To amend and reenact R.S. 3:3403(C) and (H), relative to the Louisiana Agricultural Commodities Commission; to provide for membership and voting requirements; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3403(C) and (H) are hereby amended and reenacted to read as follows:

§3403. Louisiana Agricultural Commodities Commission; creation; membership; terms; panels of nominees; filling of vacancies; oaths of office; per diem; quorum; domicile; meetings; successor to State Warehouse Commission  

  *   *   *  
  C. The tenth member shall be the commissioner of agriculture and forestry or his designee, who shall serve ex officio, but with all of the powers, rights, duties, and privileges as appointed members, including the right to vote on all matters before the commission.  
  *   *   *  
  II. Five members shall constitute a quorum for the transaction of official business. All official actions of the commission shall require the affirmative a majority vote of five members of the commission present and voting.

Approved by the Governor, June 11, 2019.

A true copy:  
R. Kyle Ardoin  
Secretary of State  

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ACT No. 353  

HOUSE BILL NO. 106  
BY REPRESENTATIVE MCFARLAND  
AN ACT.  

To amend and reenact R.S. 3:3601(B)(2) and (3), relative to the Right to Farm Law; to include forest and timber land and forest and timber operations in the legislative declaration that agricultural land and operations must be protected; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3601(B)(2) and (3) are hereby amended and reenacted to read as follows:

§3601. Citation; legislative findings; purpose  

  *   *   *  
  B.  
  *   *   *  
  (2) The legislature further finds and declares that owners of agricultural land, including forest and timber land, and the public, which depends upon agricultural production, need to be protected from further diminution in value of agricultural land by providing safeguards and by establishing a more reliable remedy for diminution in value of agricultural land caused by governmental entities.

Approved by the Governor, June 11, 2019.

A true copy:  
R. Kyle Ardoin  
Secretary of State  

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ACT No. 354  

HOUSE BILL NO. 138  
BY REPRESENTATIVE CONNICK  
AN ACT.  

To amend and reenact R.S. 40:961(26) and 964(Schedule 1)(C)(27) to and (3), relative to the Uniform Controlled Dangerous Substances Law; to amend the definition of marijuana to exclude industrial hemp; to provide for a definition of industrial hemp; to provide relative to criminal penalties; to add certain substances to Schedule I; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:961(26) and 964(Schedule 1)(C)(27) are hereby amended and reenacted and R.S. 40:961(45), 964(Schedule 1A)(62) through (67) and (C) (65), and 966(A)(3) are hereby enacted to read as follows:

§961. Definitions  

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

(26)(a) “Marijuana” means all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

(b) “Marijuana” shall not include the following:

(i) Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Louisiana Department of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018.

(ii) The mature stalks of such plant; the plant Cannabis fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(iii) Cannabidiol (Cannabidiol) when contained in a drug product approved by the United States Food and Drug Administration.

(45) “Industrial hemp” means the plant Cannabis sativa and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.

§964. Composition of schedules  

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:  

SCHEDULE I  

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, ethers, esters, salts, or salts of isomers is possible within the specific chemical designation:

(62) Methoxyacetylfentanyl (2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]N-phenylacetamide)  
(63) Para-fluorobutyrfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide)  
(64) Tetrahydrofuranylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]tetrahydrofuran-2-carboxamide)  
(65) U-49900 (3,4-dichloro-N-[2-(diethylamino)ethyl]N-methylbenzamide)  
(66) U-5,175 (3,4-dichloro-N-[2-(dimethylamino)ethyl]N-methylbenzacetamide)  
(67) U-48809 (2,4-dichloro-N-[2-(dimethylamino)ethyl]N-methylbenzacetamide)  

B. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, for purposes of this Paragraph only, the term “isomer” includes the optical, position, and geometric isomers:

(27) Tetrahydrocannabinols, including synthetic equivalents and derivatives, except for tetrahydrocannabinols in hemp.

(65) Deschloro-N-ethyl-ketamine (2-ethylcyclohexan-1-one)  

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

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

(3) To cultivate, possess, process, or sell industrial hemp, industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.
Section 2. The Louisiana State Law Institute is hereby authorized and directed to renumber the terms defined in R.S. 40:961 to ensure that such terms are in alphabetical order.

Approved by the Governor, June 11, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 355
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HOUSE BILL NO. 323
BY REPRESENTATIVE JAMES AND SENATOR BARROW
AN ACT

To enact R.S. 33:9097.30, relative to East Baton Rouge Parish; to create a crime prevention and improvement district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for the levy of a parcel fee within the district; and to provide for related matters.

Notwithstanding R.S. 42:267 or any other law to the contrary, the governing authority of a parish with a population of not less than three hundred forty thousand and not more than four hundred thirty-five thousand persons according to the most recent federal decennial census may name a sports complex in honor of a living person.

Approved by the Governor, June 11, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 356
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HOUSE BILL NO. 236
BY REPRESENTATIVE BILLIOT
AN ACT

To enact R.S. 33:4712.20 and 4712.21, relative to naming public buildings; to authorize the governing authority of certain parishes to name certain buildings after living persons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4712.20 and 4712.21 are hereby enacted to read as follows:

§4712.20. Naming of sports complex by the governing authority of certain parishes
Notwithstanding R.S. 42:267 or any other law to the contrary, the governing authority of a parish with a population of not less than three hundred forty thousand and not more than four hundred thirty-five thousand persons according to the most recent federal decennial census may name certain buildings, parks, and civic complexes in honor of a living person.

Approved by the Governor, June 11, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State
the ROW of Thames Drive, and the south and east boundaries of lots 450, to a point and corner; Thence northeasterly and northerly along the south and east boundaries of Monticello, 4th filing, the west boundary of the district, the north boundary of Monticello, 3rd filing, and 2nd filing Part 1, to a point at the northwest corner of Lot 34, Monticello; Thence northerly, westerly, and southerly along the boundaries of Monticello, 4th filing, being the east boundary of Lot Z-7 and its southern extension, the south ROW line of Canterbury Drive, and the west boundary of Lot Z-2 and its southern extension to the south boundary of the Engineer Depot Canal; Thence southwestwesterly along the south ROW line of the Engineer Depot Canal, being the north boundary of Monticello, 1st filing, to the point of commencement.

C. Purpose. The district is established for the primary object and purpose of promoting and encouraging the beautification, security, and overall betterment of the district.

D. Governance. (1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the “board.” The board shall be composed as follows:

(a) The president of the Monticello Citizens Association.
(b) The board of directors of the Monticello Citizens Association shall appoint two members.
(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.
(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.
(e) The member of the East Baton Rouge Parish Metropolitan Council whose district encompasses all or the greater portion of the area of the district shall appoint one member.
(f) The mayor-president of the city of Baton Rouge and East Baton Rouge Parish shall appoint one member.
(g) All members of the board shall be residents and qualified voters within the district.

(2) Members appointed pursuant to Subparagraphs (1)(b) through (f) of this Subsection shall serve three-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.

(3) Any board member may be removed for cause by a majority vote of the board.

(4) Vacancies shall be filled in the manner of the original appointment. A member shall be eligible for reappointment unless he was removed pursuant to Paragraph (4) of this Subsection.

(5) All members of the board shall serve without compensation and shall not receive reimbursement for expenses.

(6) The domicile of the board shall be within the district.

(7) The board shall hold regular meetings at such times and places within the district as provided in the bylaws.

(8) The board shall keep minutes of all meetings.

(9) A majority of the board shall constitute a quorum for conducting business of the district.

E. Powers and duties. The district, acting through its board of commissioners, shall have the following powers and duties:

(1) To sue and be sued.

(2) To accept gifts, bequests, and other gratuitous transfers of money or property.

(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection G of this Section.

(4) To enter into contracts with individuals or entities, public or private.

(5) To purchase items and supplies necessary for achieving any purpose of the district.

(6) To accept private grants and donations.

(7) To procure and maintain liability insurance against any personal or liability of any board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

(8) To perform or have performed any function or activity the board deems necessary to carry out the purposes of the district.

F. Parcel fee. The governing authority of East Baton Rouge Parish may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The amount of the fee shall be as determined by duly adopted resolution of the board. The fee, however, shall not exceed one hundred dollars per parcel per year.

(2) The fee shall be imposed on each parcel located within the district. The term “parcel” as used in this Subsection shall mean a lot, a subdivided portion of ground, an individual tract, or a “condominium parcel” as defined in R.S. 9:1211.103.

(3) The owner of the parcel shall be responsible for payment of the fee.

(4)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(b) The fee shall expire ten years after its initial levy but may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as a regularly scheduled election in the parish of East Baton Rouge. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(5)(a) The sheriff of the parish of East Baton Rouge shall collect the fee at the same time and in the same manner as ad valorem taxes are collected.

(b) The sheriff of the parish of East Baton Rouge shall remit to the district all amounts collected within sixty days after collection; however, the board may enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee.

(6) Any parcel fee shall be added to the tax rolls of the parish and shall be subject to the same authority and subject to the same penalties and procedures as ad valorem taxes.

G. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Local Government Budget Act, R.S. 39:190 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

H. Miscellaneous provisions. (1) It is the purpose and intent of this Section that the additional law enforcement personnel and services provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge and East Baton Rouge Parish.

(2) If the district ceases to exist:

(a) All funds of the district shall be transmitted to the parish of East Baton Rouge and such funds shall be used for law enforcement purposes in the area included within the district.

(b) The authority for the imposition of the parcel fee provided in this Section shall cease.

(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 a majority of the registered voters of the house, this Act shall become effective on the day following such approval.

Approved by the Governor: June 11, 2019.

A true copy of this Act was transmitted to the Secretary of State.

R. Kyle Ardoin
Secretary of State

ACT No. 358

HOUSE BILL NO. 348

BY REPRESENTATIVE BOURRIEAU

AN ACT

To amend and reenact R.S. 48:250.4(A) and 2084.6(D), relative to public-private partnerships; to permit an authority to include in its comprehensive agreement a provision that allows the authority to retain liability for damages to third parties; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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 a majority of the registered voters of the house, this Act shall become effective on the day following such approval.

§250.4. Public-private partnership projects

A. Notwithstanding any law to the contrary or the requirements of this Part, if the secretary determines it is in the best interest of the taxpayers, the Department of Transportation and Development, with approval of the House and Senate transportation, highways, and public works committees, may solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility, provided the contract complies with the provisions of R.S. 48:2034 through 2034.15 that are applicable to public-private partnership projects of the Louisiana Transportation Authority. However, and the provisions of R.S. 48:250.3 and 48:256.3 shall be applicable in the same manner as any other department projects.

§2084.6. Public-private partnership projects; comprehensive agreement

Notwithstanding any law to the contrary or the requirements of this Part, if the secretary determines it is in the best interest of the taxpayers, the Department of Transportation and Development, with approval of the House and Senate transportation, highways, and public works committees, may solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility, provided the contract complies with the provisions of R.S. 48:2034 through 2034.15 that are applicable to public-private partnership projects of the Louisiana Transportation Authority. However, and the provisions of R.S. 48:250.3 and 48:256.3 shall be applicable in the same manner as any other department projects.
D. The comprehensive agreement shall incorporate the duties of the private entity under this Chapter and may contain other terms and conditions that the authority and responsible public entity determine serve the public purpose of this Chapter. Without limitation, the comprehensive agreement may contain the following:

(1) provisions under which the authority agrees to provide notice of default and cure rights for the benefit of the private entity and the parties providing financing for the qualifying transportation facility.

(2) The comprehensive agreement may contain other lawful terms and conditions to which the private entity, the authority, and the responsible public entity mutually agree to, including provisions regarding unavoidable delays.

(3) Provisions for the authority to retain liability for damages arising from personal injury or property damage to third parties occurring on an existing state-owned highway or transportation facility, or portions thereof.

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, Sections 2 and 4 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 11, 2019.

R. Kyle Ardoin  
Secretary of State

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**ACT No. 359**

**HOUSE BILL NO. 494**

**BY REPRESENTATIVES ABRAMSON, HORTON, AND SCHEXNAYDER AND SENATORS RISER, GARY SMITH, AND WALSWORTH**

**AN ACT**

To enact R.S. 47:337.12.1, relative to local sales and use taxes; to provide for the determination of where taxes are due for certain materials used in road material construction contracts; to provide for certain requirements and limitations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.12.1 is hereby enacted to read as follows:

§337.12.1. Road material construction contracts; determination of where tax is due; requirements and limitations.

A. Notwithstanding any other law to the contrary, for purposes of the imposition of sales and use tax by any political subdivision of the state, any raw materials converted by a road contractor into asphaltic concrete which has been documented for ultimate use by the road contractor pursuant to a road material construction contract shall be subject to tax as provided in this Section.

(1) If the raw materials are purchased from a Louisiana dealer such that title or possession, or both, transfers to the road contractor at the dealer’s place of business, sales tax is due in the taxing jurisdiction of the dealer.

(2) If the raw materials are delivered to the road contractor such that title or possession, or both, transfers to the road contractor’s facility where the raw materials are converted into asphaltic concrete, the “retail sale” of the raw materials is deemed to occur in the taxing jurisdiction in which the asphaltic concrete is ultimately used by the road contractor to fulfill the road material contract.

(3) The exercise of any right or power over raw materials imported into a taxing jurisdiction for conversion into asphaltic concrete shall be deemed to be a “use” in the taxing jurisdiction in which the asphaltic concrete is ultimately used by the road contractor to fulfill the road material contract.

B. No sales or use taxes shall be due to the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete unless any of the following occurs in the taxing jurisdiction:

(1) The road contractor purchases raw materials from a dealer such that title or possession, or both, transfers to the road contractor at the dealer’s place of business in the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete.

(2) The asphaltic concrete is ultimately used by the road contractor to fulfill a road material contract in the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete.

(3) The road contractor makes a taxable sale of asphaltic concrete to a third party, such that title or possession, or both, transfers to the purchaser in the taxing jurisdiction in which the road contractor converts the raw materials into asphaltic concrete.

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 11, 2019.

R. Kyle Ardoin  
Secretary of State

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**ACT No. 360**

**HOUSE BILL NO. 547**

**BY REPRESENTATIVE ABRAMSON**

**AN ACT**

To amend and reenact R.S. 47:302(13) and (6), 339(A)(2), (B)(3), (5) through (8), 340(E)(2) and (3), (F), (G)(1), and (H)(1) and Section 2 of Act No. 5 of the 2018 Second Extraordinary Session of the Legislature and to enact R.S. 47:340(E)(4), (G)(6)(a) and (b), (11), (H)(15), and 1407(6), relative to the collection of certain sales and use tax; to provide for definitions; to provide for certain requirements; to provide for exception limitations; to provide for certain conditions; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(13) and (6), (B)(3), (5) through (8), 340(E)(2) and (3), (F), (G)(1), and (H)(1) are hereby amended and reenacted and R.S. 47:340(E)(4), (G)(6)(a) and (b), (11), (H)(15) and 1407(6) are hereby enacted to read as follows:

§302. Imposition of tax

§339. Louisiana Sales and Use Tax Commission for Remote Sellers

§340. Local Sales and Use Tax Commission

§1407. Other matters.

W. (3) A refund request shall be filed in a manner to be determined by the secretary, which may include electronic filing. The refund request may be made once per calendar year, and shall be accompanied by a copy of both of the following:

(1) All relevant paid local use tax returns.

(2) An affidavit affirming that if the delivery and use of the taxable property will occur in a parish in which there is no sales and use tax imposed by any local taxing authority, which affidavit has been filed with the local sales and use tax commission established under Paragraph (K)(6) of this Section. An affidavit confirming such will be acceptable in lieu of paid local use tax returns.

(6) Until the establishment of the Louisiana Sales and Use Tax Commission for Remote Sellers pursuant to R.S. 47:302(13) and (6), the Louisiana Sales and Use Tax Commission for Remote Sellers enforces collection and remittance of sales and use taxes on sales in each state or final ruling by the United States Supreme Court authorizing states to require and collect state and local sales and use taxes on their sales in each state or final ruling by the United States Supreme Court authorizing states to require remote sales. The commission shall:

A. The Louisiana Sales and Use Tax Commission for Remote Sellers, hereinafter referred to as “commission”, is created and established within the Department of Revenue for the administration and collection of the sales and use tax imposed by the state and political subdivisions with respect to remote sales. The commission shall:

B. As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall be defined as follows:

(3) “Federal law” shall mean any federal law as may be enacted by the United States Congress authorizing states to require remote sellers, except those remote sellers who meet exceptions provided by federal law, to collect and remit sales and use taxes on remote sales for delivery into Louisiana or final ruling a decision by the United States Supreme Court authorizing states to require remote sales, except those remote sellers who meet exceptions provided by federal law, to collect and remit sales and use taxes on remote sales for delivery into Louisiana.

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remote sales for delivery into the state.

(5) The term “non-remote sale” means a sale that is not a remote sale. The term “non-remote sale” means a sale that is made by a remote seller for delivery into Louisiana. The term “non-remote sale” means a sale that is not a remote sale.

(6) The term “remote seller” means a seller that is not a remote

remote seller. The term “remote seller” means a seller who sells for sale at retail, use, consumption, distribution, or for storage to be used for consumption or distribution any taxable tangible personal property, products transferred electronically, or services for delivery within Louisiana, but does not have physical presence in Louisiana and is not considered a qualified elector as provided in R.S. 47:301(4)(a) through (l). The term “non-remote seller” means a seller that is not a remote seller.

(1) The term “person” shall have the meaning as defined by federal law for purposes of remote sales but shall have the meaning provided in R.S. 47:301(4)(d) for all other purposes in state and local sales and use tax law.

(2) The commission, or its duly authorized agents and employees, may take action to accomplish the orderly handling of authority, subject to the provisions of this Subsection, the provisions of Chapter 18 of this Subtitle, and the Constitution of Louisiana, statutory laws authorizing the imposition of such taxes, and local sales and use tax ordinances. “Sales and use taxes” and “taxes” shall mean the sales and use taxes levied by the state of Louisiana under the provisions of Title 47 of the Louisiana Revised Statutes of 1950 and the sales and use taxes levied by local taxing authorities in Louisiana under the provisions of the Constitution of Louisiana, statutory laws authorizing the imposition of such taxes, and local sales and use tax ordinances. “Sales and use taxes” and “taxes” shall mean the sales and use taxes levied by the state of Louisiana under the provisions of Title 47 of the Louisiana Revised Statutes of 1950, and the sales and use taxes levied by local taxing authorities in Louisiana under the provisions of the Constitution of Louisiana, statutory laws authorizing the imposition of such taxes, and local sales and use tax ordinances. §340. Louisiana Sales and Use Tax Commission for Remote Sellers; members; powers

E.

(2) The commission shall monthly remit monies, less any refunds and amounts retained for expenses as provided in Paragraph (3) of this Subsection, to the appropriate taxing jurisdiction state or local collector by electronic funds to the designated bank account of that jurisdiction state or local collector or on or before the tenth business day of the month following the month of collection. Records of gross collections, refunds, and amounts retained for expenses shall be made accessible to the respective jurisdiction state or local collector on a monthly basis.

(3) The commission and its operations shall be funded by an amount equal to actual expenses incurred which amount shall not exceed one percent of the total amount of state and local sales and use tax collected on remote sales by the commission. Subject to the limitations provided in this Paragraph, this amount shall be retained by the commission on a monthly basis from current collections of state and local sales tax on remote sales as collected by the commission prior to monthly distribution to the state and local collectors. The commission shall have no authority to retain these monies unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales in each state in which the sale is effective or a decision by the United States Supreme Court overrules the physical presence requirement for a remote seller to collect and remit state and local sales and use tax on remote sales for delivery into the state.

§340. Louisiana Sales and Use Tax Commission for Remote Sellers; members; powers

(6) To require remote sellers to register with the commission.

(a) No later than thirty calendar days after surpassing either of the criteria of R.S. 47:301(4)(d), a remote seller shall submit an application for approval to collect state and local sales and use tax on remote sales for delivery into Louisiana to the commission on a form prescribed by the commission. A remote seller shall commence collection of state and local sales and use tax once notified the commission has approved the application, no later than sixty days after surpassing either of the criteria of R.S. 47:301(4)(d). (b) The commission shall publish the date remote sellers are required to be registered by policy statement as authorized by LA. C. 41:10.1. No later than thirty days prior to the effective date of the enforcement. No event shall the date of enforcement be later than June 1, 2020.

(11) To enter into voluntary disclosure agreements with remote sellers as to state and local sales and use taxes.

H. Nothing in this Chapter shall be construed to:

(1) Authorize or require any expenditure unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales in each state has been enacted and becomes effective or a decision by the United States Supreme Court overrules the physical presence requirement for a remote seller to collect and remit state and local sales and use tax on remote sales for delivery into the state.

(15) The sums of money collected by the remote seller for payment of sales and use taxes imposed by the state and local taxing authorities shall, at all times, be and remain the property of the respective taxing authorities and deemed held in trust for taxing authorities, including while in the possession of the commission.

§407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

(6) All matters relating to appeals of administrative hearings, assessments, and refund denials by the Louisiana Sales and Use Tax Commission for Remote Sellers.

Section 2. The provisions of Act No. 5 of the 2018 Second Extraordinary Session of the Legislature is hereby amended and reenacted to read as follows:

Section 2. The provisions of this Act shall apply to all taxable periods beginning on or after the date of the final ruling by the United States Supreme Court in South Dakota v. Wayfair Inc. Overstock.com, Inc. and Newegg Inc., No. 17-494 (U.S. filed October 2, 2017) finding South Dakota 2016 Senate Bill No. 106 constitutional. July 1, 2019.

Section 3. The provisions of this Act shall be applicable to all taxable periods beginning on or after July 1, 2019.

Approved by the Governor, June 11, 2019.

R. Kyle Ardoin Secretary of State

ACT No. 361

BY REPRESENTATIVES LARVADAIN AND JAMES

AN ACT

To enact R.S. 48:250.4.1, relative to toll collection and enforcement; to provide with respect to the collection of tolls and enforcement on a state-owned toll facility by the Department of Transportation and Development; to provide for definitions; to provide for procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:250.4.1 is hereby enacted to read as follows:

§250.4.1. State-owned toll facilities; toll collection and enforcement

A. Pursuant to R.S. 48:250.4, the department may exercise so much of the police powers of the state as shall be necessary to maintain the peace and accomplish the orderly handling of authority, subject to the provisions of this section. The department may delegate the exercise of these powers to any private entity acting on its behalf in the operation of a toll facility.

B. Terms as defined in R.S. 32:1 shall retain such definitions, except as specifically defined in this Subsection. As used in this section, unless the context otherwise requires:

(1) “Electronic mail” means a message, file, or other information transmitted through a local, regional, or global computer network.

(2) “Electronic mail address” means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(3) “Electronic toll collection” or “ETC” means a system of collecting tolls or charges capable of charging an account holder for the appropriate toll by transmission of information between a device on a motor vehicle and a toll collection facility.

(4) “Pay” means paying a toll by cash, by permitting a charge against a valid toll-tax account with the department, or by any other means of payment
approved by the department.

(5) “Photo-monitoring system” means a motor vehicle sensor installed to work in conjunction with a toll collection facility, that automatically produces a photograph, microphotograph, videotape, or other recorded image of a motor vehicle or trailer when the operator of the motor vehicle fails to pay a toll.

(6) “Toll” or “tolls” means any fee, or charge imposed, revised, and adjusted from time to time for the use of a state-owned transportation facility.

(7) “Toll tag” means an electronic device issued for use with an ETC on any state-owned toll transportation facility.

(8) “Valid toll-tag account” means a toll tag account with the department that has a balance of not less than fifty cents.

(9) “Operating entity” means any entity operating a toll facility subject to the requirements of this Section.

(10) “Private entity” means a corporation, limited partnership, general partnership, limited liability company, joint venture, business trust, or other business entity.

C. No motor vehicle shall be driven and no motor vehicle or trailer shall be towed through any state-owned toll collection facility without payment of the proper toll. If the proper toll is not paid, as evidenced by a photograph, microphotograph, videotape, or electronic recording, the registered owner of such vehicle or trailer shall be liable to make prompt payment to the department of the proper toll and an administrative fee of twenty-five dollars to recover the cost of collecting the toll.

D. The registered owner is prima facie responsible for the payment of the administrative fee, and late charges that the department may assess pursuant to this Section. It is not a defense to liability for payment under this Section that a registered owner was not operating the motor vehicle or trailer at the time of the failure to pay the toll that the registered owner is not liable under this Section when the registered owner makes a report to a law enforcement officer or agency that the motor vehicle or trailer was stolen before the failure to pay a toll occurs or within forty-eight hours after the date of issuance of the violation notice.

E. The department shall adopt policies and procedures for the collection of tolls, administrative fees, and late charges authorized pursuant to this Section, in accordance with the Administrative Procedure Act.

F. Late charges or sanctions, or both, against the registered owner shall in accordance with the following late charges or sanctions, or both, against the registered owner:

(a) The department may assess the following penalties for late payment, for failure to pay, or for otherwise failing to respond, or both, against the registered owner:

(i) A registered owner who fails to pay the administrative fees specified in a violation notice and who fails to appeal a violation notice as provided by this Section within ninety calendar days after the date of issuance of the violation notice shall incur a late charge of ten dollars. A registered owner who fails to respond to a violation notice within ninety calendar days after the date of issuance of the violation notice shall not be able to renew his driver's license until all matters regarding the alleged toll violation are disposed of in accordance with law. The violation clerk shall notify the registered owner by first-class mail of this delinquency and consequences thereof.

(ii) A registered owner who fails to respond to a violation notice as provided by this Section within sixty calendar days after the date of issuance of the violation notice shall be prohibited from renewing his driver's license.

(iii) After a notice to the office of motor vehicles provided in Item (a)(ii) of this Paragraph, the department shall not be required to send violation notices of delinquency to registered owners with ten or more toll violations. However, the tolls and administrative fees of such registered owner shall continue to accumulate.

(2) The department may pursue such civil and criminal action as it deems appropriate to collect the tolls and administrative fees assessed in the violation notice as well as such subsequent late charges assessed in accordance with this Section.

G. (1) A photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring device in accordance with this Section shall be admissible in a proceeding to collect a civil penalty or to collect criminal penalties.

(2) An original or facsimile of a certificate, sworn to or affirmed by an agent of the department that states that a failure to pay has occurred and states that it is based upon a personal inspection of a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring system, as defined in this Section, is prima facie evidence of the facts contained in the certificate.

(3) Notwithstanding any other provision of law to the contrary, a photograph, microphotograph, videotape, or other recorded image prepared for enforcement of tolls is for the exclusive use of the department in the discharge of its duties under this Section.

H. If the department shall from time to time designate one or more violation clerks to perform the functions specified in this Section at the pleasure of the department and for such finite or indefinite period as the department deems desirable. The department shall supervise and coordinate the processing of violation notices in accordance with this Section. The department may hire or designate such personnel and organize such sections of the department may consider necessary to carry out the provisions of this Section.

I. The department may contract with an operating entity to carry out the provisions of this Section.

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 11, 2019.

A true copy:

R. Edgar Boudin
Secretary of State

ACT No. 362

HOUSE BILL NO. 286
BY REPRESENTATIVE HENRY

AN ACT

To amend and reenact R.S. 18:21(C)(3), R.S. 47:463.167(E), 463.167(E) as amended by Section 15 of Act No. 612 of the 2018 Regular Session of the Legislature, and 391, R.S. 48:196(A)(introductory paragraph), and 197, R.S. 48:233(A)(introductory paragraph), and 483, R.S. 48:233(B), and R.S. 56:644(B) and (C)(introductory paragraph) as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature, and to enact R.S. 48:233(C) and R.S. 56:644(G), relative to special treasury funds; to establish certain special treasury funds; to transfer $55,000,000 to the Department of Transportation and Development to provide for continued operation of certain ferries; to provide for the transfer, deposit, investment, and use, as specified, of certain treasury funds; to provide for the appropriation of registration and license fees and taxes collected in certain parishes; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. (A) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $55,000,000, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

(B) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $55,000,000, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018 surplus, as recognized by the Revenue Estimating Conference, to the Coastal Protection and Restoration Fund.

(C) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $1,500,000 into the Motor Fuels Underground Storage Tank Trust Fund from state general fund (direct).

(D) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $150,000 into the Highway Education Initiatives Fund from state general fund (direct).

(E) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $3,161,921 into the Voting Technology Fund from state general fund (direct).

(F) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $1,094,092 into the Higher Education Initiatives Fund from state general fund (direct) for the projects authorized by R.S. 17:3394.3(C)(1)(i) and R.S. 17:3394.3(C)(2)(a).

Section 3. R.S. 18:21(C)(3) is hereby amended and reenacted to read as follows:

Maps; use of voting machines, technology, and other resources; fees; Voting Technology Fund

(C)(1)

(3) All monies in the fund shall be used solely and exclusively for general operating purposes and for the acquisition and maintenance of voting machine technology, including hardware and software; voting equipment and supplies; voter outreach; voter improvement; early voting; and information technology products to produce, run, and support the election and voting systems.

Section 4. R.S. 47:481 is hereby amended and reenacted to read as follows: §481. Disposition of collections

Except as provided in R.S. 47:480, all fees and taxes provided for in this Chapter, including the permit fees, shall be paid to the state treasurer on or before the tenth day of each month following their collection and shall be
Section 5. R.S. 48:196(A)(introductory paragraph) and 197 are hereby amended and reenacted and R.S. 48:25.2 is hereby enacted to read as follows:

§25.2. New Orleans Ferry Fund; ferry operations

A. There is hereby created, as a special fund in the state treasury, the New Orleans Ferry Fund, hereinafter referred to as the “fund”. Notwithstanding any provision of law to the contrary, beginning July 1, 2019, and each fiscal year thereafter, after satisfaction of the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2 for the Greater New Orleans Expressway Commission, the treasurer shall deposit into the fund, an amount equal to the total of all of the funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans.

B. The monies in the fund shall be subject to an annual appropriation by the legislature and shall be used only as provided in Subsection C of this Section. However, in the event that the distribution from the fund for the Greater New Orleans Expressway Commission is insufficient, the treasurer shall deposit into the fund in the same manner as the monies in the state general fund, and all interest earned shall be deposited and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

C. Monies appropriated from the fund shall be used exclusively by the Department of Transportation and Development to fund operations of the Claiborne ferry and to provide ferry service formerly operated by its Crescent City Connection Division. These monies shall be in addition to monies the department shall contribute from its operating budget as provided by law.

§196. State Highway Improvement Fund

A. There is hereby created, as a special fund in the state treasury, the State Highway Improvement Fund, hereinafter referred to as the “fund”. The source of monies in this fund shall be registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as remain after payment of amounts due on bonds and related expenses as provided in the documents pursuant to which the bonds were issued under the provisions of R.S. 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction of the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2 for the Greater New Orleans Expressway Commission, the treasurer shall deposit into the fund, an amount equal to the total of all of the funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans.

B. The monies in the fund shall be subject to an annual appropriation by the legislature and shall be used only as provided in Subsection C of this Section. However, in the event that the distribution from the fund for the Greater New Orleans Expressway Commission is insufficient, the treasurer shall deposit into the fund in the same manner as the monies in the state general fund, and all interest earned shall be deposited and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

§197. Motor vehicle license tax; Transportation Trust Fund Regional Maintenance and Improvement Fund

A. (1) Beginning January 1, 2013, and each fiscal year thereafter, through June 30, 2019, after compliance with the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the Transportation Trust Fund fifty percent of all funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Jefferson, St. Charles, Tangipahoa, and St. Tammany.

(2) Beginning July 1, 2019, and each fiscal year thereafter, after satisfaction of the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2 for the Greater New Orleans Expressway Commission, the treasurer shall deposit into the Transportation Trust Fund fifty percent of all funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Jefferson, St. Charles, Tangipahoa, and St. Tammany.

B. There is hereby created, as a special fund in the state treasury, the Regional Maintenance and Improvement Fund, hereinafter referred to as the “fund”. Beginning July 1, 2019, and each fiscal year thereafter, after compliance with the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2 for the Greater New Orleans Expressway Commission, and after making the allocation for the New Orleans Ferry Fund pursuant to R.S. 48:25.2, the treasurer shall deposit into the fund fifty percent of the remaining monies derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in Jefferson Parish.

(2) The monies in the fund shall be subject to an annual appropriation by the legislature and shall be used only as provided in Paragraph (3) of this Section. However, in the event that the distribution from the fund for the Greater New Orleans Expressway Commission is insufficient, the treasurer shall deposit into the fund the amount equal to the source of monies in the fund plus ten percent of the annual royalty fees derived from the state general fund, as provided in R.S. 47:463.167, in the parish of Orleans.

(3) Monies appropriated from the fund shall be used exclusively for maintenance and improvements of state highways in Jefferson Parish.

§463.167. Special prestige license plates; “Hunters for the Hungry Louisiana” Conservation Fund

A. There is hereby created, as a special fund in the state treasury, the Conservation Fund, and any interest earned on such investment shall be deposited in and invested by the treasurer in the same manner as those in the state general fund.

B. Monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be used solely by Hunters for the Hungry to pay all obligations incurred by the department in the processing of meats when such meats shall be used by a nonprofit entity or charitable organization in food or meal distribution at no cost to an individual pursuant to R.S. 56:644.

§463.167(E) as amended by Section 15 of Act No. 612 of the 2018 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

§463.167. Special prestige license plates; “Hunters for the Hungry Louisiana” Conservation Fund

A. The annual royalty fee collected by the department shall be forwarded to the Department of Wildlife and Fisheries with ninety percent to be deposited into a special escrow account known as the “Hunters for the Hungry Escrow Account”. No more than ten percent of the monies in the account forwarded to the Department of Wildlife and Fisheries from the annual royalty fee shall be deposited into a special fund, hereinafter referred to as the “fund”, to be used solely by Hunters for the Hungry to provide food or meal distribution at no cost to an individual pursuant to R.S. 56:644.

B. There is hereby created within the Department of Wildlife and Fisheries a special escrow account known as the “Hunters for the Hungry Escrow Account”. The escrow account is created to receive deposits of donations for the benefit of Hunters for the Hungry made when an individual purchases a fishing and hunting license, and no public funds shall be deposited into the account. The annual royalty fees derived from the sale of special prestige license plates shall be deposited into the Conservation Fund, as provided in R.S. 47:463.167, in such amounts as remain after payment of amounts due on bonds and related expenses as provided in the documents pursuant to which the bonds were issued under the provisions of R.S. 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction of the requirements of Article VII, Section (B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the fund an amount equal to the total of all of the funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans.

C. Monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be used solely by Hunters for the Hungry to pay all obligations incurred by the department in the processing of meats when such meats shall be used by a nonprofit entity or charitable organization in food or meal distribution at no cost to an individual pursuant to R.S. 56:644.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in * small* type are deletions from existing law; words under *scored* (House Bills) and under*scored and boldface* (Senate Bills) are additions.
Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into the Hunters for the Hungry Account Conservation Fund an amount equal to twenty-five percent of the amount of funds collected from the collection of fees for the issuance of hunting and fishing licenses and the proceeds of the Louisiana Sale of State Bonds, to be deposited into the Conservation Fund and used for administrative costs. The balance shall be used solely by the Hunters for the Hungry to pay for the following:

D. All monies used pursuant to the Hunters for the Hungry Escrow Account shall be subject to audit by the legislative auditor.

E. At the end of each calendar year, the Hunters for the Hungry shall submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report that at a minimum contains a detailed explanation of the revenues and expenditures of the escrow account, as well as a description of the organization's activities related to the account. The committee may summon any person employed by or associated with the Hunters for the Hungry to provide testimony with respect to the report.

G. The state treasurer is hereby authorized and directed to immediately upon creation of the Hunters for the Hungry Escrow Account transfer the balance in the Hunters for the Hungry Account in the Conservation Fund to the department to be deposited into the Hunters for the Hungry Escrow Account created in this Section.

Section 10. R.S. 56:644(B) and (C)(x) introductory paragraph as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature are hereby amended and reenacted to read as follows:§ 644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

* * *

B. There is hereby created within the Department of Wildlife and Fisheries a special escrow account known as the "Hunters for the Hungry Escrow Account". The escrow account is created to receive deposits of donations for the benefit of the Hunters for the Hungry made when an individual purchases a fishing and hunting license, and no public funds shall be deposited into the escrow account. No more than seventy-five percent of the donations received by the department under the provisions of this Section shall be deposited into the escrow account. Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, twenty-five percent of all funds collected from the donations made under the provisions of this Section shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into the Hunters for the Hungry Account Conservation Fund an amount equal to twenty-five percent of the amount of funds collected from the provisions of this Section. The escrow account shall be administered by the department which shall every three months remit the balance of the monies in the escrow account to Hunters for the Hungry. The monies in the escrow account shall be used solely as provided by Subsection C of this Section. All unexpended and unencumbered monies in this escrow account at the end of the calendar year shall remain in the escrow account. The monies in the escrow account Conservation Fund shall be invested by the state treasurer in the same manner as monies in the state general fund.

C. No more than twenty-five percent of the monies in the escrow account shall be transferred to the Conservation Fund to be used for administrative costs. The balance shall be used solely by the Hunters for the Hungry to pay for the following:

* * *

Section 11. After satisfying the requirements of the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer is hereby authorized and directed to transfer $3,400,000 State General Fund from land-based casino receipts, contingent upon the division of the General Fund to the Overcollections Fund as recognized by the Revenue Estimating Conference. Section 12(A) There is hereby created, as a special fund in the state treasury, the Oil and Gas Royalties Dispute Payments Fund, hereinafter referred to as the “fund”. The monies in the fund shall be subject to an annual appropriation by the legislature and shall be used only as provided in Subsection B of this Section. The monies in the fund shall be invested by the Secretary of State in the same manner as the monies in the state general fund, and all interest earned remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

D. Monies appropriated from the fund shall be used exclusively to satisfy the obligation of the state pursuant to R.S. 41:642(A)(2) for oil and gas royalties payments.

E. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $945,000 into the Oil and Gas Royalties Dispute Payments Fund from state general fund (direct) in state Fiscal Year 2019-2020.

F. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $450,000 into the Oil and Gas Royalties Dispute Payments Fund from state general fund (direct) in state Fiscal Year 2020-2021.

Approved by the Governor, June 11, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 363

HOUSE BILL NO. 331

BY REPRESENTATIVES LEGER, ABRAHAM, BAGNERIS, BOUIE, BOURRIERE, CAROLINE, CARO, DAVIS, DUPLESSIS, HARRIS, HORTON, JACKSON, JENKINS, LACOMBE, MARCELLE, SCHENNYDER, SMITH, STOKES, AND WHITE AND SENATORS MORRELL AND PETERSON

To amend and reenact R.S. 47:6023(B)(6), (7), and (8), (C)(1)(d)(introductory paragraph) and (I), to enact R.S. 47:6023(B)(9) and (C)(1)(e), and to repeal R.S. 47:6023(C)(4)(a)(iv) and (J), relative to the sound recording investor tax credit; to provide for definitions; to authorize an additional tax credit for certain copyrighted recordings; to limit the annual number of certain copyrighted recordings that qualify for tax credits; to provide for certain requirements and limitations; to extend the sunset of the tax credit; to provide for effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6023(B)(6), (7), and (8), (C)(1)(d)(introductory paragraph) and (I) are hereby amended and reenacted and R.S. 47:6023(B)(9) and (C)(1)(e) are hereby enacted to read as follows:

§6023. Sound recording investor tax credit

* * *

B. Definitions. For the purposes of this Section:

(6) “Resident copyright” means the copyright of a musical composition written by a Louisiana resident or owned by a Louisiana domiciled music company as evidenced by documents of ownership such as registrations with the United States Copyright Office or performing rights organizations which denote authors and music publishing entities.

(7) “Sound recording” means a recording of music, poetry, or spoken-word performance made in Louisiana, in whole or in part. The term “sound recording” does not include the audio portions of dialogue or words spoken and recorded as part of television news coverage or athletic events.

(8) “State-certified production” means a production, including but not limited to master and demonstration recordings, occurring over the course of a twelve-month period, and base investment related to such production or productions that are approved by the Louisiana Department of Economic Development within one hundred eighty days of the receipt by the Department of Economic Development of a complete application for initial certification of a production. If the production is approved within one hundred eighty days, the Department of Economic Development shall provide a written report to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means which states the reason that the production has not been approved.

C. Investor tax credit; state-certified productions.

THE ADVOCATE
(1) There is hereby authorized a credit against the state income tax for investments made in state-certified productions. The tax credit shall be earned by investors at the time expenditures are certified by the Louisiana Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year; however, no credit shall be allowed under this Section for any expenditures for which a credit was granted under R.S. 47:6007, 6022, or 6034.

(d) Company-based QMC payroll credit. For applications for Qualified Music Companies received on or after July 1, 2017, or for applications for Qualified Music Companies that have been submitted but that have not received final certification by July 1, 2019, to the extent that base investment is expended on payroll for Louisiana residents in connection with a QMC, tax credits shall be earned at the following rates:

(e) Resident copyright credit. To the extent that the base investment by a QMC is expended on a sound recording production of a resident copyright, the investor shall be allowed an additional ten percent increase in the base investment rate.

I. No credits shall be granted pursuant to the provisions of this Section for applications received on or after July 1, 2021.

Section 2. R.S. 47:6023(C)(4)(a)(iv) and (J) 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 18, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 365

HOUSE BILL NO. 583

BY REPRESENTATIVE DWIGHT

MARTINY AND REPRESENTATIVE HILFERTY AND SENATOR APPEL

AND REPRESENTATIVES ARMES, BAGNERIS, BILLIOT, TERRY

BROWN, DUBUISSON, GUINN, LACOMBE, MARINO, STAGNI, TALBOT,

AND AMEDEE AND SENATOR ALARO

AN ACT

To amend and reenact R.S. 47:337.63(A)(3), 337.97, 1407(3), 1418(4)

(b), 1435A, (C), and (D), 1561(A)(D), and 1576(D), to enact R.S. 47:1407(6) and

1431(D), and to repeal R.S. 47:1432(B), relative to the Board of Tax Appeals;

To provide for the jurisdiction of the Board of Tax Appeals; to extend the

jurisdiction over matters of constitutionality; to provide for the process of

appeals from the decisions of the board; to provide relative to remedies

for the collection of taxes; to provide for effectiveness; and to provide for

related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.8(B)(1)(b) and (3) and R.S. 47:337.9(D)

(34) and 6040 are hereby amended and reenacted as follows:

§337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other

exemptions applicable

D.  

§337.63. Remittance of tax under protest; suits to recover

C.  

§337.97. Judicial review of validity or applicability of rules

§337.97. Judicial review of validity or applicability of rules

$1407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

(3) All matters related to state or local taxes or fees, or other jurisdiction

otherwise provided by law, including rules to seek uniformity of interpretation

of common sales and use tax law or local sales and use tax law, as provided

in R.S. 47:337.101(A)(2), and petitions concerning the validity of a collector's

rules, regulations, or private letter rulings, as provided in R.S. 47:337.102.

§1418. Definitions

For the purposes of this Chapter, except where the context requires

otherwise, the words and expressions defined in this Section shall have the

following meanings:

THE ADVOCATE

CODING: Words in **italics** type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
(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 or fees, where an action is appealable to the board excluding those tax matters within the jurisdiction of the Louisiana Tax Commission.

§1431. Taxpayer’s petition

D.(1) In compliance with the provisions of Chapter 2 of Title VI of Book II of the Louisiana Code of Civil Procedure or other applicable law, an aggrieved party may petition the board concerning a matter authorized pursuant to R.S. 47:1407(6).
   (2) No aggrieved party shall petition the board pursuant to the provisions of Paragraph (1) of this Subsection to declare a law unconstitutional on the basis of its failure to meet the constitutional requirements for the passage of laws by the legislature.

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

A. Except as provided in Article V, Section 5(D) of the Constitution of Louisiana, the courts of appeal shall have exclusive jurisdiction to review the decisions or judgments of the board, and the judgment of any such court shall be subject to further review in accordance with the law relating to civil matters.

B. Upon such review, the courts shall have the power to affirm or, if the decision or judgment of the board is not in accordance with law or is manifestly erroneous on the facts considering the record as a whole, to modify, or to reverse the decision or judgment of the board, with or without remanding the case for further proceedings. An appellate court may also remand a case with an order that it be immediately transferred to the district court pursuant to R.S. 47:1408(B).

C. This Section shall become effective.

D. Except as otherwise specifically provided for by local rule of a court of appeal, when if a judgment of the board is to be modified or reversed and one court of appeal judge disents, 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.

§1561. Alternative remedies for the collection of taxes

A. In addition to following any of the special remedies provided in the various chapters of this Subtitle, the collector may, in his discretion, proceed to enforce the collection of any taxes due under this Subtitle by means of any of the following alternative remedies or procedures:

(3) Ordinary suit under the provisions of the general laws regulating actions for the enforcement of obligations before the Board of Tax Appeals or any court of competent jurisdiction.

§1576. Remittance of tax under protest; suits to recover

D. This Section shall be construed to provide a legal remedy in the Board of Tax Appeals or the state courts in case such taxes are claimed to be unconstitutional under any provision of the United States Constitution or Constitution of Louisiana, including an unlawful burden upon interstate commerce, or the collection thereof, in violation of any Act of Congress or the United States Constitution, or the Constitution of Louisiana. Section 3. R.S. 47:1432(B) is hereby repealed in its entirety.

Section 4. This Act shall take effect and become operative if and when the proposed addition of Article V, Section 35 of the Constitution of Louisiana contained in the Act which originated as House Bill No. 428 of this 2019 Regular Session of the Legislature is adopted at a statewide election and contained in the Act which originated as House Bill No. 428 of this 2019 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 18, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 367

SENATE BILL NO. 198

BY SENATOR PEACOCK

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

AN ACT

To amend and reenact R.S. 47:302(K)(7)(b), 1403(B)(6)(a)(i), 1408(D)(1) and (2)(a) and (b), 1439(C) and (F), 1481, 1483, 1574.1(E), and 1580(B)(3), to enact R.S. 47:340(E)(4), 1436(B)(3), 1561.1(C), 1621(B)(10), and 1623(G), to repeal R.S. 47:1403(B)(6)(b), and 1621(F), relative to the administration, disposition, enforcement, and adjudication of state and local taxes and the Board of Tax Appeals; to provide relative to the prescription of taxes and tax refunds; to authorize tax refunds under certain circumstances; to provide for certain requirements; to repeal the prohibition of the payment of refunds under certain circumstances; to provide relative to the enforcement of taxes collected on behalf of others; to provide relative to the prescription of taxes and tax refunds; to authorize tax refunds under certain circumstances; to provide for certain requirements; to repeal the prohibition of the payment of refunds under certain circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(K)(7)(b), 1403(B)(6)(a)(i), 1408(D)(1) and (2)(a) and (b), 1439(C) and (F), 1481, 1483, 1574.1(E), and 1580(B)(3) are hereby amended.

Section 2. This Act shall become effective on July 1, 2019.

Approved by the Governor, June 18, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 367

BY SENATOR PEACOCK

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

AN ACT

To amend and reenact R.S. 47:302(K)(7)(b), 1403(B)(6)(a)(i), 1408(D)(1) and (2)(a) and (b), 1439(C) and (F), 1481, 1483, 1574.1(E), and 1580(B)(3), to enact R.S. 47:340(E)(4), 1436(B)(3), 1561.1(C), 1621(B)(10), and 1623(G), to repeal R.S. 47:1403(B)(6)(b), and 1621(F), relative to the administration, disposition, enforcement, and adjudication of state and local taxes and the Board of Tax Appeals; to provide relative to the prescription of taxes and tax refunds; to authorize tax refunds under certain circumstances; to provide for certain requirements; to repeal the prohibition of the payment of refunds under certain circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(K)(7)(b), 1403(B)(6)(a)(i), 1408(D)(1) and (2)(a) and (b), 1439(C) and (F), 1481, 1483, 1574.1(E), and 1580(B)(3) are hereby amended and reenacted and R.S. 47:340(E)(4), 1436(B)(3), 1561.1(C), 1621(B)(10), and 1623(G) are hereby enacted as follows:

§302. Imposition of tax

K. An additional tax shall be levied as follows:

(7) The amount specified in Item (a)(i) 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. The amounts specified in Subparagraphs (a) and (b) of this Paragraph are additions.
§340. Louisiana Sales and Use Tax Commission for Remote Sellers; members; powers

E.

(4) If use tax collections pursuant to R.S. 47:302(K) yield insufficient revenue to fulfill the dedication for the adjudication of local sales and use tax matters that is made pursuant to R.S. 47:302(K)(7) for interagency transfers to the Department of State Civil Service, Board of Tax Appeals, Local Tax Division, and there is no means of financing available to satisfy the dedication pursuant to R.S. 47:302(K)(7), the remaining amount necessary to satisfy the dedication pursuant to R.S. 47:1406 shall be deemed an actual expense of the commission pursuant to Paragraph (3) of this Subsection, and payment of the interagency transfer due shall be made from local sales and use tax collections of the commission. A part of the interagency transfer due pursuant to Section 2 of Act 96 of the 2014 Regular Session of the Legislature may be designated as an actual expense of the commission pursuant to Paragraph (3) of this Subsection, and payment of that designated part may be made from state sales and use tax collections of the commission.

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

B.

(6)(a)(i) Upon the joint motion of all parties in any matter, or for any case filed by or against a local collector pursuant to an election made by the local collector in accordance with the provisions of Subparagraph (b) of this Paragraph, a case filed with the board shall be heard in the board's Local Tax Division.

§1408. Power to administer oaths and issue rules, orders, or subpoenas

D.1. An action may be brought in the Board of Tax Appeals pursuant to the provisions of R.S. 47:314, 337.38(A), 337.43, and 1547, 1571, or 1582 shall apply to the Board of Tax Appeals and its Local Tax Division in the same manner as for a district court. In addition to the remedies otherwise provided for in this Section, any interested party may file a motion or rule in any court of competent jurisdiction alleging a violation of any order issued by the board or its local tax judge pursuant to R.S. 47:337, 337.43, and 1547 applicable law, and the district court shall consider any violation shown to be a contempt of the court and shall immediately punish the violator in accordance with law and all other applicable laws for contempt of court.

E.1. The provisions of this Section may be enforced by any duly commissioned person, shall be enforced by the sheriff wherever such person may be found, and shall be enforced by the Department of Public Safety and Corrections, office of state police, when a direct contempt occurs in a state building.

The service of papers filed with the board, or of the orders or judgments of the board, may be made in accordance with any of the provisions of the Louisiana Code of Civil Procedure or in accordance with the provisions of R.S. 47:1411.

(3) Upon request of either the chairman or the local tax judge, any officer or employee of the board may be issued a commission pursuant to the provisions of R.S. 40:1379.1 in order to further any of the provisions of this Section.

§1436. Determination of which appellate court has jurisdiction

B. A judgment of the board in a case by or against a local collector may be reviewed by the district court as for a district court. In addition to the remedies otherwise provided for in this Section, any interested party may file a motion or rule in any court of competent jurisdiction alleging a violation of any order issued by the board or its local tax judge pursuant to R.S. 47:337, 337.43, and 1547 applicable law, and the district court shall consider any violation shown to be a contempt of the court and shall immediately punish the violator in accordance with law and all other applicable laws for contempt of court.

The service of papers filed with the board, or of the orders or judgments of the board, may be made in accordance with any of the provisions of the Louisiana Code of Civil Procedure or in accordance with the provisions of R.S. 47:1411.

(3) Upon request of either the chairman or the local tax judge, any officer or employee of the board may be issued a commission pursuant to the provisions of R.S. 40:1379.1 in order to further any of the provisions of this Section.

§1439. Escrow Account

C. The account, and any related funds included therein, shall be subject to audit by the legislative auditor. An annual report of account transactions concerning state cases shall also be submitted to the Cash Management Review Board. An annual report of the account's transactions concerning local cases shall be submitted to the local sales and use tax commission created pursuant to R.S. 47:302(K)(7) Louisiana Uniform Local Sales Tax Board.

F.1. The board may deposit into the account any funds received from a party for payment of the costs of service of process or for appeal costs, and it may pay the amounts received to the appropriate sheriff for service of process or the appropriate clerk of a court of appeals in the event of an appeal against a decision of the board pursuant to R.S. 47:1434.

(2) The board's Local Tax Division may deposit into the account any advance deposits for court costs and filing fees associated with its local cases, and upon issuance of an order taxing costs against those deposits it may transfer the Local Tax Division Expense Fund to the amount of those deposits shall be refunded to the depositor in the event that costs taxed against it are less than the amount of its advance deposit. The Local Tax Division Expense Fund shall be utilized, as directed by the local tax judge, exclusively for the Local Tax Division and its expenditures, including as provided for in Section 1 of Act 96 of the 2014 Regular Session of the Legislature.

(3) The board may utilize the escrow account to facilitate the operation of an online filing system, including the deposit of advance collections from subscribers and related payments of amounts collected related to that service. Notwithstanding any other provision of law, the board may utilize any interest earned on the account to facilitate an online filing system.

§1481. Authority of board to receive and consider claims against the state

(1) “Current collections” shall mean any current collections of the state that are not paid pursuant to any provision of R.S. 47:1484, and is not fully appropriated to the next session of the legislature by the legislature or as required by the Commissioner of Administration and the Joint Legislative Committee on the Budget.

A.(1) If the claim is approved and it should be an amount not exceeding one twenty thousand dollars, the chairman of the Board of Tax Appeals shall issue a warrant upon the State Treasurer, for the amount for which the claim is approved, judgment for payment of an approved claim, stating in said judgment the amount, purposes, and reasons for which the claim is drawn. If said claim shall amount to more than one twenty thousand dollars, and is approved by said Board of Tax Appeals, the board, the claim, the board shall give the Secretary of Revenue the information necessary to the payment of the claim, and the claim shall be paid out of current collections. If said claim shall amount to less than one twenty thousand dollars, and is approved by said Board of Tax Appeals, the board, the claim, the claim shall be paid out of current collections.

B.(1) Any judgment issued by the board for the payment of an approved claim when the amount approved does not exceed two million dollars shall be paid out of current collections without interest following submission to the secretary. The total amount of judgments paid in a fiscal year from current collections pursuant to this Subsection shall not exceed two million dollars. If the amount of judgments approved exceeds two million dollars, unless a higher amount for that fiscal year is approved by the Commissioner of Administration and the Joint Legislative Committee on the Budget.

(2) The payment of judgments for approved claims shall be paid by the secretary in order in which the claims were approved by the board. If the total amount of claims approved by the board and authorized for payment under this Section exceeds the amount authorized pursuant to Paragraph (1) of this Subsection in a fiscal year, the payment of any excess claims shall be issued from the current collections of the state against the state for erroneous payments of state taxes and the claim is not paid in full pursuant to this Section, is not paid pursuant to any provision of R.S. 47:1484, and is not fully appropriated during the next regular session of the legislature following the date of the judgment, the secretary and this Subsection may and shall declare that the payment of the claim may be taken as a nonrefundable offset against the particular tax at issue. If this offset exceeds the amount of taxes due for the claimant, any
unused amount may be carried forward against subsequent tax liability for the same tax period to not exceed five years. The provisions of this Subsection shall not apply when the amount of overpayment exceeds one million dollars.
$1561.1. Special authority to enforce collection of taxes collected or withheld; personal liability conform
C. An action may be brought before the Board of Tax Appeals or any court of competent jurisdiction in accordance with any of the provisions of R.S. 47:1574, 1574.1, or 1582 to enforce the obligation of a taxpayer, dealer, or of any party subject to this Section.
$1574.1. Failure to pay tax collected from others; rule to cease business
E. The collection procedure provided for in this Section shall be in addition to any other collection procedure provided by law. When issuing an order pursuant to this Subsection, the Board of Tax Appeals or any other court of competent jurisdiction, upon proper showing, may render a money judgment against the taxpayer and in favor of the collector in the amount of any final and de novo assessment, together with all penalties, interest, attorney fees, and costs due.
$1580. Suspension and interruption of prescription
B. The running of such prescription shall also be suspended prior to the lapse of the prescriptive period set out in the Constitution of Louisiana as hereinafter provided:
(3) With respect to income tax, for any period from the time of the commencement of an audit or examination of a taxpayer by the United States Internal Revenue Service, or during the period that assessment of tax remains open pursuant to the provisions of 26 U.S.C. 6501(c) resulting in an adjustment to the taxpayer's United States income tax, until one year from the time the secretary of the Department of Revenue is notified by said the taxpayer or the federal government of an agreed change to the taxpayer's United States income tax return.
$1621. Refunds of overpayments authorized
B. The secretary shall make a refund of each overpayment where it is determined that:
(10) The tax was overpaid due to payment pursuant to an unconstitutional law, invalid or unenforceable rule or regulation, or because of a mistake of law arising from the misinterpretation by the collector of the provisions of any law or any rule or regulation.
$1623. Prescription of refunds or credits
G. Notwithstanding any provision of law to the contrary, prescription shall not be considered to have accrued until two years from the date of receipt of the Department of Defense notice issued to the taxpayer pursuant to the provisions of the federal law for any period in which the taxpayer received a refund from the Internal Revenue Service concerning an adjustment to income pursuant to the provisions of the Combat-Injured Veterans Tax Fairness Act of 2016. This prescriptive period is limited to the corresponding Louisiana income tax refund. A taxpayer may claim this Louisiana refund by amending the Louisiana income tax return. A true copy:
R.Kyle Ardoin
Secretary of State

ACT No. 368
SENATE BILL NO. 134
BY SENATOR BISHOP AND REPRESENTATIVES ADAMS, ARMES, BAGNERIS, BERTHELOT, BILLIOT, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, STEVE CARTER, CHARLES CONNICK, CONSTANCE, ÉDMONDS, GISCLAIR, GLOVER, GUINN, JIMMY HARRIS, HILL, IVEY, JACKSON, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT

The Advocate
* As it appears in the enrolled bill
CODING: Words in *italics* type are deletions from existing law; words underlined (House Bill) and *underscored and boldfaced* (Senate Bill) are additions.
of the Department of Public Safety and Corrections may release to intensive parole supervision as provided in R.S. 15:574.4 any person sentenced pursuant to R.S. 15:529.1 and determined eligible for diminution of sentence when the offender meets the requirements of this Section and of any rules or regulations adopted by the secretary in accordance with the provisions of this Section.

§571.5. Supervision upon release after diminution of sentence for good behavior; conditions of release; revocation

B.

(2) For any person released because of diminution of sentence pursuant to this Part on or after August 1, 2020, the committee on parole may impose special conditions of supervision which include participation in additional programming by the prisoner as determined to be necessary by a validated risk-assessment tool approved by the department.

(3) The person released because of diminution of sentence pursuant to this Part shall be supervised in the same manner and to the same extent as if he or she were on parole. The supervision shall be for the remainder of the original full term of sentence. If a person released because of diminution of sentence pursuant to this Part violates a condition imposed by the parole committee, the committee shall proceed in the same manner as it would to revoke parole to determine if the release upon diminution of sentence should be revoked.

§574.4. Parole; eligibility; juvenile offenders

A. In cases where the offender has been convicted of, or where adjudication has been deferred or withheld for, the perpetration or attempted perpetration of a violation of a sex offense as defined in R.S. 15:541 and parole is permitted by law and the offender is otherwise eligible, the committee shall consider reports, assessments, and clinical information, as available, including any testing and recommendations by mental health professionals, as to all of the following:

(1) The offender is suitable and appropriate for participation in an intensive reincarceration and intensive parole supervision program by the department.

(2) If an offender enters the intensive reincarceration program and is determined by the committee on parole upon the offender's completion of intensive reincarceration that the offender is suitable and appropriate for intensive parole supervision upon successful completion of intensive reincarceration. The intensive reincarceration and intensive parole supervision program shall be established and administered by the department.

(3) The court at sentencing recommends that the offender be considered for participation in the program.

(4) The secretary of the department, or his designee, finds, after an evaluation, that the offender is particularly likely to respond affirmatively to participation in the program.

(5) The offender voluntarily enrolls in the program after having been advised by the department of the rules and regulations governing participation in the program.

(6) The court sentences an offender in the drug division probation program pursuant to R.S. 13:5304.

B. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person otherwise eligible for intensive reincarceration and intensive parole supervision may be eligible for participation in the intensive reincarceration and intensive parole supervision program by the department, with the concurrence of the judge and the department, if the department, through the division of probation and parole, recommends to the sentencing court that the offender is particularly likely to respond affirmatively to participation in the program.

§574.4.3. Parole requirements for certain sex offenders

§574.4.4. Parole, intensive parole supervision Intensive reincarceration program; eligibility

A. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person otherwise eligible for intensive reincarceration pursuant to R.S. 15:574.4, has been convicted of one of the sex offenses enumerated in this Section and the intensive reincarceration program is not applicable to any of those enumerated crimes, then the provisions of this Section shall apply.

§574.4.4. Parole, intensive parole supervision Intensive reincarceration program; eligibility

A. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person, otherwise eligible for parole, any other provision of law, a defendant convicted of a nonviolent first felony offense and committed to the Department of Public Safety and Corrections, or of a nonviolent second felony offense and committed to the Department of Public Safety and Corrections, may be eligible for intensive parole supervision upon successful completion of participation in the intensive reincarceration program. Violation of any institutional or program rules or regulations may subject the participant to removal from the program by the department.

(1) If an offender is denied entry into the intensive reincarceration program, the department shall notify the sentencing court. Failure to meet the department's suitability criteria, the department shall notify the sentencing court, and based upon the court's order, shall either return the offender to court for resentencing in accordance with the provisions of the Code of Criminal Procedure Article 881.1 or return the offender to a prison to serve the remainder of his sentence as provided by law.

B. The participating offender shall be evaluated by the program staff on a continual basis throughout the entire period of intensive reincarceration. The evaluation shall include the offender's performance while incarcerated, the likelihood of successful adjustment on parole, and other factors deemed relevant by the committee on parole or the program staff. The evaluation shall provide the basis for the recommendations by the department to the committee on parole upon the offender's completion of intensive reincarceration. Violation of any institutional or program rules or regulations may subject the participant to removal from the program by the department.

(1) If an offender is denied entry into the intensive reincarceration program, the department shall notify the sentencing court. Failure to meet the department's suitability criteria, the department shall notify the sentencing court, and based upon the court's order, shall either return the offender to court for resentencing in accordance with the provisions of the Code of Criminal Procedure Article 881.1 or return the offender to a prison to serve the remainder of his sentence as provided by law.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in [ ] type are deletions from existing law; words underlined (House Bills) and underscored and scored (Senate Bills) are additions.
**House Bill No. 211**

**By Representative Horton**

To enact Subpart C-1 of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:460.77.1 and 460.77.2, relative to the medical assistance program of this state known commonly as Medicaid; to provide relative to Medicaid coverage of certain behavioral health services; to provide for the number of reimbursable days per month the number of reimbursable days per calendar day, to include the number of reimbursable days per calendar day, for providers of certain behavioral health services; to provide for the number of Medicaid provider services per calendar day, for providers of certain behavioral health services, to provide for the number of Medicaid provider services per calendar day, for providers of certain behavioral health services; to provide for the number of Medicaid provider services per calendar day, for providers of certain behavioral health services; and to provide for related matters.

Be it enacted by the legislature of the state of Louisiana:

**Section 1.** Subpart C-1 of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:460.77.1 and 460.77.2, is hereby enacted as follows:

**SUBPART C-1. BEHAVIORAL HEALTH SERVICES CLAIMS**

$460.77.1. Behavioral health services claims: limitation on service hours; information required for payment.

A(1) For purposes of this Section, “CPST services” means community psychiatric support and treatment services and “PSR services” means personal support and rehabilitative services.

(2) An individual behavioral health services provider rendering CPST services, PSR services, or both shall be limited to a maximum combined total of twelve reimbursable hours of CPST services and PSR services per rendering provider, per calendar day, regardless of the number of patients seen by the rendering provider unless any of the following conditions are met:

(a) The medical necessity of the services is documented for a Medicaid recipient receiving more than twelve hours of CPST and PSR services per day per rendering provider.

(b) The services are billed for a group setting. However, the total hours worked by an individual rendering provider shall not exceed twelve reimbursable hours per calendar day.

(c) The services are billed for crisis intervention.

(3) Services subject to the twelve-hour limitation provided in Paragraph (2) of this Subsection include only CPST and PSR services rendered per individual National Provider Identifier at one or more outpatient behavioral health services provider facilities or agencies within a calendar day.

(b) The twelve-hour limitation provided in Paragraph (2) of this Subsection shall not apply to individual behavioral health services provider agency.
(4)(a) Except as provided in Subparagraph (b) of this Paragraph, the provisions of this Subsection shall apply exclusively to CPST services and PSR services.

(b) The provisions of this Subsection shall not apply to evidence-based practices including, without limitation, the practices known as assertive community treatment, multisystemic therapy, functional therapy, and intervention.

B. No managed care organization shall accept for payment a claim from a provider of behavioral health services unless that claim includes all claim information required by R.S. 40:2162.

C. The department shall include the limitation on reimbursable hours of CPST and PSR services provided in Subsection A of this Section in each contract with a managed care organization that covers behavioral health services.

D. Implementation of any provision of this Section shall be subject to approval by the Centers for Medicare and Medicaid Services.

$460.772. Behavioral health services claim information: access by legislative auditor and Medicaid Fraud Control Unit

Upon request of the legislative auditor or the Medicaid Fraud Control Unit of the office of the attorney general, a managed care organization shall furnish the requestor behavioral health data that meets the applicable standard for completeness set forth by the Centers for Medicare and Medicaid Services.

Approved by the Governor, June 19, 2019.

R. Kyle Ardoin
Secretary of State

ANNEX

ACT No. 371

HOUSE BILL No. 273
BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 37:2150.1(2), (4)(a), (8), (10), and (11), 2151, 2152, 2154, 2155, 2156(A), (C)(1) and (2), (D), and (G), 2156.1(A)(introductory paragraph), (1) through (5), (9), and (11), (B), (D), and (E), 2159A(A) through (C), 2162A through (E) and (I) through (11), 2163(C) and (D), 2167(A), (B)(3), (C), and (D), and 2186(B)(3) and (C), to enact R.S. 37:2186(A)(12), and to repeal R.S. 37:2156.1(N), 2156.2(A)(IX), 2157, 2158(A)(introductory paragraph), (1) through (5), (9), and (11), (B), (D), and (E), 2159(A) through (C), 2162(A) through (E) and (I) through (L), 2163(C) and (D), 2167(A), (B)(3), (C), and (D), and 2186(B)(3) and (C) are hereby amended and reenacted and R.S. 37:2150.1(A)(2) is hereby enacted to read as follows:

§2150.1. Definitions

As used in this Chapter, the following words and phrases shall be defined as follows:

(a) “Commercial purposes” means any construction project other than residential homes, a single residential duplex, a single residential trisplex, or a single residential fourplex. A construction project consisting of residential homes, where the contractor has an active engagement in the construction of more than two homes within the same subdivision shall be deemed a commercial undertaking except residential structures with no more than four incorporated or attached dwelling units.

(b) “Contractor” means any person who undertakes to, attempts to, or submits a bid or price for any commercial construction contract.

(c) “Residential building contractor” means any corporation, partnership, or individual who constructs a fixed building or structure for sale for use as a residence or who, for a price, commission, fee, wage, or other consideration, undertakes or offers to undertake the construction or superintending of the construction of any building or structure, with no more than four incorporated or attached dwelling units, which is not more than three floors in height, to be used by another as a residence, when the cost of the undertaking exceeds seventy-five thousand dollars. The term “residential building contractor” includes all contractors, subcontractors, architects, and engineers who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services. “Residential building contractor” also means anyone performing home improvement, construction, remodeling, or superintending of the construction of any building or structure, for which the cost of all claim includes all claim information required by R.S. 40:2162.

(3) Board member shall serve terms of six years; however, initially four members shall serve terms of two years.

B. The members shall be selected and appointed as follows:

(1) At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction. These members may be selected from a list of three names submitted by the Louisiana Associated General Contractors. One member shall be selected from a list of three names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

(2) At least two members shall have had the greater part of their experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Electrical Contractors Association of Louisiana.

(3) At least two members shall have had the greater part of their experience as a licensed contractor in the field of mechanical construction, and shall be appointed from a list of three names submitted by the Mechanical Contractors Association of Louisiana.

(4) At least two members shall have had the greater part of their experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Louisiana Oilfield Contractors Association.

(5) At least three members shall be from and represent the public, which shall consist of nineteen members appointed by the governor as hereinafter set forth and who shall serve without compensation and shall possess the following qualifications.

(6) At least six members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction, or both fields. Two members shall be appointed from a list of four names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

(7) At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Association of Louisiana Oilfield Contractors.

(8) There shall be at least one board member from each congressional district in the state of Louisiana.

(9) All members (2) each member shall have been actively engaged as a responsible contractor in the construction classification that they represent by the date of appointment to their appointment prior to their appointment as a board member, except for any member appointed pursuant to Paragraph (4) of this Section when the cost of the undertaking exceeds seventy-five thousand dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

§2151. State licensing board for contractors; membership; qualifications; tenure; vacancies

A. There is hereby created the State Licensing Board for Contractors within the office of the governor that shall consist of nineteen members appointed by the governor as hereinafter set forth and who shall serve without compensation and shall possess the following qualifications. The members shall serve without compensation.

(1) Each member shall be of full age of majority and shall have been a resident of the state of Louisiana for the last five successive years.

(2) All members (2) each member shall have been actively engaged as a responsible contractor in the construction classification that they represent by the date of appointment to their appointment prior to their appointment as a board member, except for any member appointed pursuant to Paragraph (4) of this Section when the cost of the undertaking exceeds seventy-five thousand dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

(3) There shall be at least one board member from each congressional district in the state of Louisiana.

B. The members shall be selected and appointed as follows:

(1) At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction. These members may be selected from a list of three names submitted by the Louisiana Associated General Contractors. One member shall be selected from a list of three names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

(2) At least two members shall have had the greater part of their experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Electrical Contractors Association of Louisiana.

(3) At least two members shall have had the greater part of their experience as a licensed contractor in the field of mechanical construction, and shall be appointed from a list of three names submitted by the Mechanical Contractors Association of Louisiana.

(4) At least two members shall have had the greater part of their experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Associated Builders and Contractors of Louisiana.

(5) At least three members shall be from and represent the public, which shall consist of nineteen members appointed by the governor as hereinafter set forth and who shall serve without compensation and shall possess the following qualifications.

(6) At least six members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction, or both fields. Two members shall be appointed from a list of four names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

(7) At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Association of Louisiana Oilfield Contractors.

(8) There shall be at least one board member from each congressional district in the state of Louisiana.

(9) All members (2) each member shall have been actively engaged as a responsible contractor in the construction classification that they represent by the date of appointment to their appointment prior to their appointment as a board member, except for any member appointed pursuant to Paragraph (4) of this Section when the cost of the undertaking exceeds seventy-five thousand dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

§2152. Initial appointments; oaths; panel of names; domicile; officers; bond

A. The board shall serve at the pleasure of the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Each member shall take and file with the secretary of state the
the board and appointments to fill vacancies by reason of the expiration of the term for which appointed or by reason of death, resignation, or otherwise in the office of the member required to be experienced in the field of electrical construction shall be made by the governor as follows:

(c)(i) The board of directors of the Louisiana Associated General Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(c)(ii) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(c)(iii) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(c)(iv) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(c)(v) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

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(c)(vii) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of not less than ten names by certification to the secretary of state at the state capital within fifteen days from September 9, 1988. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

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C. All meetings of the board shall be held in the city of Baton Rouge, Louisiana, unless otherwise provided for in the bylaws of the board. Before a special meeting may be held, notice stating the time, place, and purpose of the meeting shall be sent by the chairman or vice chairman of the board by registered mail or telegram to all members thereof, addressed to their mailing addresses on file with the board, at least three days before the date of the meeting. No board meeting shall be recessed from one calendar day to another.

D. Within one hundred fifty days of the last day of each calendar year, a certified public accounting firm approved by the state official charged with the auditing of public records and accounts shall audit the financial records of the board. The auditor shall file a copy of his audit with the secretary of state to be attached to the report of the board on file.

E. Within one hundred fifty days of the last day of each calendar year, a certified public accounting firm approved by the state official charged with the auditing of public records and accounts shall audit the financial records of the board. The auditor shall file a copy of his audit with the secretary of state to be attached to the report of the board on file.

F. Except as provided in Subsection (c) of Section 39:231, the secretary of the board shall be such person selected by the board to serve as secretary-treasurer.

G. No license shall be issued for the subclassification of asbestos removal and abatement work.

H. Each member of the board shall be reimbursed when in attendance of a board meeting or when he is required to travel for the official authorized business of the board, not more than seventy-five dollars per day plus actual expenses and mileage to and from his domicile to the place of meeting at the same rate of reimbursement set by the division of administration for state employees under the provisions of R.S. 39:231.

I. The board shall select the board members to be appointed.

J. The board shall submit, within ten days after such notice, the names of qualified and recommended persons to be included on the list from which the governor shall select the board members to be appointed.

K. A person shall be eligible for appointment as a member of the board only if he holds an unexpired license as a contractor under the provisions of this Chapter, however, this provision shall not apply to the person pursuant to Paragraph 2. A person shall be eligible for appointment as a member of the board only if he holds an unexpired license as a contractor under the provisions of this Chapter, however, this provision shall not apply to the person pursuant to Paragraph 2. A person shall be eligible for appointment as a member of the board only if he holds an unexpired license as a contractor under the provisions of this Chapter, however, this provision shall not apply to the person pursuant to Paragraph 2.

L. The governor shall designate one member of the board to serve as chairman.

M. The members shall, by a majority vote, designate a member to serve as vice chairman, a member to serve as secretary, and a member to serve as secretary-treasurer.

N. The secretary-treasurer and any administrative employee who shall handle the funds of the board shall furnish bond, in such amount as is fixed by the board, of a surety company qualified to do and doing business in the state of Louisiana. The bond shall be conditioned upon the faithful performance of the duties of office and of the proper accounting of funds coming into his possession.

O. The secretary-treasurer and any administrative employee who shall handle the funds of the board shall furnish bond, in such amount as is fixed by the board, of a surety company qualified to do and doing business in the state of Louisiana. The bond shall be conditioned upon the faithful performance of the duties of office and of the proper accounting of funds coming into his possession.

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S. The secretary-treasurer and any administrative employee who shall handle the funds of the board shall furnish bond, in such amount as is fixed by the board, of a surety company qualified to do and doing business in the state of Louisiana. The bond shall be conditioned upon the faithful performance of the duties of office and of the proper accounting of funds coming into his possession.

T. The secretary-treasurer and any administrative employee who shall handle the funds of the board shall furnish bond, in such amount as is fixed by the board, of a surety company qualified to do and doing business in the state of Louisiana. The bond shall be conditioned upon the faithful performance of the duties of office and of the proper accounting of funds coming into his possession.
C.(1) The applicant shall furnish with a financial statement, current to within twelve months of the date of filing, prepared by an independent accountant, bookkeeper, or certified public accountant and signed by the applicant and auditor before a notary public, stating that the statement of applicant's assets of the applicant, to be used by the board to determine the financial responsibility of the applicant to perform work on a contract or subcontracts for the state, is not subject to any lien, is unimpaired by any debt, exclusive of the net worth requirement for all purposes. Such financial condition is true and correct. The assets shall include a net worth of at least ten thousand dollars. An applicant without the net worth required herein may furnish the board a bond, letter of credit, or other security acceptable to the board in the amount of such the net worth required. Each applicant shall pay all fees required for issuance of the license as provided for in this Chapter.

J.I. Any plumbing contractor who currently holds a state license shall be exempt from any requirement herein for passage of an additional examination in that license classification and may bid and perform plumbing work within the state and shall have applied for such an exemption on a form prepared by the board.

L. Nothing herein in this Section shall be construed to permit plumbing contractors to perform plumbing work without first complying with the licensing provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.

M. The board may consolidate subclassifications or specialties by rule as it deems appropriate.

§2157. Exemptions

I. Nothing herein shall apply to any arborist who currently holds a valid state license issued pursuant to R.S. 37:1401 et seq., or any local license issued pursuant to an additional examination in the landscaping, grading, and beautification sub classification and subclassification. The arborist may bid and perform the arborist work described in R.S. 3:3808(A)(1)(a), statewide, after making application and payment of fee to the board for such an exemption on a form prepared by the board.

II. Highway, street, and bridge construction

§2157. Exemptions

A. There are exempted from the provisions of this Section all persons engaged in the construction of or for the maintenance and repair of highways, streets, and bridges owned or leased by the state, or any political subdivision of the state, and who have continuously held such state and local licenses as are required of contractors from local, municipal, or parish regulatory examination or control since July 1, 1983, shall be exempted from any requirement herein for passage of an additional test in that license classification. A mechanical or electrical contractor shall make application to the board for such exemptions on a form prepared by the board. The board shall provide for a different form of application for exemption forms must be filed.

II. Any plumbing contractor who currently holds a state license shall be exempt from any requirement herein for passage of an additional examination in that license classification and may bid and perform plumbing work within the state and shall have applied for such an exemption on a form prepared by the board.

L. Nothing herein in this Section shall be construed to permit plumbing contractors to perform plumbing work without first complying with the licensing provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.
CODING: Words in strikethrough
contracting business
R.S. 39:1672. If any person or licensee has been
of work not included in the classification under
the board having to give bond. A temporary
defendant
(8) Any
The
The licensee shall not be permitted to bid or
the person for the payment of his attorney fees and
the contractor and for which he has
defenses that may be raised by the
the license, according to
injunction. In due course,
shall state the contractor's classification on such
or disassembles any patented, proprietary,
manufacturer who assembles, repairs, maintains, moves, puts up, tears down,
the classification requested by said
person in a classification undertaken
(9) Persons, suppliers, manufacturers, or employees of such persons who
assemble, repair, maintain, move, put up, tear down, or disassemble (8) Any
person, supplier, or manufacturer; or, the employee of the person, supplier,
or manufacturer who assembles, repairs, maintains, moves, puts up, tears down,
or disassembles any patented, proprietary, or patented and proprietary
environmental equipment supplied by such persons he supplies to a
contractor to be used solely for a construction undertaking.
10(9) The manufactured housing industry or those persons any person
engaged in any type of service, warranty, repair, or home improvement work on
factory-built, residential dwellings that are mounted on chassis and wheels.

B. Moreover, the provisions of this Chapter shall apply to any contractor
employed by persons exempted hereinafter. Further, nothing herein any
party exempted by this Section. The provisions of this Section shall not be
construed to waive local and state health and life safety code requirements.
R.S. 2159. Revocation, suspension, and renewal of licenses; issuance of cease
and desist orders; debarment; criminal penalty
A. The board may revoke any license issued hereunder, or suspend the
right of the licensee to use such license, or refuse to renew any such license,
even after classification and issuance of a license, issue cease and desist orders
to stop work, or debar any person or licensee- licensed pursuant to the
provisions of this Chapter for any of the following causes:
(1) Any dishonest or fraudulent act as a contractor which has caused
substantial damage to another; as adjudged by a court of competent
jurisdiction.
(2) Willful misrepresentation of material fact by an applicant in obtaining
a license.
(3) Willful failure to comply with the provisions of this Chapter or the rules
and regulations promulgated pursuant thereto.
(4) Entering into a contract with an unlicensed contractor involving work
or activity for the performance of which a license is required under this
Chapter.
(5) Permitting the contractor's license to be used by another contractor
when the other contractor does not hold a license for the classification of
work for which the contract is entered.
(6) Problems relating to the ability of the contractor, its qualifying party,
or any of its principal owners or principal shareholders to engage in the
business of contracting, as demonstrated by their prior contracting business
experience.

(11) Failure to timely notify the board of any change in corporate name,
company name, address of the licensee, or any other contact information as
required.
(12) Failure to possess any insurance required by federal law.
R.S. 965.11. In order to enforce the provisions of this Chapter, the board may
conduct hearings in accordance with the provisions of R.S. 49:951 et seq.
through 965.1. The board shall maintain and make available a record of all
persons or licensees who have been disqualified by any public entity
pursuant to R.S. 28:231A.1. If any person or licensee has been disqualified more than once in a twelve-month period, the board shall hold a
debarment hearing.

(2) After the hearing, if the board rules that a person has violated any
provision of this Chapter, or that the contractor or any of its principal owners or
principal shareholders was disqualified more than once in a twelve-month period, in lieu of revoking or
suspending the license, the board may order the person to immediately
disable all work of every type and nature whatsoever on the
construction project which is subject to the board's hearing, debar and person
holding that person's license from bidding on projects for any public entity
for up to three years, or both. Additionally, the board may require the
licensee to pay the actual costs incurred by the board in connection with the
investigation and conduct of the hearing. In accordance with
R.S. 49:964, the board may grant a stay of the enforcement of its order for good
cause.

(3) Any party to the proceeding who is aggrieved by the action of the board may
appeal the decision in accordance with law R.S. 49:951 through 965.1.
D. Any contractor In accordance with the provisions of R.S. 49:951 through
965.1, any person who applies for and is denied a license by the board, or whose
license has been revoked, rescinded, or suspended, may within six months
after the denial, revocation, rescission, or suspension of any said license, apply to the Nineteenth Judicial District Court in and for
the parish of East Baton Rouge, state of Louisiana, and there have determined
to determine whether or not the board has abused its discretion and judgment
in the issuance or denial of the license. R.S. 49:964. The board shall perform such
judgment as will do justice between the parties.

E. In addition to actions taken by the board, it shall be unlawful for any
person to engage in the business of contracting without authority as provided
for in R.S. 37:2160.

§2160. Classification; bidding and performing work within a classification
A. Prior to classification, each contractor shall state the contractor's classification on such the license, according to the
classification requested by said the contractor and for which he has companly an applicant.
B. After classification, the contractor shall not be permitted to bid or
perform any type or types of work not included in the classification under
which his license was issued.
C. After classification as provided for in this Chapter, a The licensee may apply for and be licensed to perform any type or types of work not included in the classification under
for which his license was issued. Such decisions shall be made after the board has
thereafter applied the written examination, and paying the required fees. Additions or changes to an existing license shall become effective after completion of the above requirements; and upon board approval at the next regularly scheduled meeting.

§2162. Violations; civil penalty
A. Any person who violates any provision of this Chapter shall, after
notice and a hearing, be liable to the board for a fine of up to one thousand
dollars, and for the costs of the stoppage or suspension of the person's license
for which there is a violation. In addition to the fine, the board may impose costs and attorney fees for each offense. If the board brings an action against a person pursuant to this Section and fails to prove its case, the person shall be liable to the payment of his reasonable
litigation expenses as defined in R.S. 49:965.1(D)(1).
B. In addition to or in lieu of the criminal penalties and administrative
sanctions provided in this Chapter, the board is empowered to make an
injunction, restraining the contractor from engaging in any activity, conduct, or practice prohibited by this
Chapter.
D. Upon proper showing by the board that such a person or firm has engaged
in, or is engaged in, any activity, conduct, or practice prohibited by this
Chapter, the board may issue an order to cease and desist to any person or firm from engaging in such the unlawful activity, conduct, or practice pending
the hearing on a preliminary injunction, as in injunction. In due course, a
permanent injunction shall issue after a hearing, commanding the contractor to stop work, or debar any person or licensee- licensed pursuant to the provisions of this Chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice. Such Chapter. The order shall be issued in the name of the state of Louisiana in the official seal of the board.

C. If the person or firm to whom the board directs a cease and desist order does not cease or desist the proscribed activity, conduct, or practice immediately, the board may cause in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such the person or firm from engaging in any activity, conduct, or practice prohibited by this
Chapter.
E. In the suit for an injunction, the board may demand of the defendant a
penalty as provided in Subsection A of this Section. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute. If the board brings an action against a person pursuant to the provisions of this Section and fails to prove its case, then it shall be liable to such the person for the payment of his attorney fees and costs.

I. In addition to any other penalties provided for in this Chapter, the board may, after notice and hearing, issue an order directing the contractor to cease
and desist all actions constituting a violation until such time as a contractor
complies with the requirements of this Chapter, and to pay to the board a civil
penalty of up to ten percent of the total contract on
of which the contractor has been disqualified in the previous twelve months.

J. All fines or penalties collected by the board pursuant to the provisions
of this Section for violations of any provision of this Chapter shall, annually, at
such time as may be determined by the board, be credited to a trust fund to be used for educational purposes as determined by the board.
K. Upon proper showing by the board that such a person or firm has engaged
in, or is engaged in, any activity, conduct, or practice prohibited by this
Chapter, the courts shall issue a temporary restraining order restraining the person or firm from engaging in such the unlawful activity, conduct, or practice pending
the hearing on a preliminary injunction, as in injunction. In due course, a
permanent injunction shall issue after a hearing, commanding the contractor to stop work, or debar any person or licensee- licensed pursuant to the provisions of this Section shall not be subject to being released upon bond.
L. Any person registered or licensed under
hereunder pursuant to the provisions of this Section shall not be subject to being released upon bond.
M. In the suit for an injunction, the board may demand of the defendant a
penalty as provided in Subsection A of this Section. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute. If the board brings an action against a person pursuant to the provisions of this Section and fails to prove its case, then it shall be liable to such the person for the payment of his attorney fees and costs.
C. Nothing in this Section shall be construed as prohibiting the issuance of plans and specifications to recognized plan rooms, or material suppliers, or both, when said plans and specifications will be used only to prepare proposals, which will be incorporated in the bid prepared by the contractor or the issuance of plans to the contractor except in connection with federal aid or other projects as set forth in R.S. 37:2157A.A.60.

D. It shall be the obligation of the Architect, engineer, or awarding authority to classify public projects. Once the project is classified, an aggrieved person may object by filing a certificate with both the board and the architect, engineer, or awarding authority stating with particularity the reasons for the objection. The objection shall be received by the board and by the architect, engineer, or awarding authority, at least ten working days prior to the date on which bids are to be opened. Said objection shall state with particularity the reasons for the objection. The objection shall be and then submitted to a committee for determination. The chairman of the board shall appoint the committee which shall consist of board members. The committee shall have the power to may approve the project classification or add an additional classification by vote of a majority of the members of the committee. The matter shall be resolved and the board shall notify the architect, engineer, and awarding authority no less than five days prior to the time when bids are to be opened, unless all parties agree that a delay will not cause harm to others.

E.(1) Any awarding authority or its agent who violates the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than one hundred dollars or more than two hundred dollars or imprisonment in the parish jail for not less than thirty days nor more than sixty days, or both such fines are at the discretion of the court.

E.(2) In addition, the board may, after notice and a hearing, impose a fine upon any awarding authority or its agent who intentionally violates the provisions of this Paragraph on the state, its agencies, boards, or commissions, or any political subdivision thereof.

§2167. Licensure required; qualifications; examination; waivers

A. No person shall work as a residential building contractor, as defined in this Chapter, in this state unless he holds an active license in accordance with the provisions of this Chapter.

B. In order to obtain a license as a residential building contractor an applicant shall demonstrate to the subcommittee that he:

(1) Has submitted a financial statement prepared by an independent auditor, accountant, bookkeeper, or certified public accountant and signed by the applicant before a notary public, indicating a net worth of at least ten thousand dollars, and stating that the applicant has a net worth of at least ten thousand dollars. The statement of the applicant's assets and financial condition is true and correct.

C. The State Licensing Board for Contractors shall set the time and location and administer an examination for licensure of residential building contractors at such times and places as it shall determine in accordance with the provisions of this Chapter.

D. The subcommittee shall consider the applicant's previous work, knowledge of the business practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States to inform patrons that the seafood is of foreign origin; to provide for enforcement of the requirement by the Louisiana Department of Health; to provide for definitions; to provide for legislative intent; to provide for an effective date; and to provide for related matters.

E. To enact R.S. 40:5.5.4, relative to regulation of food service establishments; to require such establishments that serve crawfish or shrimp that originate outside of the United States to inform patrons that the seafood is of foreign origin; to provide for enforcement of the requirement by the Louisiana Department of Health; to provide for definitions; to provide for legislative intent; to provide for an effective date; and to provide for related matters.

§5.5.4. Imported crawfish and shrimp; notice to patrons of food service establishments required

A. As reflected in Act No. 330 of the 2009 Regular Session of the Legislature, this state recognizes that serious risks to public health may be posed by antibiotics, radiation, and numerous toxins found in seafood products, including but not limited to crawfish and shrimp that originate outside of the United States. It remains the intent of the legislature to protect Louisiana consumers from potentially harmful chemicals and residues in seafood products that are imported from foreign countries and sold or served in food service establishments in this state. Therefore, the legislature declares that Louisiana consumers have the right to know if crawfish or shrimp imported from a foreign country is being served in a food service establishment, as the consumption of such seafood may pose a health risk.

B. (1) Any food service establishment that does not use a menu as a standard practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States shall display on a sign posted at the main entrance to the establishment that certain crawfish or shrimp, as applicable, being served within originate from a foreign country. Each sign shall be at least eighteen inches tall and eighteen inches wide and shall be written in the English language in letters not less than one inch in size. The sign shall be placed in an open area and in a conspicuous position not less than five feet six inches from the floor so that it is visible to all patrons.

C. Any violation of this Section shall constitute a violation of the state sanitary code.

D. The Louisiana Department of Health shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to enforce the provisions of this Section.

E. For purposes of this Section, "food service establishment" shall mean ascribed in R.S. 40:5.5.

§2186. Qualifications for licensure; application; fees

A. An applicant for a license to perform mold remediation shall meet the following requirements:

(1) Twenty-four twenty-four hours of training in mold remediation and basic mold assessment.

(2) Four hours of instruction in Louisiana’s “Unfair Trade Practices and Consumer Protection Law”.

C. (1) An applicant shall furnish the board with a financial statement, current to within twelve months of the date of filing, prepared by an independent auditor, accountant, bookkeeper, or certified public accountant and signed by the applicant, to be used by the board to determine the financial responsibility of the applicant to perform mold remediation services. Such that the statement of the applicant's assets and financial condition is true and correct.

(2) The applicant’s assets shall include a net worth of at least ten thousand dollars. An applicant without the required net worth required herein may furnish the board a bond, letter of credit, or other security acceptable to the board in the amount of such the net worth requirement plus the amount of the applicant’s negative net worth, if any, and the furnishing of such any. The bond, letter of credit, or other security shall be deemed satisfaction of such the net worth requirement for all purposes.

§2163. Bid procedures; penalty

Section 2. R.S. 37:2156.1.N(1), 2156.2.A(I)(X), 2162(3), 2163(E), and 2167(E) are hereby repealed in their entirety.

Approved by the Governor, June 19, 2019.

R. Kyle Ardoin
Secretary of State
ACT No. 373

BY REPRESENTATIVES JONES AND JOEY AND SENATOR RISER

To amend and reenact R.S. 29:101(A), 103, 106(E), 110, 115(D), 116(A), 118, 119, 120(A) and (B), 125(C) and (D), 126(B), (C), and (D), 127(A) and (C), 128, 129, 130, 132(A), (B), (C), (D), (E), and (G), 134, 135, 138, 139, 140, 141, 142, 143, 145(B), 146, 147(A), 149, 150, 153, and 154 and to enact R.S. 29:102(D), 106a, 125(E) and (F), 126(F), 126a, 130a, 145(C), and 153a relative to the military forces of the state; to provide relative to military justice; to provide for definitions; to provide relative to jurisdiction; to provide for types of military courts; to provide for military legal proceedings; to provide relative to jurisdiction, procedure, applicability, punishment, military magistrates, duties, rights of the accused, plea agreements, and records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:101(A), 103, 106(E), 110, 115(D), 116(A), 118, 119, 120(A) and (B), 125(C) and (D), 126(B), (C), and (D), 127(A) and (C), 128, 129, 130, 132(A), (B), (C), (D), (E), and (G), 134, 135, 138, 139, 140, 141, 142, 143, 145(B), 146, 147(A), 149, 150, 153, and 154 are hereby amended and reenacted and R.S. 29:102(D), 106a, 125(E) and (F), 126(F), 126a, 130a, 145(C), and 153a are hereby enacted to read as follows:

PART II. LOUISIANA CODE OF MILITARY JUSTICE

SUBPART A. DEFINITIONS

§101. Article 1. Definitions

A. In this code, unless the context otherwise requires:
(1) "State military forces" means the national guard of the state, as defined in Section 101(3), (4) and (6) of Title 32, United States Code, and any other military forces organized under the laws of the state, when not in a status subjecting them to jurisdiction under Chapter 47 of Title 10, United States Code.
(2) "Commanding officer" includes only commissioned officers.
(3) "Superior commissioned officer" means a commissioned officer superior in rank or command.
(4) "Enlisted member" means a person in an enlisted grade.
(5) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.
(6) "Rank" means the order of precedence among members of the state military forces.
(7) "Duty status" means duty in the state military forces under an order issued by authority of law, and includes travel to and from such duty.
(8) "Military court" means a court-martial or a court of inquiry.
(9) "Military judge" means an officer of a general or special court-martial detailed in accordance with R.S. 29:126.
(10) "Legal officer" means any commissioned officer of the state military forces designated to perform legal duties for a command.
(11) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the state military forces.
(12) "Acuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.
(13) "State" means the state of Louisiana.
(14) "Adjutant general" means the officer who, under the laws of this state, performs the duties of that office, who is appointed by the governor under R.S. 29-10.
(15) "Oath" includes affirmation.
(16) "Record" when used in connection with the proceedings of a court-martial means:
(a) an official written transcript, written summary, or other writing related to the proceedings; or
(b) an official audiotape, videotape, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.
(17) "Classified information" means:
(a) any information or material that has been determined by an official of the United States pursuant to law, an Executive Order, or regulation to require protection against unauthorized disclosure for reasons of national security; and
(b) any restricted data, as defined in section (11)(v) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(v).
(18) "National security" means the national defense and foreign relations of the United States.

§102. Article 2. Persons subject to this code

D. This code applies to all persons in custody of a federal, state, or local penal institution while serving a sentence imposed by a court-martial convened under this Chapter.

A. Subject to Article 43 of this Chapter, a person who is in a status in which the person is subject to this Chapter and who committed an offense against this Chapter while formerly in a status in which the person was subject to this Chapter is not relieved from amenability to the jurisdiction of this Chapter for that offense by reason of a termination of that person's former status.

E. No person who has deserted from the state military forces who is later charged with having fraudulently obtained his discharge is subject to trial by court-martial on that charge and is after apprehension subject to this code while in the custody of the military for that trial. Upon conviction of that charge he is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

F. No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

§106. Article 6. Judge advocates and legal officers

E. No person who has acted as a member, military judge, trial counsel, or investigating officer in any case may later act as staff judge advocate or legal officer to any reviewing authority upon the same case.

(1) No person who, with respect to a case, serves in a capacity specified in Paragraph (2) of this Subsection may later serve as a judge advocate or legal officer to any reviewing authority upon the same case.
(2) The capacities referred to in Paragraph (1) of this Subsection are, with respect to the case involved, any of the following:
(a) Preliminary hearing officer, court member, military judge, military magistrate, or appellate court.
(b) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court.
(3) No member of the Louisiana National Guard or any component thereof, who has been appointed or commissioned by or under authority of law, acting in any capacity as a legal officer or judge advocate, is permitted to act as an officer of a military court or as the legal officer or judge advocate for any branch or component thereof.

§110. Article 10. Restraint of persons charged with offenses

Any person subject to this code charged with an offense under this code may be ordered into arrest or, under extraordinary circumstances, into confinement. When any person subject to this code is placed in arrest or confinement prior to trial, within twenty-four hours of arrest or confinement, the accused shall be informed of the nature of the charges or information by a military judge or a commissioned officer designated under R.S. 29:126(C) who is detailed under R.S.29:126a or 130a.

(1) The procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under Article 92 of this Code, shall be determined through rules and regulations prescribed under Article 36 of this Code.

§115. Article 15. Commanding officer's nonjudicial punishment

D. The officer who imposes the punishment authorized in Subsection B, or his successors in command, may, at any time, suspend probationally a reduction in grade or a forfeiture imposed under Subsection B, when, in his judgment, the accused, as a result of the commission of a violation, was not properly convicted, convicted under Subsection B, or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges and property affected. He may also mitigate reduction in grade to forfeiture of pay. When mitigating:
(1) arrest in quarters to restriction;
(2) confinement on bread and water or diminished rations to extra duties or reduced privileges;
(3) extra duties to restriction; the mitigated punishment shall not be for a greater period than the punishment mitigated.

§116. Article 16. Courts-martial classified

THE ADVOCATE
A. The three kinds of courts-martial in the state military forces are:

(1) general courts-martial, consisting of:
   (a) military judge, and not less than six 
   eight members, subject to Article 29 
   of this Code; or
   (b) only a military judge, if before the court is assembled the accused, 
   knowing the identity of the military judge, and after consultation with defense 
   counsel, requests, orally on the record or in writing, a court composed only of 
   a military judge and the military judge approves the request.

(2)(a) special courts-martial, consisting of a military judge and not less than 
   six members, subject to Article 25(E)(3) and Article 29 of this Code; or
   (b) only a military judge, if before the court is assembled the accused, 
   knowing the identity of the military judge, and after consultation with defense 
   counsel, requests, orally on the record or in writing, a court composed only of a military judge and the 
   military judge approves the request.

(3) summary courts-martial, consisting of one commissioned officer.

§118. Article 18. General courts-martial
A. In the National Guard not in federal service, general courts-martial 
   may be convened by the governor or the adjutant general. Subject to R.S. 
   29:117, general courts-martial have jurisdiction to try persons subject to this 
   Chapter, except as provided in this Section. This Court may make any 
   changes in the law not forbidden by this Chapter.
B. In the National Guard not in federal service, general courts-martial 
   may be convened by the governor or the adjutant general.
C. A general court-martial may sentence to:
   (1) a fine of not more than one thousand dollars.
   (2) forfeiture of pay and allowances.
   (3) a reprimand.
   (4) Dismissal, bad-conduct discharge, or dishonorable discharge.
   (5) Reduction of a noncommissioned officer to the ranks.
   (6) Confine of not more than sixty months.
   (7) Any combination of these punishments.

§119. Article 19. Special courts-martial
A. Subject to Article 17 of this Code, special courts-martial have jurisdiction 
   to try persons subject to this Code for any offense made punishable by this 
   Code. A special courts-martial may not try a commissioned officer.
A.-B. In the national guard not in federal service, the commanding officer 
   of a garrison, fort, post, camp, air base, auxiliary air base, or other place 
   where troops are on duty, or of a brigade, regiment, wing, group, detached 
   battalion, separate squadron, or other detached command, may convene special 
   courts-martial. Special courts-martial may also be convened by superior 
   authority.
B. A special court-martial may not try a commissioned officer.
C. A special court-martial may sentence to:
   (1) a fine of not more than two hundred dollars.
   (2) Forfeiture of pay and allowances.
   (3) A reprimand.
   (4) Bad conduct Bad-conduct discharge or dishonorable discharge.
   (5) Reduction of a noncommissioned officer to the ranks.
   (6) Confine of not more than twelve months.
   (7) Any combination of these punishments.
D. If the charges and specifications are referred to a special court-martial 
   consisting of a military judge alone under R.S. 29:116(A)(2)(b):
   (1) The military judge may not sentence an accused to a bad-conduct 
   discharge, nor confinement of more than six months, nor forfeiture of pay 
   for more than six months.
   (2) With the consent of the parties, the military judge may appoint a military 
   magistrate to preside over the special court-martial.

§120. Article 20. Summary courts-martial
A. Subject to R.S. 29:117, summary courts-martial have jurisdiction to 
   try persons subject to this Chapter, except commissioned officers, warrant 
   officers, and other personnel not subject to this Code. A special court-martial 
   may not try a commissioned officer.
B. The proceedings shall be informal.
C. Any enlisted member of the state military forces who is not a member 
   of the same unit as the accused is eligible to serve on general and special 
   courts-martial for the trial of any enlisted member of the state military forces 
   who is not a member of the same unit as the accused. A special court-martial 
   shall be convened by the convening authority only if the accused requests that enlisted members serve on it. After 
   such a request the accused may not be tried by a general court-martial, 
   the membership of which does not include enlisted members in a number 
   comprising at least one-third of the total membership of the court, unless 
   eligible members cannot be obtained on account of physical conditions 
   or military exigencies. The court may, however, not try an enlisted member 
   if the accused personally has requested in writing that enlisted members serve on it. After such a request the accused may not be tried by a special court-martial, the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. The court may, however.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in * regardless type are deletions from existing law; words under scored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
§126a. Article 126a. Military magistrates
A. A military magistrate shall be a commissioned officer of the state military forces who:
(1) Is a member of the bar of a federal court or a member of the bar of the highest court of a state; and
(2) Is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the state judge advocate general.
B. In accordance with the Federal Rules of Courts-Martial or regulations prescribed by the governor or adjutant general, in addition to duties when designated under R.S. 29:119 or 130a, a military magistrate may be assigned to perform such other duties as the convening authority considers appropriate.

§127. Article 27. Detail of trial counsel and defense counsel
A. (1) For each general and special court-martial the authority convening the court shall detail trial counsel and defense counsel, and such assistants as the authority considers appropriate. No person who has acted as investigating officer, military judge, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person whom the trial counsel or defense counsel wishes to have present throughout the trial may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.
(2) No person who, with respect to a case, has served as a preliminary hearing officer, court-martial, judge advocate, or appellate defense counsel, may act later in the same case for the defense, nor may any person who has served as a preliminary hearing officer or court-martial judge advocate, now serve as counsel for the prosecution.
B. In the case of a special court-martial:
(1) The accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under Article 36 of this Code, or another person similarly qualified; and
(2) The matters set forth in the charges and specifications are true, to the best of the knowledge of the person accused, and the person accused shall be informed of the charges against him as soon as practicable.

§128. Article 28. Detail or employment of court reporters and interpreters
Under such regulations as the governor may prescribe, prescribed under Article 36 of this Code, other than a proceeding described in Subparagraph (A) of Paragraph (2) of this Section, may be conducted in writing, signed under oath before a commissioned officer of the state military forces who is authorized to administer oaths, or in the presence of the new military judge, the defense counsel, and an interpreter.

§129. Article 29. Absent and additional members; Assembly and impanelment of members
A. (1) Whenever a general court-martial or special court-martial is held by a court-martial of a general or special court-martial of a court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. Under such regulations the court-martial shall have the qualifications set forth in Subsection A of this Section, or another person similarly qualified; and
B. In a special court-martial, the military judge shall impanel eight members. After such a court-martial is assembled, no member may be absent, unless the member is excused.
(1) As a result of a challenge.
(2) Under Subparagraph (B)(1)(b) of this Section.
(3) By order of the military judge or the convening authority for disability or other good cause.
B. Whenever a general court-martial, other than a general court-martial composed of a military judge only, is reduced below five members, the trial may not proceed unless the convening authority details new members sufficient to meet the requirements of the court-martial. The new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides. Under rules prescribed under Article 36 of this Code, the military judge or a general or special court-martial with members shall:
(a) After determination of challenges, impanel the court-martial; and
(b) Excuse members who, having been assembled, are not impaneled.
C. In a general court-martial, the military judge shall impanel six members.
C. (1) If the military judge of a court-martial composed of a military judge only, is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to the approval of the convening authority, after the detail of a new military judge as if no evidence had previously been introduced; unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the military judge, the accused, and counsel for both sides. In addition to the members under Subsection B of this Section, the military judge shall impanel alternate members, if the convening authority authorizes alternate members.
D. (1) If, after members are impaneled, the membership of the court-martial is reduced to fewer than five members with respect to a general or special court-martial, the court-martial may provide that the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient to provide the membership specified in this Section.
E. If any military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

§130. Article 30. Charge and specifications
A. Charges and specifications shall be signed by a person subject to this code under oath by a person authorized by this code to administer oaths and shall state:
(1) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and may be preferred only by a person subject to this Chapter;
(2) That they are true in fact to the best of his knowledge and belief; shall be preferred by presentment in writing, signed under oath before a commissioned officer of the state military forces who is authorized to administer oaths.
B. Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition shall be made thereof in the interest of justice and discipline; and the person accused shall be informed of the charges against him as soon as practicable. The writing under Subsection A of this Section shall state that:
(1) The signer has personal knowledge of, or has investigated, that matter set forth in the charges and specifications; and
(2) The matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.
C. When charges and specifications are preferred under Subsection A of this Section, the proper authority shall, as soon as practicable:
(1) Proceed to review the evidence; and
(2) Determine what disposition shall be made of the charges and specifications in the interest of justice and discipline.

§130a. Article 130a. Certain proceedings conducted before referral
A. Proceedings may be conducted to review, or otherwise act on the following matters before referral of charges and specifications under Article 36 of this Code:
(a) Pre-referral investigative subpoenas.
(b) Pre-referral warrants or orders for electronic communications.
(c) Pre-referral matters referred by an appellate court.
B. If any matter in a proceeding under this Section becomes a subject issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed in the court-martial.
B. Proceedings may be conducted to review, or otherwise act on the following matters before referral of charges and specifications under Article 36 of this Code:
(a) Pre-referral investigative subpoenas.
(b) Pre-referral warrants or orders for electronic communications.
(c) Pre-referral matters referred by an appellate court.
B. If any matter in a proceeding under this Section becomes a subject issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed in the court-martial.

§132. Article 32. Preliminary hearing required before referral to general court-martial
A. Preliminary Hearing Required. (1) No charge or specification may be referred to a general court-martial for trial until completion of a preliminary hearing. The hearing shall be held before referral of charges and specifications.
(a) Except as provided in Subparagraph (b) of this Paragraph, a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial.
(b) The preliminary hearing shall be conducted by an impartial hearing officer detailed by the convening authority in accordance with Subsection C of this Section, other than the proceeding described in Subparagraph (A) of this Paragraph.
B. If the preliminary hearing shall be conducted by an impartial hearing officer detailed by the convening authority in accordance with Subsection C of this Section, other than the proceeding described in Subparagraph (A) of this Paragraph, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines a hearing is unnecessary.

(2) The purpose of the preliminary hearing shall be limited to determining the following:

* As it appears in the enrolled bill
CODING: Words in *italics* are deletions from existing law; words underlined (House Bills) and underscored and highlighted (Senate Bills) are additions.
(a) Whether or not the specification alleges an offense under this Chapter;
(b) Whether or not the specification alleges an offense under this Code and is warranted by evidence indicated in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made. Special court-martial. Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on the record of the preliminary hearing. Whenever practicable, a judge advocate shall be appointed for the hearing officer concerning the testimony of witnesses and the availability of documentary evidence presented at this hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

C. Report of results to convening authority. At the conclusion of a preliminary hearing conducted pursuant to Subsection A of this Section, the judge advocate or other hearing officer that conducted the preliminary hearing shall prepare a report to the convening authority a written report, accompanied by a recording of the preliminary hearing under Section E of this Section, that addresses the matters specified in Paragraph (1) and Subsection F of this Section, includes the following:

(1) A statement of the reasoning and conclusion of the hearing officer with respect to determinations under Paragraph (A) of this Subsection.
(2) A summary of relevant witness testimony and documentary evidence presented at this hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

D. In this Article, the term “referral” means the order of a convening authority that charges and specifications against an accused be tried by a general court-martial.

$135. Article 35. Service of charges; commencement of trial
A. The trial counsel to whom court-martial charges are referred for trial detailed for a court-martial under Article 27 of this Code shall cause to be served upon the defendant a copy of the charges and specifications referred for trial. Upon a showing of good cause, the military judge or by the president of a court-martial without a military judge.

B. Subject to Paragraphs (2) and (3) of this Subsection, no trial or other proceeding of a general court-martial or a special court-martial, including any session under Article 39 of this Code may be held over the objection of the accused:

(a) With respect to a general court-martial, from the time of service through the fifth day after the date of service;
(b) With respect to a special court-martial, from the time of service through the third day after date of service.

$138. Article 38. Duties of trial counsel and defense counsel
A. The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings. If the accused has the right to be represented by defense counsel of his own selection, and only if the first session occurs before the end of the applicable period under Subparagraphs (1)(a) or (b) of this Subsection. The first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this Subsection.

B. In any court-martial for trial of a person accused of a violation of a military law, whether or not the trial is a general or special court-martial, the military judge shall act as associate counsel unless excused at the request of the accused.

C. Except as provided under Paragraph (6) of this Subsection, if the accused
is represented by military counsel of his own selection under Subparagraph (3)(b) of this Section, any military counsel detailed under Subparagraph (3)(a) of this Section shall act as assistant defense counsel; and
(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under Article 27 of this Code to detail counsel shall, in his sole discretion:
(a) detail additional military counsel as assistant defense counsel; and
(b) if the accused is represented by military counsel of his own selection under Subparagraph (3)(b) of this Section, may approve a request from the accused that military counsel detailed under Subparagraph (3)(a) of this Section act as assistant defense counsel.
C. In event any court, court-martial for offense resulting in a conviction, the defense counsel may, in the event of conviction:
(1) forward for attachment to the record of proceedings a brief of such matters he feels determinate should be considered in behalf of the accused on any appeal; or make any objection to the contents of the record which he considers appropriate.
(2) take other action authorized by this Code.
D. An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by R.S. 29:127, Article 27 of this Code, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.
E. An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by R.S. 29:127, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.
§143. Article 43. Statute of limitations
A. A person charged with desertion, missing movement, or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation.
B. Except as otherwise provided in this Article, a person charged with desertion in time of peace or with the offense punishable under R.S. 29:211 and 29:212 Article 131 or Article 132 is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command. Except as otherwise provided in this Section, a person charged with any offense is not liable to be tried by court-martial or punished under R.S. 29:115 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under R.S. 29:115.
D. Proceedings in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this Article.
E. Periods in which the accused was absent from Louisiana or in the hands of the enemy or in the custody of the enemy shall be excluded in computing the period of limitation prescribed in this Article.
§144. Article 44. Oaths
A. Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed by court-martial for offense or for offense resulting in a conviction, shall be as provided by regulations prescribed in Article 36 of this Code. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel or assistant defense counsel may be taken at any time by any judge advocate or legal officer, or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate or legal officer other person is detailed to that duty.
B. The court may, in the event of conviction, require a court-martial shall be examined on oath.
§145. Article 45. Pleas of the accused
A. With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations of the governor, be entered immediately without vote. This finding shall constitute the finding of the court unless the finding of guilty is made prior to the announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.
C. A variance from the requirements of this Article is harmless error if the variance is not material or substantial right.
A. In a case referred for trial by court-martial, the trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain with such regulations as the governor may prescribe: prescribed in accordance of Article 36 of this Code.

B. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that to which civil courts of this state having criminal jurisdiction may lawfully issue and shall run to any part of the state and may be executed by civil officers of this state.

C. A subpoena or other process may be issued to compel a witness to appear and testify:

(1) Before a court-martial or court of inquiry;

(2) At a deposition under Article 49 of this Code; or

(3) As otherwise authorized under this Code.

D.(1) A subpoena or other process may be issued to compel the production of evidence:

(a) For a court-martial or court of inquiry;

(b) For a deposition under Article 49 of this Code;

(c) For an investigation of an offense under this Code; or

(d) As otherwise authorized under this Code.

E. A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court martial or in any proceeding before a court of inquiry, if it appears:

(1) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonavailability to process, or other extraordinary circumstances, is unable to appear before the court-martial or before any military or civil officer authorized by the laws of this state or by the laws of the place where the deposition is taken to administer oaths.

(2) That the present whereabouts of the witness is unknown.

§130. Admissibility of sworn testimony from records of courts of inquiry

A. In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence mandated by Article 50 of this Code, be read in evidence before a court martial or before any party before court martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

B. Such testimony may be read in evidence only in cases extending to the dismissal of a commissioned officer.

C. Such testimony may also be read in evidence before a court of inquiry or a military board.

D. Sworn testimony that:

(1) Is recorded by microfiche, videotape, or similar method; and

(2) Is contained in the duly authenticated record of proceedings of a court of inquiry; and

(3) Is admissible before a court-martial, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under Subsections A, B, or C of this Article.

§153. Article 50. Court to announce action

A. Sentencing Generally

(1) General and Special Court-Martial

(a) Sentencing by Military Judge. Except as provided in Subparagraph (b) of this Paragraph, if the accused is convicted of an offense in a trial, the military judge shall sentence the accused.

(b) Sentencing by Members. If the accused is convicted of an offense by general or special court-martial of a military judge and members and the accused elects sentencing by members under Article 29 of this Code, the members shall sentence the accused.

(2) Sentence of the Accused. The sentence determined pursuant to this Paragraph constitutes the sentence of the accused.

B. Military judge of a general or special court-martial shall reject a plea agreement that:

(1) Contains a provision that has not been accepted by both parties;

(2) Contains a provision that is not understood by the accused;

(3) Limits on the sentence that may be adjudged for one or more charges and specifications;

(4) Is contrary to, or is inconsistent with, rules promulgated by Article 36 of this Code with respect to terms, conditions, or other aspects of plea agreements.

C. A plea acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the court-martial.

§154. Article 54. Record of trial

A. Each general or special court-martial shall keep a separate record of the trial. If the accused, in this case by his attorney and the court, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability or other extraordinary circumstances, the record shall be authenticated by a competent military judge designated by the convening authority.
it shall be authenticated by the signature of the trial counsel or by the midnight of the ninetieth day after the date on which the record was signed, witnessed by the signatures of two witnesses. The registrar shall compare the signature on the application with the signature electronically captured computerized images of documents in the records of the registrar. If the signatures are sufficiently alike to identify the applicant and are recorded in the registrant's records, the registrar shall sign it with his mark, witnessed by the signatures of two witnesses. The application shall state that it is unable to sign his name.

§51. Registrar for each parish; appointment; commission; bond and oath

C. A vacancy for any cause in the office of registrar shall be filled by the sitting registrar of said parish to fill the vacancy occurring. An appointment to fill a vacancy that is made prior to the time the office is actually vacated is premature and without effect. The parish governing authority shall advertise the vacancy and solicit applications for the office in the manner provided in R.S. 18:551.1.

§110. Removal from precinct; removal from parish

A. At any time prior to closing of registration for any election a registrant who removes his residence within the parish may change his registration to another precinct in the parish in which he is registered at the time. The parish governing authority shall advertise the vacancy and solicit applications for the office in the manner provided in R.S. 18:551.1.

§435. Watchers; appointment and commission

B. (1) A list of watchers shall be filed with the clerk of court by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day before the primary or general election; however, if the tenth day before the primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For purposes of this Paragraph, "commercial courier" shall have the same meaning as provided in R.S. 13:3204(D). If the office of the candidate seeking is voted on in more than one parish, a list of watchers shall be filed with the clerk of court in each parish where the candidate will have watchers.

§444. Parish executive committees

F. Vacancies

(2) If there are not enough members of the parish executive committee to fill a vacancy in the membership left by an at-large representative, the chairman of the parish executive committee shall appoint a qualified resident of the parish to fill the vacancy.

(c) The parish executive committee shall report to the parish executive committee to fill a vacancy in the membership left by the representative of a district, the chairman of the parish executive committee to fill the vacancy in the membership left by a representative of a district, the chairman of the parish central committee of that political party may appoint
a qualified resident of the district will accept the membership, the chairman of the state central committee that political party may appoint any qualified resident of the parish to fill the vacancy.

1. Party with thirty percent or fewer of registered voters.

Notwithstanding any provision of law to the contrary, beginning in 1990, members of a parish executive committee of a recognized political party with which thirty percent or less of the registered voters of the state are affiliated, except those for Orleans Parish, shall be elected every four years at the same time as the presidential preference primary election. The term of office shall not extend beyond the time for which the member was elected.

2. Beginning in 1992, members of a parish executive committee of a recognized political party with which thirty percent or less of the registered voters are affiliated in Orleans Parish shall be elected every four years at the same time as the presidential preference primary election. The terms for which members of each parish executive committee were elected in 1990 are extended until the members are elected at the 1992 presidential preference primary election and take office.

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties

A.

(2)(a) The notice of candidacy also shall include a certificate, signed by the candidate, certifying all of the following:

(iii) Except for a candidate for United States senator or representative in congress, that he is not currently under an order of imprisonment for conviction of a felony and that he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

§501. Procedure for withdrawal

C. Notwithstanding the provisions of Subsections A and B of this Section, if there are on the ballot the number of candidates remaining in a primary or general election for a public office is one more than the number of persons to be elected to the office, the secretary of state shall accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the election. The candidate or candidates remaining after the withdrawal shall be declared elected by the people.

§532. Establishment of precincts

D. The parish governing authority shall also furnish, to the registrar of voters and secretary of state geospacial shape files, if available, and a map clearly indicating the boundaries of each parish governing authority district, school board district, special election district, representative district, and senate district.

§551. Ballots

C. Names and numbers of candidates. The names of the candidates in a primary or general election shall be listed on the ballot as follows:

(1) * * *

(c) * * *

(iii) If two or more candidates have the same surname, the names of the candidates having the same surname shall be arranged alphabetically by first name, regardless of whether a candidate's first name appears on the ballot.

The word "Incumbent" and the residence address shall be listed after the name of each candidate having the same surname who is an incumbent, and the residence address shall be listed after the name of each candidate having the same surname who is not an incumbent.

§564. Assistance in voting on election day

D.1(a) Prior to receiving assistance pursuant to this Section due to a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

(v) A completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

§565. Challenge of voters

B. Disposition of record of challenge and address confirmation card. The original record of the challenge, signed by the challenger, shall be placed in the envelope marked "Put in Voting Machine" and shall be preserved as part of the record of challenges. The duplicate record of the challenge and address confirmation card shall be placed in the envelope marked "Registrar of Voters" and the envelope shall be attached to the precinct register, and the address confirmation card shall be placed in the envelope marked "Registrar of Voters". A duplicate record of the challenge shall be placed in the clear plastic zipper bag and returned to the clerk of court on election night. A duplicate record of the challenge shall be given to the voter being challenged.

§567.1. Definitions

§567. Definitions


§571. Procedures for commissioners after termination of voting

A. At the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated. The commissioners in the presence of the watchers shall immediately:

(4)(a) Complete in triplicate Certificate No. 2 of the composite certificate denominated "Certificate of Voters".

§572. Transmission of election returns; voting machine keys; machine irregularities form; penalties

§572. Transmission of election returns; voting machine keys; machine irregularities form; penalties

A.(1) After the results are printed from the voting machines and all election paperwork is complete, the commissioner-in-charge shall immediately:

(b) Deliver to the clerk of court in a clear plastic zipper bag the following:

(viii) A duplicate record of each challenge.

§573. Evidence of election results

E. Transmission and disposition of duplicate original challenges, duplicate voters' affidavits, and address confirmation cards. (1) At the opening of the voting machines, the sealed precinct registers shall be immediately returned to the registrar of voters. Upon receipt of the sealed precinct registers, the registrar shall remove any attached duplicate original record of challenges of voters made during the election, any precinct register correction affidavits, any voter identification affidavits made pursuant to R.S. 18:592, any address confirmation cards, any physical disability affidavits, any physicians' certificates, any copies of disability documentation, any copy of the completed notation of irregularities form, and any address confirmation cards in the envelope marked "Registrar of Voters".

§574. Compilation and promulgation of returns

§574. Compilation and promulgation of returns

B. By a majority vote of the members, the parish board of election supervisors may complete the record of vote cast in each precinct, and attach to the compiled statements a notation of irregularities form prepared by the secretary of state to document irregularities observed by the board with respect to:

§1254. Slates of independent candidates not affiliated with a recognized political party; nominating petitions and qualifying by payment of qualifying fees

A. A slate of independent candidates for presidential elector who are not affiliated with a recognized political party may be nominated by nominating petition or by majority vote of those persons casting votes at the election. Such nominating petition shall be used in this Subpart, the following words and terms shall have the meanings hereinafter ascribed to each, unless the context clearly indicates another meaning:

* * *

As used in this Subpart, the following words and terms shall have the following meanings:

The Advocate
of the nomination. An independent candidate for presidential elector who is not affiliated with a recognized political party may be registered to vote with or without a declaration of preferences.  

$1280.21.  Presidential preference primary election and elections held at the same time in 2020.

A. Notwithstanding the provisions of R.S. 18:1280.21(A), the statewide presidential preference primary election shall be held on the first Saturday in April in 2020.

(2) Notwithstanding the provisions of R.S. 18:1280.22(B)(1), the qualifying period for presidential candidates in the statewide presidential preference primary election held in 2020 shall begin on the second Monday in January of 2020 and shall close at 4:30 p.m. on the following Friday.

B. (1) Notwithstanding the provisions of R.S. 18:402(C)(1), primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the first Saturday in April in 2020.

(2) Notwithstanding the provisions of R.S. 18:402(C)(2), general elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the fifth Saturday after the first Saturday in April in 2020.

C. (1) Notwithstanding the provisions of R.S. 18:402(E)(1)(c), the first Saturday in March shall not be available for a special primary election in 2020. Instead, the first Saturday in April shall be available for a special primary election pursuant to R.S. 18:402(E)(1) in 2020.

(2) Notwithstanding the provisions of R.S. 18:402(E)(2)(c), if a special primary election is held on the first Saturday in April in 2020, the special general election shall be held on the first Saturday after the first Saturday in April in 2020.

D. Notwithstanding the provisions of R.S. 18:402(F)(3), the first Saturday in March, the fifth Saturday after the first Saturday in March, the last Saturday in March, and the fifth Saturday after the last Saturday in March shall not be available for a bond, tax, or other election at which a proposition or question is submitted to the voters in 2020. Instead, the first Saturday in April and the fifth Saturday after the first Saturday in April shall be available for a bond, tax, or other election at which a proposition or question is submitted to the voters in 2020.

E. Notwithstanding the provisions of R.S. 18:467(3), the qualifying period for candidates in a primary election for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than three hundred thousand and the first Saturday after the first Saturday in April in the same time in 2020 shall open on the second Wednesday in January of 2020.

$1300.7. Governor to order election; proclamation; publication.

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for recall. The petition for recall shall be filed with the governor no later than the final day for the governor to issue the proclamation falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the proclamation. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on the first Saturday in April in 2020, the proclaimed shall be issued on or before the fifty-fourth day prior to the election.

C. (1) If the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls, such counting and tabulation shall be conducted in a location and manner to prevent disclosure of the results before the closing of the polls. Each person providing security to the parish board of election supervisors; a representative of the attorney general, with written approval of the secretary of state; the clerk of court; the registrar of voters; or a person providing technical assistance pursuant to Paragraph (2) of this Subsection who enters the location in which the absentee by mail and early voting ballots are being counted and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to ensure that no information with respect to the counting and tabulation of absentee by mail and early voting ballots is transmitted from the location where the absentee by mail and early voting ballots are being counted and tabulated prior to the closing of the polls on election day.

F. The procedure for counting absentee by mail ballots shall be as follows:

THE ADVOCATE PAGE 29

* As it appears in the enrolled bill

CODING: Words in **italics** type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
C. The secretary of state may employ experts to assist him in making the examination provided for in this Section. The expenses of the services of such experts, not to exceed a total of five hundred dollars, shall be paid prior to the examination by the person requesting examination of the machine voting system or system component. Experts employed in the examination shall sign the certificate of approval made by the secretary of state. No machine voting system or system component shall be used at any election which has not been approved by the secretary of state as herein provided in this Section.

§1362. Method of procuring voting machines systems or system components; parts, supplies; and of contracting for the maintenance of voting machines systems or system components. A. (1) All voting machines systems or system components used in this state shall be procured by the secretary of state out of state funds appropriated for that purpose, on the basis of a competitive request for proposals process or public bids submitted to the secretary of state in accordance with specifications prepared by him. The specifications may require tests and examinations of the systems or components, or the system component, and the secretary of state, for that purpose, may employ experts to report thereon and charge the expense thereof to the responders or bidders. Advertisement and letting of contracts for the procurement of voting machines systems or system components shall be in accordance with the Louisiana Procurement Code, contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(2) Notwithstanding any provision of law to the contrary, particularly the provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the secretary of state is authorized to procure directly from the supplier, through the Department of State, voting machines systems or system components, parts, supplies, and other election paraphernalia and to contract with the manufacturer through the Department of State for the maintenance of the voting machines systems or system components.

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines. A. * * *

(5) After the machines have been prepared and tested by the secretary of state and examined by each candidate or representative, citizen, or parish board member who is present, the parish custodian shall exclude the registration books or lists and other paraphernalia and shall forthwith seal each machine with a numbered seal. At that time, the parish custodian, in the presence of the candidates or their representatives, parish board members, and any citizens who are present, shall certify to the numbers of the machines, that all of the public candidates' and candidates' voters and number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or a combination of these factors would have been sufficient to change the result had they not occurred, the judge immediately after the final judgment declaring the election invalid and the filing of a new proposition election, or if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a restricted election, specifying the date of the election, and indicating which voters will be eligible to vote.

§1343. Revote in precincts where voting machine because of malfunctions if result cannot be otherwise ascertained. A. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy sufficient to change the result of the election between the total votes cast at an election and the votes counted for the candidates in the election or for or against the recall of a public officer occurs as a result of the malfunction of a voting machine resulting in results tape and results cartridge, and an accurate count of the votes cast on the malfunctioning machine or results tape and results cartridge cannot be determined by the offering of circumstantial evidence or any other evidence, the court shall order a revote in the precinct where the voting machine or results tape and results cartridge malfunctioned, which shall be limited to those persons listed on the poll list as having cast their ballots in the polls in the election in which the machine or results tape and results cartridge malfunctioned.

B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy sufficient to change the result of the election between the total votes cast at an election and the votes counted for the candidates in the election or for or against the recall of a public officer occurs as a result of the malfunction of a voting machine or results tape and results cartridge used for early voting, and an accurate count of the votes cast on the malfunctioning machine or results tape and results cartridge cannot be determined by the offering of circumstantial evidence or any other evidence, the court shall order a revote of electronic early voting ballots in the parish where the voting machine or results tape and results cartridge used for early voting malfunctioned, which shall be limited to those persons who voted during early voting in the election.

Section 2. R.S. 18:104(C)(2), 463(A)(2)(a)(viii), 1300.1, and 1310(C)(1) are hereby amended and reenacted and R.S. 18:104(C)(5) and 463(A)(2)(a)(ix) are hereby enacted to read as follows:

§104. Application for registration; form

C. * * *

(2) If the applicant is unable to write, the applicant shall affix his mark to the application in the presence of two witnesses who shall also sign their names as witnesses to the mark.

(3) When the registration application is completed at the office of motor vehicles of the Department of Public Safety and Corrections or electronically on the secretary of state's website, and electronically captured signature of the applicant shall suffice as a handwritten signature of the applicant.

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties.

A. * * *

(2)(a) The notice of candidacy shall also include a certificate, signed by the candidate, certifying all of the following:

(viii) Except for a candidate for United States senator or representative in congress or a candidate who resides in a nursing home as defined in R.S. 40:3099.2 or in a veterans' home operated by the state or federal government, that he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located.

(3) That all of the statements contained in it are true and correct.

§1300.1. Recall authorized.

Any public officer, excepting judges of the courts of record, may be recalled in accordance with the provisions of this Chapter. However, no recall petition may be submitted for certification to or accepted for certification by the registrar of voters or any other official if less than six months remain in the term of office. The secretary of state shall not accept a recall petition for filing if less than six months remain in the term of office. The secretary of state shall immediately notify the candidate of such recall petition. By any means of the printed notice file and time of filing of such a recall petition, mark the petition "invalid" on the petition, and return the petition forthwith, either personally or by registered or certified mail, to the chairman designated in the recall petition.

§1310. Execution of certificate; marking of ballot; casting vote; assistance.

C. (1) Any person who assists a voter in voting absentee by mail shall execute the acknowledgment on the ballot envelope flap prepared by the secretary of state, verifying that the person providing the assistance has marked the ballot in the manner dictated by the voter, and the signature on the acknowledgment by the person providing assistance may serve as the signature of the witness required by R.S. 18:13006(E)(2)(a).

Section 3. R.S. 18:573(D), 1351(2), (3), and (6), 1355, and 1400.6(B) are hereby repealed in their entirety.

Section 4(A) This Section and Sections 1 and 3 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall become effective on the day following such approval.

(B) Section 2 of this Act shall become effective on January 1, 2020.

Approved by the Governor, June 19, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODY: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
To amend and reenact R.S. 48:191 and 228, relative to the state highway system; to provide two additional classifications to the state highway system; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:191 and 228 are hereby amended and reenacted to read as follows:

§191. State highway system; length; designation

A. There is hereby created and established a system of state highways which shall consist of twelve fourteen functional classifications as follows:

(1) Urban highways described as:
   (a) Urban-principal arterial-interstate.
   (b) Urban-principal arterial-other freeways and expressways.
   (c) Urban-principal arterial-other.
   (d) Urban-minor arterial.
   (e) Urban-major collector.
   (f) Urban-minor collector.
   (g) Urban-local.

(2) Rural highways described as:
   (a) Rural-principal arterial-interstate.
   (b) Rural-principal arterial-other.
   (c) Rural-minor principal arterial-other.
   (d) Rural-major collector.
   (e) Rural-minor collector.
   (f) Rural-local.

B. The total length of the twelve fourteen functional systems shall not exceed sixteen thousand six hundred seventy-five miles, and the additional length permitted herein is allowed solely for the purpose of adjustments that may become necessary from time to time within the sole discretion of the secretary, working in conjunction with the police judicis or municipalities.

C. The location of all highways in the functional systems established hereby may be altered and amended by the secretary to such an extent and in such a manner as may be necessary for the purpose of meeting any requirements in order to obtain federal aid for road construction in Louisiana. The system of state highways created hereby shall consist of the above twelve fourteen functional systems and the department shall maintain its current description in conformance with the same.

§228. Functional classification of state highways; current highway standards and continuing needs study by department; cost estimates presented to legislature

The department shall divide the roads comprising the state highway system into twelve fourteen functional classifications, as provided in R.S. 48:191, and shall establish current standards for their functional classification. It shall undertake a continuing study of the needs of the various highways for the purpose of bringing existing highways up to current standards or for replacement of existing highways where required, and shall keep the information so developed up-to-date through a continuing annual needs study. The department shall provide the legislature with an estimate of present day costs of bringing the various highways up to the standard of the functional classification to which each highway is assigned.

Approved by the Governor, June 19, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 377

HOUSE BILL NO. 156
BY REPRESENTATIVE PUGH

To amend and reenact R.S. 17:164 and R.S. 32:289(B); and to enact R.S. 17:3996(A) (18, 19), (19), and (20) and (B)(54), relative to school buses; to provide that certain rules and regulations relative to school buses and school bus operators shall apply to charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:164 is hereby amended and reenacted and R.S. 17:3996(A) (18, 19), (19), and (20) and (B)(54) are hereby enacted to read as follows:

§164. Regulations relating to construction, design, equipment, and operation of school buses

The Louisiana state board of education is authorized, directed, and empowered to The State Board of Elementary and Secondary Education, hereafter referred to in this Section as the “state board”, shall establish and adopt rules and regulations relating to the construction, design, equipment, and operation of school buses used in transportation of students to and from school. Such regulations shall be provided to encourage competition and in no event shall be devised, worded, or construed so as to restrict competition among manufacturers of school bus bodies, chassis, or other equipment or to benefit or favor in any way a particular manufacturer or group of manufacturers of such bus bodies, chassis, or other equipment, either directly including by reference to detail of design peculiar specific to a particular manufacturer or group of manufacturers providing any school bus-manufacturers. A school bus body, chassis, or equipment that meets shall meet the latest revised minimum standards for school buses adopted and recommended by the National Conference on School Transportation, sponsored by the National Council of Chief State School Officers, the American Association of School Administrators, NAE, the Department of Rural Education, USDA, and the U.S. Office of Education National Association of State Directors of Pupil Transportation Services, the National Association for Pupil Transportation, the National School Transportation Association, the School Transportation section of the National Safety Council, and the School Bus Manufacturers Technical Council, shall be deemed in compliance with any such regulations adopted by the Louisiana state board of education, providing such rules and regulations as herebefore provided for shall not apply to any feeder buses in operation in the State, the regulation of school of pupil transportation to which is exempt from any of the provisions of this Section and all statutory requirements for the construction, design, equipment, and operation of school buses. This Section shall not apply to feeder buses in operation in this state.

§3996. Charter schools; exemptions; requirements

A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees shall be exempt from all rules and regulations of the state board and those of any local school board that are applicable to public schools and to public school officers and employees except for the following rules and regulations otherwise applicable to public schools including:

(18) School bus specifications and inspection requirements.
(19) School bus operational procedures.
(20) School bus driver and bus attendant pre-employment screening and training requirements.

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

(54) Regulations for the construction, design, equipment, and operation of school buses, R.S. 17:164.

Section 2. R.S. 32:289(B) is hereby amended and reenacted to read as follows: §289. Cellular radio telecommunication device use by operators of school

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in <strike>strikethrough</strike> type are deletions from existing law; words underlined (House Bills) and underscored and boldface (Senate Bills) are additions.
A true copy:
Approved by the Governor, June 19, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 378

HOUSE BILL NO. 170
BY REPRESENTATIVES JONES, BISHOP, ADAMS, ARMES, BACALA, BERTHELOT, BILLIOT, CHAD BROWN, TERRY BROWN, GARY CARTER, STEVE CARTER, CHANEY, DEVILLIER, EDMONDS, LANCE HARRIS, HENRY, HILFERTY, HODGES, JEFFEISON, JENKINS, ROBERT, JOHNSON, JORDAN, LEBAS, MARINO, GREGORY MILLER, PEARSON, PIERRE, POPE, PYLANT, SCHEXNAYDER, AND TALBOT

To amend and reenact R.S. 40:1665.2(B)(2) and (4), relative to financial security of surviving spouses and children of law enforcement officers; to provide relative to cadets of the enforcement training academy of the Department of Wildlife and Fisheries and the Louisiana State Police Training Academy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1665.2(B)(2) and (4) are hereby amended and reenacted to read as follows:

$1665.2. Financial security for surviving spouses and children of law enforcement officers in certain cases.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

B. Law enforcement officers, within the meaning of this Section, shall include the following:

* * * * * * * * * * * * * * * * * * * * * * * * * * *

(2) All members of the state police thus employed including any cadet participating in the Louisiana State Police Training Academy on or after July 1, 2018, when the cadet has been assigned and is performing police duties or training, even though the cadet has not been commissioned as an enforcement agent.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

B. Enforcement officers of the Louisiana Wildlife and Fisheries Commission including any cadet participating in the Department of Wildlife and Fisheries Enforcement Training Academy on or after July 1, 2018, when the cadet has been assigned and is performing wildlife enforcement duties or training, even though the cadet has not been commissioned as an enforcement agent.

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Approved by the Governor, June 19, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 379

HOUSE BILL NO. 218
BY REPRESENTATIVE MARCELLE

To enact R.S. 13:2071.1, relative to Baton Rouge City Court; to authorize the commission of probation officers; to recognize the Baton Rouge City Court Probation Division as a law enforcement agency; to provide relative to the duties of Baton Rouge City Court probation officers; to provide relative to P.O.S.T.-certified training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2071.1 is hereby enacted to read as follows:

§2071.1. Baton Rouge City Court probation officers
A. The clerk of court and judicial administrator of Baton Rouge City Court shall have authority to commission officers of the Baton Rouge City Court probation officers, one of whom may be designated as chief probation. The Baton Rouge City Court Probation Division shall be recognized as a law enforcement agency.

B. Baton Rouge City Court probation officers shall be required to successfully complete a certified Peace Officer Standards and Training program and, upon successful completion of such training, shall be considered Louisiana peace officers and commissioned probation officers.

C. Baton Rouge City Court probation officers shall have the power and authority to make arrests, serve notices, orders, subpoenas, and writs, conduct authorized home visits, job verifications, conduct verifications of Baton Rouge City Court warrants, execute all orders, and perform any other duties incidental to their office. Nothing in this Section shall be construed to relieve the sheriff or constable from the duties as set forth in R.S. 13:5539.

D. For purposes of this Section, “cellular radio telecommunication device” shall mean a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually or by voice recognition. It does not include citizens band radios or citizens band radio hybrids or any device with a push-to-talk function used in a similar manner as a citizens band radio or a citizens band radio hybrid.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

Approved by the Governor, June 19, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 380

HOUSE BILL NO. 318
BY REPRESENTATIVES LEGER, TERRY BROWN, STEVE CARTER, FRANKLIN, GISCLAIR, GUINN, HILL, HOWARD, TERRY LANDRY, LARVADAIN, LEBAS, MARCELLE, NORTON, PIERRE, POPE, WHITE, AND WRIGHT

To enact R.S. 47:463.202 and 463.203, relative to motor vehicle special prestige license plates; to establish the “Team Gleason Foundation” special prestige plate; to establish the “Team Gleason Foundation” special prestige plate for persons with mobility impairments; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.202 is hereby enacted to read as follows:

§463.202. Special prestige license plate; “Team Gleason Foundation”
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Team Gleason Foundation” plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Team Gleason Foundation to select the color and design of the plate. Provided it is in compliance with R.S. 47:463(A)(3), the design shall include the words “Team Gleason Foundation.”

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

D. Employment of probation officers by Baton Rouge City Court for its exclusive service shall be in no way be affected by or limit the court in availing itself of the services of such officers or other employees as may be provided by the state or the city of Baton Rouge.

Approved by the Governor, June 19, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

...
Section 4. The Department of Public Safety and Corrections, office of motor vehicles, is hereby directed to create the special prestige license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Approved by the Governor, June 19, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 381

HOUSE BILL NO. 390

BY REPRESENTATIVES WHITE, AMEDDEE, BACALA, BILLIOT, TERRY BROWN, CARMODY, GARY CARTER, CHANEY, COX, HILL, HOFFMANN, JACKSON, JEFFERSON, JENKINS, ROBERT JOHNSON, LARVAUDAIN, LYONS, POPE, SIMON, STGNI, AND THOMAS AND SENATOR

WALSWORTH

AN ACT

To enact Part II-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1250.1 through 1250.21, relative to Medicaid-funded disability services; to provide for an annual report concerning such services; to provide for data to be included in the report; to provide for submission of the report to certain legislative committees; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1250.1 through 1250.21, is hereby enacted to read as follows:

PART II-A. DISABILITY SERVICES: REPORTING

SUBPART A. GENERAL PROVISIONS

§1250.1. Short title

This Part shall be known and may be cited as the “Disability Services Sustainability Act.”

§1250.2. Legislative findings; declaration

A. The legislature hereby finds all of the following:

(1) Access to quality services for persons with developmental, intellectual, adult-onset, or physical disabilities is essential for the health, safety, and well-being of those persons.

(2) Reliable and sufficient Medicaid reimbursement rates for private providers are necessary to create and maintain a sustainable statewide system of services for eligible individuals with disabilities.

(3) A state wide system of services for eligible persons only if reimbursement rates are sufficient to enlist providers in numbers great enough to allow eligible individuals a choice among different providers who are capable of delivering quality services that will meet the assessed needs of those individuals in a timely manner.

B. The legislature hereby declares that this state must take steps to foster and maintain a robust network that attracts and retains quality providers which are capable of maintaining a stable workforce and are sufficient in number to allow for meaningful choices among providers by individuals eligible to receive disability services.

§1250.3. Definitions

As used in this Part, the following terms have the meaning ascribed to them in this Section:

(1) “Department” means the Louisiana Department of Health.

(2) “Methodology” means the aggregate of methods, principles, assumptions, variables, factors, and procedures used to determine a reimbursement rate.

(3) “Provider” means a person, public agency, nonprofit corporation, or a for-profit business entity that provides services under a contract or other agreement with the department.

(4) “Rate” means the amount of money per unit of time for a Medicaid service performed or the amount of money for a Medicaid service performed by a for-profit business entity that provides services under a contract or other agreement with the department.

(5) “Rebasing” means using cost report information to adjust Medicaid reimbursement rates to the level dictated by the Medicaid reimbursement methodology for each covered service.

(6) “Reimbursement” means payment for a Medicaid service in accordance with a specified rate.

(7) “Service” means a home- or community-based service, intermediate care facility service, or support coordination service provided to a recipient by a provider under a contract or other agreement with the department.

§1250.4. Monitoring for adequacy and quality of services

A. The department shall maintain reliable data in a form that permits ongoing monitoring of trending factors that may affect the sufficiency of rates in the next rate year. Those factors may include, without limitation, trends in cost of living and other economic indexes, wage rates, and changes in regulatory and policy requirements affecting provider costs.

B. The department may request reasonable, periodic financial reports from providers as needed to ensure the availability of reliable cost data. The department shall consult and collaborate with providers to develop reasonable financial reporting requirements.

§1250.5. Annual review of rates

A. The department may conduct annual reviews of all rates by service category and shall make a determination of the level of sufficiency of each rate based on a review of all pertinent data.

B. Any reduction in disability rates to providers must be approved by the Joint Legislative Committee on the Budget.

§1250.21. Annual report

A. The department shall submit an annual report concerning disability service provider rates to the House Committee on Appropriations, the Senate Committee on Finance, and the legislative committees on health and welfare no later than forty-five days prior to the convening of each regular session of the Legislature of Louisiana. The report shall include, without limitation, all of the following information:

(1) Any changes within the previous twelve months to the Medicaid rate methodology for disability services and the current Medicaid rates for those services.

(2) The date of the last rebasing of Medicaid rates for intermediate care facilities for people with developmental disabilities and any future dates on which the rebasing rate is planned to be reviewed.

(3) The amount of funding that would be required for an annual adjustment of Medicaid rates for disability services.

(4) The health market basket inflation index used in calculating the amount of funding that would be needed for an annual adjustment of Medicaid rates for disability services.

(5) Any proposed changes to the methodology for determining Medicaid rates for disability services.

B. Upon request of any legislative committee identified in this Section, the secretary of the department or his designee shall appear in person before the committee to present the report required by this Section.

Approved by the Governor, June 19, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 382

HOUSE BILL NO. 443

BY REPRESENTATIVE WARENCY LANDRY

AN ACT

To amend and reenact R.S. 14:40.8(B) and R.S. 17:1801(C), 1801.1(C), and 1805X(A)(3), (B), and (D)(2) and to enact R.S. 17:1801.1(B)(3), relative to criminal hazing; to require reporting to law enforcement by an education institution or representative of a national or parent organization that receives a report of an alleged act of hazing; to provide relative to a national or parent organization’s investigation and reporting of alleged acts of hazing; to provide relative to penalties for failure to report; to require the Board of Regents to develop a standardized form for reporting and documenting alleged acts of hazing and a policy relative to making certain documented information available to the public; to require that parents be provided hazing educational information under certain circumstances; to require organizations to adopt certain policies as a condition of operating at an institution and provide education relative to such policies; to apply requirements relative to hazing prevention education to an organization’s employees and volunteers; to provide relative to the authority of university and college police officers with regard to criminal hazing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:40.8(B) is hereby amended and reenacted to read as follows:

§40.8. Criminal hazing

B.(1)(a) If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the preceding entities provided for in Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time of the hazing, knew and failed to report, as soon as practicable under the circumstances, to law enforcement that one or more of the organization’s members was hazing another person, the organization may be subject to the following:

(i) Payment of a fine of up to ten thousand dollars.
Forfeiture of any public funds received by the organization.

Forfeiture of all rights and privileges of being an organization that is organized and operating at the educational institution for a specific period of time as determined by the court. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of at least 0.30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

A national or parent organization that receives a report alleging the commission of an act or acts of hazing may conduct a timely and efficient investigation to substantiate or determine the veracity of the allegations prior to making a report to law enforcement. The investigation shall be completed by no later than fourteen days after the date on which the report was received alleging the commission of an act or acts of hazing.

Information reported to law enforcement as provided in Subparagraph (a) of this Paragraph shall include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.

An education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution shall report, as soon as practicable under the circumstances, the alleged act or acts to the law enforcement agency having jurisdiction in the place where the alleged act or acts of hazing occurred. The information reported to law enforcement as required by this Paragraph shall include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. Any education institution who fails to comply with the requirements of this Paragraph may be subject to a fine of up to ten thousand dollars.

A true copy:

Approved by the Governor, June 19, 2019.

R. Kyle Ardoin
Secretary of State

ACT No. 383

BY REPRESENTATIVES ZERINGUE, BISHOP, HOWARD, JONES, NANCY LANDRY, AND MCMAHEN

To amend and reenact R.S. 3:2462 and to enact R.S. 3:2466, relative to euthanasia of animals for research or biological supply; to provide for definitions; to require notification to owners surrendering animals; to prohibit animal shelters from euthanizing animals for research purposes only; to provide for the transfer of live animals in certain circumstances; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2462 is hereby amended and reenacted and R.S. 3:2466 is hereby enacted to read as follows:

§2462. Definitions

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

(1) "Animal dealer" means a person who receives payment for the transportation or delivery of any living or dead animal to a research facility, laboratory, association, corporation, copartnership, or educational institution that sells biological materials, including blood or living or dead animals, to research facilities, educational institutions, or veterinarians.

(2) "Animal dealer" means a person who receives payment for the transportation or delivery of any living or dead animal to a research facility, laboratory, association, corporation, copartnership, or educational institution that sells biological materials, including blood or living or dead animals, to research facilities, educational institutions, or veterinarians.

(3) "Animal dealer" means a person who receives payment for the transportation or delivery of any living or dead animal to a research facility, laboratory, association, corporation, copartnership, or educational institution that sells biological materials, including blood or living or dead animals, to research facilities, educational institutions, or veterinarians.

(4) "Animal dealer" means a person who receives payment for the transportation or delivery of any living or dead animal to a research facility, laboratory, association, corporation, copartnership, or educational institution that sells biological materials, including blood or living or dead animals, to research facilities, educational institutions, or veterinarians.

(5) "Animal dealer" means a person who receives payment for the transportation or delivery of any living or dead animal to a research facility, laboratory, association, corporation, copartnership, or educational institution that sells biological materials, including blood or living or dead animals, to research facilities, educational institutions, or veterinarians.

(6) "Person" means an individual, corporation, or association.

(7) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hut.

(8) "Research facility" means any school, institution, organization, or person that uses or intends to use animals in research or experiments.

* "Social media account" means an internet-based service that allows to do the following:

(a) Construct a public or semi-public profile within a bounded system created by the service.

(b) Construct a list of other users with whom they share a connection within the system.

(c) View and navigate their list of connections and those made by others

* As it appears in the enrolled bill

$1805. Authority of university or college police officer

A. * * *

(3) While in or out of uniform, these police officers shall have the right to carry concealed weapons and to exercise the power of arrest when discharging their duties on their respective campuses and on all streets, roads, and highways open to the public and within or contiguous to the perimeter of such campuses. In the discharge of their duties on campus and while in hot pursuit on or off the campus, each university or college police officer may exercise the power of arrest. For purposes of R.S. 14:40.8, the right of university or college police officers to carry a concealed weapon and to exercise the power of arrest when discharging their duties shall extend to alleged acts of hazing committed by members of an organization that is organized and operating at the university or college for which the police officer is commissioned regardless of the location where the alleged acts occurred.

B. Any person arrested by a college or university police officer, in the exercise of the powers hereinafter granted pursuant to Paragraph (A)(3) of this Section, shall be immediately released by such officer to the custody of the sheriff or city police wherein the arrest occurs.

D. Upon authorization by the chief administrative officer of the educational institution, a college or university police officer shall have authority to discharge his duties off campus as follows:

(2) When investigating a crime committed on campus or when investigating the crime of criminal hazing committed off campus by members of an organization that is organized and operating at the college or university for which the police officer is commissioned.
§2466. Euthanasia of animals for research or biological supply

A. (1) An animal shelter that turns over euthanized animals to a research facility or biological supply facility shall post and maintain a sign in a place where it is clearly visible to all persons turning animals over to the shelter. The sign shall contain the following statement: "Animals Euthanized at This Shelter May Be Used for Educational or Research Purposes or to Supply Blood, Tissue, or Other Biological Products."

(2) The statement shall also be included on owner surrender forms in a size and style of font designed to be clearly visible to the owner.

B. An animal shelter or other person that accepts animals from the public or takes in stray or unwanted animals shall euthanize an animal for the sole purpose of transferring the carcass to a research facility, biological supply facility, or animal dealer.

C. No animal shelter or other person that accepts animals from the public or takes in stray or unwanted animals shall sell a living animal to a research facility, biological supply facility, animal dealer, or other person for the purpose of research or experimentation.

§2153. Notice of delinquency and tax sale

Section 1. R.S. 47:2153(A)(1)(a) and 2156(B)(1) are hereby amended and reenacted and R.S. 47:2153(A)(1)(c) is hereby enacted to read as follows:

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1704 is hereby enacted to read as follows:

* * *

ACT No. 384

BY REPRESENTATIVES DAVIS AND GLOVER

An Act

To amend and reenact R.S. 47:2153(A)(1)(a) and 2156(B)(1) and to enact R.S. 47:2153(A)(1)(c), relative to tax sales; to provide with respect to property sold at tax sale in the manner of transferring the property; and to provide for advertising, execution and enforcement. The city of New Orleans is authorized to employ any agents, assistants, auditors, clerks, inspectors, investigators, or other experts to assist in program execution and enforcement.

A. The city of New Orleans may establish a homestead exemption audit program for the property in the city of New Orleans and the parish of Orleans. The purpose of the audit program is to determine if the property in the city of New Orleans and the parish of Orleans is the subject of more than one homestead exemption or if property owners in the city of New Orleans and the parish of Orleans are claiming a homestead exemption on more than one property.

B. The city of New Orleans may impose a fee not to exceed ten percent of the total amount of taxes, penalties, and interest which may be due and owed by a taxpayer through this program.

C. The city of New Orleans is authorized to employ any agents, assistants, auditors, clerks, inspectors, investigators, or other experts to assist in program execution and enforcement. The city of New Orleans is authorized to enter into contracts with these persons; however, the total fees paid pursuant to the contracts shall not exceed the total fees collected by the city of New Orleans pursuant to Subsection B of this Section.

* * *

ACT No. 386

BY REPRESENTATIVE ABRAMSON

An Act

To enact R.S. 47:1704, relative to the homestead exemption; to authorize the establishment of a homestead exemption audit program in the city of New Orleans; to provide for program implementation and administration; to authorize the imposition of a fee; 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. 47:1704 is hereby enacted to read as follows:

* * *
Section 1. R.S. 15:529.1(C) is hereby amended and reenacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk of court in the state of Louisiana as evidence

C.(1) Except as provided in Paragraph (2) and (3) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the five-year periods between the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(2) Except as provided in Paragraph (3) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten years have elapsed between the date of the commission of the current offense or offenses and the expiration of any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the ten-year periods between the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(2) Except as provided in Paragraph (3) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the five-year periods between the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(2) Except as provided in Paragraph (3) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten years have elapsed between the date of the commission of the current offense or offenses and the expiration of any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the ten-year periods between the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(3) Notwithstanding any provision of law to the contrary, a conviction for a felony offense that is not a crime of violence as defined by R.S. 14:2(B) and that has been set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E)(2), (3), (4), (5), and (6), shall be considered as a prior conviction for purposes of enhancing a felony that is not a crime of violence as defined by R.S. 14:2(B) pursuant to the provisions of Paragraph (A) of this Section and shall not be counted as a prior conviction as provided in Paragraph (1) of this Subsection, or the ten-year time period as set forth in Paragraph (2) of this Subsection, for purposes of enhancing a felony that is not a crime of violence as defined by R.S. 14:2(B) pursuant to the provisions of Paragraph (A) of this Section.

Section 2. Code of Criminal Procedure Article 893(E)(2), (3)(a) and (c), and (d) are hereby amended and reenacted to read as follows:

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

E.

(4) When a defendant, who has been committed to the custody of the Department of Public Safety and Corrections to serve a sentence in the intensive incarceration program pursuant to the provisions of Article 895(B) of this Article, has successfully completed the intensive incarceration program as well as successfully completed all other conditions of parole or probation, and if the defendant is otherwise eligible, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution, with the defendant's sentence suspended under Paragraph A of this Article or deferred under Subparagraph (1) of this Paragraph. The dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple habitual offender, and shall except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a first prior offense for purposes of any other law or laws relating to cumulation of offenses.

(4) When a defendant, who has been committed to the custody of the Department of Public Safety and Corrections to serve a sentence in the intensive incarceration program pursuant to the provisions of Article 895(B) of this Article, has successfully completed the intensive incarceration program as well as successfully completed all other conditions of parole or probation, and if the defendant is otherwise eligible, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution, with the defendant's sentence suspended under Paragraph A of this Article or deferred under Subparagraph (1) of this Paragraph. The dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple habitual offender, and shall except as provided in R.S. 15:529.1(C)(3). The conviction may be considered as a first prior offense for purposes of any other law or laws relating to cumulation of offenses. Dismissal under this Subparagraph shall have the same effect as an acquittal for purposes of expungement under the provisions of R.S. 449.44 of the Code of Criminal Procedure and may occur only once with respect to any person.

Approved by the Governor, June 19, 2019
A true copy.
R. Kyle Ardoin
Secretary of State

ACT No. 387

HOUSE BILL NO. 618
(Stipulate for House Bill No. 167 by Representative Lance Harris)
BY REPRESENTATIVE, LANCE HARRIS

To amend and reenact R.S. 17:67(h)(ix)introductory paragraph and (10), 15A(X)(1)(b)(i)(x)aa) and (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a) and (ii)aa) and (ii) and (b) and to enact R.S. 17:67(h)(xiii), relative to teachers and other school employees; to revise requirements pertaining to criminal history with respect to the certification, hiring, and dismissal of teachers and other school employees; to provide for the powers, duties, and rules of the State Board of Elementary and Secondary Education with respect to these processes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:67(h)(ix)introductory paragraph and (10), 15A(X)(1)(b)(i)(x)aa) and (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a) and (ii)aa) and (ii) and (b) are hereby amended and reenacted and R.S. 17:67(h)(xiii) is hereby enacted to read as follows:

§ 7. Duties, functions, and responsibilities of board

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

(h) The board may issue a teaching certificate or other teaching authorization to a person who has been convicted of or has pled nolo contendere to a felony offense not listed in R.S. 15:387.1(C), who has been found to have submitted fraudulent documentation to the board or the state Department of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board if all of the following conditions apply:

(iii) The offense is provided for in R.S. 40:966(A), 967(A), 968(A), 969(A), or 969(B) and any conviction on the same charge as a result of a prior conviction has been convicted of a teaching authorization or has facilitated cheating on any state assessment as determined by the board if all of the following conditions apply:

(10) The board shall promulgate rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher. Such rules and regulations shall be limited to procedures for determining if a person has submitted fraudulent documentation to the board or the state Department of Education relative to the issuance of the teaching authorization or has facilitated cheating on any state assessment administered to students, or has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:387.1(C) felony offense. The rules and regulations shall provide that the board shall not grant a teaching authorization to any
§15. Criminal history review
A.(1) * * *
   (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or other local public school board or a nonpublic school or school system shall not knowingly hire a person as an administrator, teacher, or substitute teacher if the person:
      (A) has been convicted of or has pled nolo contendere to a felony offense crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a pardon or expungement was granted.
   * * *
   (ii) A city, parish, or other local public school board or a nonpublic school or school system may hire a person as an administrator, teacher, or substitute teacher who has been convicted of or has pled nolo contendere to a felony offense crime listed in R.S. 15:587.1(C), who has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board in otherwise prohibited from being hired pursuant to Item (i) of this Subparagraph, if the State Board of Elementary and Secondary Education approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:76(h).
   * * *

(2)(a) A city, parish, or other local public school board shall dismiss:
   (i) An administrator, teacher, or substitute teacher upon the final conviction of or submission of a plea of nolo contendere to any felony offense crime listed in R.S. 15:587.1(C); however, if the person has obtained tenure, such dismissal shall occur only after a hearing held pursuant to the provisions of Part II of Chapter 2 of this Title.
   * * *

(c) A city, parish, or other local public school board may reemploy an administrator, teacher, or other school employee who has been dismissed for conviction of a crime, except a crime listed in R.S. 15:587.1(C), pursuant to Subparagraph (a) of this Paragraph only upon written approval of the district judge of the parish and the district attorney, or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer. No later than thirty days after its being placed on file by the school, the school principal shall submit a copy of any such statement of approval or written documentation from the court to the state superintendent of education.
   * * *

The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 and the provisions for all other felony offenses for the state Department of Education to determine whether an applicant for or the recipient of any certification, license, or other teaching authorization issued in accordance with state law or board policy by the department or the board and who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children has been convicted of or pled nolo contendere to any felony offense. Included in this rule shall be the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information.
   * * *

F.(1) The State Board of Elementary and Secondary Education may assess a civil fine against a school governing authority, equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits, that knowingly employs a person without requesting the criminal records required by this Section or who knowingly hires a person who has been convicted of or pled nolo contendere to any felony offense crime listed in R.S. 15:587.1(C), and who the State Board of Elementary and Secondary Education has not provided a teaching authorization pursuant to the provisions of R.S. 17:76(h) or who has not completed the formal appeal process required by the state board and been granted a new teaching certificate or other teaching authorization as provided in R.S. 17:76(h).
   * * *

G. At the request of his parent or legal guardian, a student shall be removed from the class of any teacher who has a felony conviction and placed in another class if there is another class of a suitable grade or subject available.

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

E. A charter school shall not:
   (5)(a) Hire a person:
       (ii) As an administrator, teacher, or substitute teacher if any of the following apply to the person:
           (aa) has been convicted of or has pled nolo contendere to any felony offense a crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a pardon or expungement was granted.
           * * *
           (iii) Notwithstanding any other provision of law, a charter school may hire a person as a teacher or substitute teacher who has been convicted of or has pled nolo contendere to any felony offense crime listed in R.S. 15:587.1(C) or who has been found to have submitted fraudulent documentation to the state board or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization is otherwise prohibited from being hired pursuant to the provisions of this Subparagraph if the state board approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:76(h).
   * * *

3. The state board shall establish regulations, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school governing authority shall determine whether an applicant or employee has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C) and who the State Board of Elementary and Secondary Education approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:76(h).

4. (b) The state board shall establish regulations, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school governing authority shall determine whether an applicant or employee has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a pardon or expungement was granted.

5. Section 2. R.S. 17:15(A)(2)(a)(i) as amended by this Act shall not be applicable to a person who was employed as a public school administrator, teacher, or substitute teacher on or before the effective date of this Act and whose final conviction of or plea of nolo contendere to any crime provided for in that Item occurred prior to the effective date of this Act.

Approved by the Governor, June 19, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State  

ACT No. 388

HOUSE BILL NO. 620
(Subtitle for House Bill No. 310
by Representative McMahen)
BY REPRESENTATIVE McMahren

AN ACT
To amend and reenact R.S. 17:7.1(A)(3), relative to teacher certification; to provide with respect to entrance requirements into and completion of a teacher education program for such certification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:7.1(A)(3) is hereby amended and reenacted to read as follows:
§7.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists
A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:76, the principal, or other teacher authorized by the State Board of Elementary and Secondary Education for certification of any applicant for certification who completes an approved teacher education program in Louisiana shall include but not be limited to the following:
   (3)(a) That the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program.
   (b) An applicant who has passed all requisite examinations covering pre-professional skills and content knowledge but who does not meet the requirement of Subparagraph (a) of this Paragraph may be granted conditional admission following a satisfactory personal interview by the program's admissions officer.

(ii) If the program awards credit hours, the applicant shall achieve a grade point average of 3.00 or higher in post-baccalaureate program courses by the end of his first twelve credit hours and successfully complete the program.

(iii) If the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice and satisfactorily completes all program requirements as set forth by the state board, including any requirements for clinical practice, at graduation.

Section 2. The state Department of Education shall develop and disseminate to all post-baccalaureate programs, not later than August 1, 2019, an interview protocol and guidance document to assist in assessing an applicant's readiness to successfully complete the program.
ACT No. 389

BY REPRESENTATIVE ARMES AND PUGH
AN ACT

To amend and reenact R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 383(C), and to repeal R.S. 29:258 and 36:781(C)(2) and (3), relative to veterans affairs; to provide relative to the Louisiana Department of Veterans Affairs; to provide relative to the organization of the department; to provide relative to the secretary of the department; to provide relative to the duties and authority of the Veterans’ Affairs Commission; and to provide for related matters.

Approved by the Governor, June 20, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 390

BY REPRESENTATIVES ARMES AND PUGH
AN ACT

To amend and reenact R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 383(C), and to repeal R.S. 29:258 and 36:781(C)(2) and (3), relative to veterans affairs; to provide relative to the Louisiana Department of Veterans Affairs; to provide relative to the secretary of the department; to provide relative to the secretary of the department; to provide relative to the duties and authority of the Veterans’ Affairs Commission; and to provide for related matters.

Approved by the Governor, June 20, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
than fifteen dollars per inquiry for information provided. When a sheriff conducts the screening, five dollars of the processing fee shall be remitted to the Louisiana Sheriff’s Association for the operation of the Louisiana Civil and Criminal Information Network (LACCI). The provisions of this Subsection shall also apply to any screening function provided for in R.S. 15:997.1 background check. A technology fee of five dollars shall be assessed for each civil background check conducted, regardless of the entity, to be distributed to the Louisiana Sheriff’s Association for the enhancement of criminal history data collection.

(2) For the purposes of this Subsection, “civil background check” means a background check that is used for purposes including but not limited to preemployment, academic applications, or professional boards.

Section 2. This Act shall become effective upon completion or substantial completion of a statewide civil scan applicant processing solution or March 31, 2020, whichever is earlier.

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

ACT No. 392

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HOUSE BILL NO. 189

BY REPRESENTATIVE JIM MORRIS (BY REQUEST)

AN ACT

To amend and reenact the heading of Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950 and to enact R.S. 42:1702, relative to local government employment; to provide for applications for employment with public subdivisions; to provide for consideration of certain criminal records to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S. 42:1702 is hereby enacted to read as follows:

CHAPTER 29. CONSIDERATION OF CRIMINAL HISTORY IN STATE PUBLIC EMPLOYMENT

§1702. Consideration of arrest records; prohibited acts.

A. No political subdivision, when filling an employment position, may inquire on an initial application form about a prospective employee’s arrest record.

B. This prohibition does not preclude a political subdivision from inquiring about convictions, pending felony criminal charges, or pleas of nolo contendere of a prospective employee on the initial application form.

C. This Section does not apply to any employment position for which a criminal background check is required by law.

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

ACT No. 393

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HOUSE BILL NO. 230

BY REPRESENTATIVE MIKE JOHNSON

AN ACT

To amend and reenact R.S. 40:1203.3(A)(x), relative to ambulance personnel; to prohibit the employment of licensed ambulance personnel or nonlicensed persons convicted of certain offenses; to remove an outdated reference; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1203.3(A)(x) is hereby amended and reenacted to read as follows:

§1203.3. Refusal to hire or contract; termination of employment; exemption; appeal procedure; waiver

A. Except as otherwise provided in R.S. 40:1203.2(C), no employer shall hire any licensed ambulance personnel or nonlicensed persons when the results of a criminal history check reveal that the licensed ambulance personnel or nonlicensed person has been convicted of any of the following offenses:

(i) R.S. 14:28.1, 30, 30.1, 31, 32.6, 32.7, 32.12, 34, 34.1, 34.7, 35.2, 37, 37.1, 37.4, 38.1, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.5, 44, 44.1, 46.2, 51, 60, 62.1, 64, 64.1, 64.4, 66, 66.16, 89, 89.1, 93.3, 93.4, 93.5, 283.3 or distribution or possession with the intent to distribute controlled dangerous substances as listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act.

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

ACT No. 394

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HOUSE BILL NO. 266

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 17:24.4(G)(1) and (4), relative to pupil progression; to provide relative to required remediation programs for student promotion; to repeal provisions relative to summer school remediation programs; to require pupil progression plans to be made available to the public; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.4(G)(1) and (4) are hereby amended and reenacted to read as follows:

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

G.(1) Each city and parish school board shall appoint a committee which shall be representative of the parents of the school district under the authority of such school board. Each committee shall participate and have input in the development of the pupil progression plans provided for in this Section. Each parish or city school board shall develop and submit to the Department of Education for approval by the State Board of Elementary and Secondary Education and make publicly available a pupil progression plan which shall be in accordance with the requirements of this Section and be based upon student achievement, performance, and proficiency on tests required by this Section. Beginning with the 1996-1997 school year and thereafter, approved by the State Board of Elementary and Secondary Education shall not be required for a pupil progression plan.

(4)(x) The governing body of each school with students required by law or a rule of the State Board of Education to provide remediation for student promotion in the Louisiana Educational Assessment Program shall develop a policy with the participation and input of the committee provided for in this Subsection which shall, at a minimum, conform to any rule adopted by the State Board of Education to provide remediation for student promotion in the state study shall include, at a minimum, the offering of a summer school remediation program to for all students who do not meet the minimum achievement level necessary to be promoted without regression

Approved by the Governor, June 20, 2015.

A true copy:
R.Kyle Ardoin
Secretary of State
ACT No. 395

HOUSE BILL NO. 267
BY REPRESENTATIVE NORTON
AN ACT

To amend and reenact R.S. 15:905(A) and to enact R.S. 15:1110(D), relative to juvenile facilities; to authorize the establishment of arts-based programming at juvenile detention facilities operated by the office of juvenile justice or by any governmental, profit, nonprofit, private, or public agency; to provide for the funding of the arts-based programming; to provide for findings from studies conducted relative to arts-based programming for children in juvenile facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Arts-based programs have been shown to be effective in promoting positive youth development by teaching valuable skills such as logic, organizational teamwork, and patience and by incorporating the knowledge that “failure” is a critical element of discovery and learning. Studies have shown that integrating the creative arts into all learning experiences enhances academic, social, and personal developmental outcomes. Arts-based programs for juvenile offenders support the premise that participation in arts programming reduces risk factors that cause children to be more susceptible to problem behaviors and enhance positive factors that enable youth to lead productive lives by increasing communication skills, conflict management techniques, and positive peer association.

Section 2. R.S. 15:905(A) is hereby amended and reenacted and R.S. 15:1110(D) is hereby enacted to read as follows:

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

A. Except as otherwise provided by law, rules and regulations concerning oversight, accountability, and quality control of educational services delivered in state juvenile justice facilities, the Department of Public Safety and Corrections, office of juvenile justice, shall have full control of all juvenile institutions, facilities, and programs and shall adopt all rules and regulations which it deems essential to the proper conduct of these institutions, facilities, and programs. All children in these juvenile institutions, facilities, and programs shall receive appropriate treatment, training, and education, commensurate with their needs and abilities. In addition, the Department of Public Safety and Corrections, office of juvenile justice, may establish arts-based programming in these juvenile institutions, facilities, and programs which may include but is not limited to performing arts, visual arts, and other arts activities that enhance youth development. For the purposes of funding the arts-based programming, the deputy secretary of the office of juvenile justice is authorized to receive, by appropriation, gift, grant, donation, or otherwise, any sum of money, aid, or assistance from any person, firm or corporation, or any political subdivision of the state.

The department may enter into contracts or cooperative agreements to fulfill its obligations to accomplish its goals in the most efficient manner possible.

§1110. Detention standards; licensing; fees

D. Each juvenile detention facility licensed pursuant to this Section, including facilities owned or operated by any governmental, profit, nonprofit, private, or public agency, may establish arts-based programming in the facility which may include but is not limited to performing arts, visual arts, and other arts activities that enhance youth development. For the purposes of funding the arts-based programming, the facility owner or operator is authorized to receive, by appropriation, grant, donation, or otherwise, any sum of money, aid, or assistance from any person, firm or corporation, or any political subdivision of the state, the state of Louisiana, or any political subdivision of the state.

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

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ACT No. 396

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HOUSE BILL NO. 278
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 32:378.2(M) and to enact R.S. 32:378.2(N), relative to restricted driver's licenses; to authorize a credit towards suspension time or any reinstatement requirement for an individual whose driving privilege is restricted and whose vehicle is equipped with an ignition interlock device under certain circumstances; to provide for the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:378.2(M) is hereby amended and reenacted and R.S. 32:378.2(N) is hereby enacted to read as follows:

§378.2. Ignition interlock devices; condition of probation for certain DWI offenders; restricted license

M.(1) Any individual who installs an ignition interlock device, approved by the Department of Public Safety and Corrections, as a requirement of bail, as a part of a pre-trial diversion program, or a term of a suspended or deferred sentence as provided in Article 884 of the Code of Criminal Procedure, for an offense involving the operation of a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs and is arrested or subsequently convicted for such an offense, shall receive credit towards suspension time or any reinstatement requirement that may be imposed if any of the following occurs:

(a) The installation and monitoring of the ignition interlock device is reported to the Department of Public Safety and Corrections by the manufacturer to which subsection H of this Section.

(b) The individual whose driving privilege is restricted appears at an office of motor vehicles held office and is issued a renewed or duplicate driver's license that contains a restriction code indicating that any vehicle operated by the individual shall be equipped with an ignition interlock device.

(2) No credit towards suspension time or any reinstatement requirement shall be given if the manufacturer reports to the Department of Public Safety and Corrections that any combination of two of the following violations have occurred in a one-month period, including any repeat violation of the same type:

(a) Tampering with the device.

(b) Converting the device.

(c) Failure to bring the ignition interlock device in for required service.

(d) Failure to take or pass a re-test.

(e) Failure to pass a breath test.

(f) Use of the emergency override feature without justification.

(g) Unauthorized removal of the device.

(3) No credit towards suspension time or any reinstatement requirement shall be given if the individual is charged or arrested for any offense involving the operation of a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs or during the period in which the individual is required to have an ignition interlock device as a requirement of bail, a part of a pre-trial diversion program, or a term of a suspended or deferred sentence as provided in Article 884 of the Code of Criminal Procedure.

The Department of Public Safety and Corrections shall promulgate such rules and regulations as are necessary to implement the provisions of this Paragraph.

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

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ACT No. 397

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2019 Regular Session
HOUSE BILL NO. 319
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 22:1558(D), relative to the appointment of an insurance producer as an agent for an insurer; to provide for the registration of all individual producers with a business entity appointed as an agent for an insurer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1558(D) is hereby amended and reenacted to read as follows:

§1558. Appointments

D. If any producer is operating or intends to operate its business affairs as a limited partnership, limited liability partnership, limited liability corporation, or other business entity, the appointments in this Section may be issued by an insurer in the name of such the partnership, corporation, or other business entity if all persons in such the partnership, corporation, or other business entity actively engaged in soliciting, negotiating, or effecting contracts of insurance or renewals thereof also hold an active producer license issued in accordance with the provisions of this Subpart and are registered pursuant to R.S. 22:1546(B).

Approved by the Governor, June 20, 2019.

A true copy:
R.Kyle Ardoin
Secretary of State

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ACT No. 398

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To amend and reenact R.S. 17:236.3, relative to school attendance; to authorize city, parish, and other local public school boards and chartering authorities to adopt policies providing for student attendance at virtual schools for purposes related to habitual absence or tardiness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:236.3 is hereby amended and reenacted to read as follows:

§236.3. Virtual School; definition; attendance policies

A. “Virtual school” means a public school, including a charter school, which has a unique site code assigned by the state Department of Education and which delivers all or a majority of the instruction provided through the internet or other electronic medium such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher. This does not preclude the ability of the school to include traditional classroom-based instruction or to host face-to-face meetings, including field trips, extracurricular activities, or conferences between a student, parents, and teachers, or other related activities or events. However, a school that delivers all or a majority of the instruction provided through the internet or other electronic medium and requires students to be in daily attendance at a specified location to receive such instruction shall not be considered a virtual school.

B. (1) Each city, parish, or other local public school board may adopt a policy that defines attendance at a virtual school for purposes of compliance with R.S. 17:236.

(2) Each chartering authority may adopt in policy or include in charter agreements a definition of attendance at a virtual charter school which may include provisions for addressing excessive absences, such as parental notification, student engagement and withdrawal from the school for failure to attend, and referrals to child welfare and attendance officers and family and juvenile courts.

Approved by the Governor, June 20, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 399

HOUSE BILL NO. 328

BY REPRESENTATIVE JAY MORRIS

To enact R.S. 18:1461(D), relative to election offenses; to provide relative to bribery of voters; to provide for penalties; to allow for certain restitution to programs and agencies engaged in the administration of the programs of the department or when specifically authorized by law.

F. The following information shall not be subject to waiver and shall not be released to applicants, recipients, or delinquent sources, except those outside sources engaged in the administration of the programs of the department or when specifically authorized by law:

(7)(a)

(c) The department or a department contractor, with the written consent of the former foster child, may release information described in Paragraph (1) of this Subsection for the purpose of the education and training of foster youth children and former foster youth children or to assist the former foster child in providing his perspective or foster care experience, to the extent the department in its discretion believes that the release of such information is in the best interest of the former foster child and is allowed by federal law. The information shall not include the identity of the birth parents or birth siblings of a former foster child or any information regarding the identity of the reporter in the case of abuse or neglect.

SUBPART D-4. EXTENDED FOSTER CARE PROGRAM

§288.1. Short title

This Subpart shall be known and may be cited as the “Extended Foster Care Program.”

§288.2. Definitions

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

(1) “Court” means the court that exercised juvenile jurisdiction over the child in need of care proceedings involving the youth prior to his eighteenth birthday.

(2) “Department” means the Department of Children and Family Services.

(3) “Youth” means an individual who is adjudicated as a child in need of care, was in foster care in the department’s custody on the day before his eighteenth birthday, and is at least eighteen years of age but less than twenty-one years of age.

§288.3. Eligibility; notice

A. If a youth chooses to participate in extended foster care services and meets one of the following conditions for eligibility:

(1) Completing secondary education or a program leading to an equivalent credential.

(2) Enrolled in an institution that provides postsecondary or vocational education.

(3) Participating in a program or activity designed to promote employment or remove barriers to employment.

(4) Employed for at least eighty hours per month.

(5) Is incapable of doing any part of the activities in Paragraphs (1) through (4) of this Subsection due to a medical condition. A medical condition invoked pursuant to this Paragraph shall be documented and supported by regularly updated information in the youth’s case plan.

B. The department shall notify all foster children and their foster parents or other custodians in writing of the availability of these benefits and services upon the foster child’s seventeenth birthday and every ninety days thereafter until the child’s eighteenth birthday unless the foster child and foster parents or other custodians have already consented in writing to participation in this program.

§288.4. Extended foster care voluntary placement agreement

A. To provide for extended stay in foster care while in a transitional placement program; to provide for an extended foster care program; to provide for program eligibility; to provide for a voluntary placement agreement; to provide for a written court report; to provide for court jurisdiction; to provide for internal administrative reviews; to provide for program participation termination; to provide for extension of an agreement for guardianship subsidy; to provide for rulemaking; to provide for the repeal of extended foster care for high school students; and to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The chapter heading of Chapter 3 of Title III of the Children’s Code and the heading of Children’s Code Art. 303 are hereby amended and reenacted and Children’s Code Art. 303(12) is hereby enacted to read as follows:

CHAPTER 3. JURISDICTION OVER CHILDREN, YOUTH, AND MINORS

ART. 303. Exclusive jurisdiction over children, youth, and minors; exceptions

A. A court exercising juvenile jurisdiction shall have exclusive original jurisdiction over:

* * *

(12) Extended foster care proceedings as provided for by R.S. 46:288.1 et seq., to review the written report and make a determination whether it is in the youth’s best interest to continue in extended foster care in a voluntary placement. For purposes of this Paragraph, “youth” shall have the same meaning as provided in R.S. 46:288.7.

Section 2. R.S. 46:56(F)(7)(c) and 1403.1 are hereby amended and reenacted and Subpart D-4 of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:288.1 through 288.10, is hereby enacted to read as follows:

§288. Applications and client case records; definitions; confidentiality; waiver; penalty

* * *

F. The following information shall not be subject to waiver and shall not be released to applicants, recipients, or delinquent sources, except those outside sources engaged in the administration of the programs of the department or when specifically authorized by law:

(7)(a)

(c) The department or a department contractor, with the written consent of the former foster child, may release information described in Paragraph (1) of this Subsection for the purpose of the education and training of foster youth children and former foster youth children or to assist the former foster child in providing his perspective or foster care experience, to the extent the department in its discretion believes that the release of such information is in the best interest of the former foster child and is allowed by federal law. The information shall not include the identity of the birth parents or birth siblings of a former foster child or any information regarding the identity of the reporter in the case of abuse or neglect.
include, at a minimum, the following:

1. The obligation for the youth to continue to meet the conditions for eligibility set forth in R.S. 46:288.3(A) for the duration of the voluntary foster care agreement.

2. Any obligation considered necessary by the department for the youth to continue to receive extended foster care services if the youth is eligible for those services.

3. Any obligation considered necessary by the department to facilitate the youth's continued success in the program.


5. The voluntary nature of the youth's participation in receiving extended foster care services.

6. The opportunity for a fair hearing if the youth believes that he has been denied extended foster care services or that his request has not been acted upon with reasonable promptness.

B. Once the department determines that a youth is eligible and the youth signs the extended foster care voluntary placement agreement, the department may provide extended foster care services to the youth in accordance with this Subpart.

C. Acceptance of these benefits and services shall in no way deprive the youth in foster care of any rights or obligations conferred by attaining the age of majority.

§288.5. Written court report; filing
Within one hundred fifty days after the extended foster care voluntary placement agreement is signed, the department shall file with the court a written report that shall contain all of the following:

(1) The youth's name, date of birth, race, gender, and current address.

(2) A statement of facts that constitutes the extended foster care voluntary placement agreement and includes both of the following:

(a) The reasonable efforts made to achieve the permanency goal of independence for the youth.

(b) The reasons why it remains in the youth's best interests to continue in extended foster care in a voluntary placement.

(2) A copy of the signed extended foster care voluntary placement agreement.

(3) Any other information the department or the youth wants the court to consider.

§288.6. Jurisdiction; findings; closure of court case
A. The court has jurisdiction to review the written report and make a determination whether it is in the youth's best interest to continue in extended foster care in a voluntary placement.

B. Upon filing of the written report set forth in R.S. 46:288.5, the court shall open an extended foster care case for the purpose of determining whether continuing in extended foster care in a voluntary placement is in the youth's best interest. The court shall make a determination no later than twenty-one days after the date the report was filed.

C. Following the court's determination of whether continuing in extended foster care in a voluntary placement is in the youth's best interest, the court shall close the extended foster care case and the department shall provide extended foster care services to the youth in accordance with this Subpart.

§288.7. Internal administrative reviews
The department shall conduct internal administrative reviews not less than once every one hundred eighty days to determine the status of the following:

1. The youth's safety.

2. Continuing necessity and appropriateness of placement.

3. Extent of compliance with the case plan.

4. Projected date when the youth may no longer require extended foster care services.

§288.8. Termination
A. A youth may choose to terminate the extended foster care voluntary placement agreement and stop receiving extended foster care services at any time.

B. If at any time, the department determines that the youth is not in compliance with the extended foster care voluntary placement agreement or any program requirements, the department may terminate the extended foster care in the youth and stop providing extended foster care services to the youth. The department shall provide written or electronic notice to the youth regarding termination of the extended foster care voluntary placement agreement and the youth's participation in the program.

§288.9. Extension of subsidy
Notwithstanding any other provision of law, the department may extend an adoption or guardianship subsidy to the adoptive parent or guardian with whom the department established a subsidy arrangement for a youth who initially was adopted from or entered guardianship from foster care and began receiving the adoption or guardianship subsidy after age sixteen, but prior to age eighteen, if the adoptive parents or guardians were financially responsible for the youth and the youth meets the same criteria for eligibility set forth in R.S. 46:288.3 to participate in the state's extended foster care program.

§288.10. Rulemaking
The department shall promulgate and enforce any rules and regulations as are necessary to implement the provisions of this Subpart in accordance with the Administrative Procedure Act.

§1403.1. Extended stay for completion of educational courses or other programs
Notwithstanding any other provision of law to the contrary, a child housed at a residential home, transitional placing program, or in foster care may stay at such home, transitional placing program, or in foster care until his twenty-first birthday to complete any educational course that he began at a residential home, transitional placing program, or in foster care but not limited to a General Education Development course and while participating in the extended foster care program set forth in R.S. 46:288.1 et seq., or any other program offered by the residential home.

* * *

Section 3. R.S. 46:286.24 is hereby repealed.

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

Approved by the Governor, June 19, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

SONATE BILL NO. 172
Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact Civil Code Arts. 96, 367, and 2333, R.S. 9:221, 253, and 255, and Children's Code Arts. 1545, 1547, and 1548, and to enact Civil Code Art. 90.1, relative to marriage; to provide for parental consent for a minimum age for marriage; to provide for judicial limitations and authorization; to provide certain terms, conditions, procedures, requirements, effects, and prohibitions; to provide for evidence of human trafficking, sexual assault, domestic violence, coercion, duress or undue influence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 96, 367 and 2333 are hereby amended and reenacted and Civil Code Art. 90.1 is hereby enacted to read as follows:

Art. 90.1. Impediment of age

A minor under the age of sixteen may not contract marriage. A minor sixteen or seventeen years of age may not contract marriage with a person of the age of majority where there is an age difference of three years or greater between them.

Art. 96. Civil effects of absolutely null marriage; putative marriage

An absolutely null marriage nevertheless produces civil effects in favor of a party who contracted it in good faith for as long as that party remains in good faith. When the cause of the nullity is one party's prior undismissed marriage, the civil effects continue in favor of the other party, regardless of whether the latter remains in good faith, until the marriage is pronounced null or the latter party contracts a valid marriage. When the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties. An absolute null marriage is considered the nullity of marriage is not greater than the age of majority of either party, a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties. A purported marriage between parties of the same sex does not produce any civil effects.

Art. 367. Emancipation by marriage

A minor sixteen or seventeen years of age is fully emancipated by marriage. Termination of the marriage does not affect emancipation by marriage. Emancipation by marriage may not be modified or terminated.

Art. 2333. Minors

Unless fully emancipated, a minor A minor under the age of sixteen may not enter into a matrimonial agreement. A minor sixteen or seventeen years of age may not enter into a matrimonial agreement without judicial authorization and the written concurrence of his father and mother, or of the parent having his legal custody, or of the tutor of his person.

Section 2. R.S. 9:221, 253, and 255 are hereby amended and reenacted to read as follows:

§231. Authority to issue marriage license
A. A license authorizing an officiant to perform a marriage ceremony must be issued by:

(1) The registrar of vital records, or a judge of the city court, in the Parish of Orleans;

(2) The clerk of court, in any other parish; or

(3) A district judge, if the clerk of court is a party to the marriage.

B. No marriage license for a minor under the age of sixteen shall be issued. No marriage license for a minor of the age of sixteen or seventeen shall be issued where there is an age difference of three years or greater between the persons seeking the marriage license.

§253. Disposition and recordation of marriage certificates
A. The officiant shall give one copy of the marriage certificate to the married parties. Within ten days after the ceremony, he shall file the other two copies of the certificate of marriage with the clerk of court who issued the marriage certificate.

* * *

Approved by the Governor, June 19, 2019.
marriage license.
B. Upon receipt of these copies, this officer shall sign them and note thereon the date the certificate was ordered by him.
C. The clerk of court shall forward to the state registrar of vital records, on or before the fifteenth day of each calendar month, all of the following:
   (1) One copy of each certificate of marriage filed with him during the preceding calendar month.
   (2) A copy of the application of marriage which indicates the dates of birth of the husband and wife if either the husband or the wife is a minor.

§255. Tabulation of marriage statistics; annual report
A. The state registrar of vital records shall annually prepare, from the information filed with him under the provisions of R.S. 9:224 and 9:252, abstracts and tabular statements of the facts relating to marriages in each parish, and embody them, with the necessary analysis, in his annual report to the state. His annual report to the state shall include a state of marriage report.
B. The annual state of marriage report shall include the number of minors married in each parish, the number of marriages approved by parental consent, and the number of marriages approved by judicial authorization.
C. The annual state of marriage report shall be submitted to the speaker of the House of Representatives and the president of the Senate.

Section 3. Children's Code Arts. 1545, 1547, and 1548 are hereby amended and reenacted to read as follows:

Art. 1545. Necessary consent; parents; judicial authorization
A. An officiant may not perform a marriage ceremony in which a minor sixteen or seventeen is a party unless the minor has judicial authorization and the written consent to marry of either:
   (1) Both of his parents.
   (2) The tutor of his person.
   (3) A person who has been awarded custody of the minor.
B. The juvenile court as provided in Article 1547.
C. The judge shall require that both the prospective husband and prospective wife be present for the hearing and there shall be a separate in camera interview of the prospective spouses.
D. The judge shall require that both the prospective husband and prospective wife be present for the hearing and there shall be a separate in camera interview of the prospective spouses.

Art. 1547. Hearing; confidentiality; best interest of the minor prospective spouse
A. Upon application by the minor, a minor of the age of sixteen or seventeen, the judge may authorize the marriage when there is a compelling reason why the marriage should take place. The court shall consider the best interest of the minor prospective spouse.
B. The court shall hear a request for authorization for a minor to marry in chambers.
C. In determining the best interest of the minor prospective spouse, the court shall consider all of the following:
   (1) Pregnancy of the prospective wife.
   (2) If the prospective spouses are already living together.
   (3) Housing and living conditions prior to the prospective marriage and where the prospective spouses intend to live after the marriage.
   (4) The ages of the prospective spouses.
   (5) The age differential between the prospective spouses.
   (6) How the prospective spouses came to know each other.
   (7) The stated reasons why each of the prospective spouses desires to marry one another.
   (8) Consent of mother, father, or person having legal custody of the minor.
   (9) The judge may require evidence of proof of residency, educational attainment, juvenile offense history, or criminal history to be produced.
   (10) The judge shall conduct an inquiry to determine if there exists any evidence that the minor is a victim of human trafficking, sexual assault, domestic violence, coercion, duress, or undue influence. In conducting the inquiry, the judge shall ask all of the following questions:
      (1) Whether one prospective spouse is in a position of authority over the other in a constructive or special sense.
      (2) Previous marriage or marriages of either of the prospective spouses.
      (3) Residency and length of residency of the prospective spouses.
      (4) How long the prospective spouses have known each other.
      (5) Length of relationship between the prospective spouses.
      (6) Any evidence of kidnapping, sexual assault, or domestic violence between the prospective spouses.
      (7) Whether one of the prospective spouses was the victim of a sexual offense committed by the other prospective spouse.
      (8) Evidence of domestic violence, sexual assault, or sexual offenses committed by either of the prospective spouses upon anyone.
      (9) Criminal history of the prospective spouse.
      (10) Whether either prospective husband or wife provided or promised a third party money or other consideration in exchange for the prospective marriage.
      (11) Evidence of maturity and sufficiency of the prospective spouses through educational attainment or employment.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in **italics** are additions from existing law; words in _underlined_ (House Bills) and _boldfaced_ (Senate Bills) are additions.
student shall meet all of the following requirements:

§3050.3. Administration
The GO-Youth ChalleNGe Program shall be under the administration of the Louisiana Student Financial Assistance Commission Board of Regents, through the office of student financial assistance, which shall prescribe appropriate rules and regulations applicable thereto in accordance with the provisions of this Title.

§3050.4. Funding

D. Implementation of the Grant Opportunity for GO-Youth ChalleNGe Skills Training Program shall be subject to the availability of funds for this purpose.

Section 2. This Act shall become effective on August 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2019, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 19, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

--- ACT No. 403 ---

SENATE BILL NO. 242 (Substitute of Senate Bill No. 179 by Senator Allain)
BY SENATOR ALLAIN AND REPRESENTATIVES BAGLEY, BARRAS, BOURIAUQE, TERRY BROWN, CARMODY, CREWS, FOIL, HORTON, MCFARLAND, MCMAHON, VANCE, MORRIS AND PLYANT

AN ACT

To enact R.S. 30:127(H), relative to mineral royalties; to provide for mineral leases; to provide for security interests on royalties of oil and gas produced on state lands; to provide for terms, conditions, procedures, requirements, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:127(H) is hereby enacted to read as follows:

§127. Opening bids; minimum royalties; terms of lease; deposit; security

H. The board may include in any lease entered into by the state, any state agency, or any political subdivision after July 1, 2019, a clause which grants a continuing security interest in and to all as-extracted collateral attributable to, produced, or to be produced, from the leased premises or from lands pooled or unitized therewith, as security for the prompt and complete payment and performance of the lessee's obligation to pay royalties or other sums of money that may become due under the lease, as contemplated by the Uniform Commercial Code.

The board may subordinate the state's security interest in any amounts in excess of the royalties and other sums due to the state, to the security interest of one or more lenders. However, no less than thirty days prior to entering into the first lease that contains a clause granting a continuing security interest under the provisions of this Section, the board shall submit the proposed clause language to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for review.

Approved by the Governor, June 19, 2019.
A true copy:
R. Kyle Ardoin
Secretary of State

--- ACT No. 404 ---

SENATE BILL NO. 181
BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS
Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 13:998(B) and (C), 1141(B), and 1414(B), R.S. 15:122A(A), (B), and (C), R.S. 17:1519.6(A), R.S. 39:2308.5(B)(3) and (4) as amended by Section 24 of Act No. 612 of the 2018 Regular Session of the Legislature; Section 1 of Act No. 612 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(E) as amended by Section 1 of Act No. 260 of the 2017 Regular Session of the Legislature and by Act No. 137 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(F) as amended by Section 19 of Act No. 612 of the 2018 Regular Session of the Legislature and by Act No. 124 of the 2018 Regular Session of the Legislature, and to repeal R.S. 49:308.5(B) as amended by Section 24 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 39:100.28 and 100.41, and R.S. 49:308.5(B) as amended by Section 16 of Act No. 612 of the 2018 Regular Session of the Legislature, relative to certain funds in the state treasury; and to provide for the reclassification of... funds in the state treasury; to provide for the elimination of certain treasury funds and the creation of certain statutorily dedicated fund accounts containing fees and self-generated revenues; to provide for the conversion of certain dedicated fund accounts containing fees and self-generated revenues; to provide for the deposit and crediting of such funds into certain statutorily dedicated fund accounts in the state treasury; to provide that statutorily dedicated fund accounts shall be presented as a distinct means of finance in the executive budget; to provide for the use of such funds in the state treasury; and to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide relative to the plan of review of certain special funds, dedications, and statutorily dedicated fund accounts; to provide for the review of certain special funds and dedications in the state treasury, including those containing fees and self-generated revenues, by the Director of the Budget; to provide for the plan of review of certain...
of children and family services in the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and other provisions of law, the legislature may appropriate an amount equal to that deposited as required by Subsection A hereof to the fund in accordance with the provisions of this Section. Such borrowing shall be used exclusively by the Louisiana Commission on Law Enforcement to administer a grant program to assist local public and private nonprofit agencies involved in drug abuse prevention and treatment in developing drug abuse and treatment programs. In no case shall the commission allocate from the fund account such monies as are necessary in administering this grant program.

§1141. Domestic Relations Section: nonrefundable fee; assessment and disposition

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this fund account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund account following compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the office of children and family services in the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.

§1144. Nonrefundable fee; assessment and disposition

B. The clerk of the 19th Judicial District Court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special statutorily dedicated fund account after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this fund account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund account following compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the office of children and family services in the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.

Section 5. R.S. 17:1519.6(A) is hereby amended and reenacted to read as follows:

§17:1519.6(A) Funding and budget

A. The health care services division shall be an organizational unit within the LSU HSC-NO and shall be budgeted as a single appropriation separate and distinct from the appropriation or budget for any other institution or school under the supervision and management of the board. The appropriation for the health care services division shall only indicate the amount of state general fund dollars appropriated to this schedule and shall exclude state general funds for Medicaid and Medicaid Uncompensated Care. All other funds generated by hospital operations shall be deposited directly into the appropriate special fund. Appropriations requests returned from this revenue division to other institutions, schools, or divisions under the management of the board shall not be used to offset any deficit which may occur within the health care services division, and, conversely, funds from the health care services division shall not be used to offset any deficit which may occur within the other institutions, schools, or divisions under the management of the board.

Section 6. R.S. 23:1514(D)(5) as amended by Section 7 of Act No. 612 of the 2018 Regular Session is hereby amended and reenacted to read as follows:

§1514. Worker training fund; purpose; training programs; eligibility criteria; program administration

D.(1) (5) The administrator may annually set aside an amount up to ten percent of the amount appropriated to the fund by the state legislature for preemployment training in any year in which the legislature appropriates funds for training equal to or exceeding those funds appropriated in the previous year from the special account shall be made for any purpose for which general funds were appropriated in the previous year unless the total appropriations for that fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year.

§1411. Nonrefundable fee; assessment and disposition

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special fund called the "Fiscal Administrator Revolving Loan Fund". Monies deposited into the fund shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriations bills and shall be available for annual appropriation by the legislature.

§1222. Drug Abuse Education and Treatment Dedicated Fund Account: creation; purpose

A. The Drug Abuse Education and Treatment Dedicated Fund Account, hereinafter referred to as the "fund", is hereby created as a special statutorily dedicated fund account in the state treasury. Such borrowing shall be used exclusively by the Louisiana Commission on Law Enforcement to administer a grant program to assist local public and private nonprofit agencies involved in drug abuse prevention and treatment in developing drug abuse and treatment programs. In no case shall the commission allocate from the fund account such monies as are necessary in administering this grant program.

Section 8(A) R.S. 39:1357 is hereby amended and reenacted to read as follows:

§1357. Fiscal Administrator Revolving Loan Fund

A. There is hereby established a revolving fund in the state treasury to be known as the "Fiscal Administrator Revolving Loan Fund", hereinafter referred to as the "fund", which shall be maintained and operated by the Department of the Treasury. The source of monies deposited in and credited to the fund shall be all grants, gifts, and donations received by the state for the preparation for and response to an emergency or declared disaster. The interest earned by the fund may not be utilized to provide bridge funding in anticipation of reimbursements from the federal government or other source. Any reimbursement received for expenses paid from the fund shall be returned to and deposited into the fund. Transfers of monies from the fund may be made from one agency to another prior to obtaining approval by the Joint Legislative Committee on the Budget in the event of an emergency and if certified by the commissioner of administration to the governor that any delay in the expenditure of such funds would be detrimental to the health and safety of the state and its citizens. The Joint Legislative Committee on the Budget shall be notified in writing of such declaration and shall meet to consider such action, but if it is found by the committee that such funds were not needed for an emergency expenditure, such approval may be withdrawn and any balance remaining shall be returned to the fund.

Monies in the fund may be borrowed by the commissioner of administration with the approval of the Joint Legislative Committee on the Budget.

Section 4. R.S. 15:1224 (A), (B), and (C) are hereby amended and reenacted to read as follows:

"§1224. Drug Abuse Education and Treatment Dedicated Fund Account: creation; purpose

A. The Drug Abuse Education and Treatment Dedicated Fund Account, hereinafter referred to as the “fund”, is hereby created as a special statutorily dedicated fund account in the state treasury. Such borrowing shall be used exclusively by the Louisiana Commission on Law Enforcement to administer a grant program to assist local public and private nonprofit agencies involved in drug abuse prevention and treatment in developing drug abuse and treatment programs. In no case shall the commission allocate from the fund account such monies as are necessary in administering this grant program.
shall be subject to the approval of:

(1) The legislative auditor, the attorney general, and the state treasurer.

(2) The fiscal administrator, if one has been appointed by the court.

(3) The district court having jurisdiction over the fiscal administration.

(4) The State Bond Commission.

D. The monies in the fund shall be appropriated and used only for the purpose of providing financial assistance to a political subdivision for which a court has appointed a fiscal administrator as provided in this Chapter by providing a source of funds from which the political subdivision may borrow in order to pay the costs and expenses associated with the independent fiscal administration of the political subdivision, including but not limited to the costs of recruiting and retaining the fiscal administrator, the attorney general, the state treasurer, and any other persons engaged in connection with the independent fiscal administration.

E. Each loan shall be evidenced by a bond, note, or other evidence of indebtedness authorized by the provisions of Subsection A of this Section, and any agreements in connection with the operation of the fund and the administration of the fund that the Department of the Treasury deems necessary and prudent to be performed by the governing body and officials of any borrower hereunder and in any proceedings authorizing the issuance of such bonds or other evidences of indebtedness authorized thereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the bonds, notes, or other evidence of indebtedness authorized for the security and payment thereof or of the bonds, notes, or other evidence of indebtedness authorized for the security and payment thereof and the legality thereof, and all of the provisions of the resolution or ordinance and the evidence of indebtedness shall be conclusively presumed, and no court shall have jurisdiction to inquire into any proceedings, acts, or matters in any manner affecting or turning upon the evidence of indebtedness shall be conclusively presumed, and no court shall have jurisdiction to inquire into any proceedings, acts, or matters in any manner affecting or turning upon the nature or terms of the mortgage, deed of trust, bond, note, or other evidence of indebtedness.

F. All resolutions or ordinances authorizing the issuance of bonds, notes, or other evidence of indebtedness of a political subdivision hereunder shall be published once in the official journal of the borrower. It shall not be necessary to hold any public hearing in connection with such resolutions or ordinances, but such exhibits shall be made available for public inspection at the offices of the governing authority of the borrower at reasonable times and such facts shall be stated in the publication. For a period of thirty days after the date of such publication, any person may contest the legality thereof by suit, action, mandamus, or other proceeding. If no suit, action, or proceeding is begun contesting the validity of the bonds, notes, or other evidence of indebtedness authorized for the security and payment thereof, and the legality thereof, and all of the provisions of the resolution or ordinance and the evidence of indebtedness shall be conclusively presumed, and no court shall have jurisdiction to inquire into any proceedings, acts, or matters in any manner affecting or turning upon the evidence of indebtedness authorized for the security and payment thereof or of the bonds, notes, or other evidence of indebtedness authorized for the security and payment thereof and the legality thereof, and all of the provisions of the resolution or ordinance and the evidence of indebtedness shall be conclusively presumed, and no court shall have jurisdiction to inquire into any proceedings, acts, or matters in any manner affecting or turning upon the evidence of indebtedness authorized for the security and payment thereof.

G. The Department of the Treasury may by suit, action, mandamus, or other proceedings, protect and enforce any covenant relating to and the security provided in connection with any indebtedness issued pursuant to this Section, and may by suit, action, mandamus, or other proceedings enforce and compel performance of all of the duties required to be performed by the governing body and officials of any borrower hereunder and in any proceedings authorizing the issuance of such bonds or other evidences of indebtedness authorized for the security and payment thereof.

H. The Fiscal Administrator Revolving Loan Fund shall be expended in a manner consistent with the terms and conditions of the loans made from the fund.

I. The repayment of principal of and interest on loans and other obligations made to political subdivisions financed from the Fiscal Administrator Revolving Loan Fund shall be paid from the funds of the political subdivisions to be paid from the funds of the political subdivisions.

J. The Department of the Treasury shall be authorized to enter into contracts and other agreements in connection with the operation of the fund and the department is authorized to adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

K. By the 30th day of the calendar month, the commissioner of administration and the treasurer shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

L. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

M. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

N. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

O. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

P. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

Q. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

R. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

S. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

T. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

U. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

V. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

W. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

X. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

Y. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

Z. The commissioner of administration shall notify any agency or entity receiving an appropriation from a special fund, dedication, or statutorily dedicated fund account to be reviewed each year.

Section 11. R.S. 49:308.3(B)(3) and (4), (C)(1), the introductory paragraph of (C)(3), and R.S. 3:2364(E), hereby amended and reenacted to read as follows: §308.5. Legislative review and recommendation on special funds and dedication of money.

B.(1) (3a) No later than October 1st, 2019, and every two years thereafter, the division of administration shall submit a plan of all special funds and dedications that contain fees and self-generated revenues of the special dedicated funds in law as of the date of the submission of the plan to the Joint Legislative Committee on the Budget. The division of administration shall submit the special dedicated funds in law as of the date of the submission of the plan to the Joint Legislative Committee on the Budget shall review the plan and may add special funds to the plan submitted by the division of administration prior to the Committee of the Joint Legislative Committee on the Budget, hereinafter referred to as “the subcommittee”, shall meet and review each dedicated fund that contains fees and self-generated revenues prior to January 15, 2020.

(b) On or before February 1, 2020, and every four years thereafter, the state treasurer’s office shall submit a list of all dedicated funds and statutorily dedicated fund accounts in law as of the date of the submission of the list, to the Joint Legislative Committee on the Budget.

(c) The Joint Legislative Committee on the Budget shall review each submitted list and add special funds and statutorily dedicated fund accounts to the lists submitted by the state treasurer’s office.

(d) The Joint Legislative Committee on the Budget shall ensure that no two consecutive plans have been approved, all special funds established by the legislature shall be reviewed by the Joint Legislative Committee on the Budget, and the joint committee shall review each submitted plan at least once in the previous four years. All statutorily dedicated fund accounts, will have been included in the list and reviewed at least once every four years.

(4) Once the plan for review of the special funds is approved by the Joint Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the budget, hereinafter referred to as “the subcommittee”, shall meet and review each dedicated fund that contains fees and self-generated revenues prior to January 15, 2020.

C.(1) No later than fifteen days after after the approval of the plan by the Joint Legislative Committee on the Budget, the subcommittee shall cause to be posted on the website of the Louisiana Legislature, notification of a schedule of funds, dedications, and statutorily dedicated fund accounts to be reviewed each year.

The Joint Legislative Committee on the Budget shall have the authority to amend the schedule. Additionally, the Joint Legislative Committee on the Budget shall notify the commissioner of administration and the state treasurer of the hearing.

E. No later than February 15, 2019, and every two years thereafter, the Joint Legislative Committee on the Budget shall report the findings and recommendations of each biennial review to the presiding officer of each house of the legislature for electronic distribution to each member of the legislature, the governor, the treasurer, and the commissioner of administration.

Section 12. R.S. 51:2315(A) as amended by Section 17 of Act No. 612 of the 2018 Regular Session is hereby amended and reenacted to read as follows: (A)(1) Louisiana Economic Development - Debt Service and State Commitments.

A. There is hereby established within the state treasury a fund to be known as the “Louisiana Economic Development Fund”. All monies received by the corporation shall be deposited to the account of the Louisiana Economic Development Fund. Monies received by the corporation pursuant to Section 10 and R.S. 49:308.3(A) shall be used solely for the Louisiana FastStart Program Louisiana Economic Development - Debt Service and State Commitments.
Section 13. R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

$279. Louisiana Alligator Resource Dedicated Fund Account

* * *

C.(1) Except as otherwise provided by law, all revenues received from the state from the Louisiana Alligator Resource Dedicated Fund Account, as established by Act No. 612 of the 2018 Regular Session of the Legislature, on alligator hunters, alligator farmers, alligator shipping label fees on the sale of alligators, all revenues derived from the sale of alligators, alligator skins, or alligator eggs harvested from department-administered lands, all fees derived from alligator lottery harvest programs on department-administered lands, and all revenues derived from any other alligator-related fees and from the severance tax on alligator skins provided for in R.S. 56:2536 shall be credited by the state treasurer to a special account designated as the “Louisiana Alligator Resource Dedicated Fund Account” after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable with interest from all accounts credited from sources provided for in this Section and other sources as provided by law. Monies deposited into this account shall be categorized as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference, and prior to monies being placed in the state general fund, the treasurer provisions:

hereby amended and reenacted to read as follows:

Section 17. The provisions of R.S. 39:100.26 and 100.41 are hereby repealed in their entirety.

Section 19. Notwithstanding the provisions of Act No. 612 of the 2018 Regular Session, the following funds which were converted to accounts in Act No. 612 of the 2018 Regular Session shall be considered as statutorily dedicated fund accounts containing fees and self-generated revenues, as follows:

(A) The Sex Offender Registry Technology Fund created in R.S. 32:2412 shall be renamed the Sex Offender Registry Technology Dedicated Fund Account.

(B) The Louisiana Bicycle and Pedestrian Safety Fund created in R.S. 32:292 shall be renamed the Louisiana Bicycle and Pedestrian Safety Dedicated Fund Account.

(C) The Motorcycle Safety, Awareness, and Operator Training Program Fund created in R.S. 32:4412 shall be renamed the Motorcycle Safety, Awareness, and Operator Training Program Dedicated Fund Account.

(D) The Municipal Fire and Police Civil Service Operating Fund created in R.S. 22:176 shall be renamed the Municipal Fire and Police Civil Service Operating Dedicated Fund Account.

(E) The Proprietary School Student Protection Fund created in R.S. 17:3141.16 shall be renamed the Proprietary School Student Protection Dedicated Fund Account.

(F) The Sex Offender Registry Technology Fund created in Code of Criminal Procedure Article 895.1 shall be renamed the Sex Offender Registry Technology Dedicated Fund Account.

(G) The Youthful Offender Management Fund created in R.S. 15:921 shall be renamed the Youthful Offender Management Dedicated Fund Account.

(H) The Louisiana State Law Institute is hereby directed, pursuant to its authority in R.S. 24:253, to correct any reference in any Code or the Louisiana Revised Statutes of 1950 to reflect the changes to the funds and accounts listed in Subsection A of this Section.

Section 20. The provisions of this Section and Sections 11 and 17 shall become effective on July 1, 2019; if vetoed by the governor and subsequently approved by the legislature, this Section and Sections 11 and 17 shall become effective on July 1, 2019. The provisions of Sections 1 through 10, 12 through 16, 18, and 19 of this Act shall become effective on July 1, 2020. If vetoed by the governor and subsequently approved by the legislature, Sections 1 through 10, 12 through 16, 18, and 19 of this Act shall become effective on July 1, 2020.

Approved by the Governor, June 20, 2019.

A true copy:

R.Kyle Ardoin
Secretary of State

ACT No. 405

SENATE BILL NO. 33

BY SENATORS THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 33:9033, relative to tax increment financing; to provide for exceptions to the use of state tax increments for the expansion of certain projects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9033 is hereby amended and reenacted to read as follows:

§9033. Sales tax increment financing

A. A local governmental subdivision may issue revenue bonds payable solely from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision, to finance or refinance an economic development project or any part thereof or to pay all or a portion of the costs of an economic development project as specified in R.S. 9033:9035. Sales tax increment financing shall consist of that portion of state sales tax revenues for any or all taxing authorities, except for the state of Louisiana and any political subdivision whose boundaries are coterminous with the state of Louisiana, collected each year on the sale at retail, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, from taxpayers located within an economic development area which exceeds the sales tax revenues that were collected for such taxing authority in the year immediately prior to the year in which the area was designated as an economic development area. Dedication of sales tax increments to pay the revenue bonds shall not impair existing obligations and shall not include tax revenues previously dedicated for a special purpose.

B. Notwithstanding the provisions of Subsection A of this Section, the prohibition respecting the use of state sales tax increments for purposes of sales tax increment financing shall not apply to:
(1) An economic development project that was approved by the Joint Legislative Committee on the Budget before April 1, 1995, or any expansion of the project scope or extension of the use of the state sales tax for such economic development project.

(2) An economic development program that was acted upon by resolution or ordinance of a local governmental subdivision before June 1, 1995, and submitted for approval in writing to the Joint Legislative Committee on the Budget before July 1, 1995, or any expansion of the project scope or extension of the use of the state sales tax for such economic development program.

(3) Any expansion of the project scope or extension of the use of the state sales tax for an economic development project or program for which the cooperative endeavor agreement initially authorizing the state sales tax increment was executed before July 1, 1997, and did not expire on or before August 1, 2019, provided that the state sales tax increment shall not be extended beyond December 31, 2023.

Section 2. This Act shall not supersed the provisions of Act 435 of the 2006 Regular Session of the Legislature.

Approved by the Governor, June 20, 2019.

R. Kyle Ardoin Secretary of State

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ACT No. 406

SENATE BILL NO. 71
BY SENATOR CARTER
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact Code of Civil Procedure Art. 192.2, and to amend and reenact R.S. 46:2134(A), relating to interpreters in certain civil proceedings; to provide for appointment of an interpreter for a non-English-speaking person who is a principal party in interest or a witness; to provide relative to the appointment of an interpreter in civil proceedings; to provide relative to costs; to provide for procedures and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted as follows:

Art. 192.2. Appointment of interpreter for non-English-speaking persons

A. If a non-English-speaking person who is a principal party in interest or a witness in a proceeding before the court has requested an interpreter; a judge shall appoint, after consultation with the non-English-speaking person or his attorney, a competent interpreter to interpret or to translate the proceedings to him and to interpret or translate his testimony.

B. The court shall order reimbursement payment to the interpreter for his services at a fixed reasonable amount, and that amount shall be taxed by the court as costs of court to be reimbursed to the fund.

C. In a proceeding alleging abuse under R.S. 46:2134 et seq., an interpreter if necessary shall be appointed prior to a rule to show cause hearing.

Section 2. R.S. 46:2134(A) is hereby amended and reenacted to read as follows:

§2134. Petition

A. A petition filed under the provisions of this Part shall contain the following:

(1) The name of each petitioner and each person on whose behalf the petition is filed, and the name, address, and parish of residence of each individual alleged to have committed abuse, if known; if the petition is being filed on behalf of a child or person alleged to be incompetent, the relationship between that person and the petitioner.

(2) The facts and circumstances concerning the alleged abuse.

(3) The relationship between each petitioner and each individual alleged to have committed abuse.

(4) A request for one or more protective orders.

(5) If desired, a request for a competent interpreter for a non-English-speaking principal party or witness to the proceeding.

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 20, 2019.

R. Kyle Ardoin Secretary of State

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ACT No. 408

SENATE BILL NO. 138
BY SENATORS GATTI, BARROW, CARTER, COLOMB, HENSGENS, MILLS, PEACOCK, GARY SMITH AND WHITE AND REPRESENTATIVES ADAMS, AMEDDEE, ANDERS, CREWS, GISCLAIR, HILL, HORTON, JEFFERSON, LACOMBE, MAGUE, MCMAHEN, THOMAS, WHITE AND ZERINGUE

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

AN ACT

To amend and reenact R.S. 32:681 and to enact R.S. 32:681(E), (F), and (G), relative to postaccident drug testing under certain circumstances involving serious bodily injury; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:681 is hereby amended and reenacted and R.S. 32:681(E), (F), and (G) are hereby enacted to read as follows:

§681. Postaccident drug testing; accidents involving fatalities, required

(1) A fatality occurs.

(2) It is foreseeable that a citation for a traffic violation or an arrest is imminent.

(3) Any property subject to an ad valorem tax exemption shall remain on the assessment rolls for Orleans Parish, provided, the ad valorem tax related to the subject property shall be reflected as the amount determined by the city of New Orleans Council.

D. Ad valorem tax exemptions determined by the city, or its designee, shall be transferable only if the rules and regulations promulgated by the Office of Community Development allow for transferability or if the new owner is similarly situated with regards to the rules and regulations.

E. No ad valorem exemption shall be granted pursuant to Article VII, Section 21(O) of the Louisiana Constitution or this Section until the rules provided for in Subsection E of this Section are finally adopted and effective. The New Orleans Office of Community Development and the New Orleans City Council shall publish the proposed rules in the official journal of the parish for not less than thirty days before the rules become effective and shall hold not less than one public hearing on the proposed rules during that thirty-day period. During the thirty-day period, the New Orleans City Planning Commission shall review the proposed rules and make recommendations to the New Orleans Office of Community Development and the New Orleans City Council.

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article VII, Section 21(O) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 79 of this 2019 Regular Session of the Legislature is adopted at the statewide election to be held on October 12, 2019, and becomes effective.

Approved by the Governor, June 11, 2019.

R. Kyle Ardoin Secretary of State

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ACT No. 407

SENATE BILL NO. 80
BY SENATOR CARTER

AN ACT

To enact R.S. 47:1716, relative to ad valorem tax exemptions in Orleans Parish; to authorize the city of New Orleans to grant ad valorem tax exemptions for affordable housing; to provide for rulemaking; 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. 47:1716 is hereby enacted to read as follows:

§1716. Ad valorem tax exemptions for affordable housing in Orleans Parish

A. The city of New Orleans may grant any owner of immovable property located within Orleans Parish an ad valorem tax exemption for the purpose of providing affordable housing subject to the amount of tax exemption being granted pursuant to Article VII, Section 21(O) of the Constitution of Louisiana and this Section.

B. The New Orleans Office of Community Development, or its designee, in conjunction with the New Orleans City Council shall promulgate rules and regulations for determining when and what kind of ad valorem tax exemption is appropriate in different situations, including programs to complement local inclusionary zoning policies. These programs may assist with new construction or renovation of affordable units, expiring affordability of existing units, and programs to assist lower income homeowners, and shall be approved by the New Orleans City Council.

C. Any property subject to an ad valorem tax exemption shall remain on the assessment rolls for Orleans Parish, provided, the ad valorem tax related to the subject property shall be reflected as the amount determined by the city of New Orleans Council.

D. Ad valorem tax exemptions determined by the city, or its designee, shall be transferable only if the rules and regulations promulgated by the Office of Community Development allow for transferability or if the new owner is similarly situated with regards to the rules and regulations.

E. No ad valorem exemption shall be granted pursuant to Article VII, Section 21(O) of the Louisiana Constitution or this Section until the rules provided for in Subsection E of this Section are finally adopted and effective. Before the rules are finally adopted and effective, the New Orleans Office of Community Development and the New Orleans City Council shall publish the proposed rules in the official journal of the parish for not less than thirty days before the rules become effective and shall hold not less than one public hearing on the proposed rules during that thirty-day period. During the thirty-day period, the New Orleans City Planning Commission shall review the proposed rules and make recommendations to the New Orleans Office of Community Development and the New Orleans City Council.

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article VII, Section 21(O) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 79 of this 2019 Regular Session of the Legislature is adopted at the statewide election to be held on October 12, 2019, and becomes effective.

Approved by the Governor, June 11, 2019.

A true copy:

R. Kyle Ardoin Secretary of State

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THE ADVOCATE

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* As it appears in the enrolled bill

CODING: Words in single italics are deletions from existing law; words under scored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
Section 1. R.S. 46:62 is hereby enacted to read as follows:

§62. Human trafficking; coalition to develop services delivery model
A. To enact R.S. 46:62, relative to human trafficking; to establish a coalition; to promote development of a human trafficking victim services delivery model; to provide for minimum plan goals; to provide for rulemaking; to provide for reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

...
in cases where the instituted charges are either:
(a) A sex offense under R.S. 15:5311.
(b) An offense committed under R.S. 14:34.9 (battery of a dating partner), R.S. 14:35.3 (domestic abuse battery), R.S. 14:37.7 (domestic abuse aggravated assault), or R.S. 14:34.9.1 (agged assault upon a dating partner).
(c) A case where the victim listed in the indictment or bill of information of the current felony charge pending before the court is the current or former spouse or the current or former domestic partner as defined by R.S. 46:213, regardless of whether or not the individuals reside in the same household that is a pending matter before a court.

(2) Notwithstanding Paragraph (1) of this Subsection, a judge may order a material witness warrant to secure the presence of a victim listed in the indictment or bill of information in a felony prosecution if the applicant presents an affidavit to the judge attesting to all of the following:
(a) The efforts made by the applicant to secure the victim's appearance in court.
(b) That the testimony of the victim is essential to the prosecution or defense of a criminal proceeding.
(c) That the filing of the affidavit made pursuant to this Section is filed in compliance with R.S. 46:1844(V).
(3) Only a qualified victim for which a material witness warrant is being sought pursuant to this Section shall have standing to raise the protections provided in this Section.

D. (1) When a witness who is a victim of any of the offenses enumerated in Subsections B or C of this Section is secured pursuant to a material witness warrant issued by a judge, notification shall immediately be made to the judge who signed the warrant and the duty judge or magistrate, as well as the applicant who requested the order. Upon notification that the victim has been secured, the victim shall be brought before the judge pursuant to the warrant issued by the judge.
(a) Inside of the jurisdiction where the material warrant was issued, the victim shall be brought before a judge on the next scheduled business day.
(b) Outside of the jurisdiction in which the warrant was issued, the victim shall be brought before a judge as practically possible.
(2) Once the victim is brought before a judge, the judge shall explore all available alternatives to incarceration to ensure the victim's appearance in court.
(3) The victim shall be notified of the right to retain counsel or, if indigent, shall be authorized to apply for counsel for a bond hearing.

E. (1) There shall be a presumption that a victim, as defined in Subsection C of this Section, is released on his own recognizance.
(2) The court shall consider all least restrictive means to ensure the victim's appearance in court pursuant to a subpoena, including but not limited to:
(a) Bond supervision or GPS monitoring to be paid by the applicant of the warrant.
(b) Treatment facilities, shelters, or lodging paid for by the applicant of the warrant.
(c) The court shall notify the victim of services offered by community partners or victim witness assistance coordinators.
(3) If a judge determines there are no alternatives that will secure the victim's testimony, then the judge may order that the victim be placed in protective custody. If protective custody is not possible, a victim shall not be incarcerated in the same institution as the defendant.
G. Nothing in this Section shall be construal to limit the authority of the district attorney or defendant from securing a witness outside the jurisdiction of the court. Nothing in this Section shall be construed to create a release mechanism for a victim who is incarcerated for any reason unrelated to a material witness warrant sought under this Section.

§825. Material witness warrant data reporting
A. By February fifteenth of each year, each district attorney or other prosecution agency shall report all of the following information for the prior calendar year to the Louisiana Commission on Law Enforcement Administration of Criminal Justice:
(1) The number of material witness warrants applied for pursuant to this Section which has been filed into the record of any criminal prosecution proceeding within their jurisdiction.
(2) The number of material witness warrants issued.
(3) The number of victims as defined in R.S. 15:257.1(C) incarcerated pursuant to a material witness warrant.
B. By March first of each year, the Louisiana Commission on Law Enforcement Administration of Criminal Justice shall transmit the information required in Subsection A of this Section to the chairman of the Senate Committee on Judiciary C and the chairman of the House Committee on Judiciary and publish the information on the website of the Louisiana Commission on Law Enforcement Administration of Criminal Justice.

§819. School board policies; hiring procedures; statements; requirements
A. Notwithstanding any other provision of law to the contrary, prior to hiring any employee, each city, parish, and other local public school board shall require the applicant for such employment, hereinafter referred to in this Section as the “applicant”, to sign a statement that:
(1) (b) Provides procedures for the disclosure of information by the applicant’s current or previous employer, if such employer is the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, or the Louisiana Special Education Center, or to provide for the transfer of employees, property, assets, and obligations; to provide for the transfer of teachers in the public elementary and secondary schools in the interest of state and federal financial assistance programs operated by the Louisiana state Department of Education, shall provide all benefits, privileges, rights, and powers as provided for certificated teachers in the public elementary and secondary schools in the interest of state and federal financial assistance programs operated by the Louisiana state Department of Education.
(2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired may attain tenure in the educational program, either the educational program for the deaf and hard of hearing or the educational program for the visually impaired, for which they are certified. Teachers at the Louisiana Special Education Center may attain tenure at the Louisiana Special Education Center. Teachers in Special School Programs may attain tenure in Special School Programs.
§46. Sabbatical leave program
A. (1) For purposes of this Subpart, Louisiana Schools for the Deaf and Visually Impaired, Louisiana Special Education Center, and Special School Programs are considered separate schools.
§348. Louisiana Schools for the Deaf and Visually Impaired; Louisiana Special Education Center; and schools in the Special School District.
Special Education Center; year-round operation; continuing service
A. The Louisiana Schools for the Deaf and Visually Impaired and the
Louisiana Special Education Centers may operate year-round under the
provisions of this Subpart, subject to the approval of the superintendent
of the Special School District and subject to the availability of funds.

§419.2. Extra compensation for school support personnel
A. All noncertificated support personnel employed by city, parish, or
other local public school systems and noncertificated, unclassified support
personnel employed by the Louisiana School for the Visually Impaired, the
Louisiana School for the Deaf, the Louisiana Special Education Center, the
Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts, the
Southern University Laboratory School, the Louisiana State University
Laboratory School, the New Orleans Center for the Creative Arts, the
special school districts, the office of juvenile justice in the Department of
Public Safety and Corrections, and nonpublic lunchroom employees eligible
for state salary supplements shall be paid by the state extra compensation
as provided in Subsection B of this Section. The annual state extra compensation
shall be paid only to those support persons not paid exclusively from federal
funds.

§421.4. Salary increases for noninstructional school personnel
A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
the Legislature for noninstructional school employees, including teacher aides
and paraprofessionals, school bus operators, food service workers,
including school lunch employees provided a pay increase pursuant to
Act No. 713 of the 1972 Regular Session of the Legislature, school nurses,
clerical, custodial, and maintenance personnel, and any other employees of
city, parish, and public school boards, the University of Louisiana, the
unified Board of Supervisors of the Louisiana School for the Deaf, the Louisiana
School for the Visually Impaired, the Louisiana Special Education Center, and the Special
School District who are not required to hold a teacher's certificate as a condition of
employment, shall continue to be paid to such employees from year to year.
The legislature annually shall appropriate sufficient funds for this purpose
and shall make such funds available to the employing school boards.
B. Any increase in the expenditures of a city or parish school board or of
the State Board of Elementary and Secondary Education resulting from a
state-mandated increase in the salaries of noninstructional school personnel
shall be fully funded by the state. Such funds shall be made available to the
respective school boards. For purposes of this Subsection, noninstructional
school personnel shall mean teacher aides and paraprofessionals, school
bus operators, food service workers, school nurses, clerical, custodial, and
maintenance personnel, and any other employee of a parish or city school
board or unclassified noninstructional employee of the Louisiana School
for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana
Special Education Center, and the Special School District who is not required
to hold a teacher's certificate as a condition of employment.

§422.6. Hourly wages and salaries for school employees; reduction
limitations; definition
B. For purposes of this Section, the term “school employee” shall mean,
without limitation, a teacher aide, paraprofessional, school bus operator,
food service worker, school nurse, clerical, custodial, and maintenance
employee of a city or parish school board, or the Louisiana School for the
Deaf, the Louisiana School for the Visually Impaired, the Louisiana
Special Education Center, or of the Special School District who is not required
to hold a teacher's certificate as a condition of employment.

§1945. Special schools and school districts
B(1) The Louisiana Schools for the Deaf and Visually Impaired, and the
Louisiana Special Education Centers, referred to as Louisiana Special Schools,
are residential schools established to provide such academic, vocational,
and other related services as may be required.

Section 2. R.S. 28:451.4 is hereby amended and reenacted and R.S. 28:22.8(A)
(4) is hereby enacted to read as follows:
§228. State developmental centers
A. The names of the following state developmental centers for persons
with developmental disabilities are designated as follows:

(4) Central Louisiana Supports and Services Center.

§451.4. State developmental centers; office for citizens with developmental
disabilities
A. The office shall administer, supervise, and be responsible for the operation
of state developmental centers providing developmental disabilities services.
B. Finestress Supports and Services Center is continued as an administrative
unit of this office.
C. Central Louisiana Supports and Services Center shall be an administrative
unit of this office.
D. The facility administrator of each center shall have the authority to
develop, maintain, and administer the Louisiana Department of Health
policies and procedures necessary for the proper and orderly operation of
the facility. Such policies and procedures shall be consistent with principles
of this Chapter, office policies, and all applicable federal and state laws and
regulations. Policies and procedures developed pursuant to this Subsection
shall not be implemented until approved by the secretary.

Section 3. R.S. 36:259(C)(8) is hereby enacted to read as follows:
§259. Transfer of agencies and functions to Louisiana Department of Health
and Human Services, the Louisiana Department of Social Services, the Louisiana
Department of Education, the Louisiana Department of Health, the Louisiana
Department of Public Safety and Corrections, and nonpublic lunchroom employees eligible
for state salary supplements shall be paid by the state extra compensation
as provided in Subsection B of this Section. The annual state extra compensation
shall be paid only to those support persons not paid exclusively from federal
funds.

(8) Central Louisiana Supports and Services Center (R.S. 28:22.8).

Section 4. R.S. 39:98.3(C)(2) and 362(F) are hereby amended and reenacted
to read as follows:
§98.3. Appropriations from the Health Excellence Fund, the Education
Excellence Fund, and the TOPS Fund
C. Appropriations from the Education Excellence Fund shall be restricted
as follows:

(2) Appropriations shall be made each year to the Louisiana School for the
Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special
Education Center in Alexandria, the Jimmy D. Long, Sr. Louisiana School for
Math, Science, and the Arts, the New Orleans Center for Creative Arts and the
Louis Armstrong High School for the Arts, after such schools are operational,
to provide for a payment to each school of seventy-five thousand dollars plus
an allocation for each pupil equal to the average statewide per pupil amount
provided each city, parish, and local school system pursuant to Paragraphs (4)
and (5) of this Subsection.

§362. Policies for fleet vehicles; purchase of vehicles; specifications;
exceptions
E. Those vehicles used in crime prevention and detection and similar
investigative work, which if identified as required by this Section could
not be used effectively for such purposes, are exempt from the provisions
of this Part, and, in addition, the vehicles used by the governor, lieutenant
governor, statewide elected officials, the Louisiana School for the Deaf, the
Louisiana School for the Visually Impaired, the Louisiana Special Education
Center, the Special School District, and any community and group home and residential
facilities administered by the Department of Children and Family Services or the
Louisiana Department of Health to have an inscription, painting, stencil, or
decal placed conspicuously on an automobile, truck, or other vehicle with
the name of the board, commission, department, agency, or subdivision of the
state in which the automobile, truck, or other vehicle belongs, if the vehicle
is used to transport students or clients.

Section 5. R.S. 49:121(E) is hereby amended and reenacted to read as follows:
§121. Name of board, department, or subdivision; marking on boat or
vehicle; Louisiana public license plate; exemptions
E. Those vehicles used in crime prevention and detection and similar
investigative work, which if identified as required by this Section could
not be used effectively for such purposes, are exempt from the provisions
of this Part, and, in addition, the vehicles used by the governor, lieutenant
governor, statewide elected officials, the Louisiana School for the Deaf, the
Louisiana School for the Visually Impaired, the Louisiana Special Education
Center, the Special School District, and any community and group home and residential
facilities administered by the Department of Children and Family Services or the
Louisiana Department of Health are exempt from the provisions of this Part.
Section 11. The Louisiana Department of Health shall, to the extent possible while aligning the operation of the Louisiana Special Education Center with the operation of the other Louisiana Department of Health-operated twenty-four hour facilities, provide for the transfer of Louisiana Special Education Center employees without loss of status, salary, and related benefits.

Section 12. 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 20, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 412
SENATE BILL NO. 173
BY SENATORS MILLER, APPEL, CHABERT, CLAITOR, CORTEZ, ERDEY, FANNIN, GATTI, HENSGENS, HEWITT, JOHNS, LONG, MARTINY AND GARY SMITH
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 22:111.1, Subpart F of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1121 through 1130, and Subpart F-1 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1131 through 1138, relative to health insurance; to provide relative to enrollment, dependent coverage, rate setting, preexisting conditions, annual and lifetime limits, and essential benefits under certain circumstances; to require the commissioner of insurance to establish a risk-sharing program; to provide for the operation, parameters, funding, and legislative approval of the risk-sharing program; to provide for rulemaking; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:111.1, Subpart F of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1121 through 1130, and Subpart F-1 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1131 through 1138, are hereby enacted to read as follows:

§111. Rules and regulations: essential health benefits package. The commissioner shall promulgate rules pursuant to the Administrative Procedure Act to define “essential health benefits,” to establish annual limitations on cost sharing and deductibles, and to define required levels of coverage. The commissioner shall adopt initial administrative rules before January 1, 2020. Notwithstanding any provision of R.S. 49:953(B) to the contrary, the commissioner may adopt initial administrative rules as required by this Section pursuant to the provisions of R.S. 49:953(B) without a finding that an imminent peril to the public health, safety, or welfare exists.

SUBPART F. HEALTHCARE COVERAGE FOR LOUISIANA FAMILIES PROTECTION ACT

§1121. Short Title. This Subpart shall be known and may be cited as the “Healthcare Coverage for Louisiana Families Protection Act”.

§1122. Effectiveness. If a court of competent jurisdiction rules that the Patient Protection and Affordable Care Act, P.L. 111-148, is unconstitutional and the judgment of that court becomes final and definitive, the attorney general shall give written notification of the final and definitive ruling to the commissioner, the legislature, and the Louisiana State Law Institute. The provisions of this Subpart shall become effective ninety days after receipt by the commissioner of the written notification. However, no provision of this Subpart shall abridge or affect the provisions of insurance policies or contracts already in effect until such policies or contracts are renewed.

§1123. Preexisting condition exclusions prohibited. A health insurance policy or contract issued or issued for delivery in this state after the effective date of this Subpart shall not impose a preexisting condition exclusion. This Section shall not limit an insurer's ability to restrict enrollment in an individual contract to open enrollment and special enrollment periods in accordance with other provisions of this Title.

§1124. Annual and lifetime limits prohibited. A health insurance policy or contract issued or issued for delivery in this state after the effective date of this Subpart shall not do either of the following:

(1) Establish lifetime limits on the dollar value of benefits for any participant or beneficiary.

(2) Establish annual limits on the dollar value of essential benefits, as determined by the commissioner, to the extent not inconsistent with applicable federal law.

§1125. Coverage for dependent children. A health insurance policy or contract issued or issued for delivery in this state after the effective date of this Subpart that offers coverage for a dependent child shall offer dependent coverage, at the option of the policyholder, until the dependent child attains the age of twenty-six. An insurer may require, as a condition of coverage, that a person seeking coverage for a dependent child provide written documentation on an annual basis that the dependent child satisfies the requirements applicable to dependent children in this Title.

§1126. Administrative rates. For all health insurance policies, contracts, or certificates that are executed, delivered, issued for delivery, continued, or renewed in this state after the effective date of this Subpart, the maximum rate differential due to age filed by the carrier as determined by ratio shall be five to one. The limitation does not apply for determining rates for an attained age of less than nineteen years or more than fifty-six years.

§1127. Open enrollment. A health insurance policy or contract issued or issued for delivery in this state after the effective date of this Subpart may restrict enrollment in individual health plans to open enrollment periods and special enrollment periods to the extent not inconsistent with applicable federal law. The commissioner may adopt rules establishing minimum open enrollment dates and minimum criteria for special enrollment periods for all individual health plans offered in this state.

§1128. Comprehensive health coverage. A. Notwithstanding any other provision of law to the contrary, a health insurance policy or contract issued or issued for delivery in this state thirty days or more after rules promulgated pursuant to Subsection G of this Section become effective shall, at a minimum, provide coverage that incorporates an essential health benefits package consistent with the requirements of this Section.

B. As used in this Section, “essential health benefits package” means coverage that:

(1) Provides for the essential health benefits defined by the commissioner pursuant to Subsection C of this Section.

(2) Limits cost sharing for coverage in accordance with Subsection E of this Section.

(3) Provides for levels of coverage in accordance with Subsection F of this Section.

C. The commissioner shall ensure that the scope of the essential health benefits package required pursuant to this Section is substantially similar to that of the essential health benefits required for a health plan subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The commissioner shall define the essential health benefits required for a health plan subject to federal Patient Protection and Affordable Care Act and the items and services covered within the categories:

(1) Ambulatory patient services.

(2) Emergency services.

(3) Hospitalization.

(4) Maternity and newborn care.

(5) Mental health and substance use disorder services, including behavioral health treatment.

(6) Prescription drugs.

(7) Rehabilitative and habilitative services and devices.

(8) Laboratory services.

(9) Preventive and wellness services and chronic disease management.

(10) Pediatric services, including oral and vision care.

D. In defining essential health benefits for purposes of this Section, the commissioner shall do the following:

(1) Ensure that the essential health benefits reflect an appropriate balance among the categories enumerated in Subsection C of this Section, so that benefits are not unduly weighted to any category.

(2) Ensure that coverage decisions, determination of reimbursement rates, establishment of incentive programs, and designation of benefits are effected in ways that do not discriminate against individuals because of age, disability, or life expectancy.

(3) Take into account the healthcare needs of diverse segments of the population, including women, children, persons with disabilities, and other groups.

(4) Ensure that health benefits established as essential are not subject to denial to an individual against the individual's wishes, on the basis of the individual's age or life expectancy or of the individual's present or predicted disability, degree of medical dependency, or quality of life.

§1129. Rate setting. A qualified health plan shall not be treated as providing coverage for the essential health benefits package described in Subsection B of this Section unless the plan complies with the provisions of the Patient Protection and Affordable Care Act, P.L. 111-148, relative to coverage and payment for emergency department services.

§1130. Annual and lifetime limits prohibited. A health plan offered through an exchange, another health plan offered through a risk pool, or a qualified health plan offered through a qualified health plan exchange shall not fail to be treated as a qualified health plan solely because the plan does not offer coverage of benefits offered through the stand-alone plan that are otherwise required under Paragraph (C)(1)(b) of this Section.

§1131. Review of essential health benefits package. An insurer may require, as a condition of coverage, that a person seeking coverage for a dependent child provide written documentation on an annual basis that the dependent child satisfies the requirements applicable to dependent children in this Title.

(7) Annually review the essential health benefits package under Subsection B of this Section and submit a report to the legislature that contains the following:

(a) An assessment of whether enrollees are facing any difficulty accessing necessary care due to cost-sharing requirements.

(b) An assessment of whether the essential health benefits package needs to be modified or updated to account for changes in medical evidence or scientific knowledge. THE ADVOCATE CODING: Words in *italics* type are deletions from existing law; words underlined (House Bills) and underscored and boldface (Senate Bills) are additions. PAGE 52
In establishing the program, the commissioner shall provide for all of the following:

1. The criteria for individuals to be eligible for participation in the program, including the development and use of health status statements with respect to eligible individuals.

2. Standards for qualification, including but not limited to the following:
   a) Identification of health conditions that automatically qualify individuals as eligible individuals at the time of application for health insurance coverage.
   b) Process pursuant to which health insurance issuers may voluntarily qualify individuals who do not automatically qualify as eligible individuals at the time of application for coverage.

3. The percentage of the premiums paid to health insurance issuers for health insurance coverage by eligible individuals that shall be collected and deposited to the credit and available for the use of the program.

4. The threshold dollar amount of claims for eligible individuals after which the program will provide payments to health insurance issuers and the proportion of the claims above the threshold dollar amount that the program will pay.

$1137. Approval by legislature
A. The commissioner shall submit the actuarial analysis required by R.S. 22:1135 to the Joint Legislative Committee on the Budget.
B. The Joint Legislative Committee on the Budget shall meet to review and approve the actuarial analysis, the details of the program as determined by the commissioner, and any required funding pursuant to R.S. 22:1135. The committee may also take any other action with respect to the program deemed necessary by the committee.

$1138. Enrollment or participation limitation
The commissioner shall not enroll an individual or permit any individual to participate in the program unless the commissioner has received written notification from the attorney general of a final and definitive ruling by a court of competent jurisdiction that the federal Patient Protection and Affordable Care Act, P.L. 111-148, is unconstitutional pursuant to Section 2(A).

Section 2. A. The commissioner of insurance shall take all such actions as are necessary to confirm the actuarial analysis required by R.S. 22:1135, as enacted by Section 1 of this Act, before August 1, 2019.
B. The commissioner of insurance shall submit the actuarial analysis as required by R.S. 22:1135, as enacted by Section 1 of this Act, and shall submit a report containing a detailed description of the proposed Louisiana Guaranteed Benefits Pool program to the Joint Legislative Committee on the Budget on or before March 1, 2020.
C. Upon receipt of the actuarial analysis and report, the Joint Legislative Committee on the Budget shall meet at the next available opportunity to review and approve the actuarial analysis, the details of the program as determined by the commissioner, and any required funding pursuant to R.S. 22:1135.

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 11, 2019.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 413

SENATE BILL NO. 182
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 42:342(3)(B) and R.S. 44:1.1(B)(30) and to enact Chapter 6 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:351 through 355, relative to public officers and employees; to provide relative to the mandatory policies against sexual harassment; to declare the public policy regarding the use of public funds for the payment of judgments or settlements of sexual harassment claims; to provide relative to the participation of an alleged sexual harasser in a settlement or judgment in a sexual harassment claim; to provide that agreements to settle sexual harassment claims are subject to the public records law, except for the name of the alleged victim of sexual harassment; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in **boldfaced** type are additions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
A clear prohibition against retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment.

(8) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature which explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, which is filled by the vote of the electorate. The term includes any person who is:

(a) An administrator, employee, or official of state government who is not holding an elective office.

(b) Appointed to a post or position of state government created by rule, law, regulation, or executive order.

(c) Employed by an agency, officer, or official of state government.

(6) “Public funds” means monies of the state, including but not limited to the state general fund, dedicated funds, fees and self-generated revenues, or any other source of public funds.

(7) “Public servant” means a public employee or an elected official.

(9) “State government” means the legislative branch, executive branch, and judicial branch of state government, but shall not include any parish, public body, another political subdivision of state government, including a school board, special district, mayor’s court, justice of the peace court, district attorney, sheriff, clerk of court, coroner, tax assessor, registrar of voters, or any other elected parochial or municipal official.
To enact R.S. 37:913(3)(c) and 1360.31(C)(4), relative to the provision of medication-assisted treatment (MAT); to provide for advanced practice registered nurses and physician assistants to provide MAT; to provide for compliance with federal law and state rules relative to MAT; to provide for minimum requirements for collaborating or supervising physicians; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:913(3)(c) and 1360.31(C)(4) are hereby enacted to read as follows:

(3)(a) Advanced practice registered nursing may include the provision of medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the APRN to provide MAT, his collaborating physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT. For purposes of this Subparagraph, “MAT” means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

$1360.31. Services performed by physician assistants

(4) A physician assistant may provide medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the PA to provide MAT, his supervising physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT. For purposes of this Subparagraph, "MAT" means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

Approved by the Governor, June 20, 2019.

A true copy:

R.Kyle Ardoin
Secretary of State

ACT No. 415

HOUSE BILL NO. 4
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact Code of Civil Procedure Article 2334 and R.S. 13:4345, relative to sheriff’s sales of property; to provide for alternative procedures for publication of mortgage and other certificates; to provide relative to the failure to read aloud or provide a copy of such certificates; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 2334 is hereby amended and reenacted to read as follows:

§2334. Advertisement of property not to exceed two hundred and fifty dollars, and all costs of court. One half of this fine shall be paid to the complainant and the other half shall be retained by the state.

Approved by the Governor, June 20, 2019.

A true copy:

R.Kyle Ardoin
Secretary of State

ACT No. 417

HOUSE BILL NO. 36
BY REPRESENTATIVE STEFANSKI AND SENATORS BARROW, CARTER, AND HENSGENS
AN ACT

To amend and reenact R.S. 46:2138(B) and 2136(H) and to enact R.S. 46:2135(J) and 2136(I), relative to domestic abuse; to provide relative to the issuance of a temporary restraining order or protective order in domestic abuse cases; to require certain notice to be given to the petitioner; to provide relative to the duty of law enforcement upon receipt of a copy of a Uniform Abuse Prevention Order; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2135(J) and 2136(H) are hereby amended and reenacted...
and R.S. 46:2135(J) and 2136(I) are hereby enacted to read as follows:

$2135. Temporary restraining order

H. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator’s office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be reviewed by the law enforcement agency and shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

I. Upon filing a petition for a temporary restraining order, regardless of whether the court grants the temporary restraining order, the clerk of court shall notify the petitioner of his right to initiate criminal proceedings and shall inform the petitioner that the granting of a temporary restraining order pursuant to the provisions of this Section does not automatically file criminal charges against the defendant.

$2136. Protective orders; content; modification; service

H. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator’s office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be reviewed by the law enforcement agency and shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

I. At the proceeding, regardless of whether the court grants the protective order, the clerk shall notify the petitioner of his right to initiate criminal proceedings and shall inform the petitioner that the granting of a protective order pursuant to the provisions of this Section does not automatically file criminal charges against the defendant.

Section 2. The provisions of this Act shall be referred to as “Heather’s Law”.

Approved by the Governor, June 11, 2019.

R. Kyle Ardoin
Secretary of State

ACT No. 418

HOUSE BILL NO. 85
BY REPRESENTATIVES BILLIOT AND MARINO
AN ACT
To enact R.S. 46:1800(E), relative to crime victim reparations; to provide relative to the criteria for making awards of reparations to crime victims; to provide certain prohibitions on the denial or reduction of awards for reparations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1800(E) is hereby enacted to read as follows:

$1800. Criteria for making awards; prohibitions; authority to deny or reduce awards

E. No victim or claimant shall be denied or otherwise deemed ineligible for reparations pursuant to this Chapter be reduced, on the basis that the victim or claimant has any conviction or adjudication of delinquency, on the basis that the victim or claimant is currently on probation or parole, or on the basis that the victim or claimant has previously served any sentence of incarceration, probation, or parole unrelated to the offense for which reparations would otherwise be awarded pursuant to this Chapter.

Approved by the Governor, June 20, 2019.

R. Kyle Ardoin
Secretary of State

ACT No. 419

ACT No. 420

HOUSE BILL NO. 100
BY REPRESENTATIVE GISCLAIR
AN ACT
To enact R.S. 17:71.2(D), relative to the size of school boards; and to provide with regard to the maximum and minimum size of certain school boards; and to provide for related matters.

R. Kyle Ardoin
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:71.2(D) is hereby enacted to read as follows:

§71.2. Maximum and minimum size of boards; four-year concurrent terms

D. Notwithstanding the provisions of Subsection A of this Section or any law to the contrary, in accomplishing the reapportionment authorized by this Subpart, a school board in a parish with a population of between ninety thousand and one hundred five thousand persons according to the most recent decennial census shall, by majority vote of the board as presently constituted, reestablish itself with not less than five nor more than nine members. Whenever the size of a school board is to be changed by reapportionment, the school board may submit the proposition of size to the people.

Approved by the Governor, June 20, 2019.

A true copy:

R. Kyle Ardoin
Secretary of State

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