786(D)(1) and (2) and 788(B)(1), relative to administrative decisions of the Louisiana State Board of Dentistry; to provide for procedures and amounts furnished as security in judicial review of board decisions; to provide relative to the subpoena authority of the board; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:786(D)(1) and (2) and 788(B)(1) are hereby amended and reenacted to read as follows:
§786. Judicial review of adjudication

* * *
D.(1) In any case appealed to the civil district court under the provisions of this Section, the party seeking judicial review shall furnish security in ~~accordance with the following rules: the amount of any fine set forth in the decision being appealed.~~
(a) ~~For that portion of a decision issued under R.S. 37:780 pertaining to payment of a sum of money, the amount of security shall exceed by one-half the amount of the money portion of the decision.~~
(b) ~~In all other respects, the security shall be fixed by the court at an amount sufficient to assure satisfaction of the decision rendered by the board.~~
(2) Any security furnished under the provisions of this Section shall be in favor of the ~~board clerk of the trial court in which the proceeding was brought, and shall be furnished as security for the judicial review of the complaining party in civil district court and any judgment by the district court against him shall be paid or satisfied from the proceeds of the sale of his property, or from the security posted under the provisions of this Section. Mortgages on immovable property are adequate security, but only where the mortgage is applied to unencumbered immovables; mortgages in other than a first position are unacceptable as security under this Section. The security~~

furnished shall meet the requirements for bonds in judicial proceedings set forth in Code of Civil Procedure Article 5121 et seq., and shall become available to satisfy any portion of the judgment once the judgment becomes final and has not been satisfied within thirty days of becoming final.

* * *

§788. Violations

* * *

~~B.(1) In addition to any other civil remedy or criminal penalty provided for in this Chapter, the~~ The board may issue a subpoena to any person or persons who the board has probable cause to believe has engaged in the practice of dentistry or dental hygiene without a currently valid license or permit.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 370

HOUSE BILL NO. 1007
BY REPRESENTATIVES MORENO AND WILLMOTT
AN ACT

To amend and reenact R.S. 40:978.2(C)(1) and (D) through (F) and to enact R.S. 40:978.2(G) and (H), relative to opioid antagonists; to authorize the storage and dispensing of opioid antagonists under certain conditions; to authorize any person to possess an opioid antagonist; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978.2(C)(1) and (D) through (F) are hereby amended and reenacted and R.S. 40:978.2(G) and (H) are hereby enacted to read as follows:

§978.2. Naloxone; prescription; dispensing; administration by third party; limitation of liability

* * *

C.(1)(a) A licensed pharmacist shall dispense naloxone or another opioid antagonist prescribed, directly or by standing order, by a licensed medical practitioner pursuant to this Section.

(b) A licensed pharmacist may dispense naloxone or another opioid antagonist pursuant to a nonpatient-specific standing order as provided for in rules promulgated by the Louisiana Board of Pharmacy.

* * *

D. Notwithstanding any other provision of law or regulation, a person or organization acting pursuant to a standing order issued by a healthcare professional who is authorized to prescribe naloxone or another opioid antagonist may store naloxone or another opioid antagonist and may dispense naloxone or another opioid antagonist if such activities are performed without charge or compensation.

E. Notwithstanding any other provision of law or regulation, any person may lawfully possess naloxone or another opioid antagonist.

F. A person acting in good faith who, pursuant to the provisions of this Section, receives and administers naloxone or another opioid antagonist to a person reasonably believed to be undergoing an opioid-related drug overdose shall be immune from criminal and civil liability for the administration, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the drug.

~~E. G.~~ The department shall develop and promulgate a set of best practices for use by a licensed medical practitioner pursuant to this Section including but not limited to the training necessary to safely and properly administer naloxone or another opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose, the standards and procedures for the storage and administration of naloxone or another opioid antagonist, and emergency follow-up procedures.

F. H. For the purposes of this Section the following definitions apply:

- (1) “Department” means the Department of Health and Hospitals.
- (2) “Licensed medical practitioner” means a physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.
- (3) “Opioid-related drug overdose” means a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

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

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 371

HOUSE BILL NO. 1016
BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 32:388(B)(1)(b)(iv), relative to trucks hauling concrete or construction aggregates; to extend the termination date for two years for the authorization of ready-mixed concrete trucks to exceed the maximum gross vehicle weight under certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:388(B)(1)(b)(iv) is hereby amended and reenacted to read as follows:

§388. Penalties; payments

* * *

B.(1)

* * *

(b)

* * *

(iv) Effective from August 1, 2012, through July 31, ~~2016~~ 2018, no truck hauling ready-mixed concrete shall be assessed a penalty for exceeding its maximum permissible gross weight, as determined by law, provided the total excess weight is ten percent or less of such truck’s maximum permissible gross weight, such truck contains a certificate evidencing its most recent mixer chip-out of build-up occurred within the previous ninety days, such truck does not exceed the posted load while crossing a posted bridge, such truck is not operating on the interstate system, and no tire on such truck exceeds its tire weight rating. If such truck’s total excess weight is greater than ten percent of its maximum permissible gross weight, as determined by law, such truck shall be assessed a penalty calculated on the total amount by which the truck’s weight exceeds its maximum permissible gross weight, as determined by law. For the purposes of this Item, a “ready-mixed concrete truck” is defined as a vehicle designed exclusively to transport or manufacture ready-mixed concrete and includes a concrete pump truck engaged in hauling ready-mixed concrete.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 372

HOUSE BILL NO. 1031
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 22:584(C)(1) and (D)(1)(a), relative to certain investments in real estate investment trusts by domestic insurers; to allow for investments in certain corporations; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:584(C)(1) and (D)(1)(a) are hereby amended and reenacted to read as follows:

§584. Investments in securities

* * *

C.(1)(a) Any domestic life insurer, in addition to the investment permitted by Subsection A of this Section, may invest in the shares of capital stock, American Depositary Receipts, which are listed on a national securities exchange, and securities of any solvent corporation ~~other than a corporation engaged solely in the business of owning and operating real estate, or a corporation having substantially all of its assets invested in the shares of such corporations, except as specifically provided in Subparagraph (b) of this Paragraph~~ created under the laws of the United States, or of any of the states of the United States, or the District of Columbia, provided that the shares or American Depositary Receipts of such corporation are registered on a national securities exchange, as provided in an Act of Congress of the United States, entitled the “Securities Exchange Act of 1934”, approved June 6, 1934, as amended, or local exchanges, or are readily marketable, or shares of foreign corporations listed on the New York Stock Exchange ~~or the American Stock Exchange~~, and provided further that such corporation is listed on a national securities exchange at the time of the investment or has earned during any three years of the five-year period next preceding the date of the investment, a sum applicable to dividends equal in the aggregate to not less than twelve percent of the par value (or, in the case of shares having no par value, the stated value) of its outstanding shares.

(b) Any domestic life insurer, in addition to the investment permitted by Subsection A of this Section, may invest in the stock of a real estate investment trust (REIT) domiciled in Louisiana or in the stock of a REIT whose stock is listed on the New York Stock Exchange ~~or the American Stock Exchange~~, provided such investment shall not exceed five percent of the total number of shares of any one such trust and that not more than two percent of the insurer’s admitted assets are invested in shares of any one such trust. Shares in each such trust which has over one-half of its assets invested in ownership of real estate or which has such ownership as its stated investment objective shall be considered real estate investment

for purposes of conforming with the limitation on real estate ownership imposed by Subsection G of this Section.

* * *

D. Any domestic insurer, in addition to the investments permitted by Subsection A of this Section, may invest an amount equal to its capital and surplus if it is a stock company, and, if it is a company other than stock, it may invest an amount equal to its surplus over all liabilities as follows:

(1)(a)(i) In shares of capital stock, American Depository Receipts listed on a national securities exchange, including the National Association of Securities Dealers Automated Quotations (NASDAQ), bonds, securities, or other evidences of indebtedness of any solvent corporation ~~(other than a corporation engaged solely in the business of operating real estate or a corporation having substantially all of its assets invested in the shares of such corporation except as specifically provided in Item (ii) of this Subparagraph)~~ created under the laws of the United States, or the states of the United States, or the District of Columbia, or a foreign corporation whose stock is listed on a national securities exchange, including NASDAQ, provided that such insurer may not, except in the case of shares permitted by Paragraph (9) of Subsection A (A)(9) of this Section, invest in the shares or American Depository Receipts of a corporation unless such corporation is listed on a national securities exchange, including NASDAQ, at the time of the investment or has earned during any three years of the five-year period next preceding the date of the investment, a sum applicable to dividends equal in the aggregate to not less than twelve percent of the par value (or, in the case of shares having no par value, the issued value) of its outstanding shares, or if such shares have been issued less than five years, has earned a sum applicable to dividends during the tenure of such issue, equal to not less than four percent per annum of the par value, (or, in the case of shares having no par value, the issued value) of its outstanding shares.

(ii) In the stock of a real estate investment trust (REIT) domiciled in Louisiana or in the stock of a REIT whose stock is listed on the New York Stock Exchange, the American Stock Exchange, or NASDAQ, provided such investment shall not exceed five percent of the total number of shares of any one such trust and that not more than two percent of its admitted assets are invested in shares of any one such trust. Shares in each such trust which has over one-half of its assets invested in ownership of real estate or which has such ownership as its stated investment objective shall be considered real estate investment for purposes of conforming with the limitation on real estate ownership imposed by Subsection G of this Section.

* * *

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 373

HOUSE BILL NO. 1044
BY REPRESENTATIVES ZERINGUE AND ANDERS
AN ACT

To amend and reenact R.S. 38:2290, relative to the construction of public buildings or projects; to provide for exceptions to the prohibition on closed specification of a product used in the construction of a public building or project; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2290 is hereby amended and reenacted to read as follows: §2290. Closed specification prohibited; exception

A. No architect or engineer, either directly or indirectly, shall submit a closed specification of a product to be used in the construction of a public building or project, unless all products other than the one specified would detract from the utility of the building, or except in those cases where a particular material is required to preserve the historical integrity of the building or the uniform appearance of an existing structure, or is required as part of an integrated coastal protection project, as defined in R.S. 49:214.2(11), for the evaluation of new and improved integrated coastal protection technologies.

B. A closed specification shall not be submitted or authorized when any person or group of persons possess the right to exclusive distribution of the specified product, unless the product is required to expand or extend an existing system presently operating at the facility or site, or if a specified product is required as part of an integrated coastal protection project, as defined in R.S. 49:214.2(11), for the evaluation of new and improved integrated coastal protection technologies. However, no such closed specifications shall be allowed until rules have been promulgated by the division of administration after oversight by the Senate and House Committees on Transportation, Highways and Public Works and other appropriate legislative committees.

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 374

HOUSE BILL NO. 1126
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 22:439(D) and R.S. 39:1528 and to enact R.S. 22:2301(F), relative to the office of risk management; to clarify that the office and certain providers are not subject to the provisions of the Louisiana Insurance Code; to prohibit application of certain insurance taxes and assessments on insurance policies of the state and its agencies; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:439(D) is hereby amended and reenacted and R.S. 22:2301(F) is hereby enacted to read as follows:

§439. Tax on surplus lines

* * *

D.(4) The tax imposed pursuant to this Section shall not apply to the purchase of insurance by ~~a or on behalf of any of the following:~~

(1) A college, university, school, institution, or program that is under the supervision or management of a system board of supervisors provided for in R.S. 17:3215 through 3217.1.

(2) ~~The tax imposed pursuant to this Section shall not apply to the purchase of insurance by political subdivisions~~ A political subdivision having a population of not less than three hundred fifty thousand persons according to the latest federal decennial census.

(3) An agency of this state as defined in R.S. 39:2.

* * *

§2301. Assessable insureds

* * *

E. The office of risk management shall not be an assessable insured. Accordingly, any policy of property coverage purchased by the office of risk management on behalf of the state or any agency thereof as defined in R.S. 39:2 shall not be subject to any regular or emergency assessment.

Section 2. R.S. 39:1528 is hereby amended and reenacted to read as follows: §1528. Creation of the office of risk management

A. There is hereby created the office of risk management within the division of administration headed by the commissioner of administration.

B. The office of risk management, as the administrator of the risk management program of the state, is a plan of the state and is subject to the provisions of this Chapter and Title 39 of the Louisiana Revised Statutes of 1950. In managing all insurance covering property and liability exposure of the state, the office of risk management, the Self-Insurance Fund administered by the office, and commercial coverage transactions by the office on behalf of the state shall not be subject to the provisions of the Louisiana Insurance Code set forth in Title 22 of the Louisiana Revised Statutes of 1950.

Section 3. This Act shall become effective on July 1, 2016.

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 375

HOUSE BILL NO. 1146
(Substitute for House Bill No. 813 by Representative Henry)
BY REPRESENTATIVE HENRY AND SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 15:542(C)(1)(m) and 542.1.5(A)(2)(b)(iv) and (vi) and to enact R.S. 15:542.1.5(A)(2)(d), relative to the State Sex Offender and Child Predator Registry; to provide relative to certain identifying information of persons required to register as a sex offender; to require the sex offender to provide his static internet protocol address prior to its use; to authorize limited disclosure of telephone numbers, e-mail addresses, online screen names, and other online identities of persons required to register as a sex offender; to provide for procedures by which this information is to be requested; to define “static internet protocol address”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542(C)(1)(m) and 542.1.5(A)(2)(b)(iv) and (vi) are hereby amended and reenacted and R.S. 15:542.1.5(A)(2)(d) is hereby enacted to read as follows:

§542. Registration of sex offenders and child predators

* * *

C.(1) The offender shall register and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section in accordance with the time periods provided for in this Subsection:

* * *

(m) Every e-mail address, online screen name, or other online identifiers used by the offender to communicate on the ~~Internet~~ internet. If the offender uses a static internet protocol address, that address shall also be provided to the appropriate law enforcement agency. Required notice must be given before any online identifier or static internet protocol address is used to communicate on the ~~Internet~~ internet. For purposes of this Subparagraph, “static internet protocol address” is a numerical label assigned to a

computer by an internet service provider to be the computer’s permanent address on the internet.

§542.1.5. State Sex Offender and Child Predator Registry; duties of the Louisiana Bureau of Criminal Identification and Information

A.
(2)
(b) Notwithstanding the provisions of Subparagraph (2)(a) of this Subsection, the following information shall be exempt from public access as well as any other mandatory exemptions which are required by the federal Adam Walsh Child Protection and Safety Act of 2006 and any federal guidelines adopted pursuant thereto:

(iv) Telephone numbers, subject to the provisions of Subparagraphs (b) and (c) of this Paragraph.

(vi) E-mail addresses, online screen names, or other online identities used by offenders to communicate on the Internet internet, subject to the provisions of Subparagraphs (b) and (c) of this Paragraph.

(d) Notwithstanding the provisions of Subparagraphs (2)(b) and (c) of this Subsection, the bureau shall, upon request by any person or entity in a manner prescribed by the bureau, provide a list of telephone numbers, e-mail addresses, online screen names, static internet protocol addresses, or other online identities of persons in the State Sex Offender and Child Predator Registry for the purpose of identifying and monitoring a registered user associated with the telephone number, e-mail address, online screen name, static internet protocol address, or other online identity. The information provided to the person or entity shall not disclose the name or other identifying information of the sex offender that is associated with, or who is using, any of the telephone numbers, e-mail addresses, online screen names, static internet protocol addresses, or other online identities in the provided list.

Approved by the Governor, June 5, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 376

HOUSE BILL NO. 1147
(Substitute for House Bill No. 125 by Representative Smith)
BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 33:1, relative to incorporation of municipalities; to provide relative to the process of petitioning for incorporation; to establish time limits for the submission of a petition to the registrar of voters for certification; to provide that a petition becomes a public record on a certain date; to prohibit annexation during the petitioning process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1 is hereby amended and reenacted to read as follows:
§1. Petition for incorporation; contents; circulation; required signatures
A. Residents of any unincorporated area with a population in excess of two hundred inhabitants may propose the incorporation of the area as provided in this Subpart. A petition proposing the incorporation of the area shall be prepared and shall contain the following. The secretary of state shall provide a form approved by the attorney general to be used for the petition for an incorporation election. Such form shall be in conformity with the provisions of this Section and R.S. 18:3. All incorporation petitions shall be on an approved form or on a form which contains the same information as required on the approved form and any petition not on such form shall be invalid. The incorporation petition shall include the following information:

(1) A legal description of the area proposed for incorporation, a map of the area proposed for incorporation, and the statement that all lands included in the area constitute a contiguous area. The description shall also include a list of every parish in which the proposed area of incorporation is wholly or partially situated.

(2) A statement of the number of inhabitants residing in the unincorporated area of the proposed incorporation. Such statement shall be based on the latest federal decennial census or another current population report or count which is verifiable.

(3) A statement of the assessed value of the real immovable property located in the unincorporated area.

(4) A listing of the public services the municipal corporation proposes to render to the area and a plan for the provision of these services.

(5) A statement of the corporate name desired for the new municipality.

(6) The names of two or more chairpersons persons, who shall be designated as chairperson and vice chairperson, for the petition for incorporation who shall serve as agents for the petitioners in all legal matters, including the receipt of notices. Notice will be sufficient if served on any one of the chairpersons: the chairperson or vice chairperson. If the chairperson is

unable to carry out the duties required in this Section, the vice chairperson shall carry out such duties.

B.(1)(a) The signatures of twenty-five percent of the electors residing in the area proposed for incorporation shall be required in order to file the petition as provided in R.S. 33:2(A).

(b) All electors, whether or not they own land, shall be eligible to sign the petition.

(c) The signatures of the electors must reasonably correspond with their signatures on file in the office of the registrar of voters.

(d) More than one copy of the petition may be circulated and signatures of electors on any copy of the petition shall be counted as part of the required twenty-five percent.

(2) Any elector may withdraw his name from the petition by filing a signed statement of withdrawal with the registrar of voters at any time before the registrar of voters certifies that twenty-five percent of the electors residing in the area proposed for incorporation have signed the petition as provided by R.S. 33:2(C).

B.(1)(a) Prior to entering any signatures, the chairperson shall file a copy of the incorporation petition with the secretary of state who shall endorse thereon the fact and date of filing. The copy of the incorporation petition shall be deemed filed as of the date of endorsement by the secretary of state. The secretary of state shall notify the chairperson of the endorsement date within ten business days, by certified mail, return receipt requested. No signatures for incorporation shall be collected until the chairperson receives notice of the endorsement date.

(b) The secretary of state shall immediately transmit, by mail or electronically, a copy of the filed petition to the registrar of voters for each parish in which the proposed incorporated area is situated. Within ten business days after the date of the endorsement, the registrar of voters for each parish in which the proposed incorporated area is situated shall transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area proposed for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

(c) No copy of an incorporation petition shall be filed with the secretary of state within a period beginning thirteen days prior to the date of any election through ten days after the date of that election.

C.(1) The signatures of twenty-five percent of the electors residing in the area proposed for incorporation shall be required in order to file the signed petition as provided in R.S. 33:2(A).

(2) The chairperson shall submit the signed and dated petition for certification to the registrar of voters for each parish in which the proposed incorporated area is situated. However, not less than fourteen days prior to submitting the signed and dated petition for certification, the chairperson shall provide written notice by certified mail, return receipt requested, or by hand delivery receipted on a return receipt request form to the registrar of voters for each parish of his intention to submit the petition for certification. The chairperson shall submit the signed and dated petition for certification not later than:

(a) One hundred and eighty days after the date on which he receives notice of the date of endorsement by the secretary of state, if fewer than ten thousand qualified electors reside within the area proposed for incorporation.

(b) Two hundred and seventy days after the date on which he receives notice of the date of endorsement by the secretary of state, if ten thousand or more qualified electors reside within the area proposed for incorporation.

(3)(a) The chairperson shall attach to the signed and dated petition an affidavit attesting to the fact that no signatures were obtained prior to the receipt of notice of the endorsement date.

(b) If the chairperson fails to submit the affidavit and the signed and dated petition within the time period specified in this Subsection, the registrar of voters shall not review the petition to determine whether it contains the required signatures as provided in R.S. 33:2, and no copy of a petition for incorporation that proposes to incorporate the same area shall be filed with the secretary of state for at least sixty days.

D.(1) The handwritten signatures of the electors must reasonably correspond with their signatures on file in the office of the registrar of voters. All electors residing in the area proposed for incorporation shall be eligible to sign the petition. More than one copy of the petition may be circulated but the signature of an elector shall be counted only one time in the calculation of the twenty-five percent required by R.S. 33:2.

(2) Prior to certification of a signed and dated petition as provided in R.S. 33:2(C) but not more than five days after a signed and dated petition is submitted for certification pursuant to Subsection C of this Section, whichever is earlier, the registrar of voters shall honor the written request of any elector who desires to have his handwritten signature either stricken from or added to the signed and dated petition. The written request of the elector shall include the name and address of the elector, the date of birth of the elector, the signature of the elector, and the date of the request.

E.(1) A signed and dated petition, including an elector’s name, address, and signature, shall be a public record as of the date that written notice is given by the chairperson pursuant to Subsection C of this Section. However, the elector’s day and month of birth shall be redacted or not disclosed as provided in R.S. 18:154. The written request of the elector to have his signature stricken from or added to a petition pursuant to Paragraph(D)(2) of this Section shall also be a public record, except for the elector’s day and month of birth as provided in R.S. 18:154.

(2)(a) Prior to submitting a signed and dated petition to the registrar of voters pursuant to Subsection C of this Section, the chairperson shall be the custodian of any such petition.

(b) Upon receipt of a signed and dated petition submitted by the chairperson pursuant to Subsection C of this Section, the registrar of voters shall be the custodian of the petition.

(c) The petition and the custodian of the petition shall be subject to all the provisions of R.S. 44:31 et seq.

F. If the final day for any action required in this Section falls on a Saturday, Sunday, or legal holiday, the deadline shall be on the next day which is not a Saturday, Sunday, or legal holiday.

G. Notwithstanding any provision of law to the contrary, during the time period granted to a chairperson to submit a petition for certification pursuant to Subsection C of this Section, no municipality shall annex any area included within an area proposed for incorporation as described in a petition which has been filed with the secretary of state. Any annexation in violation of this Subsection shall be null and void ab initio.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 377

HOUSE BILL NO. 187
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 47:1925.11, relative to expenses of assessors; to authorize an automobile expense allowance for the assessor in Lafayette Parish; to provide for certain limitations and requirements; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1925.11 is hereby amended and reenacted to read as follows:

§1925.11. Webster Parish and Lafayette Parish Assessment District Districts; automobile expense allowance

In the Webster Parish and Lafayette Parish Assessment District Districts, the assessor may receive an automobile expense allowance equal to not to exceed fifteen percent of his annual salary provided the assessor maintains three hundred thousand dollars of automobile insurance per accident for bodily injury and one hundred thousand dollars of automobile insurance per accident for property damage. The expense allowance shall come from existing funds in the assessor's office and at no additional expense to the state or local governing authority.

Approved by the Governor, June 6, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 378

SENATE BILL NO. 140
BY SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 36:231(C)(1), to enact R.S. 36:238(C) and R.S. 30:2011(C)(1)(b), and to repeal R.S. 30:2011(D)(26), relative to the offices of the Department of Environmental Quality; to provide for the purposes of the offices within the Department of Environmental Quality; to create the office of environmental assessment; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:231(C)(1) is hereby amended and reenacted and R.S. 36:238(C) is hereby enacted to read as follows:

§231. Department of Environmental Quality; creation; domicile; composition; purposes and functions

* * *

C.(1) The Department of Environmental Quality shall be composed of the executive office of the secretary, the office of management and finance, the office of environmental assessment, the office of environmental compliance, and the office of environmental services.

* * *

§238. Offices; purposes and functions

* * *

C. The office of environmental assessment shall provide for environmental air quality assessment and water quality assessment, and shall administer underground storage tank service activities, all remediation services, and such duties as delegated by the secretary.

* * *

Section 2. R.S. 30:2011(C)(1)(b) is hereby enacted to read as follows:

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

* * *

C.(1) The department shall be divided into offices.

(a)(i)

* * *

(b) The office of environmental assessment shall provide for environmental air quality assessment and water quality assessment, and shall administer underground storage tank service activities, all remediation services, and such duties as delegated by the secretary.

* * *

Section 3. R.S. 30:2011(D)(26) is hereby repealed.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 379

SENATE BILL NO. 199
BY SENATOR GATTI
AN ACT

To enact R.S. 22:76 and 264.1, relative to the mergers of domestic insurers and health maintenance organizations; to provide for approval by the commissioner of insurance prior to the merger of a domestic insurer or health maintenance organization with any other person; to provide for the written request for approval; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:76 and 264.1 are hereby enacted to read as follows:

§76. Prior approval required for merger of domestic insurer

No domestic insurer shall merge with another person without the prior approval of the commissioner, who may grant such approval upon written request of a domestic insurer. The request shall include the articles or plan of merger, a pro-forma consolidated financial statement for the merging entities, and other information as the commissioner may require to determine that the merger is not detrimental to the policyholders or to the financial solvency of the insurer. If the merger may result in a change of control of a domestic insurer, the requirements of this Section may be consolidated with those of R.S. 22:691.4.

* * *

§264.1. Prior approval required for merger of domestic health maintenance organization

No domestic health maintenance organization shall merge with another person without the prior approval of the commissioner, who may grant such approval upon written request of a domestic health maintenance organization. The request shall include the articles or plan of merger, a pro-forma consolidated financial statement for the merging entities, and such other information as the commissioner may require to determine that the merger is not detrimental to the enrollees or to the financial solvency of the health maintenance organization. If the merger may result in a change of control of a domestic health maintenance organization, the requirements of this Section may be consolidated with those of R.S. 22:691.4.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 380

SENATE BILL NO. 205
BY SENATOR CARTER AND REPRESENTATIVE GARY CARTER
AN ACT

To amend and reenact R.S. 26:901(34), relative to the office of alcohol and tobacco control; to provide for the definition of tobacco wholesale dealers; to provide for required sales of tobacco wholesale dealers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:901(34) is hereby amended and reenacted to read as follows:

§ 901. Definitions

As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(34) “Wholesale dealer” means a dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail dealers for purpose of resale, who is a bona fide wholesaler, and fifty percent of whose total tobacco sales are to retail stores other than its own or those of its subsidiaries or parent companies within Louisiana. Wholesale dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services fifty or more cigarette vending machines in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette and tobacco stamps as of January 1, 1974. If any person is engaged in the business of making sales at both wholesale and retail, “wholesaler” shall apply only to the wholesale portion of the business.

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

Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 381

SENATE BILL NO. 216
BY SENATOR CARTER
AN ACT

To enact R.S. 3:2364(D)(11) and 2366, relative to animal shelters; to create the Louisiana Animal Shelter Registry; to provide relative to the duties of the Louisiana Animal Welfare Commission; to provide for voluntary registration of animal shelters; to provide for definitions; to provide for registration form requirements; to require certain records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:2364(D)(11) and 2366 are hereby enacted to read as follows:
§2364. Louisiana Animal Welfare Commission

* * *

D. Duties and functions. The commission shall have powers and duties necessary to carry out its purpose, including but not limited to the following:

* * *

(11) To establish and maintain the Louisiana Animal Shelter Registry.

* * *

§2366. Louisiana Animal Shelter Registry

A. The legislature finds that the establishment and maintenance of a voluntary animal shelter registry will enable the Louisiana Animal Welfare Commission to carry out its duties.

B. As used in this Section, the following terms are defined as follows:

(1) “Commission” means the Louisiana Animal Welfare Commission.

(2) “Public animal shelter” means an animal shelter owned, operated, or designated for the purpose of impoundment of animals by any parish, municipality, or other subdivision of the state.

C. The commission shall establish and maintain a registry for animal shelters called the Louisiana Animal Shelter Registry.

D. On or before the first day of February of each calendar year, each parish governing authority may submit to the commission a list of all public animal shelters located within the parish’s jurisdiction. The list shall include:

(1) The name, physical address, mailing address, contact number, and email address of the public animal shelter.

(2) The name, physical address, mailing address, contact number, and email address of the operator of the public animal shelter.

(3) The name and contact information for the parish or municipal animal control officer.

(4) The hours of operation.

E. On or before the first day of February of each calendar year, each public animal shelter may submit the following to the commission:

(1) The Basic Animal Data Matrix, submitted as “transparent” data, to the Shelter Animals Count database found at <http://www.shelteranimalscount.org>. Public animal shelters may submit the matrix electronically through this website or fill it out manually and mail it to the commission, which will input the data on behalf of the shelter.

(2) A brief narrative description, not to exceed two pages of twelve point font, of how the animal shelter is ensuring compliance with the provisions of R.S. 3:2461 et seq. and R.S. 3:2471 et seq.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 382

SENATE BILL NO. 222
BY SENATOR CLAITOR
AN ACT

To enact R.S. 44:4(51) and (52), relative to public records; to provide for the application of the public records law; to provide exceptions from the public records law for certain records of the State Licensing Board for Contractors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 44:4(51) and (52) are hereby enacted to read as follows:
§4. Applicability
This Chapter shall not apply:

* * *

(51) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody of the State Licensing Board for Contractors concerning the fitness of any person to receive or continue to hold a license issued by the board. However, any such record may be released to the public in an administrative proceeding before the board, and any final

determination made by the board relative to the fitness of any person to receive or to continue to hold a license issued by the board and any legal grounds upon which such determination is based shall be a public record.

(52) To any portion of an examination administered or to be administered by the State Licensing Board for Contractors, or to any answers for such an examination administered or to be administered by the board. However, any person who has taken an examination administered by the board may inspect his examination.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 383

SENATE BILL NO. 224
BY SENATOR CLAITOR
AN ACT

To repeal R.S. 17:1803, relative to parking violations on public college and university campuses; to eliminate provisions of law governing certain fines that have been ruled unconstitutional; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1803 is hereby repealed.

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

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 384

SENATE BILL NO. 236
BY SENATOR BARROW
AN ACT

To amend and reenact R.S. 28:53(G)(7)(c)(i) and to enact R.S. 28:53(G)(8), relative to mental health law; to provide relative to examination, admission, commitment, and treatment of persons suffering from mental illness and substance abuse; to provide with respect to admission by emergency certificate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(G)(7)(c)(i) is hereby amended and reenacted and R.S. 28:53(G)(8) is hereby enacted to read as follows:

§53. Admission by emergency certificate; extension; payment for services rendered

* * *

* * *

G.(1)

(7) As it relates to the parish of St. Tammany, all of the following shall apply:

* * *

(c)(i) When a patient is transferred from another parish pursuant to an emergency certificate, a second physician’s emergency certificate ~~may, when appropriate, shall~~ be executed by a physician at the admitting facility.

* * *

(8) As it relates to the parishes of East Baton Rouge, Jefferson, Orleans, and Ouachita, the following shall apply:

(a) When a patient is transferred from another parish pursuant to an emergency certificate, a second physician’s emergency certificate, when appropriate, shall be executed by a physician at the admitting facility.

(b) The coroner shall be notified immediately following the execution of the second emergency certificate and shall conduct an independent examination within seventy-two hours as provided in Paragraph (2) of this Subsection, in the manner provided in accordance with Subparagraph (G)(7)(a) of this Section.

(c) Nothing herein shall be construed to authorize a period of commitment to exceed fifteen days from the date and time the initial emergency certificate was executed in the parish of origin.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 385

SENATE BILL NO. 238
BY SENATOR THOMPSON
AN ACT

To enact R.S. 40:2009.10.1, relative to investigations by the Department of Health and Hospitals; to provide for provider communication opportunities; to provide for notice; to provide for time limitations on violation issuance; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.10.1 is hereby enacted to read as follows:

§2009.10.1. Immediate jeopardy violations in a licensed nursing home

A. Except as otherwise provided in Subsection C of this Section, if the Department of Health and Hospitals identifies an immediate jeopardy violation during the course and scope of a survey of a licensed nursing home, the department shall notify the administrator or his designee of such violation and make available an opportunity to speak via telephone with a department supervisor prior to the surveyor's exiting the facility if the survey is conducted during regular working hours. If the survey is conducted during a time not considered regular working hours, the administrator shall have the opportunity to speak with a department supervisor during the next business morning.

B. If an immediate jeopardy violation is noted, the department shall present the administrator or his designee with a warning that immediate action is required to remedy the violation and preserve appeal rights as significant fines may be imposed by the Centers for Medicare and Medicaid Services. The warning notice shall be clear and in writing in a standard form developed by the department that includes an explanation of the basis for the citation.

C. If the department identifies an immediate jeopardy violation after the department surveyors have exited the licensed nursing home, the department shall notify the administrator or his designee of such violation by telephone, shall forward the notice described in Subsection B of this Section to the administrator or his designee via electronic or facsimile transmission, and shall provide an opportunity to speak via telephone with a department supervisor during the next business morning after such notification. Such notification shall be provided to the nursing home on an expedited basis.

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

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 386

SENATE BILL NO. 255
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 26:802(A)(4) and to enact R.S. 26:802(A)(15) and 813, relative to alcoholic beverages; to provide for business relations of wholesalers and suppliers; to provide for obligations of successors; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:802(A)(4) is hereby amended and reenacted and R.S. 26:802(A)(15) and 813 are hereby enacted to read as follows:

§802. Definitions

A. The following words or phrases, or the plural thereof, whenever they appear in this Chapter, unless the context clearly requires otherwise, shall have the meanings ascribed to them in this Section:

* * *

(4) "Commissioner" means the commissioner of ~~alcoholic beverage control~~ **the office of alcohol and tobacco control.**

* * *

(15) "Successor" means a person who replaces a supplier, importer, broker, or wholesaler with regard to the right to manufacture, sell, distribute, broker, or import a brand or brands of beer or light wine.

* * *

§813. Obligations of Successor

A successor shall become obligated to all the terms and conditions of the agreement in effect on the date of succession. This Section shall be applicable regardless of the character or form of the succession. A successor has the right to contractually require its wholesalers to comply with standards of performance, if standards are uniformly established and enforced for all of the successor's similarly situated wholesalers and conform to the provisions of this Chapter.

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 387

SENATE BILL NO. 320
BY SENATORS MORRELL, BARROW AND COLOMB AND
REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 46:1844(G), relative to rights of crime victims and witnesses; to provide for the rights of family of crime victims; to provide for designated courtroom seating; to provide for separation of certain individuals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(G) is hereby amended and reenacted to read as follows:

§1844. Basic rights for victim and witness

* * *

G. The victim and witness in the court setting. The court shall provide, whenever possible, a secure waiting area during court proceedings which does not require victims, witnesses, or ~~homicide~~ victims' families to be in close proximity to the defendants, or their families or friends, and shall provide a secure waiting area in cases involving violent crimes. **Upon request of a victim, victim's family, or witness, the court shall also provide, whenever possible, designated seating in a courtroom for victims, victims' families, and witnesses separate from defendants, defendants' families, or witnesses for defendants. The designated seating area should be positioned, whenever possible, in the courtroom in a way that does not require victims, victims' families, and witnesses to be in close proximity to defendants, defendants' families, or witnesses for defendants.**

* * *

Section 2. This Act shall be known and may be referred to as "The Jason Fourmy Act".

Approved by the Governor, June 5, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 388

SENATE BILL NO. 329
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 17:5024(A), relative to the academic requirements for the Taylor Opportunity Program for Students; to increase the minimum cumulative grade point average required for certain awards; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5024(A) is hereby amended and reenacted to read as follows:

§5024. Academic requirements

A.(1) Except as otherwise provided by this Subsection, students shall meet the following minimum grade point average requirements, calculated on a 4.00 scale using only the grades obtained by the student in completing the core curriculum requirements established by this Chapter, for the respective awards:

(a) For an Opportunity Award, a minimum cumulative grade point average of 2.50.

(b) For a Performance Award, a minimum cumulative grade point average of ~~3.00~~ **3.25.**

(c) For an Honors Award, a minimum cumulative grade point average of ~~3.00~~ **3.50.**

(d) For a TOPS-Tech Award, a minimum cumulative grade point average of 2.50.

(2)(a) For a student who graduated prior to the 2002-2003 school year, the minimum cumulative grade point average shall be calculated by using the grades obtained by the student in completing all classes taken.

(b) For a student who graduated prior to the 2007-2008 school year, the minimum cumulative high school grade point average necessary for such students ~~student~~ to be eligible for an initial a Performance Award or Honors Award shall be 3.50 on a 4.00 scale.

(c)(i) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for an Opportunity Award shall be 2.50 on a 4.00 scale.

(ii) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for a Performance Award shall be 3.00 on a 4.00 scale.

(iii) For a student who graduated during or after the 2007-2008 school year but prior to the 2020-2021 school year, the minimum cumulative high school grade point average necessary for such student to be eligible for an Honors Award shall be 3.00 on a 4.00 scale.

(3)(a) The calculation of the minimum cumulative grade point average specified in Paragraph (1) of this Subsection shall utilize a five-point scale for grades earned in certain Advanced Placement courses, International Baccalaureate courses, gifted and talented courses, honors courses, articulated courses for college credit, and dual enrollment courses as

approved by the Board of Regents and the State Board of Elementary and Secondary Education, which may result in a student earning a cumulative grade point average that exceeds 4.00. For such courses, five quality points shall be assigned to a letter grade of “A”, four quality points shall be assigned to a letter grade of “B”, three quality points shall be assigned to a letter grade of “C”, two quality points shall be assigned to a letter grade of “D”, and zero quality points shall be assigned to a letter grade of “F”.

(b) The provisions of Subparagraph (a) of this Paragraph do not apply to students who graduated prior to the 2017-2018 school year.

* * *

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

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 389

SENATE BILL NO. 334
BY SENATOR CLAITOR
AN ACT

To amend and reenact Code of Criminal Procedure Articles 413(B) and 414(B), and to repeal R.S. 15:114 and Code of Criminal Procedure Articles 412 and 414(C), relative to grand juries; to provide relative to jury venire and subpoena; to provide relative to the impaneling of grand juries; to provide relative to the time for impaneling grand juries; to provide relative to grand jury rotation and selection; to remove certain provisions of law that were declared unconstitutional relative to grand juries in Orleans Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 413(B) and 414(B) are hereby amended and reenacted to read as follows:

Art. 413. Method of impaneling of grand jury; selection of foreman

* * *

B. The sheriff or his designee, or the clerk or a deputy clerk of court, or ~~in Orleans Parish~~ the jury commissioner shall draw indiscriminately and by lot from the envelope containing the remaining names on the grand jury venire a sufficient number of names to complete the grand jury. The envelope containing the remaining names shall be replaced into the grand jury box for use in filling vacancies as provided in Article 415. The court shall cause a random selection to be made of one person from the impaneled grand jury to serve as foreman of the grand jury.

* * *

Art. 414. Time for impaneling grand juries; period of service

* * *

B. ~~In parishes other than Orleans, the~~ **The** court shall fix the time at which a grand jury shall be impaneled, but no grand jury shall be impaneled for more than eight months, nor less than four months, except in the parish of Cameron in which the grand jury may be impaneled for a year.

* * *

Section 2. R.S. 15:114 is hereby repealed in its entirety.

Section 3. Code of Criminal Procedure Articles 412 and 414(C) are hereby repealed in their entirety.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 390

SENATE BILL NO. 350
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 40:39.1(B)(1), relative to vital records; to provide for issuance of birth records or death certificates; to provide for payment of fees for these certificates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:39.1(B)(1) is hereby amended and reenacted to read as follows:

§39.1. Certified copies of birth certificates and death certificates; clerks of district courts and the Second City Court of the city of New Orleans; Vital Records Conversion Fund

* * *

B.(1) The clerk of district court in each parish and the clerk of the Second City Court of the city of New Orleans may issue certified copies of short-form birth certificate cards and long-form birth certificates and death certificates in accordance with rules promulgated pursuant to Subsection A of this Section. In addition to fees collected for issuance of a birth record or death certificate as provided in R.S. 40:40, the clerk of court shall collect a

fee of five dollars for a short-form birth certificate and ~~nine~~ **nineteen** dollars for a long-form birth certificate or a death certificate.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 391

SENATE BILL NO. 363
BY SENATOR APPEL
AN ACT

To amend and reenact R.S. 13:994(A), relative to the judicial expense fund for the Twenty-Fourth Judicial District; to increase certain fees and costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:994(A) is hereby amended and reenacted to read as follows:

§994. Judicial expense fund for ~~Twenty-fourth~~ **Twenty-Fourth** Judicial District; established

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Twenty-Fourth Judicial District shall collect from every person filing any type of civil suit or proceeding and who is not otherwise exempted by law from the payment of court costs, a sum to be determined by the judges of said district, sitting en banc, which sum shall not exceed ~~fifteen~~ **thirty-five** dollars, subject, however, to the provisions of Louisiana Code of Civil Procedure, Article 5181, et seq.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 392

SENATE BILL NO. 382
BY SENATORS THOMPSON, ALLAIN, FANNIN, LONG AND JOHN SMITH
AN ACT

To enact R.S. 3:1434(6) and 1450, relative to the regulation of seeds; to prohibit local governmental entities and other local governing authorities from regulating the registration, distribution, sale, or planting of seeds; to provide for the powers of the commissioner of agriculture and forestry; to provide for the duties of the Agricultural Chemistry and Seed Commission; to provide for a process for amending department rules and regulations; to require ordinance and restriction approval by the commissioner; to provide for adjudicatory proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1434(6) and 1450 are hereby enacted to read as follows:

§1434. Powers and duties of the commissioner

The commissioner shall:

* * *

(6) Have exclusive jurisdiction and authority over all matters related to the regulation of seeds.

* * *

§1450. Local regulations

A. The regulation of seeds is preempted by this Part. No municipality, parish, local governmental entity, or governing authority of any public or private group or association having jurisdiction over a specific geographic area shall enact ordinances or subdivision restrictions or regulations regarding seeds that in any way affect the registration, distribution, sale, or planting of seeds, except as provided for in this Section.

B. Municipalities, parishes, local governmental entities, or governing authorities of any public or private group or association may request that a department rule or regulation applicable to the registration, distribution, sale, or planting of seeds be amended to provide for specific problems encountered in or by the entity, group, or association. The following provisions shall govern any such request:

(1) The request shall be addressed to the commissioner and referred to the commission for a hearing.

(2) The commission shall make a preliminary determination as to whether the department rule or regulation should be amended and shall transmit its determination to the commissioner.

(3) Upon receipt of the commission's preliminary determination, the commissioner shall make a final determination as to whether the department rule or regulation should be amended.

(4) If the commissioner determines that the department rule or regulation should be amended, the commission shall adopt a rule or regulation consistent with the commissioner's determination. If the commissioner determines that

the department rule or regulation should not be amended, a written notice of his decision shall be provided to the requesting party.

C. Municipalities, parishes, and local governmental entities shall petition the commissioner for approval of any ordinance applicable to the registration, distribution, sale, or planting of seeds. The governing authority of a public or private group or association shall petition the commissioner for approval of any subdivision restriction or regulation applicable to the registration, distribution, sale, or planting of seeds. The procedure for obtaining such approval shall be as follows:

(1) The proposed ordinance or subdivision restriction or regulation shall be sent to the commissioner and referred to the commission for a hearing.

(2) The commission shall make a preliminary determination as to the approval or disapproval of the proposed ordinance or subdivision restriction or regulation and shall transmit its determination to the commissioner.

(3) Upon receipt of the commission's preliminary determination, the commissioner shall approve or disapprove the proposed ordinance or subdivision restriction or regulation.

(4) The requesting party shall be notified of the commissioner's decision in writing.

(5) Any governing authority aggrieved by a final decision of the commissioner shall have a right to judicial review of the administrative process pursuant to the Administrative Procedure Act.

D. Municipalities, parishes, local governmental entities, and governing authorities of a public or private group or association, having in effect, on July 1, 2016, an ordinance or subdivision restriction or regulation affecting the registration, distribution, sale, or planting of seeds shall submit the ordinance or subdivision restriction or regulation to the commissioner on or before December 1, 2016, for approval pursuant to the provisions of this Section. Any such ordinance or subdivision restriction or regulation received by the commissioner on or before December 1, 2016, shall continue in full force and effect, unless the commissioner disapproves the ordinance or subdivision restriction or regulation in accordance with the provisions of this Section. Any such ordinance or subdivision restriction or regulation not received by the commissioner on or before December 1, 2016, shall be void.

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

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 393

SENATE BILL NO. 391
BY SENATOR ERDEY
AN ACT

To enact R.S. 49:214.6.8(B)(1)(s), relative to the Coastal Louisiana Levee Consortium; to add a member to the consortium; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.6.8(B)(1)(s) is hereby enacted to read as follows:
§214.6.8. Coastal Louisiana Levee Consortium; establishment; purposes

* * *

B.(1) The members of the consortium shall consist of the director, general manager, or president, or their designee, of each board of commissioners of a coastal levee district or flood protection authority, including the following:

* * *

(s) Livingston Parish president.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 394

SENATE BILL NO. 444
BY SENATOR ERDEY
AN ACT

To enact R.S. 32:412(N) and R.S. 40:1321(O), relative to the drivers' licenses and special identification cards; to provide for "100% DAV" designation on a Louisiana driver's license and special identification card; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:412(N) is hereby enacted to read as follows:

§412. Amount of fees; credit or refund; duration of license; veteran designation; **disabled veteran designation**; university logo; "I'm a Cajun" designation; disbursement of funds; renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses; disposition of certain fees; exception

* * *

N. Upon request, the words "100% DAV" shall be exhibited in the color black below the person's photograph on the driver's license regardless of its class, upon presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense or equivalent, and presentation of one hundred percent disabled veteran status as determined by the United States Department of Veterans Affairs, as established by administrative rule. No additional fee shall be charged to include such designation. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish rules and regulations as are necessary to implement the provisions of this Subsection.

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

§1321. Special identification cards; issuance; veteran designation; **disabled veteran designation**; university logo; "I'm a Cajun" designation; fees; expiration and renewal; exceptions; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

* * *

O. Upon request, the words "100% DAV" shall be exhibited in the color black below the person's photograph on a special identification card upon presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense, or equivalent, and presentation of one hundred percent disabled veteran status as determined by the United States Department of Veterans Affairs, as established by administrative rule. No additional fee shall be charged to include such designation. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish rules and regulations as are necessary to implement the provisions of this Subsection.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 395

SENATE BILL NO. 468

(Substitute of Senate Bill No. 191 by Senator Johns)

BY SENATORS JOHNS, BARROW, COLOMB AND MIZELL AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BOUIE, TERRY BROWN, CARPENTER, GARY CARTER, CONNICK, DAVIS, DEVILLIER, EDMONDS, EMERSON, FALCONER, GISCLAIR, GUINN, HAVARD, HILL, HODGES, HOFFMANN, HORTON, IVEY, JACKSON, MIKE JOHNSON, NANCY LANDRY, LEBAS, LEGER, MACK, GREGORY MILLER, MONToucET, MORENO, JAY MORRIS, NORTON, REYNOLDS, SMITH, STOKES, WHITE, WILLMOTT AND ZERINGUE

AN ACT

To amend and reenact R.S. 26:90(E) and 286(E), relative to holders of alcohol retail dealer's permits for beverages of high alcoholic content; relative to holders of alcohol retail dealer's permits for beverages of low alcoholic content; to provide for live entertainment; to provide for age restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:90(E) and 286(E) are hereby amended and reenacted to read as follows:

§90. Acts prohibited on licensed premises; suspension or revocation of permits

* * *

E. Subject to the provisions of Subsection D of this Section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least three feet from the nearest patron **and shall be twenty-one years of age or older.**

* * *

§286. Acts prohibited on licensed premises; suspension or revocation of permits

* * *

E. Subject to the provisions of ~~Subparagraph (b)(i)~~ of Subsection D of this Section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least three feet from the nearest patron **and shall be twenty-one years of age or older.**

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 396

SENATE BILL NO. 291

BY SENATORS MILLS, BARROW, BOUDREAUX, BROWN, COLOMB, DONAHUE, GATTI, LAFLEUR, LONG, MILKOVICH, MORRELL, PEACOCK, PETERSON AND TARVER

AN ACT

To amend and reenact R.S. 37:2418(B) and the introductory paragraph of 2418(C) and 2420(B) and (C), relative to the practice of physical therapy; to authorize implementation of physical therapy services in certain circumstances; to provide for disciplinary action; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2418(B) and the introductory paragraph of 2418(C) and 2420(B) and (C) are hereby amended and reenacted to read as follows:

§2418. Authority to practice as a physical therapist or physical therapist assistant

~~B.(1) Without prescription or referral, a physical therapist may perform an initial evaluation or consultation of a screening nature to determine the need for physical therapy and may perform physical therapy or other services provided in Subsection C of this Section. However, implementation of physical therapy treatment shall otherwise be based on the prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic.~~

~~(2)(a) For the treatment of a condition within the scope of physical therapy, other than under the circumstances provided for in Subsection C of this Section, a physical therapist may implement physical therapy treatment with or without a prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic if the physical therapist meets one of the following criteria:~~

~~(i) The physical therapist has a doctorate degree in physical therapy from an accredited institution.~~

~~(ii) The physical therapist has five years of licensed clinical practice experience.~~

~~(b) If, after thirty calendar days of implementing physical therapy treatment pursuant to this Paragraph, the patient has not made measurable or functional improvement, the physical therapist shall refer the patient to an appropriate healthcare provider. The board shall take appropriate disciplinary action against any physical therapist who fails to refer a patient pursuant to this Paragraph.~~

~~(3) No physical therapist shall render a medical diagnosis of a disease.~~

~~(4)(a) The provisions of this Section shall not be construed to have any effect on the provisions of R.S. 23:1121 or R.S. 23:1203.1.~~

~~(b) The provisions of this Section shall not be construed to have any effect on the monetary limit provided for in R.S. 23:1142.~~

~~C. Except as to an initial evaluation or consultation, as provided in Subsection B of this Section, physical Physical therapy services may be performed without a prescription or by referral only under any of the following circumstances:~~

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 6, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 397

HOUSE BILL NO. 245

BY REPRESENTATIVES MARCELLE AND CARPENTER AND SENATOR COLOMB

AN ACT

To amend and reenact R.S. 32:8(A)(3) and (B) and to enact R.S. 32:429.4 and R.S. 47:1676(L), relative to monies owed to the office of motor vehicles; to authorize the office of motor vehicles to enter into installment agreements with persons for payment of outstanding fines, penalties, and fees; to authorize the office of motor vehicles to register motor vehicles and issue driving privileges to persons during the term of such installment agreements; to authorize the promulgation of rules and regulations; to provide for definitions; to authorize third parties to administer such installment agreements; to authorize a third party to charge and collect certain fees for the administration of such installment agreements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:8(A)(3) and (B) are hereby amended and reenacted and R.S. 32:429.4 is hereby enacted to read as follows:

§8. Final delinquent debt; office of motor vehicles

A. For purposes of this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

(3) “Final debt” means the amount due is no longer negotiable and that the debtor has no further right of administrative and judicial review.

B. The office of motor vehicles shall refer ~~a~~ a final delinquent debts debt for which a debtor has not entered into an installment agreement for payment to the office of debt recovery as provided in R.S. 47:1676. Final delinquent debt referrals shall include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the office of motor vehicles prior to being referred to the office of debt recovery. Once the delinquent debt becomes final, and prior to referral to the office of debt recovery, the office of motor vehicles shall notify the debtor in writing that failure to pay the debt in full within sixty days shall subject the debt to the maximum amount owed together with the additional fee collected by the office of debt recovery provided for in R.S. 47:1676. Such notice shall also inform the debtor that he may qualify to pay sums due by installment agreement, if eligible, and shall include instructions on how to inquire with the office of motor vehicles to determine eligibility and terms.

§429.4. Installment agreement; outstanding penalties, fines, and fees owed to the office of motor vehicles

A. Installment agreements and eligibility. (1)(a) All outstanding penalties, fines, and fees owed to the Department of Public Safety and Corrections, office of motor vehicles, hereinafter referred to as the “office of motor vehicles”, shall be paid no later than the date allowed by law. However, the office of motor vehicles shall enter into installment agreements, as authorized by this Section, with eligible persons for payment of their outstanding fines, penalties, and fees owed to the office of motor vehicles. All notices of any outstanding fines, penalties, and fees owed to the office of motor vehicles shall inform the debtor that he may qualify to pay sums due by installment agreement, if eligible, and shall include instructions on how to inquire with the office of motor vehicles to determine eligibility and terms.

(b) An installment agreement shall not be used to pay sales or use taxes or related penalties and interest, vehicle registration license taxes, or titling fees when submitting a transaction to title or register a motor vehicle. However, if the office of motor vehicles has previously sent a notice to the debtor that the payment made on a motor vehicle title or registration transaction was dishonored by a bank processing the transaction, the office of motor vehicles may accept an installment agreement to collect that dishonored payment in addition to any outstanding fees, penalties, or interest that may be added to the total due to the dishonored payment.

(2) A debtor who owes the office of motor vehicles two hundred fifty dollars or more in outstanding fines, penalties, or fees, or any combination thereof, is eligible to pay such amounts by means of an installment agreement with the office of motor vehicles, should all of the following conditions be met:

(a) All conditions of reinstatement other than payment of outstanding fines, penalties, and fees owed to the office of motor vehicles have been satisfied.

(b) A request for an installment agreement is made as required by and within the time provided for in the notice from the office of motor vehicles informing the debtor of any outstanding fines, penalties, and fees owed to the office of motor vehicles.

(3) Upon termination of an installment agreement executed pursuant to this Section, all outstanding amounts due under the installment agreement shall be final debt as defined by R.S. 32:8 or R.S. 47:1676. Any installment agreement entered into pursuant to this Section shall constitute a waiver by the debtor of any right to administrative or judicial review regarding sums due under an installment agreement. Any notices provided to a debtor who enters into an installment agreement pursuant to this Section shall constitute satisfaction of the notice requirements of R.S. 32:8 and R.S. 47:1676.

(4) Any installment agreement entered into by the office of motor vehicles and a debtor shall be in writing and signed by both parties. The office of motor vehicles shall develop an official form to be utilized for installment agreements authorized by this Section. Installment agreements not on this form shall be invalid.

B. Installment agreement payment schedule. Any installment agreement shall require a debtor to provide fixed and equal monthly payments in the following amounts, with the first payment due upon the execution of the agreement:

(1) If the debtor owes two hundred fifty dollars, the debtor shall pay six equal monthly installments.

(2) If the debtor owes from two hundred fifty-one dollars to seven hundred fifty dollars, the debtor shall pay twelve equal monthly installments.

(3) If the debtor owes from seven hundred fifty-one dollars to one thousand five hundred dollars, the debtor shall pay twenty-four equal monthly installments.

(4) If the debtor owes from one thousand five hundred one dollars to two thousand five hundred dollars, the debtor shall pay thirty-six equal monthly installments.

(5) If the debtor owes from two thousand five hundred one dollars to four thousand nine hundred ninety-nine dollars, the debtor shall pay forty-eight equal monthly installments.

(6) If the debtor owes five thousand or more, the debtor shall pay up to sixty monthly installment payments. However, the commissioner of the

office of motor vehicles may grant longer payment terms for amounts of five thousand dollars or more owed based on proof of income indicating a debtor's financial limitations to pay within sixty months.

C. Payments. (1) All installment agreement payments shall be made through an electronic automated transaction initiated by the office of motor vehicles or a third party on behalf of the office of motor vehicles. Such installment agreement payments may be made by bank draft, electronic funds transfer, or credit or debit card, including but not limited to reloadable prepaid credit or debit cards. All debtors shall provide necessary information for installment payments to be paid by bank draft, electronic funds transfer, or credit or debit cards.

(2) The debtor shall be issued a statement or receipt indicating the amount paid and the amount outstanding under the installment agreement each time an installment agreement payment is made.

(3) Prepayment of sums due on an installment agreement may be made without the imposition of a penalty.

D. Suspension of installment agreement. The commissioner of the office of motor vehicles may suspend an installment agreement executed pursuant to this Section for up to sixty days following a request by the debtor based upon good cause. Good cause shall be determined by the commissioner. During the term of the suspension of the installment agreement, no payments shall be accepted on the installment agreement. Payments shall resume upon the day following the last day of the suspension period. Any suspension of an installment agreement pursuant to this Subsection shall extend the term of the installment agreement by the length of any suspension. A debtor's driving privileges shall remain active during the suspension period unless otherwise blocked, revoked, or suspended.

E. Termination of installment agreement upon failure to make payment. (1) If any installment payment is not paid on or before the date fixed for its payment, the entire amount unpaid pursuant to the installment agreement shall be paid by the debtor within a sixty-day period from the date of notice and demand from the commissioner of the office of motor vehicles. The notice shall further advise the debtor that his driver's license shall be suspended upon the expiration of the sixty-day period if the payments due pursuant to the installment agreement are not made current within that sixty-day period or the agreement is not reinstated by the commissioner of the office of motor vehicles within that sixty-day period. This notice shall be known as "Notice of Installment Agreement Termination and Demand".

(2) The Notice of Installment Agreement Termination and Demand shall satisfy all notice requirements of R.S. 32:8 and R.S. 47:1676. In the event an installment agreement includes payment of delinquent or final debt as defined by R.S. 32:8, such notice shall include all information required by R.S. 32:8. In the event that an installment agreement includes payment of delinquent or final debt as defined by R.S. 47:1676, such notice shall include all information required by R.S. 47:1676. The notice required by this Paragraph shall satisfy the notice requirements of R.S. 32:8 and R.S. 47:1676.

(3) Upon request of the debtor within the sixty-day period from the date of the notice and demand required in Paragraph (1) of this Subsection and approval of the commissioner of the office of motor vehicles, the office of motor vehicles may reinstate the installment agreement after payment of the missed installment.

(4) If no request for reinstatement of an installment agreement is made within sixty days of the notice and demand required by Paragraph (1) of this Subsection, or if the commissioner of the office of motor vehicles rejects a request to reinstate an installment agreement, the installment agreement shall be terminated and any remaining sums due under the installment agreement shall be delinquent and final debt as defined by R.S. 32:8 or R.S. 47:1676 for which the following shall apply:

(a) For sums due which are not debt as defined by R.S. 32:8, the office of motor vehicles may refer any unpaid balance due under the installment agreement for collection by the appropriate office pursuant to R.S. 47:1676 and this Section.

(b) For sums due which are debt as defined by R.S. 32:8, the office of motor vehicles shall refer any unpaid balance due under the installment agreement to the Department of Revenue, office of debt recovery, for collection as provided in R.S. 32:8 and R.S. 47:1676.

F. Driving privileges and vehicle registration. (1) A debtor's Class "E" driving privileges and motor vehicle or truck registration privileges shall be reinstated when an installment agreement is executed by the debtor and the office of motor vehicles. All blocks on the debtor's license record shall be removed at that time. The office of motor vehicles may include the applicable fee for reinstatement of driving privileges in the total to be owed pursuant to an installment agreement entered into pursuant to this Section.

(2) If a debtor fails to timely make an installment payment and no request for reinstatement of the installment agreement is made following the commissioner's sending the Notice of Installment Agreement Termination and Demand, or the commissioner of the office of motor vehicles rejects a request to reinstate an installment agreement, the debtor's driving privileges and motor vehicle or truck registration privileges shall be suspended. The provisions of R.S. 32:414 shall apply with regard to judicial review of the suspension and reinstatement of the suspension.

G. Administration of installment agreements. (1) The Department of Public Safety and Corrections, public safety services, may authorize a third party, including but not limited to the Department of Revenue, office of debt recovery, to administer installment agreements executed pursuant to this Section. Such authorized third party may collect payments due pursuant

to installment agreements executed pursuant to this Section. Any such authorized third party shall be an authorized agent of the Department of Public Safety and Corrections, public safety services, and may collect the following fees for each transaction completed pursuant to this Section:

(a) A fee not to exceed three dollars for each payment made pursuant to an installment agreement.

(b) Fees authorized by R.S. 40:1322.

(c) Fees authorized pursuant to R.S. 49:316.1.

(2) The provisions of R.S. 47:1576.2 shall not apply to services provided by the Department of Revenue, office of debt recovery, pursuant to this Subsection.

(3) For purposes of this Section, the office of motor vehicles and the office of debt recovery shall not be considered a collection agency as defined in R.S. 9:3534.1.

H. The office of motor vehicles and the Department of Revenue, office of debt recovery, may adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Section 2. R.S. 47:1676(L) is hereby enacted to read as follows:

§1676. Debt recovery

* * *

L.(1) The terms "delinquent debt" and "final debt" as defined in this Section shall not apply to "debt" defined by R.S. 32:8(A)(1). For purposes of this Section, the terms "delinquent debt" and "final debt" as defined in R.S. 32:8 shall apply to "debt" defined by R.S. 32:8(A)(1).

(2) Debt, whether defined by R.S. 32:8(A)(1) or this Section, owed to the Department of Public Safety and Corrections, office of motor vehicles, which becomes delinquent debt, final debt, or final delinquent debt after the effective date of the Act which originated as House Bill No. 245 of the 2016 Regular Session of the Legislature and for which a debtor enters into an installment agreement with the office of motor vehicles to pay shall not be referred to the office of debt recovery or the office of the attorney general during the term of any such installment agreement.

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 8, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 398

HOUSE BILL NO. 266

BY REPRESENTATIVES MARCELLE, BAGNERIS, CARPENTER, COX, EMERSON, GAINES, HALL, JIMMY HARRIS, JACKSON, JAMES, JEFFERSON, JENKINS, TERRY LANDRY, LYONS, DUSTIN MILLER, NORTON, PIERRE, PRICE, RICHARD, SMITH, AND WHITE AND SENATORS BISHOP AND CARTER

AN ACT

To enact Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:1701, relative to state employment; to provide relative to the consideration of criminal history in unclassified employment; to prohibit certain conduct; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950, comprised of R.S. 42:1701, is hereby enacted to read as follows:

**CHAPTER 29. CONSIDERATION OF CRIMINAL HISTORY
IN STATE EMPLOYMENT**

§1701. Consideration of criminal history; prohibited acts

A. No state employer, when filling a position, may inquire, including without limitation on an initial application form, about a prospective employee's criminal history until after the prospective employee has been given an opportunity to interview for the position or, if no such interview is to be conducted, until after the prospective employee has been given a conditional offer of employment.

B. Nothing in this Section shall be construed to prohibit a state employer from considering the criminal history of a prospective employee in making the final determination of whether to employ the person. In considering the criminal history of the prospective employee, the state employer may consider the following:

- (1) The nature and gravity of the criminal conduct.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The specific duties and essential functions of the position and the bearing, if any, that the criminal conduct will have on the ability of the prospective employee to perform one or more of those duties or functions.

C. For purposes of this Section, "state employer" means any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

D. This Section applies to each position in the state unclassified service, except a position in law enforcement or corrections or a position for which a criminal background check is required by law.

Approved by the Governor, June 8, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 399

HOUSE BILL NO. 590
BY REPRESENTATIVE LEOPOLD
AN ACT

To enact Code of Evidence Article 412.4, relative to evidence of prior acts in domestic abuse cases; to provide that previous acts may be admissible as long as the probative value of the evidence outweighs any prejudicial effect it may have on the case; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 412.4 is hereby enacted to read as follows:

Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases, cruelty against juveniles cases

A. When an accused is charged with a crime involving abusive behavior against a family member, household member, or with acts which constitute cruelty involving a victim who was under the age of seventeen at the time of the offense, evidence of the accused's commission of another crime, wrong, or act involving assaultive behavior against a family member, or household member or acts which constitute cruelty involving a victim who was under the age of seventeen at the time of the offense, may be admissible and may be considered for its bearing on any matter to which it is relevant, subject to the balancing test provided in Article 403.

B. In a case in which the state intends to offer evidence under the provisions of this Article, the prosecution shall, upon request of the accused, provide reasonable notice in advance of trial of the nature of any such evidence it intends to introduce at trial for such purposes.

C. This Article shall not be construed to limit the admissibility or consideration of evidence under any other rule.

D. For purposes of this Article:

(1) "Abusive behavior" means any behavior of the offender involving the use or threatened use of force against the person or property of a family member or household member of the alleged offender.

(2) "Family member" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children.

(3) "Household member" means any person having reached the age of majority presently or formerly living in the same residence with the offender as a spouse, whether married or not, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Approved by the Governor, June 8, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 400

HOUSE BILL NO. 785
BY REPRESENTATIVE LEOPOLD
AN ACT

To enact R.S. 33:9099.3, relative to neighborhood districts; to provide for the creation of the neighborhood improvement and beautification districts in certain parishes; to provide relative to the purpose, governance, and funding of such districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9099.3 is hereby enacted to read as follows:

§9099.3. Neighborhood Improvement and Beautification Districts; certain parishes

A. The governing authority of any parish with a population of not less than two hundred seventy-five thousand persons and not more than four hundred forty-five thousand persons, according to the latest federal decennial census, may create, by ordinance, a neighborhood improvement and beautification district within any neighborhood located within the parish. The district shall be a special taxing district and a political subdivision as defined in the Constitution of Louisiana. The boundaries of the district shall be coterminous with the boundaries of the neighborhood.

B. The primary object and purpose of the district shall be to promote and encourage the improvement, beautification, and overall betterment of the neighborhood located within the boundaries of the district in order to add to the quality of life of district residents by maintaining property values, increasing the tax base, fostering economic growth, and providing for recreational activities.

C.(1) The parish governing authority shall provide, in the ordinance creating the district, for its name, boundaries, governance, and powers and duties, including the authority to impose taxes or fees on property located within the boundaries of the district. However, no tax or fee may be imposed within the district until after the question of its imposition, including its purpose, rate, and duration, has been approved by a majority of the qualified

electors of the district who vote on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(2) The parish governing authority may grant to the district the power to perform any function which it deems appropriate for achieving the purpose of the district, including the acquisition of property located within the boundaries of the district. However, the district shall not be authorized to acquire property by expropriation.

D.(1) Any district created pursuant to this Section shall be subject to audit in accordance with the provisions of R.S. 24:513.

(2) The funds of the district shall not be used for the improvement and maintenance of a security wall around the neighborhood, provision and maintenance of guardhouses, or provision and improvement of security patrols in the area.

Approved by the Governor, June 8, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 401

HOUSE BILL NO. 940
BY REPRESENTATIVE GAINES
AN ACT

To enact R.S. 17:3351(J), relative to public postsecondary education; to require certain public postsecondary management boards to ensure that student identification cards issued by institutions under their jurisdiction contain specified elements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

J. Each public postsecondary management board except for the Board of Supervisors of Community and Technical Colleges shall ensure that a student identification card issued by a public postsecondary education institution under its jurisdiction contains each required element for a generally recognized picture identification card specified in R.S. 18:562(A)(2) and an expiration date. The expiration date shall be four years subsequent to the date of issuance of the student identification card or the anticipated graduation date of the student, whichever date occurs first.

Section 2. The provisions of this Act shall be implemented in the issuance of new cards after the effective date of this Act; no institution shall be required to reissue otherwise valid identification cards solely for the purposes of compliance with this Act.

Section 3. The provisions of this Act shall become effective on January 1, 2019.

Approved by the Governor, June 8, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 402

HOUSE BILL NO. 1002
BY REPRESENTATIVE MONToucET
AN ACT

To amend and reenact R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1) (a), (b), and (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) and to enact R.S. 46:121(5), relative to the Louisiana Military Family Assistance Fund; to provide for eligibility of benefits for certain honorably discharged military personnel; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) are hereby amended and reenacted and R.S. 46:121(5) is hereby enacted to read as follows:

§121. Definitions

For purposes of this Part, the following terms shall be defined as follows:

* * *

(4) "Honorably discharged active-duty military personnel" means a person domiciled in Louisiana who was on full-time active duty in the military service of the United States and received an honorable discharge.

(5) "Veteran" means any servicemember of the United States Armed Forces who has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he or she was ordered to active duty, other than active duty for training, and received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and has been discharged under the specific authority of 10 U.S.C. 1171 or 10 U.S.C. 1173, or has been determined to have a compensable service-connected disability.

(c) Has received a discharge with less than ninety days of service for a service-connected disability.

§122. Louisiana Military Family Assistance Fund

* * *

B. The money in the fund shall be used solely for the following purposes:
(1) To pay need-based claims of family members of activated military personnel or honorably discharged active-duty military personnel as authorized by the Louisiana Military Family Assistance Board in the manner provided for in R.S. 46:123.

§123. Louisiana Military Family Assistance Board

B.(1) The board shall establish rules for the implementation of this Part and proper adjudication of need-based claims submitted by families of activated military personnel or honorably discharged active-duty military personnel. The rules shall provide the procedures for determination and consideration of claims and appeals, application forms and claims documentation, requirements, limitations, definitions, and such other matters as the board deems necessary and appropriate to carry out the provisions of this Part and ensure the availability of funds and appropriate disbursement to claimants.
(2) Such rules shall establish a maximum dollar amount that may be awarded on behalf of an activated military person or an honorably discharged active-duty military person for a need-based claim per twelve-month period. Such maximum shall apply per active duty order.

D.(1) The board shall meet as necessary to review claims adjudicated by the third party administrator and make the following determinations:
(a) That all awards are on behalf of activated military personnel or honorably discharged active-duty military personnel as defined in this Part.
(b) That all awards are made pursuant to a claim by family members of activated military personnel or honorably discharged active-duty military personnel as defined in this Part or by the activated military person or honorably discharged active-duty military person himself.
(c) That all awards are need-based. Claims may be considered need-based if all of the following apply:

(iii) The undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.

E. A claim of an activated military person or honorably discharged active-duty military personnel or their family member may be denied if the activated military person or honorably discharged active-duty military person is not in good standing with the appropriate military unit at the time the application is submitted or the claim payment is made.

G.(1) In extenuating circumstances as defined by rule by the board, an activated military person or honorably discharged active-duty military person, or his family, may be awarded an additional one-time lump sum award for a service related death or injury with a greater than fifty percent residual disability. The board shall provide by rule for a uniform lump sum amount for such award, which shall not exceed two thousand five hundred dollars.
(2) Family members of activated military personnel or honorably discharged active-duty military personnel who are listed as missing in action or prisoner of war by the U.S. Department of Defense shall also be eligible for this lump sum award.

K.
(2) The identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be confidential unless waived. The filing of an appeal before the board shall be considered a waiver.
(3) Although confidential, records relating to applications and the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports and such parties as necessary for prudent administration of the program and verification of elements of application.
(4) Once a claim is approved, the identity of the claimant and their related activated military personnel or honorably discharged active-duty military personnel and the amount approved shall be public record.

Approved by the Governor, June 8, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 403

HOUSE BILL NO. 1042
BY REPRESENTATIVE BAGLEY
AN ACT

To amend and reenact R.S. 33:2933(A)(1), (D), and (E) and to enact R.S. 33:2933(A)(3), relative to electronic payments; to authorize certain local and private entities to accept electronic payments for local charges; to

authorize such entities to assess a fee for processing such payments; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:2933(A)(1), (D), and (E) are hereby amended and reenacted and R.S. 33:2933(A)(3) is hereby enacted to read as follows:
§2933. Payments by approved credit and debit cards; authorizations; contracts; fees

A. As used in this Section:
(1) “Local entity” means any parish, municipality, or other political subdivision of the state created by law. The term also means clerks of court, sheriffs, district attorneys, and assessors.

(3) “Third party solution” means a company that provides a software application, a gateway, or both, to capture credit card and other forms of electronic payments for processing by a merchant services acquirer.

D. A local entity exercising the authority granted by this Section shall designate the credit cards, debit cards, or similar payment devices that it will accept to receive payment of any local charges. It shall from time to time, but at least annually, publish a list of approved credit and debit cards by which any unit of the local entity may accept payment of any local charge the local entity may collect. A local entity may negotiate and enter into all contracts, for periods not to exceed five years, with providers of such cards or devices, including master or statewide financial providers, third party processors, third party solutions, or providers for ~~Internet internet~~ and other similar use and payment acceptance using such cards or devices.
E.(1) A local entity exercising the authority granted by this Section shall establish procedures and guidelines for the approval and operation of any cards or devices, and fix applicable processing fees, pursuant to this Section.
(2) A third party solution may establish and assess a fee for processing a local charge. The fee shall be paid to the third party solution by the payor and shall not be considered a local charge as provided in this Section. The amount of the fee shall be disclosed to the payor before the transaction is completed.

Approved by the Governor, June 8, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 404

SENATE BILL NO. 420
BY SENATOR THOMPSON
AN ACT

To enact R.S. 17:195.1, relative to school nutrition programs; to require the State Board of Elementary and Secondary Education to develop and implement a farm to school program to promote the use of locally grown and raised agricultural products in school nutrition programs; to provide for the duties and responsibilities of the state Department of Education and the Department of Agriculture and Forestry with respect to the program; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:195.1 is hereby enacted to read as follows:
§195.1. Louisiana Farm to School Program
A. The legislature finds that:

(1) Farm to school programs increase student access to healthy, locally grown fruits, vegetables, and other agricultural products.
(2) A state farm to school program will link Louisiana schools and farmers in order to provide school children with fresh and minimally processed agricultural products for inclusion in school meals and snacks, promote healthy eating habits, and increase the market for locally produced fruits, vegetables, and other agricultural products.
(3) Farm to school programs increase student awareness of the importance of agricultural activities through active learning opportunities such as farm visits, cooking demonstrations, tasting demonstrations, and school gardening and composting programs, and integrate nutrition and agricultural education into the school curriculum.
B.(1) The Board of Elementary and Secondary Education, in collaboration with the Department of Agriculture and Forestry, shall develop and implement a farm to school program, to be administered by the state Department of Education, for the purpose of assisting schools and school food service personnel to identify and utilize all available resources to support and increase the use of locally grown or raised agricultural products in school nutrition programs.
(2) The Department of Education and the Department of Agriculture and Forestry shall collaboratively:
(a) Provide an inventory of farming operations throughout the state by region that links schools and school districts with farmers through the use of the LSU AgCenter’s membership in the MarketMaker network.
(b) Provide guidance to local schools to develop relationships with local farmers to support requests that specific crops be produced for use in school nutrition programs.
(c) Encourage schools and school districts to include local farmers, food processors, and suppliers when procuring food products that fall under the Federal Small Purchase Threshold set by 41 U.S.C. 403(11).

(d) Disseminate specific farm to school procurement guidelines for farmers and schools regarding contracting with schools and school districts and school food safety and liability insurance requirements.

(e) Disseminate information to schools and school districts regarding the proper equipment required to prepare and process fresh food onsite.

(f) Create a plan to integrate classroom and hands-on activities related to agriculture, food, health, and nutrition into the school curricula.

(g) Develop a Louisiana Farm to School Handbook to provide guidance and resources to schools and farmers and other producers of agricultural products to promote the use of local and regionally produced foods in school nutrition programs and to develop and implement a successful farm to school program.

C. The state Department of Education and the state Department of Agriculture and Forestry shall consult with the Louisiana State University Agricultural Center, the Southern University Agricultural Center, the Louisiana Farm to School Alliance, and any other appropriate resource or stakeholder group in implementing the provisions of this Section.

D. Implementation of the provisions of this Section shall be subject to the appropriation of funds by the legislature or the availability of any other federal funding, grants, gifts, or public or private donations which may be used for coordination of resources for the farm to school program.

Section 2. This act shall be known and may be cited as the Louisiana Farm to School Program Act.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 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 8, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 405

SENATE BILL NO. 476
(Substitute of Senate Bill No. 132 by Senator Martiny)
BY SENATOR MARTINY
AN ACT

To enact R.S. 22:1055, relative to the requirement for health insurance coverage of diagnosis and treatment for temporomandibular joint and associated musculature and neurology; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1055 is hereby enacted to read as follows:

\$1055. Requirement for coverage of diagnosis and treatment for temporomandibular joint and associated musculature and neurology

A. Every hospital, health, or medical expense insurance policy in the large group market as defined in R.S. 22:1091(B), delivered or issued for delivery in this state shall include coverage for diagnostic, therapeutic, or surgical procedures related to the temporomandibular joint (TMJ) and associated musculature and neurological conditions. This Section shall not apply to coverage provided by the Office of Group Benefits.

B. The coverage for diagnostic, therapeutic, or surgical procedures related to temporomandibular joint and associated musculature and neurological conditions shall be subject to the same conditions, limitations, precertification, prior authorization, referral procedures, copayment, and coinsurance provisions that apply to coverage for diagnostic, therapeutic, or surgical procedures involving other bones or joints of the human skeleton.

C. The provisions of this Section shall apply to all new policies, plans, certificates, and contracts issued on or after January 1, 2018. Existing policies, plans, certificates, and contracts shall include the coverage required by this Section on renewal thereof, but in no case later than January 1, 2019.

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 8, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 406

HOUSE BILL NO. 204
BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact R.S. 38:2212(B)(3)(b), relative to the submission of documents to Jefferson Parish as required by the Public Bid Law; to require all bidders bidding on public works for Jefferson Parish to submit certain forms prior to the opening of public bids; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(B)(3)(b) is hereby amended and reenacted to read as follows:

§2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions

* * *

B.

* * *

(3)

* * *

(b) Notwithstanding the provisions of this Paragraph, all bidders bidding on public works for East Baton Rouge Parish or Jefferson Parish shall submit all bid forms required by statute or by the Louisiana Administrative Code to the governing authority of East Baton Rouge Parish or Jefferson Parish prior to the opening of all bids relative to a contract for public works.

* * *

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 407

HOUSE BILL NO. 809
BY REPRESENTATIVE SCHRODER
AN ACT

To amend and reenact Children's Code Articles 571, 572(1), 573, and 575 and R.S. 15:185.1, 185.2(2), (6), and (7), 185.3(A), (B)(1), (2), (6)(introductory paragraph), (11), (12), (13), (14), (15), (19)(a) and (c), 185.4(B)(1), (2)(a), (c), (d), and (e), (3)(introductory paragraph) and (a), (5), (7), (13), (14), and (15), 185.6(C), 185.7, 185.8(introductory paragraph), and 185.9(A)(1) and (B)(2) and to repeal Children's Code Article 1023(C), relative to children; to provide for the Indigent Parents' Representation Program; to provide with respect to legal representation of indigent or absent parents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 571, 572(1), 573, and 575 are hereby amended and reenacted to read as follows:

Art. 571. Legislative Findings

A. The legislature finds that society has a responsibility to provide indigent or absent parents with quality legal representation, including curatorship appointments, in child abuse and neglect cases. Provision of counsel for indigent parents or curators for absent parents is an are essential due process right rights provided by Louisiana law to ensure sound and fair decisionmaking decision-making concerning children's safety, permanency, and well-being. Legal counsel providing representation in child abuse and neglect cases should have specialized knowledge and skills essential for effective representation. Resources to support the provision of legal representation, including curatorship appointments, of indigent or absent parents should be used efficiently and equitably to assure qualified representation throughout the state.

B. The legislature finds that there is a need for a uniform system of representation of indigent or absent parents statewide that provides for appropriate oversight, minimization of potential conflicts, and adequate local and state funding. To this end, the legislature finds that local public defender offices best serve the interests of children and families by representing indigent or absent parents, which shall include curatorship appointments, in child abuse and neglect cases consistent with the provisions of R.S. 15:185.1 et seq., and with the Trial Court Performance Standards for Attorneys Representing Parents in Child in Need of Care and Termination of Parental Right Cases provided in Chapter 11 of Part XV of Title 22 of the Louisiana Administrative Code.

Art. 572. Definitions

As used in this Chapter:

(1) "Child abuse and neglect case" means a child protection proceeding conducted by a court exercising juvenile jurisdiction involving the abuse or neglect of children as provided specifically in Titles VI, and X, and XI of the Louisiana Children's Code.

* * *

Art. 573. Purpose

The purpose of this Part is to provide for an effective and efficient system of providing qualified legal representation, which shall include curatorship appointments, for indigent or absent parents in child abuse and neglect cases.

* * *

Art. 575. Duties of the program; qualifications of counsel

A. The program shall provide qualified legal counsel, which shall include curatorship appointments, to indigent or absent parents in child abuse and neglect cases in accordance with the provisions of R.S. 15:185.1 through 185.9.

B. Legal representation, which shall include curatorship appointments, of indigent or absent parents in child abuse and neglect cases shall comply

with standards promulgated by the Louisiana Public Defender Board, or any successor to that board in accordance with R.S. 15:185.1 through 185.9 to ensure competent and fair representation.

Section 2. R.S. 15:185.1, 185.2(2), (6), and (7), 185.3(A), (B)(1), (2), (6) (introductory paragraph), (11), (12), (13), (14), (15), (19)(a) and (c), 185.4(B)(1), (2)(a), (c), (d), and (e), (3)(introductory paragraph) and (a), (5), (7), (13), (14), and (15), 185.6(C), 185.7, 185.8(introductory paragraph), and 185.9(A)(1) and (B)(2) are hereby amended and reenacted to read as follows:

§185.1. Purpose

The purpose of this Part is to provide for an effective and efficient system of providing qualified legal representation, including curatorship appointments, for indigent or absent parents in child abuse and neglect cases as required by the provisions of the Louisiana Children's Code. The uniform standards and guidelines and the program to provide for representation, including curatorship appointments, of indigent or absent parents in child abuse and neglect cases shall be incrementally implemented and effected throughout the state, ~~with a full implementation goal of July 1, 2012.~~

§185.2. Definitions

As used in this Part, the following words shall have the following meanings:

(2) "Child abuse and neglect case" means a child protection proceeding conducted by a court exercising juvenile jurisdiction involving the abuse or neglect of children as provided specifically in Titles VI, ~~and X, and XI~~, of the Louisiana Children's Code.

(6) "Indigent parent representation" means the providing of legal services to indigent or absent parents in child abuse and neglect cases as required by the provisions of the Louisiana Children's Code.

(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, including curatorship appointments, to indigent or absent parents in child abuse and neglect cases as required by the provisions of the Louisiana Children's Code.

§185.3. Indigent Parents' Representation Program; duties of the board; subject to appropriation

A.(1) Subject to appropriation, or the availability of other monies made available to the program, the board shall administer a program to provide representation, including curatorship appointments, of indigent or absent parents in child abuse and neglect cases as required by the Louisiana Children's Code.

(2) Except for the inherent regulatory authority of the Louisiana Supreme Court provided for in Article V, Section 5 of the Constitution of Louisiana, regarding the regulation of the practice of law, 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 incidental or necessary thereto to administer a program to provide for the delivery of indigent or absent parent representation throughout the courts of the state of Louisiana.

B. In the administration of the Indigent Parents' Representation Program, the board shall:

(1) Regularly collect detailed data from judicial districts, where applicable, relating to workload, resources, employees, and expenditures relating to representation of indigent or absent parents.

(2) Review and evaluate the operations of the program and emphasize special training for counsel representing indigent or absent parents.

(6) Make an annual report to the legislature regarding the state of the board's operations and the status of representation of indigent or absent parent services it regulates. Such report shall include at a minimum:

(11) Provide for the employing or contracting with and training of attorneys and other professional and nonprofessional staff that may be necessary to carry out the functions of the program. All attorneys representing indigent or absent parents through this program shall be licensed to practice law in Louisiana and qualified in accordance with standards and guidelines adopted by rule of the board.

(12) Have the ability to contract with organizations or individuals for the provision of legal services for indigent or absent parents in child abuse and neglect cases.

(13) Administer an efficient and effective statewide program for the representation, including curatorship appointments of indigent or absent parents which safeguards their rights and facilitates timely and fair decision making concerning children's safety, permanency, and well-being.

(14)(a) Establish, and modify as necessary, a plan of organization to conduct the business of regulating and controlling the delivery of services for the representation of indigent or absent parents under its jurisdiction efficiently and thoroughly.

(b) The plan of organization shall provide for the capacity to:

(i) Administer the granting of contracts.

(ii) Analyze and review investigative and audit reports and findings.

(iii) Provide for enforcement of board rules as is necessary for the efficient and thorough regulation and governance of representation of indigent or absent parent services under its jurisdiction.

(15) Develop and disseminate standards, procedures, and policies that will ensure that the representation, including curatorship appointments, of indigent or absent parents is provided consistently throughout the state.

(19) Assign appropriate staff to:

(a) Coordinate training of attorneys representing indigent or absent parents in current aspects of criminal and civil law and procedure involving the representation of indigent or absent parents.

(c) Establish specialized training and educational programs for all attorneys providing indigent or absent parent representation. Such programs shall not be "continuing legal education" as mandated by the Louisiana State Bar Association. The training sponsored by the state program shall be practical training based on models in other states, including trial advocacy and civil and criminal procedure in the nature of mock trials, working seminars, and mentoring. Such educational programs shall also include annual educational programs and introductory educational programs for attorneys prior to providing indigent or absent parent representation.

§185.4. Standards and guidelines for representation of indigent parents; rulemaking

B. The rules shall include but not be limited to:

(1) Creating mandatory statewide standards and guidelines for the representation, including curatorship appointments, of indigent or absent parents in child abuse and neglect cases that require those services to be provided in a manner that is uniformly fair and consistent throughout the state and recognizing the unique and critical role of parents' attorneys in safeguarding fundamental rights and promoting the safety, permanency, and well-being of children in the child welfare system.

(2) Ensuring the standards and guidelines shall take into consideration all of the following:

(a) Manageable indigent or absent parent representation workloads. The board shall adopt manageable indigent or absent parent representation workloads that permit the rendering of competent representation through an empirically based case-weighting system that does not count all cases of similar case type equally but rather denotes the actual amount of attorney effort needed to bring a specific case to an appropriate disposition.

(c) Documentation of communication. The board shall adopt standards and guidelines to ensure that defense attorneys providing indigent or absent parent representation provide documentation of communications with clients to meet standards and guidelines established by the board.

(d) Performance supervision protocols. The board shall adopt standards and guidelines to ensure that all defense attorneys providing indigent or absent parent representation undergo periodic review of their work against the performance standards and guidelines in a fair and consistent manner throughout the state, including creating a uniform evaluation protocol.

(e) Performance of attorneys in all assigned indigent or absent parent representation cases or curatorship appointments. The board shall adopt general standards and guidelines that alert defense counsel to courses of action that may be necessary, advisable, or appropriate to providing competent indigent or absent parent representation or curatorship appointments, including performance standards in the nature of job descriptions.

(3) Creating mandatory qualification standards for attorneys representing indigent or absent parents in child abuse and neglect cases that ensure that those services are provided by competent counsel. Qualification standards shall include both of the following:

(a) The specific training programs that must be completed to provide representation, including curatorship appointments, to indigent or absent parents.

(5) Establishing methods of monitoring and evaluating compliance with the mandatory indigent or absent parent representation standards and guidelines and the performance of counsel in order to ensure competent representation of indigent parents in all courts of the state.

(7) Establishing appropriate sanctions for failure to adhere to the mandatory standards and guidelines for the delivery of indigent or absent parent representation.

(13) Providing for minimum salary and compensation standards for attorney, investigator, paraprofessional, and any and all other staff necessary for the adequate representation, including curatorship appointments, of indigent or absent parents comparable to other positions of similar stature throughout the state.

(14) Establishing processes and procedures to ensure that when a case that is assigned presents a conflict of interest for an attorney providing indigent or absent parent representation, the conflict is identified and handled appropriately and ethically.

(15) Establishing procedures for managing workloads and assigning cases in a manner that ensures that attorneys representing indigent or absent parents are assigned cases according to experience, training, and manageable workloads and caseloads, taking into account case complexity,

potential outcomes of the case, and the legal skills required to provide effective assistance of counsel.

§185.6. Special reporting requirements; indigent parent representation cases; penalties

C. For purposes of this Section, a “case” is defined as a proceeding initiated by the state against an indigent or absent parent or parents pursuant to Title VI or Title X of the Louisiana Children’s Code. Any appeal from a final judgment in such cases shall be counted as a separate case. In the event that a case involves multiple children, the district public defender, or regional director, where applicable, shall track, record, and report the number of children per case.

§185.7. Rights of action; interpretation of Part
A. It is not the intent of the legislature to create any new right, right of action, or cause of action or eliminate any right, right of action, or cause of action existing under current law. Nothing contained in the provisions of this Part shall create, expressly or by implication, any right, claim, or cause of action in favor of anyone in connection with the delivery of indigent and absent parent representation.

B. In addition to the provisions of Subsection A of this Section, nothing herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be construed to provide any person the basis of any claim that the attorney or attorneys appointed to him pursuant to this statute performed in an ineffective manner. It shall be presumptive evidence that any attorney performing indigent or absent parent representation pursuant to the auspices of this statute is currently certified to have met the standards and guidelines adopted by the board to provide indigent or absent parent representation in an effective manner.

C. Nothing contained in this Part shall be construed to overrule, expand, or extend, directly or by analogy, the duties of attorneys providing representation of indigent or absent parents as otherwise required by the provisions of the Louisiana Children’s Code.

§185.8. Auditing; district reporting
Each district public defender shall work in conjunction with the legislative auditor in developing uniform audit reports regarding the representation of indigent or absent parents as required by R.S. 24:515.1, which shall require the following to be included in that report:

§185.9. Implementation of indigent parent representation program; timeline

A. In the development of the Indigent Parents’ Representation Program, the board shall consider all of the following:

(1) Forms of delivery of representation that maximize the efficient and effective provision of counsel to indigent or absent parents.

B.
(2) The board shall determine the best method of incremental implementation of the Indigent Parents’ Representation Program that is the most efficient, feasible, practicable, and appropriate to provide for the delivery of indigent or absent parent representation as required by the provisions of this Part and rules adopted by the board.

Section 3. Children’s Code Article 1023(C) is hereby repealed in its entirety.

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 in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 5, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 408

HOUSE BILL NO. 454
BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 39:1590(A)(introductory paragraph), relative to professional, personal, consulting, and social services procurement; to provide for contracts reported to and reviewed and approved by the Joint Legislative Committee on the Budget; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1590(A)(introductory paragraph) is hereby amended and reenacted to read as follows:

§1590. Approval of certain professional, personal, ~~and consulting consulting, and social~~ services contracts for Fiscal Year 2015-2016 through Fiscal Year 2017-2018

A. In Fiscal Year 2015-2016 through 2017-2018, the commissioner of administration, in consultation with the state chief procurement officer,

shall report each contract for professional, personal, ~~and consulting consulting, and social~~ services with a total dollar amount of forty thousand dollars or more per year ~~that is funded solely with state general fund (direct) or the Overcollections Fund and is for discretionary purposes~~ to the Joint Legislative Committee on the Budget for review ~~and approval~~ prior to the effectiveness of the contract.

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 6, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 409

HOUSE BILL NO. 68
BY REPRESENTATIVES BACALA AND BERTHELOT
AN ACT

To amend and reenact R.S. 9:2603(B)(4)(a) and R.S. 14:79(A)(1)(b), relative to electronic signatures; to provide for the use of electronic signatures on petitions for certain protective orders and restraining orders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2603(B)(4)(a) is hereby amended and reenacted to read as follows:

§2603. Scope

B. This Chapter shall not apply to:

(4)(a) A law governing adoption, divorce, or other matters of family law, with the exception of a temporary restraining order issued pursuant to Domestic Abuse Assistance, R.S. 46:2131 et seq., or Protection from Dating Violence Act, R.S. 46:2151.

Section 2. R.S. 14:79(A)(1)(b) is hereby amended and reenacted to read as follows:

§79. Violation of protective orders

A.(1)(a)

(b) A defendant may also be deemed to have been properly served if tendered a certified copy of a temporary restraining order or ex parte protective order, or if tendered a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge or court, by any law enforcement officer who has been called to any scene where the named defendant is present. Such service of a previously issued temporary restraining order or ex parte protective order if noted in the police report shall be deemed sufficient evidence of service of process and admissible in any civil or criminal proceedings.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 410

HOUSE BILL NO. 78
BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 42:1124.2.1(A)(4), relative to financial disclosure; to require certain public employees in specified positions with state and statewide retirement systems to file financial disclosure statements; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.2.1(A)(4) is hereby enacted to read as follows:

§1124.2.1. Financial disclosure; members of boards and commissions

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124 or 1124.2, shall annually file a financial statement as provided in this Section:

(4) The executive director or person holding the equivalent position of each state and statewide retirement system specified in R.S. 11:4.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 411

HOUSE BILL NO. 197
BY REPRESENTATIVE PYLANT
AN ACT

To enact R.S. 14:91.15, relative to offenses affecting health of minors; to create the crime of unlawful operation of an unlicensed child day care center; to provide definitions; to provide criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.15 is hereby enacted to read as follows:

§91.15. Unlawful operation of an unlicensed child day care center

A. It shall be unlawful for any person or other entity to do either of the following:

(1) Continue to operate a child day care center after notification by the Department of Education that the person or other entity operating the facility should seek a license as provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53.

(2) Continue to operate a child day care center after the Department of Education has revoked a license to operate a child day care center that was previously issued to the person or other entity as provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53.

B. For the purposes of this Section, “child day care center” means any place or facility operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours during which a child is being transported shall be included in calculating the hours of operation.

C. Whoever commits the crime of unlawful operation of an unlicensed child day care center shall be subject to the following penalties:

(1) For a first offense violation of this Section, the violator shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

(2) For a second offense violation of this Section, the violator shall be fined not more than two thousand five hundred dollars or imprisoned for not more than six months, or both. Furthermore, the violator shall be ineligible to apply for a license to operate a child day care facility or operate a child day care facility for up to twenty-four months.

(3) For a third or subsequent offense violation of this Section, the violator shall be fined not more than five thousand dollars or imprisoned for not more than twelve months, or both. Furthermore, the violator shall be ineligible to apply for a license to operate a child day care facility or operate a child day care facility for up to forty-eight months.

D. In accordance with R.S. 17:407.31 et seq., the Department of Education shall be responsible for the investigation of any unlicensed day care center to determine if the center is required by law to have a license issued by the department and to determine if the center is operating without a valid license issued by the department. After conducting any necessary investigation, the department shall make a determination with respect to licensing status, and collect any evidence necessary with respect to violations of the licensing laws. All evidence and findings by the department shall be submitted to a law enforcement agency for any arrest for a violation of the provisions of this Section.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 412

HOUSE BILL NO. 209
BY REPRESENTATIVE CHAD BROWN
AN ACT

To repeal R.S. 37:1977, relative to scrap metal recyclers; to remove the applicable sunset provision.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1977 is hereby repealed in its entirety.

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

Approved by the Governor June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 413

HOUSE BILL NO. 292
BY REPRESENTATIVE HALL
AN ACT

To enact Chapter 6-A of Title 8 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 8:411 through 418, relative to abandoned cemeteries; to provide for definitions; to provide for an abandoned cemetery sales and management license application procedure; to provide for fees; to authorize licensees; to regulate the operation of abandoned cemeteries; to enumerate certain powers of the Louisiana Cemetery Board; to regulate the use of prison labor; to provide for limited liability; to provide for inadvertent discovery of unknown graves; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6-A of Title 8 of the Louisiana Revised Statutes of 1950, comprised of R.S. 8:411 through 418, is hereby enacted to read as follows:

CHAPTER 6-A. ABANDONED CEMETERIES

§411. Definitions

As used in this Chapter, the following terms have the meanings hereinafter ascribed to them:

(1) “Abandoned cemetery” means any cemetery for which the board, in its discretion and after having been provided with the requisite title information establishing the title owner of the property, determines it is impossible or impractical to locate the current owner based upon its findings, including but not limited to a presentation of title history by the applicant for an abandoned cemetery sales and management license.

(2) “Abandoned cemetery sales and management license” means any license issued by the board pursuant to the provisions of this Chapter.

(3) “Board” means the Louisiana Cemetery Board.

(4) “Division” means the division of archaeology of the office of cultural development within the Department of Culture, Recreation and Tourism.

(5) “Licensee” means any person who has been issued an abandoned cemetery sales and management license by the board.

§412. Application for license; qualifications; fees

A. The board may charge an application fee for an abandoned cemetery sales and management license in the amount of two hundred fifty dollars and an annual license renewal fee in the amount of two hundred fifty dollars.

B. An abandoned cemetery sales and management license shall be issued only to a nonprofit juridical person, and the officers and directors of such entities shall serve voluntarily and without compensation for their services.

(1) Any excess funds realized by a licensee shall be deposited into a trust account, and the funds of the account may be used only for the maintenance and upkeep of the cemetery and the cemetery records.

(2) Nothing herein shall restrict a licensee from paying necessary expenses and maintenance costs to contractors.

C. Nonprofit juridical persons whose officers, directors, or members have ancestors within an abandoned cemetery and who meet the qualifications to obtain a cemetery management organization or cemetery sales organization license pursuant to R.S. 8:402 may apply to the board, pursuant to this Chapter, for an abandoned cemetery sales and management license.

D.(1) Prior to the issuance of any license issued pursuant to this Chapter, the board shall consult with the division regarding the reasonableness of the operation of any abandoned cemetery.

(2) The division may impose reasonable conditions and limitations on any license issued by the board relative to a particular abandoned cemetery.

(3) The division shall have a cause of action for specific performance against any licensee who violates the provisions of this Subsection.

§413. Licensee authority; restrictions

A. A licensee shall have exclusive authority to operate the cemetery, regardless of any other person who subsequently applies for licensure to operate the same cemetery, for as long as his abandoned cemetery sales and management license is valid.

B. A licensee may do any of the following relative to the cemetery subject to the license:

(1) Sell grave spaces, openings, and closings in the cemetery.

(2) Make and enforce written rules and regulations for the operation and maintenance of the cemetery.

C.(1) A licensee is expressly prohibited from selling merchandise in any manner that would either require monies to be deposited into a trust fund as required by the provisions of Chapter 8 of this Title or otherwise necessitate adherence to any provision of Chapter 8 of this Title.

(2) Any merchandise or service sold by a licensee shall be delivered or performed within one hundred twenty days of entering into the applicable contract with the consumer.

D.(1) The licensee is prohibited from destroying or removing any original grave markers from the premises of the cemetery without obtaining the permission required by R.S. 8:659.

(2) Nothing in this Subsection shall prohibit the licensee from removing trash or other common waste or debris from the cemetery premises.

§414. Additional powers of the board

The board may do any of the following:

(1) Refuse issuance of an abandoned cemetery sales and management license if the board finds that ownership of the abandoned cemetery is in dispute.

(2) Revoke or suspend an abandoned cemetery sales and management

license if the board finds:

(a) The existence of credible evidence of an ownership dispute for the cemetery subject to the license.

(b) The violation by a licensee of any provision of this Title or any applicable rule or regulation promulgated by the board.

(3) Summarily suspend an abandoned cemetery sales and management license, pursuant to R.S. 49:961, when the board finds that public health, safety, or welfare imperatively requires emergency action.

(4) Impose upon a licensee certain retroactive recordkeeping or record creation requirements, including but not limited to the creation of known interment logs, plats, and maps, and any other documentation reasonably necessary for the cemetery subject to the license to be operated in compliance with the provisions of this Title.

§415. Labor by prisoners permitted

A. For the purpose of abating any public health or safety risks, the state or any local political subdivision may, after consultation with the division, use prison labor, subject to the provisions of R.S. 15:708, to clean and maintain abandoned cemeteries.

B.(1) The state or any local political subdivision shall obtain the consent of a licensee prior to using prison labor to perform any work on a cemetery that is subject to an abandoned cemetery sales and management license.

(2) In the event that a licensee consents to the use of prison labor on the abandoned cemetery subject to his license, the licensee shall reimburse the appropriate prison any cost incurred by use of the prison labor.

C. The cost of any use of prison labor on an abandoned cemetery shall be reimbursed to the appropriate prison by the requesting governmental entity except as provided for in Paragraph (B)(2) of this Section.

§416. Liability

A. A licensee shall adhere to all provisions of this Title that would otherwise be applicable to an actual owner of the cemetery.

B.(1) Any liability that results from the unlawful act or inadequate management of a prior owner or operator of a cemetery shall be strictly limited to the prior owner or operator.

(2) No cause or right of action shall be enforceable against a licensee for any unlawful action or inadequate management of a prior owner or operator of the cemetery.

C. Nothing in this Section is intended to relieve a licensee from his own independent liability.

§417. Inadvertent discovery

In the event of an inadvertent discovery of an unknown or unmarked grave by a licensee, the licensee shall document the existence of the grave and close the grave, but he shall neither disturb any human remains therein nor reuse the grave without the authority of those individuals identified in R.S. 8:659.

§418. Scope

No provision within this Chapter shall supersede any other provisions of this Title to the contrary.

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

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 414

HOUSE BILL NO. 471

BY REPRESENTATIVE DANAHAY AND SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 18:52, relative to the office of registrar of voters; to provide qualifications for registrars of voters and applicants for the office of registrar of voters; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:52 is hereby amended and reenacted to read as follows:

§52. Qualification Qualifications of registrars

A. Each applicant to fill the office of registrar of voters shall be a registered voter. If appointed to fill the office of registrar of voters, the applicant shall become a resident and registered voter of the parish in which he is to perform his duties prior to taking the oath of office. Each The registrar shall be remain a resident and qualified voter of the parish in which he is to perform his duties.

B.(1) The registrar shall possess at least one of the following at the time of appointment:

(a) A baccalaureate degree from an accredited institution and two years of full-time, professional work experience.

(b) An associate degree from an accredited institution and four years of full-time, professional work experience.

(c) Seven years of full-time, professional work experience.

(d) Five years of full-time employment in a registrar's office in Louisiana.

(2) For purposes of this Subsection, "professional work experience" means experience in an occupation which requires specialized and theoretical knowledge usually acquired through college training or through work experience and other training which provides comparable knowledge.

Section 2. The provisions of this Act shall not apply to any registrar appointed prior to the effective date of this Act.

Section 3. This Act shall become effective if and when the proposed amendment of Article XI, Section 5 of the Constitution of Louisiana contained in the Act which originated as House Bill No. 459 of this 2016 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 415

HOUSE BILL NO. 579

BY REPRESENTATIVE ROBERT JOHNSON
AN ACT

To enact R.S. 37:3083(1)(f), relative to nutrition services; to authorize a licensed dietitian or nutritionist to directly order dietary plans; to authorize a licensed dietitian or nutritionist to directly request laboratory tests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3083(1)(f) is hereby enacted to read as follows:

§3083. Definitions

As used in this Chapter, the following definitions shall apply:

(1) "Dietetics/nutrition practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management, behavioral, and social sciences to achieve and maintain client health through the provision of nutrition care services, which shall include:

* * *

(f) Within a healthcare facility licensed by the Department of Health and Hospitals, ordering appropriate nutritional intake, including enteral and parenteral nutrition, and ordering appropriate laboratory tests to monitor the effectiveness of the dietary plan, subject to the approval of and authorization by the licensed healthcare facility's medical staff or bylaws.

* * *

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 416

HOUSE BILL NO. 585

BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S.24:55(D)(3) and R.S. 49:76(D)(3), relative to lobbying; to provide relative to reporting; to provide for prohibitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:55(D)(3) is hereby enacted to read as follows:

§55. Lobbyist expenditure reports

* * *

D.

* * *

(3) For the purposes of this Section, the aggregate amount or any per-occasion amount attributable to a legislator or the spouse or minor child of a legislator or public servant, other than a legislator, in the legislative branch of state government shall not include any expenditure made at an event that the legislator, spouse, minor child, or public servant did not attend.

* * *

Section 2. R.S. 49:76(D)(3) is hereby enacted to read as follows:

§76. Lobbyist expenditure reports

* * *

D.

* * *

(3) For the purposes of this Section, the aggregate amount or any per-occasion amount attributable to an executive branch official or spouse or minor child of an executive branch official shall not include any expenditure made at an event that the executive branch official, spouse, or minor child did not attend.

* * *

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 417

HOUSE BILL NO. 595

BY REPRESENTATIVE ROBERT JOHNSON
AN ACT

To amend and reenact R.S. 40:1223.3(3), relative to dietetics and nutrition practice; to authorize the use of telehealth technology to provide nutrition

services; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1223.3(3) is hereby amended and reenacted to read as follows:
§1223.3. Definitions

(3) “Healthcare provider” means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide ~~health care~~ healthcare or professional services as a physician assistant, hospital, nursing home, dentist, registered nurse, advanced practice registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified nurse assistant, offshore health service provider, ambulance service, licensed midwife, pharmacist, speech-language pathologist, audiologist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, certified or licensed athletic trainer, psychologist, medical psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, or licensed clinical laboratory scientist.

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

ACT No. 418

HOUSE BILL NO. 727
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 24:53(F)(1) and (H), R.S. 33:9664(D)(1) and (F), and R.S. 49:74(D)(1) and (F), relative to lobbyist disclosure; to provide relative to the filing of certain supplemental reports during the registration renewal period; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 24:53(F)(1) and (H) are hereby amended and reenacted to read as follows:
§53. Registration of lobbyists with the board; compilation of information

F.(1)(a) Within ten days of termination of a registrant’s employment or representation of any person, the registrant shall file a supplemental registration acknowledging the termination of his employment or representation with the board.
(b) The registrant shall not be required to file a supplemental registration pursuant to Subparagraph (a) of this Paragraph if the termination of employment or representation occurs after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection E of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

H.(1) Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the board as soon as possible after such change occurs and in any event not later than five days after such change, using forms provided by the board.
(2) The lobbyist shall not be required to file a supplemental registration pursuant to Paragraph (1) of this Subsection if the lobbyist begins representing an additional person after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection E of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

Section 2. R.S. 33:9664(D)(1) and (F) are hereby amended and reenacted to read as follows:
§9664. Registration of lobbyists with the ethics board; compilation of information

D.(1)(a) Within ten days of termination of a registrant’s employment or representation of any person, the registrant shall file a supplemental registration with the ethics board acknowledging the termination of his employment or representation.
(b) The registrant shall not be required to file a supplemental registration pursuant to Subparagraph (a) of this Paragraph if the termination of employment or representation occurs after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection C of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

F.(1) Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the ethics board as soon as possible after such change occurs and in any event not later than five days

after such change using forms provided by the ethics board.
(2) The lobbyist shall not be required to file a supplemental registration pursuant to Paragraph (1) of this Subsection if the lobbyist begins representing an additional person after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection C of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

Section 3. R.S. 49:74(D)(1) and (F) are hereby amended and reenacted to read as follows:
§74. Registration of lobbyists with the ethics board; compilation of information

D.(1)(a) Within ten days of termination of a registrant’s employment or representation of any person, the registrant shall file a supplemental registration with the ethics board acknowledging the termination of his employment or representation.
(b) The registrant shall not be required to file a supplemental registration pursuant to Subparagraph (a) of this Paragraph if the termination of employment or representation occurs after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection C of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

F.(1) Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the ethics board as soon as possible after such change occurs and in any event not later than five days after such change using forms provided by the ethics board.
(2) The lobbyist shall not be required to file a supplemental registration pursuant to Paragraph (1) of this Subsection if the lobbyist begins representing an additional person after December thirty-first and the lobbyist timely files his renewal form during the period provided in Subsection C of this Section and the renewal form accurately and completely lists the lobbyist’s employment and representation as of the time the lobbyist files the renewal form.

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

ACT No. 419

HOUSE BILL NO. 784
BY REPRESENTATIVES ABRAMSON, BROADWATER, DAVIS, DEVILLIER, DWIGHT, HORTON, HUVAL, IVEY, JAY MORRIS, JIM MORRIS, AND THIBAUT
AN ACT

To amend and reenact R.S. 39:101(A)(1), 102(B), and 111 and to enact R.S. 39:105, relative to capital outlay; to provide with respect to the submission of the capital outlay budget; to provide for revisions; to provide relative to the contents of a capital outlay budget request; to require the resubmission of applications of certain capital outlay budget requests; to require local match information in capital outlay budget requests; to require certain information to be annually reported to the Joint Legislative Committee on Capital Outlay; to provide for certain requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 39:101(A)(1), 102(B), and 111 are hereby amended and reenacted and R.S. 39:105 is hereby enacted to read as follows:

§101. Capital outlay budget request; feasibility studies
A.(1)(a) Except as provided in Paragraph (2) of this Subsection, no later than the first day of November each year, the head of each budget unit shall present to the office of facility planning and control of the division of administration a request for all expenditures for capital projects falling within the definition contained in R.S. 39:2(9), on forms provided by the office. However, if a legislator is finally elected after November first, the legislator shall have until the fifteenth day of December to present such request. A copy of the request shall also be provided by the head of each budget unit to the Legislative Fiscal Office, the Joint Legislative Committee on Capital Outlay, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs. Such annual requests shall contain the information necessary for the feasibility study required pursuant to Article VII, Section 11(C) of the Constitution of Louisiana and shall include projects proposed to be funded within the next five years.

(b) The application for any capital outlay budget request which receives funding in the capital outlay budget shall be updated each year that the project remains active in the budget process to reflect all changes in the project that occurred since the previous submission. The resubmission of the capital outlay budget request shall be subject to all of the requirements and the November first submission deadline as all other capital outlay

budget requests.

§102. Capital outlay budget request contents

B.(1) The detailed project description and justification shall include an analysis of need with corroborative data, a reasonable estimate of the date when the project will be needed, the project's proposed location, the estimated construction cost, the estimated local match requirement and amount of local funds expended on the project, the cost of equipping and furnishing the project, the space utilization plan of the requesting agency, the cost of opening and operating the facility for the first year, the estimated annual operating and maintenance costs of the facility, and the method and source of financing for each of the next five years, and the estimated completion date of the project as well as an identification and description of other similar facilities and projects in the given area and an evaluation of their capabilities to meet needs. The request shall indicate the order of priority.

(2)(a) The detailed project description for all statewide programs including but not limited to the statewide roofing program, the major repairs of state office buildings program, the Americans with Disabilities Act implementation for state facilities program, the local government assistance program, the community water enrichment program, and the deferred maintenance programs for all higher education institutions and community college facilities shall include specific information and details of the projects qualifying for funding through the programs proposed to be funded with the appropriations included in the capital outlay budget.

(b) Any project receiving an individual appropriation in the capital outlay budget shall submit a capital outlay application by the November first deadline regardless if the project is eligible for funding through a statewide program.

§105. Capital Outlay reports to Joint Legislative Committee on Capital Outlay

A. The office of facility planning and control and any state agency authorized to administer capital outlay appropriations shall submit to the Joint Legislative Committee on Capital Outlay, an annual written report no later than the first day of February, of each project included in the prior year's capital outlay budget which includes the following information:

- (1) The title of the project.
- (2) The total budget for the project from all means of financing.
- (3) A breakdown of the funding of the project including all cash and general obligation bond funding of the project.
- (4) The amount of state and local funds, including local match funds, expended on the project.
- (5) The amount of project funding that has been encumbered, including all cash and general obligation bond cash and noncash lines of credit approved for the project.
- (6) The total amount of funds the project will need to spend in the next fiscal year.
- (7) The current status of the project as either active or complete.
- (8) If the project is complete, the total amount of unspent appropriations remaining on the project, including the means of finance of the funds.

B. The office of facility planning and control shall submit the report in a format that can be edited.

§111. Capital outlay budget submission

~~Not~~ No later than the eighth day of each regular session, the governor shall submit to the legislature his capital outlay budget ~~to the legislature~~, the proposed capital outlay bill implementing the first year of the five-year program, and the bond authorization bill for the sale of bonds to fund projects included in the bond portion of the capital outlay bill.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 420

HOUSE BILL NO. 1009
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 39:1594(C)(5) and (D) through (I) and 1595(B)(4) and (6) through (12) and to enact R.S. 39:1594(J) and 1595(B)(13), relative to competitive sealed bids and proposals; to provide for electronic submission of bids under certain circumstances; to require a public entity to provide a secure electronic interactive system; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1594(C)(5) and (D) through (I) and 1595(B)(4) and (6) through (12) are hereby amended and reenacted and R.S. 39:1594(J) and 1595(B)(13) are hereby enacted to read as follows:

§1594. Competitive sealed bids

C. Public notice.

(5) All bids shall be advertised by a using agency through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids as provided in this Section. The advertisement or written notice required by this Section shall contain the name and address of the using agency and shall establish the specific date, time, and place by which the bids must be received.

D. Bid submission.

(1) Bids shall be submitted in writing in accordance with the requirements set forth in the invitation for bids or electronically through a uniform and secure electronic interactive environment.

(2) Public entities shall provide, as an additional bidding option, a uniform and secure electronic interactive system for the submission of competitive sealed bids as provided for in this Section. Any public entity providing a secure electronic interactive system shall follow the standards for the receipt of electronic bids adopted by the office of the governor, division of administration, and the office of information technology as provided for in LAC 4:XV.701. Any special condition or requirement for the submission shall be specified in the advertisement for bids required by this Section.

(3) The requirements of Paragraph (2) of this Subsection shall not apply to the following public entities:

(a) Public entities that are currently without high-speed Internet access, until high-speed Internet access becomes available.

(b) Any parish with a police jury form of government and a population of less than twenty thousand.

(c) Any city or municipality with a population of less than ten thousand.

(d) Any public entity that is unable to comply with the electronic bidding provisions of this Subsection without securing and expending additional funding.

E. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection.

~~E.~~ F. Bid evaluation.

(1) Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, and criteria affecting price such as life cycle or total ownership costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria shall be used in bid evaluation that are not set forth in the invitation for bids.

(2) For bids made for housing of state agencies, their personnel, operations, equipment, or activities pursuant to R.S. 39:1643, the criteria for evaluation shall be included in the invitation for bids and shall include, at a minimum, the following:

- (a) Location of the proposed space.
- (b) Condition of the proposed space.
- (c) Suitability of the proposed space for the advertiser's needs.
- (d) Timeliness of availability of the proposed space.

~~F.~~ G. Correction or withdrawal of bids. Patent errors in bids or errors in bids supported by clear and convincing evidence may be corrected, or bids may be withdrawn, if such correction or withdrawal does not prejudice other bidders, and such actions may be taken only to the extent permitted under regulations.

~~G.~~ H. Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Award shall be made by unconditional acceptance of a bid without alteration or correction except as authorized in this Chapter.

~~H.~~ I. Resident business preference. In state contracts awarded by competitive sealed bidding, resident businesses shall be preferred to nonresident businesses where there is a tie bid and where there will be no sacrifice or loss in quality.

~~I.~~ J. Exemption.

(1) Purchases of goods manufactured by or services performed by individuals with severe disabilities in state-operated and state-supported sheltered workshops as defined in R.S. 39:1604.4 shall be exempt from the provisions of this Section. This exemption shall also apply to goods and services procured by purchase order directly from a central nonprofit agency contracting under R.S. 39:1604.4 to assist qualified sheltered workshops; any purchase order shall be issued directly to the central nonprofit agency for all goods and services within the exemption provided under this Subsection.

(2) Purchases of raw materials and supplies used in the manufacturing process by the Department of Public Safety and Corrections, division of prison enterprises, with the approval of the state chief procurement officer, shall be exempt from the provisions of this Section and shall be procured through the use of written bids.

§1595. Competitive sealed proposals

B. Requests for proposals

(4) All requests for proposals shall be advertised through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids as provided in this Section. The advertisement or written notice required by this Section shall contain the name and address of the using agency and

shall establish the specific date, time, and place by which the request for proposals must be received.

* * *

(6)(a) Proposals shall be submitted in writing in accordance with the requirements set forth in the request for proposals or electronically through a uniform and secure electronic interactive environment.

(b) Public entities shall provide, as an additional option for submission of proposals, a uniform and secure electronic interactive system for the submission of competitive sealed proposals as provided for in this Section. Any public entity providing a secure electronic interactive system shall follow the standards for the receipt of electronic bids adopted by the office of the governor, division of administration, and the office of information technology as provided for in LAC 4:XV.701. Any special condition or requirement for the submission shall be specified in the advertisement of the request for proposals required by this Section.

(c) The requirements of Subparagraph (b) of this Paragraph shall not apply to the following public entities:

(i) Public entities that are currently without high-speed Internet access, until high-speed Internet access becomes available.

(ii) Any parish with a police jury form of government and a population of less than twenty thousand.

(iii) Any city or municipality with a population of less than ten thousand.

(iv) Any public entity that is unable to comply with the electronic proposal submission provisions of this Subsection without securing and expending additional funding.

(7) Written or oral discussions shall be conducted with all responsible proposers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing proposers. Discussions need not be conducted:

(a) If prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions.

(b) If time of delivery or performance will not permit discussions.

(c) If it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all proposers of the possibility that award may be made on the basis of the initial offers.

~~(7)(a)~~ (8)(a) Award shall be made to the responsible proposer whose proposal is determined in writing by the using agency to be the most advantageous to the state, taking into consideration review of price and the evaluation factors set forth in the request for proposals.

(b) A request for proposals or other solicitation may be cancelled or all proposals may be rejected only if it is determined, based on reasons provided in writing, that such action is taken in the best interest of the state.

~~(8)~~ (9) A request for proposals or other solicitation may be cancelled or all proposals may be rejected only if it is determined, based on reasons provided in writing, that such action is taken in the best interest of the state.

~~(9)~~ (10) Each contract entered into pursuant to this Subsection shall contain as a minimum:

(a) Description of the work to be performed or objectives to be met, when applicable.

(b) Amount and time of payments to be made.

(c) Description of reports or other deliverables to be received, when applicable.

(d) Date of reports or other deliverables to be received, when applicable.

(e) Responsibility for payment of taxes, when applicable.

(f) Circumstances under which the contract can be terminated either with or without cause.

(g) Remedies for default.

(h) A statement giving the legislative auditor the authority to audit records of the individual or firm.

(i) Performance measurements.

(j) Monitoring plan.

~~(10)(a)~~ (11)(a) Upon entering into a contract, the using agency shall have full responsibility for the diligent administration and monitoring of the contract. The state chief procurement officer may require the using agency to report at any time on the status of any such outstanding contracts to which the using agency is a party. After completion of performance under a contract, the using agency shall evaluate contract performance and the utility of the final product. This evaluation shall be delivered to the state chief procurement officer or his designee or the director of purchasing at a college or university, as applicable, within one hundred twenty days after completion of performance and shall be retained in the official contract file.

(b)(i) No contract shall be valid, nor shall the state be bound by the contract, until it has first been executed by the head of the using agency, or his designee, which is a party to the contract and the contractor and has been approved in writing by the state chief procurement officer or his designee or the director of purchasing at a college or university, as applicable.

(ii) In cases where the head of the using agency wants to delegate authority to one or more of his subordinates to sign contracts on behalf of the agency, this delegation shall be made in accordance with regulations of the commissioner and shall be subject to the approval of the state chief procurement officer.

~~(11)~~ (12) Requests for proposals shall not be required for “interagency

contracts” as defined in R.S. ~~39:1556(29)~~ 39:1556(30).

~~(12)~~ (13) Notwithstanding the provisions of this Chapter, all relevant federal statutes and regulations shall be followed by the using agency in procuring services. The burden of complying with these federal statutes and regulations shall rest with the using agency and shall be documented in the contract record submitted to the office of state procurement.

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 421

**HOUSE BILL NO. 1022
BY REPRESENTATIVE EDMONDS
AN ACT**

To amend and reenact R.S. 13:5401(B)(7)(c), relative to reentry courts; to provide for conditions and procedures for the suspension of sentences upon completion of the Offender Rehabilitation and Workforce Development Program; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5401(B)(7)(c) is hereby amended and reenacted to read as follows:

§5401. District courts; reentry courts; subject matter

* * *

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

* * *

(7)

* * *

(c) If the defendant successfully completes the Offender Rehabilitation and Workforce Development Program and successfully completes all other requirements of the workforce development sentencing program, he may petition the court to suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court, notwithstanding any other provision of law to the contrary which provides that any minimum mandatory sentence is to be imposed without the benefit of probation, parole, or suspension of sentence unless the crime before the court is the use or possession of a firearm or other dangerous weapon while committing or attempting to commit a crime of violence pursuant to the provisions of R.S. 14:95(E).

* * *

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 422

**HOUSE BILL NO. 1059
BY REPRESENTATIVE DAVIS
AN ACT**

To amend and reenact R.S. 40:1846(C) and 1851(A) and (F) and to repeal R.S. 40:1851(B), (G), and (H), relative to the Louisiana Liquefied Petroleum Gas Commission; to authorize the Louisiana Liquefied Petroleum Gas Commission to print rules and regulations of the commission on the commission’s website; to provide that an assessment may be levied on holders of a certain class of permit holders; to provide relative to membership of an advisory board to the Louisiana Liquefied Petroleum Gas Commission; to repeal provisions of law relating to elections and assessments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1846(C) and 1851(A) and (F) are hereby amended and reenacted to read as follows:

§1846. Rules and regulations of commission; exceptions; reporting; data sharing; permit requirements; penalties; liability; state of emergency or disaster

* * *

C. The rules and regulations adopted by the commission shall be printed in pamphlet form available to the public on the website of the commission. Any applicant, upon filing a formal application for a permit or registration, shall be mailed a copy of these rules and regulations upon receipt of his request. These rules and regulations may be supplemented from time to time in accordance with Administrative Procedure Act, R.S. 49:950 et seq. No other form of promulgation shall be required to make such rules and regulations or supplements thereto effective.

* * *

§1851. Assessment

A. Subject to the provisions of this Section, there is hereby levied an assessment in the amount of five one-hundredths of one percent of the gross annual sales of liquefied petroleum gas of each person who holds a Class I, ~~or a Class IV, or Class VI~~ permit. The assessment shall be determined in the same manner as the permit fee is determined.

* * *

F. The commission shall establish a board to advise the commission on the expenditure of funds collected under this Section. One advisory board member shall be appointed by the commission from each commission inspector's area, as designated by the commission, and two members shall be appointed at large. Each member of the advisory board shall be a holder of a Class I, or Class IV, or Class VI permit. Each class of permit holders on which this Section levies an assessment shall have at least two members who hold permits for their respective classes on the advisory board. There shall be not more than nine members of the advisory board. The advisory board members shall serve a term concurrent with that of the governor and, in case of resignation, the appointee will fill the unexpired term. Members shall not receive any compensation for serving on the advisory board.

* * *

Section 2. R.S. 40:1851(B), (G), and (H) are hereby repealed in their entirety.
Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 423

HOUSE BILL NO. 39
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:2072(A) and (B)(1) and to enact R.S. 11:2072(C), relative to the maximum benefits for certain members of the Registrars of Voters Employees' Retirement System; 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. 11:2072(A) and (B)(1) are hereby amended and reenacted and R.S. 11:2072(C) is hereby enacted to read as follows:
§2072. Annual amount of retirement allowance
A. The annual amount of the retirement allowance for persons who retired from this system on or before June 30, 1999, shall be three percent of the average ~~final~~ compensation for each year of creditable service.
B.(1) The annual amount of the retirement allowance for any person who is an active contributing member of this system on ~~and~~ or after July 1, 1999, and whose first employment making him eligible for membership in the system ~~began prior to occurred on or before January 1, 2013, and for any person who first becomes a member of this system on and after July 1, 1999, but before January 1, 2013,~~ shall be equal to three and one-third percent of the average ~~final~~ compensation for each year of creditable service.

* * *

C. The retirement allowance provided to a member pursuant to the provisions of this Section shall not exceed one hundred percent of the member's average compensation.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 9, 2016
A true copy:
Tom Schedler
Secretary of State

ACT No. 424

HOUSE BILL NO. 53
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 11:1938(F)(2), relative to Deferred Retirement Option Plan accounts of members of the Parochial Employees' Retirement System; to provide with respect to the investment of funds in such accounts; to provide with respect to the rate of interest credited to such accounts; 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. 11:1938(F)(2) is hereby amended and reenacted to read as follows:
§1938. Deferred Retirement Option Plan

* * *

F.

* * *

(2)(a) After a person terminates participation in this program, but provided that he has not terminated his employment which made him eligible to become a member of this system, all amounts which remain credited to the individual's subaccount after termination of participation in the plan shall be placed in liquid asset money market investments at the discretion of the

board of trustees. Such account balances may be credited with interest at the actual rate of return earned on such account balance investments, said interest to be credited to the individual's account balance on an annual basis.
(a) ~~(b)~~ The contributing period shall mean that time period when funds are being credited to the participant's subaccount which is maintained by the system.
(b) ~~After the contributing period ends, the balance of the subaccount then may be transferred to a self-directed subaccount, which shall be known as the investment period. Both subaccounts shall be within the Deferred Retirement Option Plan established herein. Management of the funds shall be by the system during the contributing period. When the funds are transferred to the self-directed subaccount for the investment period, the system is authorized to hire a third party provider. The third party provider shall act as an agent of the system for purposes of investing balances in the self-directed subaccounts of the participant as directed by the participant. The participant shall be given such options that comply with federal law for self-directed plans.~~
(c) ~~The participant in the self-directed portion of this plan agrees that the benefits payable to the participant are not the obligations of the state or the system, and that any returns and other rights of the plan are the sole liability and responsibility of the participant and the designated provider to which contributions have been made. Furthermore, each participant, in accordance with this provision, shall expressly waive his rights as set forth in Article X, Section 29(A) and (B) of the Louisiana Constitution as it relates to his subaccount in the self-directed portion of the plan. By participating in the self-directed portion of the plan, the participant agrees that he and the provider shall be responsible for complying with all applicable provisions of the Internal Revenue Code. The participant also agrees that if any violation of the Internal Revenue Code occurs as a result of the participant's participation in the self-directed portion of the plan, it shall be the sole responsibility and liability of the participant and the provider, not the state or the system. There shall be no liability on the part of and no cause of action of any nature shall arise against the state, the system, or its agents or employees, for any action taken by the participant for choices the participant makes in relationship to the funds in which he chooses to place his subaccount balance. After the contributing period ends, the balance of the subaccount shall be credited annually with interest using the preceding twelve-month average of interest paid by the custodial bank's prime money market institutional shares fund.~~

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 9, 2016
A true copy:
Tom Schedler
Secretary of State

ACT No. 425

HOUSE BILL NO. 123
BY REPRESENTATIVE PIERRE AND SENATORS BARROW, BOUDREAUX, BROWN, LUNEAU, AND MILLS
AN ACT

To amend and reenact R.S. 40:1137.3(B) and (E)(2), relative to entities in possession of automated external defibrillators; to repeal a requirement that such entities provide certain notification to the Department of Health and Hospitals; to require that each high school have an automated external defibrillator on its premises; to provide for enforceability; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1137.3(B) and (E)(2) are hereby amended and reenacted to read as follows:
§1137.3. Persons in possession of AEDs; training, testing, and notification requirements; manufacturer responsibility; possession required

* * *

B. Any person or entity that possesses an AED shall notify ~~the bureau of emergency medical services of the Department of Health and Hospitals and a local provider of emergency medical services, such as a 911 service, local ambulance service, or the fire department of the acquisition, location, and type of AED.~~

* * *

E.

* * *

(2) Each high school ~~that participates in interscholastic athletics~~ shall have an AED on its premises, if funding is available, subject to appropriation. Each high school shall have the authority to accept donations of AEDs or funds to acquire AEDs.

* * *

Section 2.(A) The legislature hereby declares that the safety of young persons and the timely, effective provision of emergency medical services are public health priorities of this state.
(B) This Act shall be known as the "Teddy Daigle, Shane Ozone, and

Shannon Veal Act.
Section 3. The provisions of R.S. 40:1137.3(E), as amended by Section 1 of this Act, which require that each high school have an automated external defibrillator on its premises shall become operative and enforceable on January 1, 2018.

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

ACT No. 426

HOUSE BILL NO. 135
BY REPRESENTATIVES TERRY LANDRY AND SMITH
AN ACT

To enact R.S. 46:56.1, relative to records of persons prohibited from possessing firearms; to provide relative to determinations which would prohibit persons from possessing, shipping, transporting, or receiving firearms pursuant to state and federal law; to require the submission of certain records to the Louisiana Supreme Court; to provide that the release of such information does not violate patient confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:56.1 is hereby enacted to read as follows:
§56.1. Reporting of certain case records; confidentiality waiver
A.(1) Notwithstanding any other provision of law to the contrary, the Department of Health and Hospitals or the office of elderly affairs, for the purpose of adult protective services, shall report upon request to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and any other identifying information contained in case records of any adult that may be prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C. 922(d)(4) and (g)(4).

(2)(a) The department shall provide the Louisiana Supreme Court with the name of the court which issued the commitment order and the docket number of the proceeding if that information is in the possession of the department.

(b) In addition, the department shall provide the following available information regarding the client:

- (i) Name.
- (ii) Date of birth.
- (iii) Alias names, if any.
- (iv) Social security number.
- (v) Sex.
- (vi) Race.

B. The department shall provide all documents in its possession as authorized by the provisions of this Section upon request of the court and within a reasonable time period regardless of when the court proceedings occurred.

C. The providing of the information as required by the provisions of this Section shall not be construed to violate the confidentiality provisions of R.S. 46:56 or any other law regarding client confidentiality.

D. For the purposes of this Section, “department” means the Department of Health and Hospitals and the office of elderly affairs, for the purposes of adult protection services as provided in R.S. 15:1503(4).

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

ACT No. 427

HOUSE BILL NO. 144
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 42:1124(E) and 1124.2(E), relative to personal financial disclosure; to remove provisions requiring an affidavit; to provide for a certification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 42:1124(E) and 1124.2(E) are hereby amended and reenacted to read as follows:

§1124. Financial disclosure; statewide elected officials; certain public servants

* * *

E. The financial statement shall be filed with the Board of Ethics and shall be accompanied by the affidavit certification of the individual filing it certifying that the information contained in the financial statement is true and correct to the best of his knowledge, information, and belief. The financial statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950.

* * *

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator

* * *

E. The financial statement shall be filed with the Board of Ethics and shall be accompanied by the affidavit certification of the individual filing it certifying

that the information contained in the financial statement is true and correct to the best of his knowledge, information, and belief. The financial statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950.

* * *

Section 2. This Act shall become effective on January 1, 2017.
Approved by the Governor, June 9, 2016
A true copy:
Tom Schedler
Secretary of State

ACT No. 428

HOUSE BILL NO. 198
BY REPRESENTATIVES PYLANT AND MACK
AN ACT

To enact R.S. 24:202(A)(24) and (25), relative to the council of the Louisiana State Law Institute; to provide for the ex officio membership of the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 24:202(A)(24) and (25) are hereby enacted to read as follows:
§202. Council; membership; terms; vacancies
A. The governing body of the Louisiana State Law Institute shall be a council composed of ex officio members and elected members. The ex officio members shall be:

* * *

(24) The executive director of the Louisiana District Attorneys Association.
(25) The president of the Louisiana District Attorneys Association or a district attorney designated by the president.

* * *

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

ACT No. 429

HOUSE BILL NO. 206
BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 47:1925.11, relative to expenses of assessors; to authorize an automobile expense allowance for the assessor in certain parishes; to provide for certain limitations and requirements; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:1925.11 is hereby amended and reenacted to read as follows:

§1925.11. Assessment Districts in Assumption, Iberville, Pointe Coupee, and Webster parishes Parish Assessment District; automobile expense allowance
In the Assessment Districts in Assumption, Iberville, Pointe Coupee, and Webster Parish Assessment District parishes, the assessor may receive an automobile expense allowance equal to not to exceed fifteen percent of his annual salary provided the assessor maintains three hundred thousand dollars of automobile insurance per accident for bodily injury and one hundred thousand dollars of automobile insurance per accident for property damage. The expense allowance shall come from existing funds in the assessor’s office and at no additional expense to the state or local governing authority.

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

ACT No. 430

HOUSE BILL NO. 241
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 9:1103, R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14), R.S. 35:411(A), (B), and (E), R.S. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9), R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6), R.S. 48:264.1(B), and R.S. 56:301.10(E)(3), 425(E), 427.1(C), 494(E)(3) and 2011(E), to enact R.S. 49:214.6.2(D)(8), and to repeal R.S. 49:214.6.2(C)(4), relative to the Coastal Protection and Restoration Authority Board; to change certain references to the “Office of Coastal Protection and Restoration” to “Coastal Protection and Restoration Authority”; to change certain references to the “Office of Coastal Protection and Restoration” to the “Coastal Protection and Restoration Authority Board”; to make technical corrections to references to the “executive director”, the “chair”,

the “chairman”; to make other technical corrections; to provide for the utilization of certain services provided by the Department of Natural Resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1103 is hereby amended and reenacted to read as follows:
§1103. Carbon sequestration on surface or water bottom

Any monetary compensation derived from the sequestration of carbon on the surface of land or water bottoms through biological processes, including but not limited to the growth of plants or animals or other natural or induced processes, is the property of the owner of the land or water bottom upon which such sequestration occurs, unless (a) contractually assigned to another party; or (b) the sequestration, uptake, or prevention of emission of greenhouse gases is directly related to the avoided conversion or avoided loss attributable to a project carried out or sponsored by the Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Board, including use of public resources as provided in R.S. 49:214.5.4. In such instance, the monetary compensation is the property of the state.

Section 2. R.S. 30:961(G)(3), 2000.11(E), 2459(A) and (D), 2460(A)(14) are hereby amended and reenacted to read as follows:

§961. Cooperative endeavor agreements; withdrawal of surface water; intent

G.

(3) The management of cooperative endeavor agreements to withdraw running surface water shall be consistent with the comprehensive master plan for coastal restoration and protection as approved by the Coastal Protection and Restoration Authority Board and the legislature.

§2000.11. Annual Basin plan

E. The annual Basin plan shall be submitted to the Coastal Protection and Restoration Authority Board for their review and approval as consistent with the master plan for coastal protection and restoration for a sustainable coast prior to final adoption by the board.

§2459. State oil spill contingency plan

A. The coordinator shall develop and distribute to the public a state oil spill contingency plan of response for actual or threatened unauthorized discharges of oil and clean up of pollution from such discharges. In addition, the Department of Environmental Quality, in cooperation with the coordinator, shall recommend provisions of the plan relating to unauthorized discharges of oil. The Department of Wildlife and Fisheries, in cooperation with the coordinator, shall recommend provisions of the plan providing for protection, rescue, and rehabilitation of aquatic life and wildlife and appropriate habitats on which they depend under its jurisdiction. The executive director of the Office of Coastal Protection and Restoration Authority, in cooperation with the coordinator, shall recommend provisions of the plan for providing for the protection and restoration of the coastal areas of the state. The Department of Natural Resources, in cooperation with the coordinator, shall recommend provisions of the plan providing for protection and rehabilitation of appropriate resources under its jurisdiction. The Department of Public Safety and Corrections, in cooperation with the coordinator, shall recommend provisions of the plan providing for emergency response coordination to protect life and property, excluding prevention, abatement, containment, and removal of pollution from an unauthorized discharge.

D. Prior to adopting the state oil spill contingency plan, the coordinator shall adopt a fully delineated inland boundary for coastal waters as defined in this Chapter, which boundary shall be based upon data provided by, including but not limited to the United States Army Corps of Engineers, United States Department of the Interior, Minerals Management Service, the Coastal Protection and Restoration Authority, the Louisiana Department of Natural Resources, and the oil and gas industry. The coordinator shall be authorized to amend the boundary by rule as conditions may warrant. The boundary, as adopted, shall be clearly marked on large scale maps or charts, official copies of which shall be available for public inspection in the Office of Coastal Protection and Restoration Authority, the office of coastal management in the Department of Natural Resources, in each agency comprising the interagency council, and in the parish seat of each parish located within the boundary.

§2460. Contingency plan provisions

A. The plan shall include all of the following:

(14) Procedures established in cooperation with the Department of Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection and Restoration Authority, and Department of Natural Resources for assessment of natural resources damages and plans for mitigation of damage to and restoration, protection, rehabilitation, or replacement of damaged natural resources. Pursuant to R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible for integrated coastal protection in the coastal area of the state, therefore, the Coastal Protection and Restoration Authority and the Office of Coastal Protection and Restoration Authority Board shall assist the coordinator in a primary role in assessing natural resource damages in the coastal area.

Section 3. R.S. 35:411(A), (B), and (E) are hereby amended and reenacted to read as follows:

§411. Ex officio notaries public for the Office of Coastal Protection and Restoration Authority

A. The executive director of the Office of Coastal Protection and Restoration Authority may designate as ex officio notaries public up to five employees of the office.

B. Employees so designated may administer oaths, take acknowledgments, and attest on affidavits, and the authority granted under this Section is limited to acts and instruments to which the office authority, the executive director acting for the office authority, or the Coastal Protection and Restoration Authority Board, is a party, and other documents concerning any matter in which the office authority or the Coastal Protection and Restoration Authority Board has an official interest.

E. The cost of each notarial seal shall be paid by the Office of Coastal Protection and Restoration Authority.

Section 4. R.S. 38:100(introductory paragraph), 106(A)(2)(introductory paragraph) and (B), 111, 112, 213(D), 214(B), 218(B), 221(F), 225(A)(2), (D)(2)(b), (F), 226, 301(B), 301.1(A), (B), and (C), 306(C), 313(B)(2), 315, 329.6(H), 330.1(C)(2)(c) and (3)(a), 3097.4(A)(9) are hereby amended and reenacted to read as follows:

§100. Object and purpose
It is the object and purpose of this Chapter to provide for participation by the state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for modifications of the Westwego to Harvey Canal hurricane protection project to include the Lake Cataouatche area, the East of Harvey Canal hurricane protection project, and for any other future project modifications or additions within the parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object of this Chapter to designate the Coastal Protection and Restoration Authority Board as the nonfederal sponsor for the construction of the projects and to furnish the United States such assurances and cooperation as may be required by the Congress of the United States that the department will:

§106. Object and purpose

A.

(2) It is further the object of this Chapter to designate the Coastal Protection and Restoration Authority Board as the nonfederal sponsor for the construction of the projects and to furnish the United States such assurances and cooperation as may be required by the Congress of the United States that the authority shall:

B. The Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Board shall repay to the United States, with interest, the nonfederal share of the construction of the projects.

§111. Contracts by drainage districts, levee boards, and political subdivisions with Department of Transportation and Development or the Office of Coastal Protection and Restoration Authority

Any drainage or subdrainage district, gravity drainage, or gravity subdrainage district, levee board, or political subdivision may contract with the Department of Transportation and Development or, for projects in the coastal area as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the Office of Coastal Protection and Restoration Authority, upon any terms for the payment of the cost of the drainage and reclamation projects within the confines of the district or districts involved proportionately by the Department of Transportation and Development, or the Office of Coastal Protection and Restoration Authority, and the districts as may be agreed upon between the Department of Transportation and Development, or the Office of Coastal Protection and Restoration Authority, and the governing authorities of the districts entering into any contract.

§112. Cooperation with federal government and state of Mississippi in building levees

By and with the concurrence and approval of the local levee authorities in interest in Louisiana, and of the Department of Transportation and Development, or, for levees in the coastal area as defined in R.S. 49:214.2(3) R.S. 49:214.2(4), the Office of Coastal Protection and Restoration Authority, the state of Mississippi and the United States Government, or either of them, jointly or severally, may construct and have entire charge and control of, both in construction and maintenance, and for protection and preservation, all levees which may be deemed necessary by the grantees, or by either of them, for protection against overflow from the Mississippi River, through and over all parts of the state of Louisiana which by the changes of the channel of the Mississippi River have been separated from other parts of the state of Louisiana, and which are now on the east side of the present channel of the river, and attached to the mainland of the state of Mississippi. The levees shall be of the dimensions and shall be located, and built from adjacent soil, along the lines, and for the distances, determined by the engineers in charge of levee construction either for the United States or for the state of Mississippi, or for both.

§213. Riding or hauling on levees prohibited

D. Nothing in this Section shall interfere with the crossing over any public

levees, at ramps or inclines established under plans and specifications of the Department of Transportation and Development, or, for levees or integrated coastal protection projects in the coastal area as defined in R.S. 49:214.2, the Coastal Protection and Restoration Authority. Nothing in this Section shall interfere with the ability of the Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Board to carry out its responsibilities as the local sponsor for all integrated coastal protection projects, in its jurisdiction, pursuant to R.S. 49:214.1(F).

§214. Interference with drainage prohibited

B. Upon the request of the Department of Transportation and Development, the Coastal Protection and Restoration Authority, or the Coastal Protection and Restoration Authority Board, if the area is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation to any person who is in violation of this Section. Every person convicted of a violation of this Section shall be fined not less than twenty-five dollars nor more than three hundred dollars.

§218. Diversion of natural drain prohibited

B. Upon request of the Department of Transportation and Development, the Coastal Protection and Restoration Authority, or the Coastal Protection and Restoration Authority Board, if the area is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), the state police shall issue a citation to any person who is in violation of this Section. Every person who is convicted of a violation of this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days, or both.

§221. Rice-flumes, dahls, or pipes in public levees prohibited

F. The laying of such pipes through or under the public levees in cities, municipalities, or parishes shall be with the consent and approval of the levee board, the Department of Transportation and Development, for levees in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the ~~Office of~~ Coastal Protection and Restoration Authority, and the governing authorities of the cities, municipalities, or parishes and under the supervision of the Department of Transportation and Development, or the ~~Office of~~ Coastal Protection and Restoration Authority.

§225. Obstructions on levees, waterways, and rights-of-way therefor; removal at expense of person responsible; destroying markers prohibited

A. No person shall:

(2)(a)(i) Tie or moor logs, rafts, boats, watercraft, or floating objects of any description to the levees, or, when the water is against the levees, tie or moor any floating objects to mooring posts, revetments, trees, or other objects within one hundred eighty feet from the crown of any federally authorized and funded levees or levees designated by the ~~Office of~~ Coastal Protection and Restoration Authority or the Department of Transportation and Development;

(ii) When the water is against the levees, drive or push any logs, rafts, boats, watercraft, or floating objects of any description onto or against any levees;

(b) Nothing herein shall prohibit the mooring or berthing of floating vessels at such locations as have been permitted for this purpose by the United States Coast Guard Captain of the Port, United States Army Corps of Engineers, the Louisiana Department of Transportation and Development, the jurisdictional levee district or flood protection authority, the ~~Office of~~ Coastal Protection and Restoration Authority, or any other permitting authority;

D. Whoever violates this Section shall be subject to the following penalties:

(2)

(b) The provisions of this Paragraph shall remain in effect until such time as the Coastal Protection and Restoration Authority promulgates regulations that will provide levee districts, within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), with the authority to enforce the necessary prohibitions related to Subparagraph (2)(a) of this Section as determined or approved by the Coastal Protection and Restoration Authority.

F. Nothing in this Section shall interfere with the ability of the Coastal Protection and Restoration Authority or the Coastal Protection and Restoration Authority Board to carry out its responsibilities as the local sponsor for all flood control projects, in its jurisdiction, pursuant to R.S. 49:214.1(F).

§226. Permits for levee crossings

If an appointed board or commission having jurisdiction over levees receives letters of no objection from the United States Army Corps of Engineers and the Department of Transportation and Development, office of engineering, or, for levees in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal Protection and Restoration Authority, in response to a request to the board or commission for a permit or letter of no objection to a levee crossing or a request to renew or transfer an existing permit, it shall be incumbent

upon and a ministerial duty of the executive or administrative officer to issue the requested permit or letter of no objection to the crossing, subject to any conditions or stipulations contained in the letters received from the United States Army Corps of Engineers and the Department of Transportation and Development, office of engineering, or for levees in the coastal area as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), the Coastal Protection and Restoration Authority. The board or commission may impose customary fees, bonds, and other general stipulations. The executive or administrative officer shall enforce such permits for levee crossings only to the extent of the conditions and stipulations contained in the permit or letter of no objection.

§301. Construction and maintenance of levees and drainage; care and inspection of levees; measure of compensation; right of entry; bicycle paths and walkways

B. Except as provided in R.S. 38:330.2(I), the care and inspection of levees shall devolve on resident commissioners, assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the boards are hereby authorized to adopt. Each resident commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development or, if the levee district is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), such training shall be every two years, or twice during a term in office, and shall be conducted by the Coastal Protection and Restoration Authority Board.

§301.1. Coastal area levee districts; elevation reports

A. Every levee district located wholly or partially in the coastal area and every parish governing authority for parishes located wholly or partially within the coastal area but which are not part of a levee district shall, once every three years, submit a levee elevation report on tidal levees located within the coastal area to the Coastal Protection and Restoration Authority Board and to the ~~Office of~~ Coastal Protection and Restoration Authority. The levee elevation report shall be based upon a centerline profile survey conducted by the levee district or parish governmental entity on all tidal levees within the coastal area under its control. The centerline profile survey shall be limited to the gathering of elevation information along the top of the levee at ~~two hundred fifty foot~~ two hundred fifty foot intervals and shall not include cross-sectional levee elevation information. The information gathered pursuant to the centerline profile survey shall be incorporated into the levee elevation report, which shall indicate the elevation based on the North American Vertical Datum of 1988 of all tidal levees, including federally funded and nonfederally funded levees, and shall specifically identify inconsistencies in levee elevation. The report shall also include a plan to correct any problems that have been identified.

B. The centerline profile survey required according to the provisions of this Section may, at the discretion of the levee district or parish governing authority, be conducted by a licensed surveyor or by the levee district or parish governing authority. Any levee district or parish governing authority which chooses to conduct the centerline profile survey may use its own employees and equipment. If a levee district or parish governing authority undertakes the survey using its own employees and equipment, the ~~Office of~~ Coastal Protection and Restoration Authority shall provide technical assistance and shall provide guidance in conducting the survey.

C. Every levee district located wholly or partially in the coastal area may, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, water resources development, and integrated coastal protection, including but not limited to the studying, engineering, designing, planning, maintenance, operation, and construction of erosion control measures, marsh management, coastal restoration, reservoirs, diversion canals, gravity and pump drainage systems, and other flood control works as such activities, facilities, and improvements related to tidewater flooding, riverine flooding, hurricane protection, conservation, and saltwater intrusion. Levee districts located wholly or partially in the coastal area may enter into contracts or other agreements, including cooperative endeavor agreements, with any public or private person or persons, corporation, association, or other entity, including the Coastal Protection and Restoration Authority, ~~Office of Coastal Protection and Restoration~~, the state and other agencies thereof, public corporations, port authorities, levee districts, parishes, other political subdivisions, or the United States government or agencies thereof, or any combination thereof, or with instrumentalities of any kind to provide such adequate drainage, flood control, water resources development, and integrate coastal protection, and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or in part, which may be necessary.

§306. General powers and duties of board

C. The board shall examine all of the accounts and operations of the board and determine in what manner work shall be undertaken. The board shall also be invested with the control of all public levees in the district, with authority to require the Department of Transportation and Development or the Coastal

Protection and Restoration Authority Board, if the area is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), to lay off, furnish estimates, and perform all engineering work necessary to the location, construction, and repairs of levees, reserving, however, the right to the parishes in which the levees are located, also to provide funds and to construct and repair levees and exercise the powers now conferred to it by law. All works shall be advertised in accordance with the provisions of R.S. 38:2211 et seq., to be let out by means of sealed proposals to the lowest responsible bidder, reserving to the board authority to reject all bids. In case of emergency as defined in ~~R.S. 38:2211(A)(6)~~ R.S. 38:2211(A)(5), the board may make contracts for the building and repair of and guarding the levees without advertisement or sealed proposals. It shall use all means at its command to strengthen, repair, or construct any portion of the levees that may demand attention.

* * *

§313. Cessation of activities

* * *

B. Within six months after the end of the five-year period delineated in Subsection A of this Section, the Louisiana legislative auditor shall certify the following:

* * *

(2) Whether or not there has been a protection levee constructed in the district, as certified by the Department of Transportation and Development or the Coastal Protection and Restoration Authority Board, if the area is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11).

* * *

§315. Dedication of artificial waterways as public navigable waterways; approval

Wherever there presently exists or may hereafter be created within the territorial limits of any levee district or levee and drainage district in the state of Louisiana, except in the parish of Orleans, any canal or other artificial waterway created by any levee district or levee and drainage district for the purpose of constructing a levee or other public work and where said canal or other artificial waterway is navigable in fact and connects with or enters into any lake, river, stream, bayou, or other navigable waters, the governing authority of said levee district or levee and drainage district shall have the authority, with the approval of the office of engineering of the Department of Transportation and Development or the Coastal Protection and Restoration Authority Board, if the area is located within the coastal area, as defined in ~~R.S. 49:214.2(3)~~ R.S. 49:214.2(4), and involves integrated coastal protection, as defined in ~~R.S. 49:214.2(10)~~ R.S. 49:214.2(11), and with the concurrence of the United States district engineer, to dedicate and declare ~~said~~ the canal or other artificial waterway, in whole or in part, as a waterway subject to the free and unrestricted navigation by the public; however, nothing herein shall be construed as authorizing the taking of private property, except as now provided by the constitution and laws of this state.

* * *

§329.6. St. Tammany Levee, Drainage, and Conservation District; powers and duties

* * *

H. No action or work undertaken by the board or contract or agreement entered into by the board shall violate the master plan of the Coastal Protection and Restoration Authority Board or any statewide drainage and flood control plan administered by the Department of Transportation and Development.

* * *

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

* * *

C.

* * *

(2)

* * *

(c) The chairman of the Coastal Protection and Restoration Authority Board shall be the custodian of the records of the nominating committee. The chairman of the authority nominating committee, or in his absence, the chairman of the Coastal Protection and Restoration Authority Board , shall call the meeting of the nominating committee. The chairman of the Coastal Protection and Restoration Authority Board, or his designee, shall serve as secretary for the nominating committee.

(3)(a) Within ten days after the occurrence of a vacancy on the flood protection authority board, the board shall advise the chairman of the Coastal Protection and Restoration Authority Board of such vacancy. Within fourteen days after being advised of a vacancy on a board, the chairman of the Coastal Protection and Restoration Authority Board shall publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

* * *

§3097.4. Water Resources Commission; membership; powers and responsibilities

A. The Water Resources Commission is hereby created and shall be

composed of the following members:

* * *

(9) The ~~executive director~~ chairman of the Coastal Protection and Restoration Authority Board or his designee.

* * *

Section 5. R.S. 39:99.29(A), 366.3(1), 2202(1), (3), (5), and (6) are hereby amended and reenacted to read as follows:

§99.29. Governing board; membership; terms; compensation and expenses; chairman and vice chairman; quorum; employees, agents; limitation of liability

A. The board of the corporation shall exercise all powers, rights, and duties conferred by this Subpart or other provisions of law upon the corporation. The board shall consist of the governor, the state treasurer, attorney general, president of the Senate and speaker of the House of Representatives, chairman of the Coastal Protection and Restoration Authority Board, secretary of the Department of Natural Resources, secretary of the Department of Transportation and Development, or their designees, and seven members appointed by the governor with one member appointed from each congressional district and the remaining member or members appointed from the state at large. The members of the board who are appointed by the governor shall represent the state’s diverse population as near as practicable, and shall have a background and significant experience in financial management and investments. The members of the board appointed by the governor shall be subject to Senate confirmation and shall serve at the pleasure of the governor for terms of four years each, or until their successors shall have been appointed and qualified, as designated by the governor. Any appointment to fill a vacancy on the board shall be made for the unexpired term of the member whose death, resignation, or removal created such vacancy. Members on the board may be appointed to an additional term.

* * *

§366.3. Definitions

In this Part, the following words and terms shall have the meanings ascribed in this Section unless the context clearly requires otherwise:

(1) “Cooperative endeavor” means any agreement including one of cooperative financing, other than a competitive bid or competitively negotiated contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for proposals, request for qualifications, solicitation for offers, or other recognized process for competitively seeking qualified contractors, to which the state is a party and pursuant to which the state has obligated state resources, whether funds, credit, property, or things of value of the state to a nonpublic person for the accomplishment of a public purpose or in the public interest, but shall not include projects contained in the comprehensive state capital outlay budget, projects pursuant to the Governor’s Economic Development Rapid Response Program, and integrated coastal protection programs and projects authorized in the annual coastal protection and restoration plan and administered by the ~~Office of~~ Coastal Protection and Restoration Authority.

* * *

§2202. Definitions

As used in this Chapter the following terms have the following meanings unless the context clearly indicates otherwise:

(1) “Agency” means the ~~Office of~~ Coastal Protection and Restoration Authority.

* * *

(3) “Contractor” means any person who has a contract with the ~~Office of~~ Coastal Protection and Restoration Authority or a political subdivision to perform a public work as defined in this Chapter.

* * *

(5) “Director” means the executive director of the ~~Office of~~ Coastal Protection and Restoration Authority.

(6) “Public work” means the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by the ~~Office of~~ Coastal Protection and Restoration Authority or a political subdivision which project is funded entirely or partially by monies received through the Federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2011, or as a result of any settlement related to the explosion on, and sinking of the mobile offshore drilling unit Deepwater Horizon, or the Comprehensive Master Plan for Coastal Protection.

Section 6. R.S. 48:264.1(B) is hereby amended and reenacted to read as follows:

§264.1. Salvage materials; bridges and roads; coastal protection and restoration projects

* * *

B. When, in the opinion of the secretary of the department or his designee, it is in the best interest of the state, he may order any materials deemed of no salvage value recovered from the reconstruction or repair of any state road or bridge, or from any other work performed by the department to be disposed of by transfer to the ~~Office of~~ Coastal Protection and Restoration Authority to be utilized for coastal protection and restoration projects, such transfer to be made in accordance with procedures established by the secretary or his designee in coordination with the ~~Office of~~ Coastal Protection and Restoration Authority.

Section 7. R.S. 56:301.10(E)(3), 425(E), 427.1(C), ~~494(E)(3)~~ and 2011(E) are

* As it appears in the enrolled bill

hereby amended and reenacted to read as follows:

§301.10. Louisiana Finfish Task Force
* * *

E. The task force is hereby charged with responsibility to do the following:
* * *

(3) Make recommendations with respect to issues pertaining to the finfish industry and finfish production to the various state agencies charged with responsibility for differing elements of the finfish industry in this state, including the Department of Wildlife and Fisheries, the Department of Natural Resources, the ~~Office of Coastal Protection and Restoration Authority~~, the Department of Health and Hospitals, the Department of Agriculture and Forestry, and the legislature.
* * *

§425. Lease of water bottoms; stipulations; boundary disputes
* * *

E. No lease shall be granted for any water bottom for which any lease was previously acquired by the state for integrated coastal protection, unless the executive director of the ~~Office of Coastal Protection and Restoration Authority~~ determines that leasing would otherwise be appropriate under the provisions of this Subpart and the executive director of the ~~Office of Coastal Protection and Restoration Authority~~ affirms that the water bottom is not necessary for integrated coastal protection. Unless this determination has been made prior to issuance of the lease, a lease of water bottom for which a lease was previously acquired shall be null and void for such water bottom and shall be of no force or effect. No person shall have any claim against the state of Louisiana, its political subdivisions, the United States, or any agency, agent, contractor, or employee thereof or any other person in relation to the nullity of such lease.
* * *

§427.1. State, political subdivisions of the state, and the United States held harmless in coastal restoration
* * *

C.(1) A leaseholder whose oyster lease is acquired in whole or in part by the ~~Office of Coastal Protection and Restoration Authority~~ pursuant to R.S. 56:432.1 for dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection may seek compensation from the ~~Office of Coastal Protection and Restoration Authority~~ pursuant to that Section.

(2) A leaseholder may seek acquisition and compensation from the ~~Office of Coastal Protection and Restoration Authority~~ pursuant to R.S. 56:432.1 for any portion of an oyster lease that is not acquired by the ~~Office of Coastal Protection and Restoration Authority~~ and upon which dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred.
* * *

§494. Louisiana Shrimp Task Force
* * *

E. The task force is hereby charged with responsibility to do the following:
* * *

(3) Make recommendations with respect to issues pertaining to the shrimp industry and shrimp production to the various state agencies charged with responsibility for differing elements of the shrimp industry in this state, including the Department of Wildlife and Fisheries, the Department of Natural Resources, and the ~~Office of Coastal Protection and Restoration Authority~~, the Department of Health and Hospitals, the Department of Agriculture and Forestry, and the legislature.
* * *

§2011. License to dredge; royalties; exemptions
* * *

E. Any private landowner, state agency, political subdivision, or associated consultant or contractor engaged in a coastal protection, conservation, or restoration activity consistent with an annual plan or the comprehensive master plan established pursuant to ~~R.S. 49:213.6~~ R.S. 49:214.5.3 or engaged in an activity to remove sediment buildup to preserve or restore the natural habitat of a water body of the state or to enhance navigation and recreation activities on a water body of the state shall be exempt from payment of the royalties and bond requirements of this Section. However, any such private landowner, state agency, political subdivision, or associated consultant or contractor shall be required to apply for and receive the appropriate license required by this Section. To be eligible for exemption from the royalty payment and bond requirements of this Section, a private landowner shall obtain a letter of no-objection from either the governing authority of the political subdivision within which the activity will occur or the local coastal management program under which the activity is authorized, and the approval, in writing, of the secretary of the Department of Natural Resources, the secretary of the Department of Transportation and Development, and the ~~chair executive director~~ of the Coastal Protection and Restoration Authority.
* * *

Section 8. R.S. 49:214.6.2(D)(8) is hereby enacted to read as follows:
§214.6.2. Functions and responsibilities; coastal activities
* * *

D. The authority may:
* * *

(8) Utilize the services of the Department of Natural Resources, office of management and finance, for accounting and budgetary control, procurement

and contractual management, data processing, management and program analysis, and personnel management and grants management, provided that the secretary of the Department of Natural Resources shall exercise no authority over the provision of these services.
* * *

Section 9. R.S. 49:214.6.2(C)(4) is hereby repealed in its entirety.
Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 431

HOUSE BILL NO. 244
BY REPRESENTATIVE PUGH
AN ACT
To amend and reenact R.S. 34:1951(D), relative to the South Tangipahoa Parish Port Commission; to extend term limitations for members of the South Tangipahoa Parish Port Commission; to provide for an effective date; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 34:1951(D) is hereby amended and reenacted to read as follows:
§1951. Creation of South Tangipahoa Parish Port Commission
* * *

D. No person shall serve more than ~~two~~ three full six-year terms as a member of the South Tangipahoa Parish Port Commission. A full term shall not include partial terms served by members due to appointment to fill a vacancy or other reason. This limitation on terms shall apply to present and future members.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 432

HOUSE BILL NO. 410
BY REPRESENTATIVE GREGORY MILLER
AN ACT
To amend and reenact R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2), relative to child custody; to provide relative to shared custody and split custody relating to child support; to provide definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2) are hereby amended and reenacted to read as follows:
§315.9. Effect of shared custodial arrangement
A.(1) “Shared custody” means ~~a joint custody order in which that~~ each parent has physical custody of the child for an approximately equal amount of time.
(2) If there is a the joint custody order or joint plan for implementation providing provides for shared custody, or if the court finds by a preponderance of the evidence that shared custody exists, the basic child support obligation shall first be multiplied by one and one-half and then divided between the parents in proportion to their respective adjusted gross incomes.
* * *

§315.10. Effect of split custodial arrangement
A.(1) “Split custody” means that each party is the sole custodial or domiciliary parent of at least one child to whom support is due. Split custody exists where there is a custody order or joint plan of implementation providing for split custody, or the court finds by a preponderance of the evidence that split custody exists.
(2) If split custody exists as set forth in this Section the custody order provides for split custody, each parent shall compute a total child support obligation for the child or children in the custody of the other parent, based on a calculation pursuant to this Section.
* * *

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

ACT No. 433

HOUSE BILL NO. 431
BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 45:1177(A)(2), relative to the Public Service Commission; to increase certain quarterly fees with respect to common and contract motor carriers and public utilities; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:1177(A)(2) is hereby amended and reenacted to read as follows:

§1177. Inspection and supervision fees; Utility and Carrier Inspection and Supervision Fund

A.

* * *

(2) The fees for the first quarter gross receipts of each calendar year shall be paid on or before June thirtieth; the fees for the second quarter gross receipts shall be paid on or before September thirtieth; the fees for the third quarter gross receipts shall be paid on or before December thirty-first; and the fees for the fourth quarter gross receipts shall be paid on or before March thirty-first of the following calendar year. The application of this schedule shall be based on and calculated according to the cumulative gross receipts beginning with the first quarter of each calendar year. In no event shall any utility or carrier pay less than twenty dollars each quarter. The fee to be paid by each common carrier, contract carrier, and public utility shall be paid quarterly as follows:

- (a) ~~\$4.94~~ \$5.01 per \$1000 for the first \$100,000 or less of such gross receipts.
- (b) ~~\$4.16~~ \$4.23 per \$1000 of such gross receipts in excess of \$100,000 and not more than \$250,000.
- (c) ~~\$3.38~~ \$3.45 per \$1000 of such gross receipts in excess of \$250,000 and not more than \$500,000.
- (d) ~~\$2.61~~ \$2.68 per \$1000 of such gross receipts in excess of \$500,000 and not more than \$750,000.
- (e) ~~\$2.22~~ \$2.29 per \$1000 of such gross receipts in excess of \$750,000 and not more than \$1,000,000.
- (f) ~~\$1.83~~ \$1.90 per \$1000 of such gross receipts in excess of \$1,000,000 and not more than \$2,000,000.
- (g) ~~\$1.44~~ \$1.51 per \$1000 of such gross receipts in excess of \$2,000,000 and not more than \$5,000,000.
- (h) ~~\$1.06~~ \$1.13 per \$1000 of gross receipts in excess of \$5,000,000 and not more than \$10,000,000.
- (i) ~~\$.90~~ \$.97 per \$1000 of such gross receipts in excess of \$10,000,000 and not more than \$25,000,000.
- (j) ~~\$.75~~ \$.82 per \$1000 of such gross receipts in excess of \$25,000,000 and not more than \$100,000,000.
- (k) ~~\$.63 and one-half cents~~ \$.71 per \$1000 of such gross receipts in excess of \$100,000,000.

* * *

Section 2. This Act shall become effective on July 1, 2016.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 434

HOUSE BILL NO. 449
BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Children's Code Articles 1122(F)(2) and (G)(2) and 1142(B) and R.S. 40:34, 46, 46.1, 46.2, and 75(A), to enact R.S. 9:410, R.S. 40:34.1 through 34.13, and 46.3 through 46.13, and to repeal Children's Code Article 1142(C), relative to vital statistics; to provide for the completion of a birth certificate; to provide for the amendment of a birth certificate; to reorganize and recodify laws relative to birth certificates, death certificates, and paternity establishment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1122(F)(2) and (G)(2) and 1142(B) are hereby amended and reenacted to read as follows:

Art. 1122. Contents of surrender; form

* * *

F. The Act of Surrender for a surrendering mother shall contain the requirements in substantially the following form:

“VOLUNTARY ACT OF SURRENDER FOR ADOPTION
(FOR A SURRENDERING MOTHER OF A CHILD)
STATE OF LOUISIANA
PARISH OF (NAME OF PARISH)

BEFORE ME, the undersigned notary public, and in the presence of the two undersigned competent witnesses who are over the age of eighteen, personally came and appeared:

(NAME OF SURRENDERING MOTHER)

a female of the age of (AGE), who is (MARITAL STATUS), and domiciled in the Parish of (NAME OF PARISH), who being first duly sworn, did depose

and state:

* * *

(2) She was married at the birth or conception of the child, or has married subsequent to the child's birth and her husband has acknowledged his paternity of the child. The husband's name is (HUSBAND'S NAME) and his last known address was (ADDRESS OR UNKNOWN).

OR

She was not married at the birth or conception of the child, nor has she, subsequent to the child's birth, married any man who has acknowledged his paternity of the child. To the best of her knowledge, the alleged father has/has not executed a ~~notarial~~ an act of acknowledgment/a ~~notarial act of legitimation~~/a registration with the putative father registry ~~which that~~ admitted his paternity of this child. He has/has not informally acknowledged his paternity of this child. His paternity of this child has/has not been established by court judgment.

* * *

G. The Act of Surrender for a surrendering father shall contain the requirements in substantially the following form:

“VOLUNTARY ACT OF SURRENDER FOR ADOPTION

(FOR A SURRENDERING FATHER OF A CHILD)

STATE OF LOUISIANA

PARISH OF (NAME OF PARISH)

BEFORE ME, the undersigned notary public, and in the presence of the two undersigned competent witnesses who are over the age of eighteen, personally came and appeared:

(NAME OF SURRENDERING FATHER)

a male of the age of (AGE), who is (MARITAL STATUS), and domiciled in the Parish of (NAME OF PARISH), who being first duly sworn, did depose and state:

* * *

(2) He was not married to the child's mother at the time of the child's birth or conception nor has he subsequently married this child's mother and acknowledged his paternity of the child.

OR

He was married to the child's mother at the time of the child's birth or conception.

OR

He has married this child's mother subsequent to the child's birth and has acknowledged his paternity of the child.

OR

He was not married to and has not married the mother of this child/expected child. He has/has not executed a ~~notarial act of acknowledgement~~/a ~~notarial act of legitimation~~/ an act of formal acknowledgment/a registration with the putative father registry ~~which that~~ admitted his paternity of this child/expected child. He has/has not informally acknowledged his paternity of this child/expected child. His paternity of this child/expected child has/has not been established by court judgment.

* * *

Art. 1142. Order declaring parental rights terminated; motion; certificates

* * *

B. The motion shall be accompanied by a certified copy of the child's birth certificate, a certificate from the putative father registry indicating whether any act of acknowledgment by authentic act has been recorded, and a certificate from the clerk of court in and for the parish in which the child was born indicating whether any acknowledgment by authentic act, ~~legitimation by authentic act~~, or judgment of filiation has been recorded relative to this child.

* * *

Section 2. R.S. 9:410 is hereby enacted to read as follows:

§410. Filiation judgment; notice

A. Before rendition of any filiation judgment, including a judgment of disavowal of paternity, contestation and establishment of paternity, filiation, or paternity, that includes an order to amend a birth certificate, the mover shall send a copy of the pleadings, if any, and the proposed judgment to the state registrar by United States mail or electronic means. If the state registrar is of the opinion that the proposed order to amend the birth certificate is not in conformity with law, he may object to the order on that basis, provided he does so within thirty days of receipt of the pleadings and proposed judgment, after which the court shall rule on the merits of the objection. In the absence of any objection by the state registrar, the court shall grant the order if the mover is so entitled.

B. Nothing in this Section shall prohibit the state registrar from complying with a judgment ordering the amendment of a birth certificate when the order meets all legal requirements except the notification required by Subsection A of this Section.

Section 3. R.S. 40:34, 46, 46.1, 46.2, and 75(A) are hereby amended and reenacted and R.S. 40:34.1 through 34.13 and 46.3 through 46.13 are hereby enacted to read as follows:

§34. Vital records forms

A.(1) The certificate forms prescribed by the state registrar shall include, as a minimum, ~~the items listed below birth certificates, death certificates, paternity acknowledgment affidavits, and any others~~ other forms recommended by the national office in charge of gathering vital statistics. Only these forms shall be used in registering, recording, and preserving the vital information required by this Chapter. These forms shall be typewritten in black type or written in jet black ink or transferred by electronic means. Additionally each

certificate of a birth occurring in a licensed hospital shall be typewritten in black type or computer generated. Whenever a form is changed, the new form shall be furnished to the person charged with preparing it not less than thirty days prior to the date upon which the form shall be required to be used.

(2) The Department of Health and Hospitals shall promulgate rules and regulations in accordance with the Administrative Procedure Act to allow electronic registration in lieu of typewritten or written birth, death, fetal death, marriage, and divorce certificates.

B. The forms shall be printed and supplied or provided by electronic means by the state registrar, and the required contents are:

(1) Contents of birth certificate. The certificate of birth shall contain, as a minimum, the following items:

(a) Full name of child.
(i) If the child dies without a first name before the certificate is filed, enter the words “died unnamed” in this blank.

(ii) If the living child has not yet been given a first name at the date of filing of the certificate, leave blank the space for the first name of the child and supply the name later by affidavit.

(iii) Except as otherwise provided in Items (vi) and (vii) of this Subparagraph, the surname of the child shall be the surname of the husband of the mother if he was married to the mother of the child at the time of conception and birth of the child or had not been legally divorced from the mother of the child for more than three hundred days prior to the birth of the child, or, if both the husband and the mother agree, the surname of the child may be the maiden name of the mother or a combination of the surname of the husband and the maiden name of the mother.

(iv) If the child is born outside of marriage, the surname of the child shall be the mother’s maiden name. If the father is known and if both the mother and the father agree, the surname of the child may be that of the father or a combination of the surname of the father and the maiden name of the mother. For purposes of this Item, “father” means a father who has acknowledged his child or who has been judicially declared the father in a filiation or paternity proceeding.

(v) Any change in the surname of a child from that required herein or to that allowed herein shall be by court order as provided for in R.S. 13:4751 through 4755 or as otherwise provided in this Chapter or by rules promulgated thereunder.

(vi) Notwithstanding the provisions of Item (B)(1)(a)(iii), and except as otherwise provided in Item (B)(1)(a)(vii), if the father of the child is not the husband of the mother, the surname of the child may be the maiden name of the mother, or, if the mother, husband, and father agree, the surname of the child may be that of the father or a combination of the surname of the father and the maiden name of the mother. The Department of Health and Hospitals, office of public health, shall develop a form for the purposes of implementing this Item. However, the provisions of this Item shall be limited to cases wherein the husband and mother have lived separate and apart continuously for a minimum of one hundred eighty days prior to the time of conception of the child and have not reconciled since the beginning of the one hundred eighty-day period, as evidenced by an affidavit of the parties submitted to the registrar.

(vii) In the case of a child born of the marriage, which includes cases where both a person, presumed to be the father pursuant to the Civil Code, and a biological father exist, the surname of the child’s biological father who has been judicially declared to be the father of the child in a filiation or paternity proceeding, either prior or subsequent to the birth of the child, shall be the surname of the child, if the biological father has sole or joint custody of the child and the presumed father, if any, is no longer married to the mother. If the biological father and the mother agree, the surname of the child shall be the maiden name of the mother or a combination of the surname of the biological father and the maiden name of the mother. The child’s mother, the husband of the mother, and the biological father shall be indispensable parties in a filiation or paternity proceeding brought under this Item, except when parental rights have been terminated or the person is deceased.

(viii) In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the surname of the child’s biological parents shall be the surname of the child.

(b) Sex.
(c) Time of birth.
(d) Date of birth, including the year, the month, and the day.
(e) Place of birth, including the street, and house number; if in a hospital or other institution, its name, instead of the street and house number.

(f) Whether a plural birth. A separate certificate is required for each child in a plural birth.

(g) If a plural birth, the number of each child in order of birth.

(h)(i) Full name of father if the father was the husband of the mother of the child at the time of conception and or birth of the child or had not been legally divorced from the mother of the child for more than three hundred days prior to the birth of the child. If the husband of the mother was not the biological father of the child, the full name of the biological father may be recorded in accordance with the provisions of Item (vi) or (vii) of Subparagraph (a). A subsequent successful disavowal action by the husband of the mother or his heirs or a subsequent successful contestation action by the mother may later affect this entry and the child’s surname. Otherwise, the full name of the father may be recorded as provided by Item (iv) of Subparagraph (a).

(ii) If a child is born outside of marriage, the full name of the father shall be included on the record of birth of the child only if the father and mother

have signed a voluntary acknowledgment of paternity or a court of competent jurisdiction has issued an adjudication of paternity.

(iii) In all other cases, the name of the father and other information pertaining to the father shall not appear on the birth certificate and the surname of the child shall be recorded as the maiden name of the mother.

(iv) Nothing in this Subparagraph shall preclude the Department of Children and Family Services, office of children and family services, child support enforcement section from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and any other additional showing required by state law.

(v) In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the full name of the biological parent who is proven to be the father by DNA testing shall be listed as the father.

(i) Maiden name of mother; however, if the child was born of a surrogate birth parent who is related by blood or affinity to a biological parent, the maiden name of the biological parent who is proven to be the mother by DNA testing shall be listed as the mother and the name of the surrogate birth parent is not required.

(j) In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the biological parents proven to be the mother and father by DNA testing shall be considered the parents of the child.

(k) Respective age of parents on their last birthday, in years.
(l) Race or races of parents as reported by the parents.
(m) Residence of father and of mother.
(n) Birthplace of parents; at least the state or foreign country, if known.
(o) Number of children born to this mother, including present birth.
(p) Number of children born to this mother living.

(q) The certification of the attending physician, midwife, or other person in attendance, including a statement of the year, month, day, and hour of birth and whether the child was born alive or stillborn. This certification shall be signed by the physician, or midwife, or other person in attendance with the address and date of signature.

(r) The exact date of filing in the office of the local registrar, attested by his official signature.

(s) The social security account numbers issued to the mother and the father, if obtainable; however, these numbers shall not be printed on the child’s birth certificate, but only as a part of vital records.

(2) Contents of death certificate. The certificate of death shall contain, as a minimum, the following items:

(a)(i) Full name of the decedent.
(ii) The social security number issued to the decedent, unless a social security number cannot be obtained.

(b) Sex.
(c) Race.
(d) Conjugal status; single, married, widowed, or divorced. If married, name of husband or wife.
(e) Age, in years, months, and days. If less than one day, in hours or minutes.
(f) Occupation, including any remunerative employment; the trade, profession, or particular kind of work; the general nature of the industry, business, or establishment in which employed.

(g) Residence number.
(h) Place of residence, including city or town and state; if of foreign birth, how long in the United States.

(i) Date of birth, including year, month, and day.
(j) Place of birth.
(k) Name and birthplace of father.
(l) Maiden name and birthplace of mother.
(m) Place of death, including street and house number; if in an industrial camp, its name.

(n) Name and address of the informant of the above items. The informant may be any competent person acquainted with the facts, attesting to the accuracy of the above items.

(o) Official signature of the local registrar, with the date when the certificate containing the above items was filed and the registered number of the certificate.

(p) Date and place of burial, cremation, or removal.
(q) Signature and address of undertaker, or person acting as such, on the statement of facts called for in Subparagraph (p).

(r) The medical certification of the physician, if any, last attending to the deceased, which certificate shall be made and signed by the physician within twenty-four hours of death with his name and address. In the absence of a physician, the parish coroner shall sign the certificate. In either event, the certification shall contain the following items:

(i) The fact and date of death, including year, month, day, and the time of the day.
(ii) Time in attendance.
(iii) Time he last saw the deceased alive.

(iv) Cause of death, showing the course of the disease or the sequence of causes resulting in the death; and contributory or secondary causes, the duration of each, and whether any primary or secondary causes of death are attributed to dangerous or insanitary conditions of employment. If the cause of death was violent, the certificate shall show the coroner’s determination as to whether the death was probably accidental, suicidal, or homicidal.

~~(3) Contents of paternity acknowledgment affidavit. The state registrar shall develop an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the secretary of the Department of Health and Human Services under 42 U.S.C. 652(a)(7).~~

~~C. Upon request, the state registrar shall provide the information required in R.S. 40:34(B)(1)(r) and (2)(a) to the agency charged with implementing a program of family support in accordance with R.S. 46:236.1.1 et seq.~~

~~D. The state registrar of vital records is hereby authorized to amend an original birth certificate in accordance with Louisiana laws or a final court order which specifically orders the amendments, provided the court's order complies with existing Louisiana laws.~~

~~E.(1) If the child is a child born outside of marriage and the father is known to the mother, she shall complete and sign a paternity information form issued by the Vital Records Registry which shall include the name and date of birth of the child, full name of the father, his mailing address, his street address or the location where he can be found, his date of birth, and the name of his parent or guardian if he is a minor, his state and city of birth, his social security number, and his place of employment, if known. Within fifteen days after the date of admission, the hospital or birthing facility shall forward the form to the child support enforcement section, office of children and family services, Department of Children and Family Services, with such information as the mother has provided. If the birth occurred at a location other than a licensed hospital or birthing facility, the form shall be completed at the time the home birth is recorded by the Vital Records Registry and submitted to support enforcement services within fifteen days thereafter. If the natural father has not executed an acknowledgment of paternity, the mother shall sign as the informant unless she is medically unable or mentally incompetent in which case her guardian or legal representative shall sign.~~

~~(2) The department shall serve notice on the alleged father that he has been named as the father of the child. If the alleged father is a minor, service shall be made upon his parent or guardian. The notice shall be served by certified mail, return receipt requested. The notice shall include the name of the child and the name of the mother of the child and shall advise the alleged father how the allegation of paternity can be contested. The notice shall also advise the alleged father that he can request that blood tests be conducted, and that the alleged father can sign an acknowledgment of paternity.~~

~~(3) Upon receiving the notice, the alleged father shall have ninety days to contest the allegation that he is the father. He shall do so by advising the department in writing that he is not the father. If the alleged father fails to contest the allegation in writing within ninety days, he shall be presumed to be the father of the child, for support purposes only, and the agency or the custodial parent can use this presumption in an action to seek a support order.~~

~~(4) If the alleged father contests paternity at the hearing for support, the court may order blood tests.~~

~~(5) If the results of the blood test indicate by a probability of 99.9% or higher that the alleged father is in fact the father of the child, or if the alleged parent fails to appear for the court ordered blood tests, the court shall rule that he is the father of the child, for purposes of support only, and shall issue an order for support in accordance with state law.~~

~~(6) Nothing in this Subsection shall be deemed, construed, or interpreted to create any presumption of legal paternity for any purpose other than support as set forth in this Subsection.~~

~~(7) In the event the alleged father is found not to be the father, all costs of the hearing, medical costs, expert witnesses costs, and costs incurred by the alleged father defending himself shall be paid by the party who made the allegations against the alleged father.~~

~~F. All acknowledgments of paternity properly executed in Louisiana and adjudications of paternity adjudged in Louisiana shall be filed with the state registrar, office of vital records, in a central repository pursuant to 42 U.S.C. 666(a)(5)(M).~~

~~§34.1. Original birth certificate; required contents~~

~~An original birth certificate shall contain, as a minimum, the items provided in R.S. 40:34.2 through 34.9.~~

~~§34.2. Original birth certificate; required contents; name of child~~

~~The name of the child shall be entered on the original birth certificate in accordance with the following provisions:~~

~~(1) First name.~~

~~(a) If the child dies without a first name before the certificate is filed, enter the words "died unnamed" in this blank.~~

~~(b) If the living child has not yet been given a first name at the date of filing of the certificate, leave blank the space for the first name of the child and enter the name later when supplied by affidavit.~~

~~(2) Surname.~~

~~(a) Except as otherwise provided in Subparagraph (c) of this Paragraph, if the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the surname of the child shall be recorded in accordance with the following requirements:~~

~~(i) If the mother is married at the time of the birth of the child, and if the mother was not married to another man within three hundred days prior to the birth of the child, the surname of the child shall be the surname of the current husband of the mother.~~

~~(ii) If the mother, though married to one man at the time of the birth of the child, was married to another man within three hundred days prior to the~~

~~birth of the child, the surname of the child shall be the surname of the former husband of the mother.~~

~~(iii) If the mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, the surname of the child shall be the surname of the former husband of the mother.~~

~~(iv) In any of these cases, if both the man whose surname should be given to the child and the mother agree, the surname of the child may be the maiden name or surname of the mother or a combination of the surname of the man and the maiden name or surname of the mother.~~

~~(b) If the child is born to a mother who neither is married nor was married within three hundred days prior to the birth of the child, the surname of the child shall be the maiden name or surname of the mother, at her discretion. If the father has acknowledged his child by authentic act and if both the mother and the father agree, the surname of the child may be the maiden name or surname of the mother, the surname of the father, or a combination of the surname of the father and the maiden name or surname of the mother.~~

~~(c) In the case of a child born to a mother who either is married or was married within three hundred days prior to the birth of the child, including cases in which both a person presumed to be the father pursuant to the Civil Code and a biological father exist, the surname of the biological father who has been judicially declared to be the father of the child in a filiation or paternity proceeding shall be the surname of the child. If the biological father and the mother agree, the surname of the child shall be the maiden name or surname of the mother or a combination of the surname of the biological father and the maiden name or surname of the mother.~~

~~§34.3. Original birth certificate; required contents; sex of child~~

~~The sex of the child shall be entered on the original birth certificate.~~

~~§34.4. Original birth certificate; required contents; circumstances of birth~~

~~The circumstances of the birth of the child shall be entered on the original birth certificate. These circumstances shall include all of the following:~~

~~(1) Time of birth.~~

~~(2) Date of birth, including the year, the month, and the day.~~

~~(3) Place of birth, address, including city or town and state; if in a hospital or other institution, its name.~~

~~(4) Whether a plural birth. A separate certificate is required for each child in a plural birth.~~

~~(5) If a plural birth, the number of each child in order of birth.~~

~~§34.5. Original birth certificate; required contents; name of father~~

~~A. If the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the full name of the father shall be recorded in the same manner provided for the recordation of the surname of the child in R.S. 40:34.2(2)(a) and (c).~~

~~B. If the child is born to a mother who neither is married nor was married within three hundred days prior to the birth of the child, the full name of the father who has acknowledged his child by authentic act shall be included on the birth record of the child, but only if the father and mother agree.~~

~~C. In all other cases, the name of the father and other information pertaining to the father shall not appear on the birth certificate and the surname of the child shall be recorded as the maiden name or surname of the mother, at her discretion.~~

~~D. Nothing in this Section shall preclude the Department of Children and Family Services, office of children and family services, child support enforcement section from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and on any other additional showing required by state law.~~

~~§34.6. Original birth certificate; required contents; name of mother~~

~~The full name of the mother of the child, including her maiden name and current surname, shall be entered on the original birth certificate.~~

~~§34.7. Original birth certificate; required contents; other information regarding the parents~~

~~The following information regarding the parents shall also be entered on the original birth certificate:~~

~~(1) Respective ages of parents on their last birthday, in years.~~

~~(2) Races of parents as reported by the parents.~~

~~(3) Ethnicities of parents as reported by the parents.~~

~~(4) Residences of parents.~~

~~(5) Birthplaces of parents, at least the state or foreign country, if known.~~

~~(6) Number of children born to this mother.~~

~~(7) Number of children born to this mother living.~~

~~(8) Social security account numbers issued to the parents, if obtainable; however, these numbers shall not be printed on the birth certificate of the child, but shall be entered only as a part of vital records.~~

~~§34.8. Original birth certificate; required contents; certification of attendant~~

~~The certification of the attending physician, midwife, or other person in attendance, including a statement of the year, month, day, and hour of birth, shall be entered on the original birth certificate. This certification shall be signed by the physician, midwife, or other person in attendance, with the address and date of signature.~~

~~§34.9. Original birth certificate; required contents; attestation of local filing~~

~~The exact date of filing in the office of the local registrar, attested by his official signature, shall be entered on the original birth certificate.~~

~~§34.10. Death certificate; required contents~~

~~The certificate of death shall contain, as a minimum, the following items:~~

- (1) Full name of the decedent.
(2) The social security number issued to the decedent, unless a social security number cannot be obtained.
(3) Sex.
(4) Race.
(5) Ethnicity.
(6) Conjugal status; single, married, widowed, or divorced. If married, name of spouse.
(7) Age, in years, months, and days. If less than one day, in hours or minutes.
(8) Occupation, including any remunerative employment; the trade, profession, or particular kind of work; the general nature of the industry, business, or establishment in which employed.
(9) Place of residence, address, including city or town and state.
(10) Date of birth, including year, month, and day.
(11) Place of birth; if of foreign birth, how long in the United States.
(12) Name and birthplace of father.
(13) Maiden name and birthplace of mother.
(14) Place of death, address, including city or town and state.
(15) Name and address of the informant of the above items. The informant may be any competent person acquainted with the facts, attesting to the accuracy of the above information.
(16) Official signature of the local registrar, with the date when the certificate containing the above items was filed and the registered number of the certificate.

- (17) Date and place of burial, cremation, or removal.
(18) Signature and address of undertaker, or person acting as such, on the statement of facts required in Paragraph (17) of this Section.
(19) The medical certification of the physician, if any, last attending to the deceased, which certificate shall be made and signed by the physician within twenty-four hours after death with his name and address. In the absence of a physician, the parish coroner shall sign the certificate. In either event, the certification shall contain the following items:

- (a) The fact and date of death, including year, month, day, and the time of the day.
(b) Time in attendance.
(c) Time he last saw the deceased alive.
(d) Cause of death, showing the course of the disease or the sequence of causes resulting in the death; and contributory or secondary causes, the duration of each, and whether any primary or secondary causes of death are attributed to dangerous or insanitary conditions of employment. If the cause of death was violent, the certificate shall show the determination of the coroner as to whether the death was probably accidental, suicidal, or homicidal.

§34.11. Paternity acknowledgement affidavit; required contents
The state registrar shall develop an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the secretary of the United States Department of Health and Human Services under 42 U.S.C. 652(a)(7).

§34.12. Provision of information to aid implementation of program of family support

Upon request, the state registrar shall provide the information required in R.S. 40:34.9 and 34.10(1) and (2) to the agency charged with implementing a program of family support in accordance with R.S. 46:236.1.1 et seq.

§34.13. Registration of acknowledgements and adjudications of paternity
All acknowledgments of paternity properly executed in accordance with Louisiana law and adjudications of paternity by a Louisiana court shall be filed with the state registrar, office of vital records, in a central repository pursuant to 42 U.S.C. 666(a)(5)(M).

Revision Comment - 2016
The filing of an acknowledgment or adjudication of paternity in accordance with this Section shall be in conformity with Children’s Code Article 1106.

* * *

§46. New Amendments to certificate of birth when judgment of filiation is obtained

A. Upon request of a child who has obtained a judgment of filiation pursuant to Civil Code Article 197, the state registrar, upon receipt of a copy of the judgment, shall prepare a new certificate of birth in the new name of the child wherein the child’s surname shall be that of the father recognized in the judgment or a combination of the surname of the father recognized in the judgment and the maiden name of the mother. The state registrar of vital records is authorized to amend an original birth certificate in accordance with Louisiana law.

B. If at the time of legitimation the child shall have reached the age of majority, the state registrar shall require an affidavit to be obtained from the district attorney of the place of residence and domicile of the said major child, wherein the district attorney shall state any objections, if any exist, to the name change aspects, prior to the preparation of a new certificate of birth. If there be no objection by the district attorney, the state registrar shall issue a new certificate to the major child. If there be an objection, the state registrar may not proceed to prepare a new certificate until the district attorney’s objection, if any, has been resolved. Any change in the surname of a child from that required or allowed in R.S. 40:34.2 shall be made by court order as provided in R.S. 13:4751 through 4755 or as otherwise provided in this Chapter or by rules promulgated thereunder.

C. The new certificate of birth shall be signed by the child’s father prior to its recordation in the vital records registry and only after such signing and

recordation may certified copies or short form birth certification cards be issued as in the case of all other birth records.

D. The child’s original birth certificate and the evidence upon which the new certificate was made shall be sealed in a package or envelope and filed in the archives of the vital records registry of the division of vital records. This sealed package or envelope may be opened only pursuant to an order of the civil district court for good cause.

E. Upon presentation of any other form of legitimation or acknowledgment permitted by the laws of this state, together with a request for an alteration of an original certificate of birth, the matter will be processed in accordance with rules and regulations of the vital records registry promulgated pursuant to R.S. 40:33(C).

§46.1. Amended birth certificates; change of biological filiation; general principle

If the biological filiation of a child changes after a birth certificate has been prepared for the child, the state registrar shall amend the birth certificate to reflect this change, in accordance with R.S. 40:46.2 through 46.11.

Revision Comments - 2016

(a) This Section and those that follow are new. They are intended to provide a comprehensive framework for executing amendments to a birth certificate that are made necessary by changes in the filiative situation of the child. The foundational principle underlying all of the Sections is that once the filiative situation of the child has changed, his birth certificate should be modified to reflect the new situation. To that end, these Sections call for the “strikethrough” (by means of lining out) of old information that, in light of the new situation, is no longer accurate and the “addition” (by writing above) of new information that reflects the new situation. The birth certificate, as amended, should read precisely as it would have read had the new filiative situation been known at the start.

(b) This Section and those that follow constitute a mixture of old and new. Some of the Sections merely reproduce comparable provisions of former R.S. 40:34 or of the administrative regulations of the Office of Vital Statistics. Other Sections, by contrast, are entirely new and, in fact, are designed to fill lacunae that existed in the rather incomplete framework that previously existed for amending birth certificates in light of changes in filiation.

§46.2. Change of maternal filiation; child with unidentified mother

A. Following a final and definitive judgment of maternal filiation, rendered pursuant to Civil Code Article 184, the effect of which is to recognize maternal filiation between a woman and a child whose birth certificate did not identify the mother of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

- (1) For the surname of the child:
(a) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter the surname of her husband.
(b) If the adjudged mother was not married to a man at the time of the birth of the child, but was married to a man within three hundred days prior to the birth of the child, enter the surname of her former husband.
(c) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter the surname of the latter.
(d) If the adjudged mother was married neither at nor within three hundred days prior to the birth of the child, enter her maiden name or surname, at her discretion.

(2) For the name of the mother of the child, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living, enter those of the adjudged mother.

(3) For the name of the father of the child, his age, race, ethnicity, and residence, birthplace, and social security number:

- (a) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter those of her husband.
(b) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter those of her former husband.
(c) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter those of the latter.

B. In any case to which the provisions of Paragraph (A)(1) of this Section apply, if the man whose surname should be given to the child and the adjudged mother agree that the surname of the child should be either the maiden name or surname of the mother or a combination of his surname and her maiden name or surname, the state registrar shall enter the surname upon which they have agreed.

C. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Paragraph (A)(1) of this Section and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Revision Comment - 2016

(a) The term “latter”, as used in Subparagraphs (A)(1)(c) and (3)(c) of this Section, is to be taken in the grammatical, as opposed to the temporal, sense of that word. Thus, it refers to the second of the two men mentioned therein in

the order in which they are mentioned, namely, the man who was married to the mother of the child at the time the child was conceived. The objective of this provision is the same as that of all of the other provisions of this revision that pertain to the identification of the “father of the child” on the child’s birth certificate, namely, that the man listed as the father be the man to whom the child is filiated by law.

(b) Under Subsection B of this Section, the mother of the child may not, without the concurrence of the man whose surname should be given to the child under Paragraph 1 of Subsection A, compel the state registrar to enter any other name than his surname as the surname of the child. Subsection C of this Section carves out an exception to this general rule. On the petition of the mother, a court may dispense with this man’s concurrence if she can show good cause for doing so. An example of a case in which there may be good cause is that in which the father, as of the time of the petition by the mother, is by his own choice not involved in the child’s life, that is, is not contributing to the child’s support and is not regularly visiting with or at least communicating with the child, and has no intention of becoming so involved.

(c) The action provided in Subsection C of this Section is not a filiation action, that is, is not the kind of action provided for in Civil Code Articles 187, 191, 197, and 198 and in R.S. 9:401 et seq. This action concerns only the question of how the surname of the child should be recorded on the child’s birth certificate and has no impact on the filiation of the child.

§46.3. Change of maternal filiation; child with identified mother

A. Following a final and definitive judgment of maternal filiation, rendered pursuant to Civil Code Article 184, the effect of which is to recognize maternal filiation between a child and a woman other than the woman identified in the birth certificate as the mother of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

(1) Strikethroughs:

(a) Strike through the surname of the child, the name of the mother of the child, and all other information pertaining to the mother, in particular, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living.

(b) If the name of the father of the child or other information pertaining to him, in particular, his age, race, ethnicity, residence, birthplace, and social security number, as it was previously entered on the birth certificate, was that of the man who, by virtue of his marriage to the woman previously identified in the birth certificate as the mother of the child, was presumed to be the father of the child under Civil Code Article 185 or 186, the state registrar shall strike through his name and his other information.

(2) Additions:

(a) For the surname of the child:

(i) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter the surname of her husband.

(ii) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter the surname of her former husband.

(iii) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter the surname of the latter.

(iv) If the adjudged mother was married neither at nor within three hundred days prior to the birth of the child, enter her maiden name or surname, at her discretion.

(b) For the name of the mother of the child, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living, enter those of the adjudged mother.

(c) For the name of the father of the child, his age, race, ethnicity, residence, birthplace, and social security number:

(i) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter those of her husband.

(ii) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter those of her former husband.

(iii) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter those of the latter.

B. In any case to which the provisions of Paragraph (A)(2) of this Section apply, if the man whose surname should be given to the child and the adjudged mother agree that the surname of the child should be either the maiden name or surname of the mother, the surname of the man, or a combination of his surname and her maiden name or surname, the state registrar shall enter the surname upon which they have agreed.

C. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Paragraph (A)(2) of this Section and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Revision Comments - 2016

(a) This Section provides that information pertaining to the father of the child shall, under some circumstances, be deleted from the birth certificate following a final and definitive judgment of maternity the effect of which is

to recognize maternal filiation between a child and woman other than the woman previously identified in the birth certificate as the mother. These circumstances include those in which the name of and other information pertaining to the father, as originally entered on the birth certificate, was that of a man who, by virtue of this relationship to the woman who was originally identified as the mother, was presumed to be the father under Civil Code Article 185 or 186.

(b) Several of the provisions of this Section permit the surname of the child, as listed in the birth certificate, to be changed, but only on the condition that the “new” mother and father or the “old” mother and the “new” father, as the case may be, agree. These provisions draw no distinction between a case in which, at the time of the proposed change, the child is still a minor and a case in which, at the time of the proposed change, the child has become a major. As applied to a minor child, this “parental consent” requirement could not possibly give rise to any objection. But as applied to a major child, it might. Still, following the foundational principle of the entirety of the Section - that the birth certificate should be modified to conform to how it would have appeared had the new filiative situation been known from the start - the parental consent requirement applies even to cases involving major children. If the major child does not approve of the change, he is entirely free to initiate a “change of name” petition, pursuant to R.S. 13:4751, to alter his surname, yet again, as he may deem appropriate.

(c) The term “latter”, as used in Items (A)(2)(a)(iii) and (c)(iii) of this Section, is to be taken in the grammatical, as opposed to the temporal, sense of that word. Thus, it refers to the second of the two men mentioned therein in the order in which they are mentioned, namely, the man who was married to the mother of the child at the time the child was conceived. The objective of this provision is the same as that of all of the other provisions of this revision that pertain to the identification of the “father of the child” on the child’s birth certificate, namely, that the man listed as the father be the man to whom the child is filiated by law.

(d) Under Subsection B of this Section, the mother of the child may not, without the concurrence of the man whose surname should be given to the child under Subsection (A)(2), compel the state registrar to enter any other name than his surname as the surname of the child. Subsection C of this Section carves out an exception to this general rule. See the Official Revision Comments to R.S. 40:46.2.

(e) The action provided in Subsection C of this Section is not a filiation action, that is, is not the kind of action provided for in Civil Code Articles 187, 191, 197, and 198 and in R.S. 9:401 et seq. This action concerns only the question of how the surname of the child should be recorded on the child’s birth certificate and has no impact on the filiation of the child.

§46.4. Change of paternal filiation; disavowal of paternity

A. If the surname of the child, the name of the father of the child, or other information pertaining to the father as it was entered on the birth certificate was that of the man who was presumed to be the father of the child under Civil Code Article 185, 186, or 195 and if the man or his successor, after the birth certificate was prepared, obtains a final and definitive judgment disavowing paternity of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

(1) Strikethroughs: Strike through the surname of the child, the name of the father of the child, and all other information pertaining to him, in particular, his age, race, ethnicity, residence, birthplace, and social security number.

(2) Additions:

(a) If the judgment of disavowal does not trigger the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows: for the surname of the child, enter the maiden name or surname of the mother of the child, at her discretion.

(b) If the disavowal action triggers the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows:

(i) For the surname of the child, enter either that of the second husband of the mother of the child or, if both he and the mother agree, her maiden name or surname or a combination of his surname and her maiden name or surname.

(ii) For the name of the father of the child, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the second husband of the mother.

B. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Subparagraph (A)(2)(b) of this Section and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Revision Comment - 2016

(a) Under Subparagraph (A)(2)(b) of this Section, the mother of the child may not, without the concurrence of the man whose surname should be given to the child, compel the state registrar to enter any other name than his surname as the surname of the child. Subsection B of this Section carves out an exception to this general rule. See the Official Revision Comments to R.S. 40:46.2.

(b) The action provided in Subsection B of this Section is not a filiation action, that is, is not the kind of action provided for in Civil Code Articles 187, 191, 197, and 198 and in R.S. 9:401 et seq. This action concerns only the question of how the surname of the child should be recorded on the child’s

birth certificate and has no impact on the filiation of the child.

§46.5. Change of paternal filiation; contestation and establishment of paternity

If the surname of the child, the name of the father of the child, or other information pertaining to the father as it was entered on the birth certificate was that of the man who was presumed to be the father of the child under Civil Code Article 185 or 186 and if the mother of the child, after the birth certificate was prepared, obtains a final and definitive judgment contesting and establishing paternity of the child, the state registrar, upon receipt of a certified copy of that final and definitive judgment, shall amend the birth certificate as follows:

(1) Strikethroughs: Strike through the surname of the child, the name of the father of the child, and the other information pertaining to the father, in particular, his age, race, ethnicity, residence, birthplace, and social security number.

(2) Additions:

(a) For the surname of the child, enter either that of the present husband of the mother or, if both agree, her maiden name or surname or a combination of his surname and her maiden name or surname.

(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter those of the present husband of the mother.

(c) Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Subparagraph (a) of this Paragraph and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Revision Comment - 2016

Under Subparagraph (2)(a) of this Section, the mother of the child may not, without the concurrence of the man whose surname should be given to the child under that Subparagraph, compel the state registrar to enter any other name than his surname as the surname of the child. Subparagraph (2)(c) of this Section carves out an exception to this general rule. See the Official Revision Comments to R.S. 40:46.2.

§46.6. Change of paternal filiation; marriage and formal acknowledgment

Following the birth of a child, if Civil Code Article 195 applies, the state registrar, upon receipt of (i) a certified copy of the certificate of the marriage of the mother of the child, (ii) a certified copy of the act in which her husband formally acknowledged the child, and (iii) if the mother did not sign the act of acknowledgment, her affidavit that she concurs in this formal acknowledgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother and her husband have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of her husband, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother and her husband have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of her husband, or a combination of his surname and her maiden name or surname, enter the surname upon which they have agreed.

(b) For the name of the father, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the husband of the mother.

§46.7. Change of paternal filiation; formal acknowledgment alone

A. In a case to which Civil Code Article 196 applies, the state registrar, upon receipt of (i) a certified copy of the act of formal acknowledgment and (ii) if the mother did not sign the act of acknowledgment, her affidavit that she concurs in this formal acknowledgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother and the man who made the acknowledgment have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the man who made the acknowledgment, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother and the man who made the acknowledgment have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the man who made the acknowledgment, or a combination of his surname and her maiden name or surname, enter the surname upon which they have agreed.

(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter those of the man who made the acknowledgment.

B. If, after a birth certificate has been amended pursuant to Subsection A of this Section, the man who made the formal acknowledgment should revoke or annul it, the state registrar, upon receipt of the form described in R.S. 9:406(A)(1)(a) or a final and definitive judgment recognizing that a revocation or annulment has been accomplished, shall amend the birth certificate as follows: strike through any information that was added to the birth certificate and restore any information that was struck through when it was amended.

§46.8. Change of paternal filiation; judgment of paternity

A. Following a final and definitive judgment of paternal filiation, rendered

pursuant to Civil Code Article 197 or 198, the effect of which is to establish paternal filiation between a man and a child whose birth certificate did not identify the father of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, enter the surname upon which they have agreed.

(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter those of the adjudged father.

B. Following a final and definitive judgment of paternal filiation, rendered pursuant to Civil Code Article 197 or 198, the effect of which is to establish paternal filiation between a child and a man other than the man identified in the birth certificate as the father of the child, the state registrar, upon receipt of a certified copy of the judgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, and if the man whom the birth certificate identified as the father of the child does not object, strike through the surname of the child.

(2) Additions:

(a) If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, and if the man whom the birth certificate identified as the father of the child does not object, enter the surname upon which they have agreed.

(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter above the existing entries those of the adjudged father.

(3) Upon the petition of the mother or the adjudged father of the child, a court may, for good cause shown, order that the surname of the child as it appears on the birth certificate be changed in conformity with this Section despite the objection of the man whom the birth certificate identified as the father of the child.

Revision Comment - 2016

(a) Under Subsection B of this Section, which addresses cases in which a judgment of paternal filiation under Civil Code Article 197 or 198 results in dual paternity, the surname of the child as it appears on the birth certificate ordinarily cannot be changed without the concurrence of “the man whom the birth certificate identified as the father”, in other words, the child’s “first” father (the presumed father). Nevertheless, there may be rare instances in which permitting the first father to “veto” a change of the child’s surname to which the mother and the “second” father (the adjudged father) have agreed would be unjust. Subsection (B)(3) addresses this unusual contingency. A court may, in effect, dispense with the first father’s concurrence if the mother and the second father can show good cause for doing so. One instance of good cause is that in which the first father, as of the time of the petition by the mother and the second father, is by his own choice no longer involved in the child’s life, that is, is not contributing to the child’s support and is not regularly visiting with or at least communicating with the child.

(b) The action provided in Subsection (B)(3) of this Section is not a filiation action, that is, is not the kind of action provided for in Civil Code Articles 187, 191, 197, and 198 and in R.S. 9:401 et seq. This action concerns only the question of how the surname of the child should be recorded on the child’s birth certificate and has no impact on the filiation of the child.

§46.9. Married mother physically separated from husband prior to and at time of birth

A. If, following the birth of a child to a married woman, a birth certificate was prepared for the child in accordance with R.S. 40:34.2(B), if the husband and the mother of the child lived separate and apart continuously for one hundred eighty days prior to the time of conception of the child and did not reconcile since the beginning of the one hundred eighty-day period, and if the biological father of the child is a man other than the husband of the mother, then the birth certificate of the child may be amended so that the surname of the child is the maiden name of the mother, or, if the mother, her husband, and the biological father of the child agree, the surname of the child may be that of the biological father or a combination of the surname of the biological father and the maiden name of the mother. The Department of Health and Hospitals, office of public health, shall develop a form for the purposes of implementing this Section.

B. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname

of the biological father and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Revision Comment - 2016
Under Subsection A of this Section, the mother of the child may not, without the concurrence of the man whose surname should be given to the child, compel the state registrar to enter any other name than his surname as the surname of the child. Subsection B of this Section carves out an exception to this general rule. On the petition of the mother, a court may effectively dispense with this man's concurrence if she can show good cause for doing so. An example of a case in which there may be good cause is that in which the father, as of the time of the petition by the mother, is by his own choice not involved in the child's life, that is, is not contributing to the child's support and is not regularly visiting with or at least communicating with the child, and has no intention of becoming so involved.

§46.10. Child born as a result of a surrogacy agreement
A. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the biological parents, proven to be so by DNA testing, shall be considered the parents of the child.
B. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the surname of the biological parents of the child shall be the surname of the child.

C. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the birth certificate of the child shall be amended so that the full name of the biological parent who is proven to be the father by DNA testing shall be listed as the father.

D. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the birth certificate of the child shall be amended so that the full name, including the maiden name and other surname, of the biological parent who is proved to be the mother by DNA testing shall be listed as the mother, and the name of the surrogate birth parent shall be struck through.

§46.11. Review by district attorney
At the time at which the child requests the amendment of the existing birth certificate under R.S. 40:46 et seq., the state registrar shall require an affidavit to be obtained from the district attorney of the parish in which the child resides or is domiciled stating any objection to the name change. If the district attorney does not object, the state registrar shall prepare a new birth certificate for the major child. If there is an objection, the state registrar may not proceed to prepare a new birth certificate until the district attorney's objection has been resolved.

§46.12. Hospital-based paternity program
A. Any hospital in the state which provides birthing services shall have a program that allows for the voluntary acknowledgment of paternity during the period immediately before or after the birth of a child.
B. During the period immediately before or after the birth of a child to an unmarried woman, a hospital-based program established in accordance with this Section shall, at a minimum:

- (1) Provide to both the mother and alleged father, if he is present in the hospital:
 - (a) Written materials about paternity establishment.
 - (b) The forms necessary to voluntarily acknowledge paternity.
 - (c) A written description of the rights, responsibilities, and alternatives as provided in R.S. 9:392(A) which are involved in acknowledging paternity.
 - (d) The opportunity to speak with hospital personnel, either by telephone or in person, who are trained to clarify information and answer questions about paternity establishment.
- (2) Provide the mother and alleged father, if he is present, the opportunity to voluntarily acknowledge paternity in the hospital in accordance with the Civil Code and R.S. 9:392.
- (3) Afford due process safeguards.
- (4) Forward completed acknowledgments to the state registrar.

C. Hospital support personnel that provide birthing services shall possess notarial powers to administer oaths to and authenticate signatures of any persons in connection with execution of a formal acknowledgment of paternity in accordance with this Section. Any oaths administered or signatures authenticated pursuant to this Section shall have the same force and effect as if taken or signed before a duly commissioned notary public.

D. Hospital personnel shall forward an acknowledgment of paternity to the state registrar who shall forward copies of same to the Department of Children and Family Services, office of children and family services, child support enforcement section. A statewide database shall be maintained by the Department of Children and Family Services in accordance with federal regulations.

E. A voluntary acknowledgment executed in accordance with this Section shall be signed by both parents and the parents' signatures shall be authenticated by a person possessing notarial powers in accordance with state laws.

F. The Department of Children and Family Services, office of children and family services, child support enforcement section shall provide to all birthing hospitals in the state:

- (1) Written materials about paternity establishment.
- (2) Forms necessary to voluntarily acknowledge paternity.
- (3) Copies of a written description of the rights, responsibilities, and alternatives as provided in R.S. 9:392(A) which are involved in acknowledging paternity.
- (4) Training, guidance, and written instructions relative to voluntary

acknowledgment of paternity, as necessary to operate the hospital-based program.

(5) An assessment of each birthing hospital's program on at least an annual basis.

G. Except in the case of intentional misconduct, no hospital or any agent or employee thereof shall be held civilly or criminally liable for any action or omission arising out of the performance of, attempted performance of, or failure or inability to perform the duties imposed herein.

~~§46.2.~~ §46.13. Paternity establishment services
The state registrar shall provide voluntary paternity establishment services in accordance with regulations prescribed by the secretary of the United States Department of Health and Human Services. The state registrar may designate specific employees in the offices of the vital records registry who shall possess notarial powers to administer an oath to any person in connection with any document required in the course of establishing paternity.

~~§75. Notarial acts of Adult adoption; name changes~~
~~A. Adoptions effected by notarial acts pursuant to R.S. 9:461~~ Adult adoptions and name changes resulting from the adoptions pursuant to ~~R.S. 9:462~~ R.S. 9:465 shall have no effect on original birth certificates maintained by the Vital Records Registry, except that when a name change is effected pursuant to ~~R.S. 9:462~~ R.S. 9:465 and an affidavit is presented from the district attorney of the parish or place of residence of the requesting party indicating that there is no objection of the district attorney to the adoptee's name change along with a certified copy of the notarial act of adoption and the appropriate fee, the registrar of vital records shall ~~issue~~ prepare a new birth certificate to reflect the new name. If there is an objection from the district attorney, the registrar of vital records shall not seal the adopted person's ~~original~~ birth certificate nor ~~issue~~ a new certificate ~~in the new name~~ until the grounds for the objection have been removed and confirmed by a supplemental affidavit from the district attorney.

Section 4. Children's Code Article 1142(C) is hereby repealed in its entirety.
Approved by the Governor, June 9, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 435

HOUSE BILL NO. 464
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 30:560(B) and (C) and 706 and to enact R.S. 30:560(D), relative to pipelines; to provide relative to pipeline safety inspection fees for certain pipelines; to provide relative to the amounts and imposition of such fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:560(B) and (C) and 706 are hereby amended and reenacted and R.S. 30:560(D) is hereby enacted to read as follows:

§560. Pipeline safety inspection fees
B. There is hereby imposed upon all distributors of jurisdictional gas ~~which who own and operate any jurisdictional gas distribution system which that comes under the supervision of the assistant secretary pursuant to R.S. 30:551(B) an annual safety and odorization inspection fee not to exceed twenty-two dollars and forty cents per mile of pipeline used in a jurisdictional gas distribution system one dollar per service line, or four hundred dollars per pipeline facility, whichever is greater.~~ The commissioner shall annually review the fee amount and may revise it in accordance with the Administrative Procedure Act.

C. There is hereby imposed upon all distributors of jurisdictional gas who own or operate any jurisdictional gas gathering or transmission system that comes under the supervision of the assistant secretary pursuant to R.S. 30:551(B) an annual safety inspection fee not to exceed forty-four dollars and eighty cents per mile of pipeline used in a jurisdictional gas pipeline system, or eight hundred dollars per pipeline facility, whichever is greater. The commissioner shall annually review the fee amount and may revise it in accordance with the Administrative Procedure Act.

D. The annual inspection fees imposed by this Section are for the purpose of enforcing the natural gas pipeline safety standards and practice required by this Chapter and regulations promulgated thereunder. All fees collected by the commissioner shall be reasonably related to the services provided and shall be used by the office of conservation solely for the purposes of that program.

§706. Fees
In order to implement this Part, every person engaged in the transportation of hazardous liquids or who owns or operates intrastate pipeline facilities for the transportation of hazardous liquids shall be assessed an annual fee which shall not exceed ~~twenty-two dollars and forty cents~~ forty-four dollars and eighty cents for each mile or fraction thereof of pipeline operated or ~~four~~ eight hundred dollars per pipeline facility, whichever is greater. The commissioner shall annually review the fee amount and may revise it not to exceed ~~twenty-two dollars and forty cents~~ forty-four dollars and eighty cents

per mile in accordance with the Administrative Procedure Act. All fees collected by the commissioner shall be reasonably related to the services provided and shall be used by the office of conservation solely for the purposes of that program.

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

ACT No. 436

HOUSE BILL NO. 518
BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 44:4(51), relative to information regarding the fitness of a person to receive or to continue to hold a certificate issued by the Board of Examiners of Certified Shorthand Reporters; to exempt from the Public Records Law certain records of the board concerning the fitness of a person to receive or to continue to hold a certificate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 44:4(51) is hereby enacted to read as follows:
§4. Applicability
This Chapter shall not apply:

* * *

(51) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, concerning the fitness of any person to receive or continue to hold a certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised Statutes of 1950 in the custody or control of the Board of Examiners of Certified Shorthand Reporters. However, any such record may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or to continue to hold a certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised Statutes of 1950 and any legal grounds upon which such determination is based shall be a public record.

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

ACT No. 437

HOUSE BILL NO. 546
BY REPRESENTATIVE HUNTER
AN ACT

To enact R.S. 14:71.4, relative to misappropriation without violence; to create the crime of homestead exemption fraud; to provide for elements of the crime; to provide criminal penalties; to provide for restitution; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:71.4 is hereby enacted to read as follows:
§71.4. Homestead exemption fraud

A. It is unlawful for any person to intentionally claim more than one homestead exemption as provided for in Article VII, Section 20 of the Louisiana Constitution.

B. Any person who intentionally claims more than one homestead exemption shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

C. In addition to the penalties provided in Subsection B of this Section, a person convicted of a violation of this Section shall be ordered to make full restitution to the state or local governmental subdivision which has suffered a financial loss as a result of the offense. If a person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

D. For the purposes of this Section, "person" means a natural or juridical person, including but not limited to a sole proprietorship, corporation, company, limited liability company, partnership, limited liability partnership, trust, incorporated or unincorporated association, or any other individual or entity.

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

ACT No. 438

HOUSE BILL NO. 602
BY REPRESENTATIVE SHADOIN
AN ACT

To amend and reenact R.S. 35:191.1(B), relative to notary examinations; to provide for notary examination fees; to provide for charges for notary examination study materials; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 35:191.1(B) is hereby amended and reenacted to read as follows:
§191.1. Secretary of state; uniform statewide standards, rules, and procedures for notarial examinations

* * *

B. The secretary of state shall also:
(1) Charge a fee ~~not to exceed seventy-five of one hundred~~ dollars for each examinee taking an examination.
(2) Publish and make available to the public a document containing the material and sources from which examination questions are devised for use as a study guide and charge a fee ~~for the actual cost not to exceed of~~ one hundred dollars.

* * *

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

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

ACT No. 439

HOUSE BILL NO. 670
BY REPRESENTATIVE HENSGENS
AN ACT

To enact R.S. 33:3887.7 and R.S. 40:1281.26, relative to sewerage systems and districts; to provide for consolidation and mergers; to provide for a temporary waiver of sanitary code requirements for individual sewerage systems in certain jurisdictions; to authorize enforcement by the jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:3887.7 is hereby enacted to read as follows:
§3887.7. Individual sewerage districts; consolidation and merger.

A sewerage district located wholly within the boundaries of a parish with a population between one hundred twenty thousand and one hundred sixty thousand according to the latest federal decennial census shall be able to merge or consolidate itself into another sewerage district wholly located within the same parish according to the procedure provided for in Article VI, Section 16 of the Constitution of Louisiana.

Section 2. R.S. 40:1281.26 is hereby enacted to read as follows:
§1281.26. Individual sewerage systems; temporary waiver; enforcement
A. The Department of Health and Hospitals, office of public health, shall temporarily waive applicable requirements of LAC 51:XIII.101 et seq. regarding individual sewerage systems during the construction of a community sewerage system for properties located within the boundaries of any parish with a population between six thousand eight hundred and six thousand nine hundred according to the latest federal decennial census.

B. The temporary waiver of individual sewerage system regulations for properties within a qualifying jurisdiction pursuant to Subsection A of this Section shall be granted only under the following conditions:

(1) All permits and authorizations issued by the Department of Health and Hospitals, office of public health, for new or existing onsite sewerage treatment shall become invalid upon completion of a community sewerage treatment system.

(2) The property owner or designated agent shall sign an agreement acknowledging that the waiver is temporary and that the owner shall be required to connect to the community sewerage system upon its availability.

(3) Each waiver shall require five thousand feet of contiguous property, with a current property survey by a Louisiana registered land surveyor, and a minimum of four property corners that are visibly staked.

(4) Only one habitable structure shall be authorized for parcels of property meeting the requirements set forth in Paragraph (3) of this Subsection.

(5) Permits for new individual sewerage treatment systems shall be contingent upon adherence to Paragraphs (3) and (4) of this Subsection, and shall require the installation of an aerobic treatment unit that includes the appropriate required effluent reduction field.

(6) Authorization or approvals to use permitted existing individual sewerage treatment systems shall be contingent upon the owner's providing the Department of Health and Hospitals, office of public health, with written and signed documentation from a Louisiana licensed sewerage installer or maintenance provider which declares the system is operable and will function as designed.

(7) Individual sewerage systems that produce a discharge shall be required to provide appropriate effluent disinfection prior to effluent reduction field.
C. The parish or any municipality within the parish may provide appropriate enforcement mechanisms to discourage citizens owning property within the boundaries of the parish from doing any of the following:
(1) Connecting multiple habitable structures to an individual sewerage system.
(2) Allowing an individual sewerage system to cause or create a nuisance or public hazard.
(3) Refusing to connect to the community sewerage system after its availability.
(4) Refusing to properly abandon an individual sewerage system upon connection to the new completed community sewer system.
Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 440

HOUSE BILL NO. 685
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 32:408(B)(2)(a)(ii) and to enact R.S. 32:408(B)(8), relative to test results submitted to the office of motor vehicles; to provide for the electronic submission of the driving skills test to the office of motor vehicles; to remove a requirement identifying the vehicle used in the driving skills test; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:408(B)(2)(a)(ii) is hereby amended and reenacted and R.S. 32:408(B)(8) is hereby enacted to read as follows:

§408. Examination of applicants required; classes of licenses

* * *

B.

* * *

(2) A commercial driver's license shall be required when a vehicle is used in commerce as defined in this Chapter, and is a commercial motor vehicle as defined in this Chapter. A farmer shall not need a commercial driver's license when operating a motor vehicle as provided for in Subparagraph (e) of this Paragraph. The department may elect to or, if required by the Federal Highway Administration, shall change the weight and passenger limits expressed herein to conform to regulations by the Federal Highway Administration. The department shall do so by regulations promulgated in accordance with the Administrative Procedure Act subject to oversight by the Joint Legislative Committee on Transportation, Highways and Public Works. A commercial learner's permit issued to an individual of this state or another jurisdiction, in accordance with rules and regulations of the Federal Motor Carrier Safety Administration, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the permittee to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to the holder of a commercial driver's license, a commercial learner's permit serves as authorization to take part in behind-the-wheel training in a commercial motor vehicle for which the driver is not licensed to drive. The different classes of drivers' licenses to be issued shall be as follows:

(a)

* * *

(ii) Restriction. An individual who takes a skills test for a Class "A" Commercial Driver's License in a motor vehicle other than a tractor-trailer combination, sometimes referred to as an "eighteen wheeler", shall be issued a license with a restriction prohibiting the operation of a tractor-trailer combination. This restriction shall be lifted only if the individual successfully completes a skills test in a tractor-trailer combination. ~~In all cases, the party completing the skills test certificate shall fully describe on the face of the certificate the vehicle in which the skills test was administered.~~ For purposes of this Item, a power unit with a gross vehicle weight rating of less than twenty-six thousand one pounds shall not qualify as the tractor portion of a tractor-trailer combination. An individual who takes a skills test for a Class "A" commercial driver's license in a motor vehicle with the power unit and towed unit connected with a pintel hook or other non-fifth wheel connection, shall be issued a license with a restriction prohibiting the operation of a tractor-trailer combination connected by a fifth wheel that requires a Class "A" commercial driver's license.

* * *

(8) Results of skills tests of applicants for Class "A", "B", or "C" driver's licenses shall be submitted to the department electronically. The department may promulgate rules in accordance with the Administrative Procedure Act to implement the requirement set forth in this Paragraph.

* * *

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 441

HOUSE BILL NO. 704
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 32:387(A), relative to special permits for travel on the state's highways; to authorize vehicles issued special permits by the Department of Transportation and Development to operate on interstate highways at night under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:387(A) is hereby amended and reenacted to read as follows:

§387. Special permits

A. No vehicle or combination of vehicles ~~which~~ that does not meet the requirements of R.S. 32:380 through R.S. 32:386 shall use the public highways of this state without first obtaining a special permit from the department in addition to any other special permit which may be required from any other agency or department of the state or a political subdivision, and the special permit herein provided for shall be issued at the discretion of the secretary. If a permit issued pursuant to Subsection B of this Section authorizes a vehicle to operate on interstate highways, the secretary may allow the vehicle to operate on interstate highways at night if requested by the owner or operator.

* * *

Approved by the Governor, June 9, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 442

HOUSE BILL NO. 714
BY REPRESENTATIVE FOIL
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact R.S. 12:1-124(B), 1-128(B)(introductory paragraph) and (2), 1-140(15C), 1-141(I)(1)(introductory paragraph) and (3) and (J) (introductory paragraph), 1-202(A)(5) and (B)(6) and (E), 1-302(introductory paragraph), 1-303(A)(introductory paragraph) and (D), 1-401(D)(introductory paragraph) and (2), 1-601(C)(introductory paragraph) and (1), 1-621(F)(2) (a)(introductory paragraph), 1-622(D)(introductory paragraph), 1-623(B) (introductory paragraph), 1-624(B)(introductory paragraph), 1-703(A) (introductory paragraph), 1-721(E)(2)(introductory paragraph), 1-725(A), (C), and (D), 1-727, 1-802, 1-805(B) and (E), 1-820(C), 1-831(A)(1), 1-833(C) (1)(introductory paragraph), 1-842(C)(introductory paragraph), 1-851(A) (introductory paragraph) and (1), 1-854(A)(introductory paragraph) and (3), 1-860(5), 1-870(A), 1-1022, 1-1106(A)(introductory paragraph), 1-1107(A)(9) and (F)(introductory paragraph) and (2), 1-1301(5.1)(introductory paragraph), 1-1432(C)(introductory paragraph), 1-1435(F), 1-1436(D)(2)(b), 1-1444(A), and 1-1602(F)(introductory paragraph) and to enact R.S. 12:1-143(A)(5), 1-202(B)(7) and (F), 1-709, 1-832(D), 1-870(C), 1-955(F) and 1-1705, relative to corporations; to provide for qualifications of directors; to provide relative to business opportunities; to provide for remote participation in shareholders' meetings; to provide relative to quorum and voting requirements; to provide relative to board of director meetings; to provide relative to protection against monetary liability; to provide for required disclosures; to provide for service of process on foreign entities; to provide relative to public corporation bylaws provisions relating to the election of directors; to provide for previous delivery of a share certificate for withdrawal by an oppressed shareholder; to provide a transition rule for reinstatement of corporations with revoked charters; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1-124(B), 1-128(B)(introductory paragraph) and (2), 1-140(15C), 1-141(I)(1)(introductory paragraph) and (3) and (J)(introductory paragraph), 1-202(A)(5) and (B)(6) and (E), 1-302(introductory paragraph), 1-303(A)(introductory paragraph) and (D), 1-401(D)(introductory paragraph) and (2), 1-601(C)(introductory paragraph) and (1), 1-621(F)(2)(a)(introductory paragraph), 1-622(D)(introductory paragraph), 1-623(B)(introductory paragraph), 1-624(B)(introductory paragraph), 1-703(A)(introductory paragraph), 1-721(E)(2)(introductory paragraph), 1-725(A), (C), and (D), 1-727, 1-802, 1-805(B) and (E), 1-820(C), 1-831(A)(1), 1-833(C)(1)(introductory paragraph), 1-842(C)(introductory paragraph), 1-851(A)(introductory paragraph) and (1), 1-854(A)(introductory paragraph) and (3), 1-860(5), 1-870(A), 1-1022, 1-1106(A) (introductory paragraph), 1-1107(A)(9) and (F)(introductory paragraph) and (2), 1-1301(5.1)(introductory paragraph), 1-1432(C)(introductory paragraph), 1-1435(F), 1-1436(D)(2)(b), 1-1444(A) and 1-1602(F)(introductory paragraph) are hereby amended and reenacted and R.S. 12:1-143(A)(5), 1-202(B)(7) and (F), 1-709, 1-832(D), 1-870(C), 1-955(F) and 1-1705 are hereby enacted to read as follows:

§1-124. Correcting filed document

* * *

B. A document is corrected by ~~doing~~ delivering to the secretary of state for filing articles of correction. The articles of correction shall do all of the following:

- ~~(1) Preparing articles of correction that perform all of the following:~~
~~(a)(1) Describe the document, including its filing date, or attach a copy of it to the articles.~~
~~(b)(2) Specify the inaccuracy or defect to be corrected.~~
~~(c)(3) Correct the inaccuracy or defect.~~
~~(2) Delivering the articles to the secretary of state for filing.~~

* * *
* * *

§1-128. Certificate of existence and standing

B. A certificate of existence, or authorization, and standing shall ~~set forth~~ state all of the following:

* * *

- (2) ~~That either~~ One of the following ~~apply~~:
(a) ~~The That the~~ domestic corporation is duly incorporated under the law of this state, along with the date of its incorporation and the period of its duration if less than perpetual.
(b) ~~The That the~~ foreign corporation is authorized to do business in this state.

* * *

§1-140. Definitions
In this Chapter:

* * *

(15C) “Owner liability” means personal liability for a debt, obligation, or liability of a domestic or foreign business or nonprofit corporation or unincorporated entity that is imposed on a person ~~by either of the following:~~
~~(a) Solely solely~~ by the person’s status as a shareholder, partner, member, or interest holder;
~~(b) By the or solely by the terms of~~ articles of incorporation, bylaws, or an organic document under a provision of the organic law of an entity authorizing the articles of incorporation, bylaws or an organic document to make one or more specified shareholders, partners, members, or interest holders liable in their capacity as shareholders, partners, members, or interest holders for all or specified debts, obligations, or liabilities of the entity.

* * *

§1-141. Notices and other communications

* * *

I. Notice or other communication, if in a comprehensible form or manner, is effective at the earliest of the following:
(1) If in physical form, the earliest of when it is actually received, or when it is left at a place apparently designated for the receipt of mail or other similar communication at ~~any~~ the relevant one of the following:

* * *

- (3) If mailed by United States mail postage prepaid and correctly addressed to a recipient other than a shareholder, the earliest of ~~when it is actually received, or either of~~ the following:
(a) ~~The date when actually received.~~
~~(a)(b)~~ If sent by registered or certified mail, return receipt requested, the date shown on the return receipt signed by or on behalf of the addressee.
~~(b)(c)~~ Five days after it is deposited in the United States mail.

* * *

J. A notice or other communication may be in the form of an electronic transmission that cannot be directly reproduced in paper form by the recipient through an automated process used in conventional commercial practice only if ~~both~~ all of the following ~~conditions~~ requirements are met:

* * *

§1-143. Qualified director

A. A “qualified director” is a director who meets the following criteria:

* * *

- ~~(5) At the time action is to be taken under R.S. 12:1-202(B)(6), a director who is neither of the following:~~
~~(a) A director to whom the limitation or elimination of the duty of an officer to offer potential business opportunities to the corporation would apply.~~
~~(b) A director who is a related person to another officer to whom the limitation or elimination would apply.~~

* * *

§1-202. Articles of incorporation and signed consent by agent to appointment
A. The articles of incorporation must set forth all of the following:

* * *

(5) ~~If the corporation chooses to reject or limit Whether the corporation accepts, rejects, or limits, with a statement of the limitations, the protection against liability of directors and officers that is provided by R.S. 12:1-832, a statement of the rejection or limitation.~~

* * *

B. The articles of incorporation may set forth any of the following:

* * *

~~(6) A provision prospectively limiting or eliminating any duty of a director or any other person to offer the corporation the right to participate in any business opportunity or in any class or category of business opportunity. The provision shall not limit or eliminate any duty of an officer or a related person of an officer until qualified directors, acting after the effective date of the provision and in accordance with the procedures set forth in R.S. 12:1-862, approve the application of the provision to that officer or related person. The approval shall have prospective effect only and may allow the provision to apply in full or to apply as limited by the terms of the approval.~~

~~(6)(7) A provision that cash, property or share dividends, shares issuable to shareholders in connection with a reclassification of stock,~~

and the redemption price of redeemed shares, that are not claimed by the shareholders entitled thereto within a reasonable time, not less than one year in any event, after the dividend or redemption price became payable or the shares became issuable, despite reasonable efforts by the corporation to pay the dividend or redemption price or deliver the certificates for the shares to such shareholders within such time, shall, at the expiration of such time, revert in full ownership to the corporation, and the corporation’s obligation to pay such dividend or redemption price or issue such shares, as the case may be, shall thereupon cease; provided that the board of directors may, at any time, for any reason satisfactory to it, but need not, authorize either of the following:

* * *

E. As used in this Section, “related person” has the meaning specified in R.S. 12:1-860(5).

~~E.F.~~ A written consent to appointment, signed by the initial registered agent, shall be attached or appended to the articles of incorporation.

Comment - 2016

Paragraph (A)(5) of this Section was amended in 2016 to eliminate the mandatory nature of the statement in the articles of incorporation of a corporation’s acceptance, rejection or limitation of the protection against monetary liability - often called “exculpation” - provided by R.S. 12:1-832. A statement concerning exculpation is required only if the corporation chooses to reject or limit the protections provided by R.S. 12:1-832. The earlier approach was designed only to alert those filing new articles of incorporation to the change in the law concerning the default rule on the subject. A reference to the now-optional statement remains part of Subsection (A) to draw attention to the possibility of rejecting or limiting the protections that R.S. 12:1-832 provides by default.

* * *

§1-302. General powers

Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and has the power to do all things necessary or convenient to carry out its business and affairs, including without limitation power to ~~do perform~~ any of the following ~~actions~~:

* * *

§1-303. Emergency powers

A. In anticipation of or during an emergency defined in Subsection D of this Section, the board of directors of a corporation may do ~~either~~ any of the following:

* * *

D. An emergency exists for purposes of this Section if a catastrophic event makes it impracticable, without applying the rules ~~pursuant to stated in~~ Subsection B of this Section, to attain a quorum of the corporation’s directors when and as necessary to carry out the functions of the board of directors.

* * *

§1-401. Corporate name

* * *

D. A corporation may use in its filings with the secretary of state a name that is not distinguishable from one or more of the names described in Subsection B of this Section if the registrant of the name is incorporated, organized, or authorized to transact business in this state and the proposed user corporation ~~performed~~ did any of the following ~~actions~~:

* * *

~~(2) Been formed by Came into existence through~~ the reorganization of the other registrant.

* * *

§1-601. Authorized shares

* * *

C. The articles of incorporation may authorize one or more classes or series of shares that ~~meet have~~ any of the following ~~characteristics~~ criteria:

(1) ~~Have Are entitled to~~ special, conditional, or limited voting rights, or no right to vote, except to the extent otherwise provided by this Chapter.

* * *

§1-621. Issuance of shares

* * *

F.

* * *

(2) In this Subsection, both of the following shall apply:
(a) For purposes of determining the voting power of shares issued and issuable as a result of a transaction or series of integrated transactions, the voting power of shares shall be the greater of ~~either of~~ the following:

* * *

§1-622. Liability of shareholders

* * *

D. A proceeding to enforce the liability of a shareholder under Subsection C of this Section is subject to a peremptive period of two years measured from the relevant one of the following dates ~~date of either of the following~~:

* * *

§1-623. Share dividends

* * *

B. Shares of one class or series may not be issued as a share dividend in respect of shares of another class or series unless one of the following conditions ~~are~~ is satisfied:

* * *

§1-624. Share options

* * *

B. The terms and conditions of such rights, options or warrants, including those outstanding on the effective date of this Section, may include, without limitation, restrictions or conditions that do ~~either any~~ of the following:

* * *

§1-703. Court-ordered meeting

A. The district court of the parish where a corporation’s principal office or, if none in this state, its registered office, is located may in a summary proceeding order a meeting to be held ~~at upon~~ either of the following:

* * *

§1-709. Remote participation in annual and special meetings

A. Shareholders of any class or series may participate in any meeting of shareholders by means of remote communication to the extent the board of directors authorizes such participation for such class or series. Participation by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with Subsection B.

B. Shareholders participating in a shareholders’ meeting by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to do all of the following:

- (1) Verify that each person participating remotely is a shareholder.
- (2) Provide such shareholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

* * *

§1-721. Voting entitlement of shares

* * *

E. For purposes of Subsections B and C of this Section, the following meanings shall apply:

* * *

(2) “Majority control” means ownership, direct or indirect, of a majority of ~~either any~~ of the following:

* * *

§1-725. Quorum and voting requirements for voting groups

A. Shares entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those shares exists with respect to that matter. ~~Unless the articles of incorporation provide otherwise Unless a provision in the articles of incorporation authorized by R.S. 12:1-727 provides otherwise,~~ a majority of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

* * *

C. If a quorum exists, action on a matter, other than the election of directors, by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless ~~this Chapter or the articles of incorporation require a greater number of affirmative votes.~~

D. ~~[Reserved.] An amendment of articles of incorporation adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in Subsection A or C of this Section is governed by R.S. 12:1-727.~~

* * *

Comment - 2016

Model Act § 7.25 (d) was omitted from this Section in connection with an amendment of R.S. 12:1-727 that covered the same subject matter.

* * *

§1-727. Greater quorum or voting requirements

A. The articles of incorporation may provide for a greater ~~quorum or~~ voting requirement for shareholders, or voting groups of shareholders, than is provided for by this Chapter. The articles of incorporation may make a quorum requirement for shareholders, or for a voting group of shareholders, greater or lesser than that provided by this Chapter, but the requirement may not be lower than twenty-five percent of the shares entitled to vote on a matter.

B. An amendment to the articles of incorporation that adds, changes, or deletes a ~~greater~~ quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater.

Comment - 2016

This Section was amended in 2016 to clarify the extent to which the quorum and voting requirements provided by this Chapter could be changed by provisions in the articles of incorporation. This Section effectively adopts the approach to the issue taken by the former LBCL. While the LBCL did permit the voting requirement for most fundamental decisions, such as mergers and amendments of the articles of incorporation, to be reduced from its statutory default standard of two-thirds of shares present, it did not permit the standard to be reduced to less than a majority of voting power. This Chapter provides the equivalent of that minimum standard, a majority of shares entitled to vote on a matter, as the default rule for fundamental decisions. Hence, by allowing only increases in that standard in the articles of incorporation, this Section is effectively retaining the floor that was imposed by the LBCL with respect to decisions of that kind. The other two voting requirements provided by this Chapter - plurality voting for directors and a majority-of-votes-cast standard for decisions not governed by other rules - are already as low as

they practically could be for such decisions. They may be increased, but not decreased, by a provision in the articles of incorporation.

* * *

§1-802. Qualifications of directors

A. ~~The articles of incorporation or bylaws may prescribe qualifications for directors or for nominees for director. A director need not be a resident of this state or a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.~~

B. A requirement that is based on a past, current or prospective action, or expression of an opinion, by a nominee or director that could limit the ability of a nominee or director to discharge his or her duties as a director is not a permissible qualification under this Section. Notwithstanding the foregoing, qualifications may include not being or having been subject to specified criminal, civil or regulatory sanctions or not having been removed as a director by judicial action or for cause.

C. A director need not be a resident of this state or a shareholder of the corporation unless the articles of incorporation or bylaws so provide.

D. A qualification for nomination for director adopted before a person’s nomination shall apply to such person at the time of nomination. A qualification for nomination for director adopted after a person’s nomination shall not apply to such person with respect to such nomination.

E. A qualification for director adopted before the start of a director’s term may apply only at the time an individual becomes a director or may apply during a director’s term. A qualification adopted during a director’s term shall not apply to that director before the end of that term.

* * *

§1-805. Terms of directors generally

* * *

B. The terms of all other directors expire at the next, or if their terms are staggered in accordance with R.S. 12:1-806, at the applicable second or third, annual shareholders’ meeting following their election, except to the extent provided in a ~~bylaw authorized by R.S. 12:1-1022 if a bylaw electing to be governed by that Section is in effect~~ or a shorter term is specified in the articles of incorporation in the event of a director nominee failing to receive a specified vote for election.

* * *

E. Except to the extent otherwise provided in the articles of incorporation or ~~under a bylaw authorized by R.S. 12:1-1022 if a bylaw electing to be governed by that Section is in effect,~~ despite the expiration of a director’s term, the director continues to serve until the director’s successor is elected and qualifies or there is a decrease in the number of directors.

* * *

§1-820. Meetings

* * *

C. A meeting of the board of directors may be called as provided in the bylaws, and may also be called by the board chair, by the chief executive officer, regardless of the title used by the corporation to designate that officer, or by a majority of the directors.

* * *

§1-831. Standards of liability for directors

A. A director shall not be liable to the corporation or its shareholders for any decision to take or not to take action, or any failure to take any action, as a director, unless the party asserting liability in a proceeding establishes both of the following:

(1) No defense interposed by the director based on R.S. 12:1-832, a provision in the articles of incorporation authorized by R.S. 12:1-202(B)(6), the protection afforded by R.S. 12:1-861, for action taken in compliance with R.S. 12:1-862 or R.S. 12:1-863, or the protection afforded by R.S. 12:1-870, precludes liability.

* * *

§1-832. Protection against monetary liability

* * *

D. A provision in a corporation’s articles of incorporation that became effective before January 1, 2015, and that purports to protect a director or officer of the corporation against monetary liability to the corporation or its shareholders, shall not operate as a limitation of the protection against liability provided by this Section except to the extent that it provides less protection against liability than was permitted by the law in effect at the time the provision became effective.

Comment - 2016

In accordance with R.S. 12:1-1701, the protections provided by this Section apply to all Louisiana business corporations, including those formed before January 1, 2015. However, many corporations that were formed before that date will already have provisions in their articles of incorporation that were designed to provide similar protections under the “opt in” form of exculpation provision that was permitted under former law. Subsection (D) of this Section was added in 2016 to provide a transitional rule for corporations whose articles of incorporation contain that kind of exculpatory provision.

The transitional rule turns on whether a pre-2015 exculpatory provision provided less protection than allowed by law at the time that the provision became effective. While such a provision might theoretically create a complicated set of questions concerning the law in effect at a particular time, the law that authorized exculpatory provisions was first enacted in 1987 and did not change until it was repealed, effective January 1, 2015, the date that the current law took effect. The relevant provision was former R.S. 12:24(C) (4), which read as follows:

A provision eliminating or limiting the personal liability of a director or officer to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director or officer, provided that such provision shall not eliminate or limit the liability of a director or officer:

- (a) For any breach of the director's or officer's duty of loyalty to the corporation or its shareholders;
- (b) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law;
- (c) For liability under R.S. 12:92(D); or
- (d) For any transaction from which the director or officer derived a improper personal benefit.

No such provision shall eliminate or limit the liability of a director or officer for any act or omission occurring prior to the date when such provision becomes effective.

The four exceptions to exculpation listed in former R.S. 12:24(C)(4) are similar, but not identical, to the four exceptions listed in Subsection (A) of this Section. Hence, pre-2015 exculpatory provisions that essentially copied the former statutory language will contain exceptions to exculpation that will differ from those provided in this Section. Some of those differences will not matter. The old reference to former R.S. 12:92(D), for example, which dealt with unlawful dividends, has been replaced in the current law by a reference to R.S. 12:1-833, the current unlawful dividend provision. But the current law states its own prohibition against the elimination of the unlawful dividend liability imposed by R.S. 12:1-833, regardless of whether a similar limitation appears in a corporation's articles of incorporation. See R.S. 12:1-832(B).

Still, it is possible that other differences between the former and current list of exceptions could matter. The former law, for example, did not allow a corporation to eliminate a director's or officer's liability for any form of "intentional misconduct" or any "knowing violation of law," while the current law excludes that form of protection only for an intentional infliction of harm on the corporation or its shareholders or for an intentional violation of criminal law. Hence, it is possible that the language of a pre-2015 exculpatory provision could be construed as a limitation on exculpation if it tracked the old statutory language, even though a provision of that kind was far more likely intended to provide, not limit, the broadest form of exculpation permitted by law.

Subsection (D) of this Section is designed to give effect to the likely intention of the shareholders who approved a pre-2015 exculpation provision. If a pre-2015 provision provided for exculpation subject only to exceptions that tracked the old statutory language, the provision is treated as calling for exculpation to the full extent allowed by law, and thus to the full extent provided by this Section. In the unlikely event that a corporation did choose to adopt an exculpatory provision before 2015, but on terms more limited than those allowed by former R.S. 12:24(C)(4), the greater-than-required form of limitation continues to be respected by Subsection (D), as that form of limitation suggests a deliberate choice by shareholders not to provide as much protection against liability as allowed by law.

§1-833. Directors' liability for unlawful distributions

C.(1) A proceeding to enforce the liability of a director under Subsection A of this Section is barred unless it is commenced within two years after of the relevant one of the following dates:

§1-842. Standards of conduct for officers

C. In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on ~~either~~ any of the following:

§1-851. Permissible indemnification

A. Except as otherwise provided in this Section, a corporation may indemnify an individual who is a party to a proceeding because the individual is a director against liability incurred in the proceeding if ~~either condition exists~~ the requirements of Paragraph (1) or (2) of this Subsection are met:

(1)~~(a)~~ The director satisfied the requirements of Subparagraphs (a) and (b) and, if applicable, Subparagraph (c) of this Paragraph:

~~(a) The director conducted himself or herself in good faith, and reasonably believed either of the following:~~

~~(b) The director reasonably believed the relevant one of the following:~~

(i) In the case of conduct in an official capacity, that his or her conduct was in the best interests of the corporation.

(ii) In all other cases, that the director's conduct was at least not opposed to the best interests of the corporation.

~~(b)(c)~~ In the case of any criminal proceeding, the director had no reasonable cause to believe his or her conduct was unlawful.

§1-854. Court-ordered indemnification and advance for expenses

A. A director who is a party to a proceeding because he or she is a director may petition the court conducting the proceeding for indemnification or an advance for expenses or, if the indemnification or advance for expenses is beyond the scope of the proceeding or of the jurisdiction of the court or other forum for the proceeding, may petition another court of competent jurisdiction. After ordering any notice it considers necessary, the court shall hear the petition by summary proceeding and shall, if it makes the required determination, order one of the following:

(3) Indemnification or advance for expenses if the court determines, in view of all the relevant circumstances, that it is fair and reasonable for the corporation to provide the ordered indemnification or advance for expenses, a do either of the following:

~~(a) Indemnify the director.~~

~~(b) Advance expenses to the director, even if, in the case of (a) or (b), he or she has not met even though the director did not meet the relevant standard of conduct set forth in R.S. 12:1-851(A), failed to comply with R.S. 12:1-853, or was adjudged liable in a proceeding referred to in R.S. 12:1-851(D)(1) or (D)(2), but if~~ If the director was adjudged so liable in a proceeding referred to in R.S. 12:1-851(D)(1) or (D)(2), indemnification shall be limited to expenses incurred in connection with the proceeding.

§1-860. Subpart definitions

In this Subpart, the following meanings shall apply:

(5) "Related person" means, at the relevant time, ~~one~~ any of the following:

(a) ~~The director's individual's spouse.~~

(b) A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half sibling, aunt, uncle, niece or nephew, or spouse of any thereof, of the ~~director individual~~ or of the ~~director's individual's~~ spouse.

~~(c) An individual~~ A natural person living in the same home as the ~~director individual~~.

(d) An entity, other than the corporation or an entity controlled by the corporation, controlled by the ~~director individual~~ or any person specified above in this Paragraph.

(e) A domestic or foreign business or nonprofit corporation, other than the corporation or an entity controlled by the corporation, of which the ~~director individual~~ is a director, a domestic or foreign unincorporated entity of which the ~~director individual~~ is a general partner or a member of the governing body, or a domestic or foreign individual, trust, or estate for whom or of which the ~~director individual~~ is a trustee, guardian, personal representative, or like fiduciary.

(f) A person that is, or an entity that is controlled by, an employer of the ~~director individual~~.

(g) A person with whom the ~~director individual~~ has a material relationship.

§1-870. Business opportunities

A. ~~A director's~~ If a director or officer or related person of either pursues or takes ~~taking~~ advantage, directly or indirectly, of a business opportunity, that action may not be the subject of any form of relief, or give rise to an award of damages or other sanctions against the director, ~~officer or related person~~, in a proceeding by or in the right of the corporation on the ground that such opportunity should have first been offered to the corporation, if ~~before becoming legally obligated respecting the opportunity the director brings it to the attention of the corporation, and either of the following occurs~~ the requirements of Paragraph (1) or (2) of this Subsection are satisfied:

(1) ~~Before the director, officer or related person becomes legally obligated respecting the opportunity, the director or officer brings it to the attention of the corporation and either of the following occurs:~~

~~(1)(a)~~ Action by qualified directors disclaiming the corporation's interest in the opportunity is taken in compliance with the same procedures set forth in R.S. 12:1-862, as if the decision being made concerned a director's conflicting interest transaction.

~~(2)(b)~~ Shareholders' action disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in R.S. 12:1-863, as if the decision being made concerned a director's conflicting interest transaction; except that, rather than making "required disclosure" as defined in R.S. 12: 1-860, in each case the director shall have made prior disclosure to those acting on behalf of the corporation of all material facts concerning the business opportunity that are then known to the director.

(2) The duty to offer the corporation the particular business opportunity has been limited or eliminated pursuant to a provision of the articles of incorporation adopted, and in the case of officers and their related persons made effective by action of qualified directors, in accordance with R.S. 12:1-202(B)(6).

C. For purposes of this Section, the term "required disclosure" as used in R.S. 12:1-862 and R.S. 12:1-863 means prior disclosure to those acting on behalf of the corporation of all material facts concerning the business opportunity that are then known to the director or officer.

§1-955. Effect of entity conversion

F. For purposes of service of process under Paragraph (B)(2) of this Section, a foreign eligible entity that is a survivor of a merger may be served in accordance with the rules applicable to service of process on a foreign corporation, as if both of the following conditions existed:

(1) The survivor were a foreign corporation.

(2) Each of the following persons were a director of that corporation:

(a) A general partner if the survivor is a partnership of any kind.

(b) A member if the survivor is a member-managed limited liability company.

(c) A manager if the survivor is a manager-managed limited liability company.

(d) A person holding managerial authority in the survivor, regardless of the form of the surviving entity, that is similar to that of an officer or director of a domestic business corporation.

§1-1022. Public corporation bylaw provisions relating to the election of directors

A. Unless the articles of incorporation specifically prohibit the adoption of a bylaw pursuant to this Section, alter the vote specified in R.S. 12:1-728(A), or provide for cumulative voting, a public corporation may elect in its bylaws to provide a means for a shareholder to vote against the election of an individual to serve as a director and, notwithstanding a director's election by plurality vote, to limit the term or require the resignation of any director who receives more votes against than for his or her election, be governed in the election of directors as follows:

B. The expiration of a limited term, or the resignation of a director, pursuant to a bylaw authorized by this Section creates a vacancy that is governed by R.S. 12:1-810.

~~(1) Each vote entitled to be cast may be voted for or against up to that number of candidates that is equal to the number of directors to be elected, or a shareholder may indicate an abstention, but without cumulating the votes.~~

~~(2) To be elected, a nominee must have received a plurality of the votes cast by holders of shares entitled to vote in the election at a meeting at which a quorum is present, provided that a nominee who is elected but receives more votes against than for election shall serve as a director for a term that shall terminate on the date that is the earlier of ninety days from the date on which the voting results are determined pursuant to R.S. 12:1-729(B)(5) or the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which R.S. 12:1-810 applies. Subject to Paragraph (A) (3) of this Section, a nominee who is elected but receives more votes against than for election shall not serve as a director beyond the ninety-day period referenced above.~~

~~(3) The board of directors may select any qualified individual to fill the office held by a director who received more votes against than for election.~~

~~B. Subsection A of this Section does not apply to an election of directors by a voting group if at the expiration of the time fixed under a provision requiring advance notification of director candidates, or absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this Subsection if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.~~

C. A bylaw ~~electing to be governed~~ authorized by this Section may be repealed by either of the following:

(1) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides.

(2) If adopted by the board of directors, by the board of directors or the shareholders.

Source: MBCA § 10.22.

Comments - 2016

(a) As originally enacted, this Section tracked the approach taken in the Model Act. Under that approach, a public corporation that wished to provide in its bylaws for procedures through which shareholders could vote against the election of a director could do so only by opting in to a detailed set of rules provided in the Model Act itself. This Section was amended in 2016 to replace the earlier standardized approach with a more general statement of authority for the adoption of bylaws of that kind.

(b) Bylaws authorized by this Section do not change the plurality vote rule stated in R.S. 12:1-728(A); that rule may be changed only in the articles of incorporation. Rather, they cause the effect of an election to be limited by a resignation or an abbreviated term, and to create vacancy on the board that may be filled in accordance with R.S. 12:1-810.

§1-1106. Articles of merger or share exchange

A. After a plan of merger or share exchange has been adopted and approved as required by this Subpart, articles of merger or share exchange shall be signed on behalf of each party to the merger or share exchange by any officer or other duly authorized representative. Articles of merger need not be signed on behalf of any subsidiary that is a party to a merger authorized without the approval of the subsidiary's board of directors or shareholders as permitted by R.S. 12:1-1105(A). The articles shall set forth all of the following:

§1-1107. Effect of merger or share exchange

A. When the merger becomes effective, all of the following shall apply:

(9) The survivor possesses all the rights, licenses, privileges, and franchises possessed by each of the parties to the merger, except that the survivor does not possess any right, license, privilege, or franchise that ~~meets either of the following conditions:~~

~~(a) The survivor is ineligible to possess or to exercise; or that does~~

~~(b) Does not survive a merger because of a provision to that effect in the law or administrative rules under which the right, license, privilege, or franchise is held at the time of the merger.~~

* * *

F. For purposes of service of process under Paragraph (D)(2) of this Section, a foreign eligible entity that is a survivor of a merger may be served in accordance with the rules applicable to service of process on a foreign corporation, as if both of the following conditions ~~exist~~ existed:

(2) Each of the following persons were a director of that corporation:

§1-1301. Definitions

In this Part, the following meanings shall apply:

(5.1) "Interested person" means a person, or an affiliate of a person, who at any time during the one-year period immediately preceding approval by the board of directors of the corporate action, satisfies ~~one~~ any of the following criteria:

§1-1432. Appointment of receiver or liquidator

C. The court shall describe the powers and duties of the receiver or liquidator in its appointing order, which may be amended from time to time and may require the receiver or liquidator to file interim and final reports with the court as the court considers appropriate. Except as limited by the court, either of the following powers may be exercised ~~actions may be taken:~~

§1-1435. Oppressed shareholder's right to withdraw

F. A notice of acceptance that operates as an acceptance of both the shareholder's offer to sell and the shareholder's proposed price forms a contract of sale of the shares at that price, payable in cash. The contract includes the warranties of a seller of investment securities under the Uniform Commercial Code and imposes a duty on the selling shareholder to deliver any certificates issued by the corporation for the withdrawing shareholder's shares or, if a certificate has been lost, stolen, ~~or~~ destroyed, or previously delivered to the corporation, an affidavit to that effect. Either party may file an action to enforce the contract at the specified price if the contract is not fully performed within thirty days after the effective date of the notice of acceptance. If a withdrawing shareholder fails to deliver the certificate for a share purchased by the corporation under a contract formed under this Subsection, the shareholder owes the same indemnity obligation as a shareholder who sells shares as described in R.S. 12:1-1436(F).

§1-1436. Judicial determination of fair value and payment terms for withdrawing shareholder's shares

D. Except as provided in Subsection E of this Section, at the conclusion of the trial the court shall render final judgment as described in Paragraphs (1) and (2) of this Subsection:

(2) In favor of the corporation and against the shareholder that does both of the following:

(b) Orders the shareholder to deliver to the corporation within thirty days of the date of the judgment any certificate issued by the corporation for the shares or an affidavit by shareholder that the certificate has been lost, stolen, ~~or destroyed, or previously delivered to the corporation.~~

§1-1444. Reinstatement of terminated corporation

A. A terminated corporation may be reinstated if the corporation satisfies both of the following conditions:

(1) ~~It was~~ Was not dissolved by a judgment of dissolution.

(2) ~~It requests~~ Requests reinstatement in accordance with this Section no later than three years after the effective date of its articles or certificate of termination.

§1-1602. Inspection of records by shareholders

F. This Section does not affect ~~either any~~ any of the following:

§1-1705. Transition rule for reinstatement of a corporation with a revoked charter

A. A corporation whose charter was revoked before January 1, 2015, may be reinstated as provided in R.S. 12:1-1444 for a corporation that was terminated administratively. Subject to the time limitation stated in Subsection F of this Section, a corporation whose charter was revoked before January 1, 2015, may also be reinstated as provided in Subsections B through E of this Section.

B. A corporation whose charter was revoked before January 1, 2015, may request reinstatement by delivering to the secretary of state for filing articles of charter-revocation reinstatement and the current annual report. The articles of charter-revocation reinstatement and the annual report shall be signed by an officer or director of the corporation who is entitled to approve articles of reinstatement under R.S. 12:1-1444(B). The annual report shall be accompanied by a written consent to appointment signed by the registered agent named in the annual report.

C. The articles of charter-revocation reinstatement shall state all of the following:

(1) The name of the corporation.

(2) That the charter of the corporation was revoked before January 1, 2015.
(3) That the reinstatement was approved by an officer or director who is entitled to approve articles of reinstatement pursuant to R.S. 12:1-1444(B).

(4) That the corporation is reinstated, effective retroactively as if the corporation had never been terminated.

D. If the corporation's name is no longer available for use, the secretary of state shall file the articles of charter-revocation reinstatement only if the corporation also delivers for filing articles of amendment that change the name of the corporation to a name that meets the requirements of R.S. 12:1-401.

E. When the secretary of state files articles of charter-revocation reinstatement, the existence of the corporation is reinstated retroactively, and the corporation continues to exist as if the termination had never occurred.

F. A corporation may be reinstated pursuant to Subsections B through E of this Section only if the documents required by those Subsections, and entitled to filing pursuant to R.S. 12:1-120, are delivered for filing to the secretary of state before January 1, 2019.

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 443

HOUSE BILL NO. 722
BY REPRESENTATIVE MORENO
AN ACT

To enact R.S. 47:306.4, relative to online hotel sales; to provide for registration of certain dealers using online forums to transact business; to require allocation of existing resources for implementation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:306.4 is hereby enacted to read as follows:

§306.4. Registration of dealers; sale, lease, or rental through online forums
A. The secretary of the Department of Revenue shall promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for registration with the department by dealers, as defined in R.S. 47:301(4)(f) (ii), when the transactions giving rise to the dealer's obligation to collect the state sales and use tax for occupancy at a residential location is facilitated through an online forum.

B. The secretary shall allocate existing resources for the implementation of this Section.

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

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 444

HOUSE BILL NO. 729
BY REPRESENTATIVE MONTUCET
AN ACT

To enact Chapter 13 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1601 through 1603, relative to nonprofit water utility cooperatives; to provide for definitions; to regulate rate change procedures; to provide for applicability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1601 through 1603, is hereby enacted to read as follows:

CHAPTER 13. WATER

§1601. Definitions

As used in this Chapter, the following terms and phrases have the meanings hereinafter ascribed to them:

(1) "Department" means the Louisiana Department of Health and Hospitals.

(2) "Lending entity" means the governmental or financial entity providing financing to a water cooperative.

(3) "U.S.D.A." means the United States Department of Agriculture.

(4) "Water cooperative" means any nonprofit water utility cooperative or corporation that is wholly owned by water user members and eligible to receive financing from a lending entity.

§1602. Water cooperative rate change; regulation

A. Any request for a change to the rate structure of a water cooperative that receives financing from the U.S.D.A. shall be granted when all of the following requirements are satisfied:

(1) A rate assessment or study has been conducted by a qualified third party.

(2) A majority vote of the board of directors of a water cooperative has been conducted in accordance with the bylaws of the water cooperative and approves the proposed rate structure.

(3) Final approval of the U.S.D.A. has been granted.

B. Any request for a change to the rate structure of a water cooperative that receives financing from the department shall be granted when all of the

following requirements are satisfied:

(1) A rate assessment or study has been conducted by a qualified third party.

(2) A majority vote of the board of directors of a water cooperative has been conducted in accordance with the bylaws of the water cooperative and approves the proposed rate structure.

(3) Final approval of the department has been granted.

C. Any request for a change to the rate structure of a water cooperative that receives no financing from a lending entity or that receives financing and the lending entity is neither the U.S.D.A. nor the department shall be granted when all of the following requirements are satisfied:

(1) A rate assessment or study has been conducted by the Louisiana Rural Water Association.

(2) The rate assessment or study conducted by the Louisiana Rural Water Association has been approved by the legislative auditor.

(3) A majority vote of the board of directors of a water cooperative has been conducted in accordance with the bylaws of the water cooperative and approves the proposed rate structure.

D. Any request for a change to the rate structure of a water cooperative that receives financing from multiple lending entities shall be granted when the water cooperative obtains approval in accordance with one of the applicable Subsections of this Section.

§1603. Applicability

The provisions of this Chapter apply only to water cooperatives that were eligible to receive financing from the U.S.D.A. prior to January 1, 2011.

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

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 445

HOUSE BILL NO. 751
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 32:295.1(G)(1), relative to noncompliance with compulsory seat belt law; to increase fines for seat belt violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295.1(G)(1) is hereby amended and reenacted to read as follows:

§295.1. Safety belt use; tags indicating exemption

* * *

G.(1) ~~Any person who violates this Section subsequent to August 31, 1995, and prior to November 1, 1995, shall be given a warning ticket only. Subsequent to October 31, 1995, any person who violates this Section shall be subject to the following penalties:~~

(a) ~~Upon conviction of a first offense, the fine shall be twenty-five fifty~~ dollars which shall include all costs of court.

(b) ~~Upon conviction of a second offense, the fine shall be fifty seventy-five~~ dollars which shall include all costs of court.

(c) ~~Upon conviction of a third offense and any subsequent offense, the fine shall be fifty seventy-five~~ dollars plus all costs of court.

* * *

Approved by the Governor, June 9, 2016.

A true copy:

Tom Schedler
Secretary of State