Acts 219 - 280

ACT No. 219

HOUSE BILL NO. 393

BY REPRESENTATIVES CONNIE, ARMES, BERTHELOT, BILLIOT, BOUJE, CARPENTER, STEVE CARTER, FOIL, LANCE HARRIS, HAVARD, HOFFMANN, IVEY, JORDAN, LYONS, MARINO, JAY MORRIS, POPE, PYLANT, RICHARD, SCHEXNAYDER, SCHRODER, STAGNI, THOMAS, AND ZERINGUE

AN ACT

To amend and reenact R.S. 22:1331, relative to residential property insurance policies; to provide certain policyholders the option to exclude personal property coverage after a declared disaster; to provide for a reduction in premium; to provide for the withdrawal of the exclusion and the reduction in premium; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1331 is hereby amended and reenacted to read as follows:

Section 1. R.S. 22:1331 is hereby amended and reenacted to read as follows:

(A) A homeowner’s insurance policy, as defined in R.S. 22:47(15), that includes personal property coverage that occurs during the term of the policy shall not be considered a new policy. This Section shall apply only to homeowners’ insurance policies written on structures

B. (a) An insurance company that issues a homeowner’s insurance policy, as defined in R.S. 22:47(15), that includes personal property coverage in the coastal parishes of Louisiana, except for rental insurance, shall make available, during the term of the policy, upon written request of the policyholder one of the following options:

(a) that Upon the exercise of either option by the policyholder, the insurer shall be accompanied by calculate an appropriate reduction in premium that shall be returned to the policyholder.

(2) The option provided in Paragraph (1) of this Subsection shall not be available to the policyholder after the passage of twenty-four months from the date the disaster declaration is made.

B. (a) A residential property policy that provides dwelling coverage without personal property coverage,

or (b) the structure has been repaired to the point that it is again habitable.

(2) The homeowners’ policy has been terminated.

(3) The expiration of twenty-four months from the date of the disaster declaration.

Section 2. This Act shall become effective on January 1, 2018.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 220

HOUSE BILL NO. 436

BY REPRESENTATIVES TALBOT, HOLLIS, LEBAS, DUSTIN MILLER, MORENO, AND THIBAULT

AN ACT

To enact Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2255.1 and 2255.11, relative to prescription drug prices; to provide for definitions; to require disclosure of prescription drug price information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2255.1 and 2255.11, is hereby enacted to read as follows:

PART VIII. PHARMACEUTICAL COST TRANSPARENCY

SECTION 2255.1. Definitions


(2) “Prescription drug marketing” means to provide educational or marketing information or materials regarding a prescription drug in any form including but not limited to all of the following:

(a) Face-to-face meetings.

(b) Physical mailings.

(c) Telephone conversations.

(d) Electronic mail or facsimile.

SECTION 2255.11. Disclosure of prescription drug price information

Each drug manufacturer or pharmaceutical marketer who engages in any form of prescription drug marketing to a prescriber, his designee, or any member of his staff in Louisiana shall provide to the Louisiana Board of Pharmacy no later than January first, April first, July first, and October first of each calendar year the current wholesale acquisition cost information for the United States Food and Drug Administration approved drugs marketed in the state by that manufacturer.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 221

HOUSE BILL NO. 471

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph), (11), and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and (L), 911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30, 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory paragraph), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and (B) through (D), 912.28(A), and 912.52(B)(5), to enact R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13), and to repeal R.S. 51:911.24(K), 911.26(A)(3), and (D), and 911.28(A)(10); relative to provisions applicable to manufactured and modular housing; to expand Parts XIV, XIV-A, and XIV-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950 with respect to greater inclusion of and applicability to modular housing; to modify and create definitions; to provide with respect to requirements of retailers, dealers, and transporters; to provide with respect to members at large and authority of the Louisiana Manufactured Housing Commission; to require consumers to provide certain written notice to the commission with respect to defects; to modify certain installation standards; to provide with respect to licensure of installers and transporters; to increase certain civil penalties for violations; to repeal certain licensing requirements and fees applicable to manufactured home brokers; to repeal obsolete provisions relative to the commission; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2255.1 and 2255.11, is hereby enacted to read as follows:

PART VIII. MANUFACTURED AND MODULAR HOUSING

§911.21. Short title

This Part shall be known and may be cited as “Uniform Standards Code for Manufactured and Modular Housing”.

§911.22. Definitions

As used in this Part, unless the context requires a different definition:

(5) “Manufactured home” and “manufactured housing” mean a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §501 et seq., as amended. Further, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.
and Urban Development or to factory-built, residential dwellings that are
mounted on a chassis.

(7) "Manufacturer" means any person who manufactures manufactured or
modular housing.

(8) "Modular home" and "modular housing" mean a factory-built, residential
dwelling unit built to the International Residential Code as
adopted by the Louisiana State Uniform Construction Code Council.

(10) "Retailer" means any person who is engaged wholly or in part in
the business of buying, distributing, brokers, or exchanging
an interest in a manufactured or modular home with the intent to make
a profit, monetary gain, or any thing of economic value. Any person who
buys, sells, distributes, brokers, or exchanges an interest in more than one
such manufactured or modular home in any twelve-month period shall be
presumed to be a retailer. "Retailer" shall not include any of the following:

(11) "Salesman" means any person employed by a retailer or developer for
purposes of selling manufactured or modular housing to the public.

(12) "Seal" or "label" means the permanently affixed device or insignia
issued by the United States Department of Housing and Urban Development
(HUD) or other authority having jurisdiction that is displayed on the exterior
of a factory-built manufactured or modular home, certifying that the home
is in compliance with the applicable Code.

(13) "Transporter" means an individual who transports a manufactured or
modular home to a site of installation but does not perform any blocking or
anchoring of the home, except a transporter is allowed to put blocks under
the hitch on the tongue of the frame.

§911.24. License required; qualifications; application; issuance; transfer;
criminal history record information
A.(1) No manufacturer, retailer, or salesman within or without this state
shall sell or offer for sale in Louisiana any mobile home, modular home,
or manufactured housing unless he has obtained a valid manufacturer's,
retailer's, or salesman's license, whichever is applicable, from the
commission as provided in this Part.

B. No developer shall sell or offer for sale to the public any manufactured
or modular home unless he has obtained a license from the commission, as
provided in this Part. No employee of a developer shall offer manufactured
or modular housing for sale to the general public without first obtaining a
salesman license or being a licensed real estate agent.

(2) No manufacturer within or without this state shall sell or offer for sale
to a person any manufactured or modular housing for resale to the public
unless the person has obtained a valid retailer's or developer's license from
the commission as provided in this Part.

(3) All retailers and developers are required to have at least one licensed
salesman.

L. The commission shall require that retailers, developers, transporters,
and installers file a bond in the amount of the proof of general liability
insurance coverage of at least one hundred thousand dollars. Manufacturer's
shall be required to show proof of continued and ongoing liability insurance
coverage of at least one million dollars.

§911.26. Louisiana Manufactured Housing Commission
A.(1) The Louisiana Manufactured Housing Commission is hereby created.
The commission shall be composed of seven members, with at least one
member appointed from each Public Service Commission district and two
at-large members, all appointed by the governor with the consent of the
Senate as provided in this Section.

D.(1) The commission shall have the powers and duties to direct the day-to-day operations of the commission. The
commission shall fix the salary and shall define and prescribe the duties of
the executive director.

(2) The executive director shall be in charge of the commission's office and
declare such time as directed by the commission to fulfill the duties thereof;
and before entering upon his duties he shall take and subscribe to the
oath of office.

(3) The commission may employ such clerical, technical, legal, and other
help as shall be necessary for the proper discharge of its duties under
as provided in this Part and Part XIV-B of this Chapter.

F. The powers and duties of the commission shall include but are not
limited to the following:

(1) Licensing of manufacturers, retailers, developers, salesmen,
transporters, and installers as provided in this Part and Part XIV-B of this
Chapter.

(2) Inspecting a reasonable sample of installations of manufactured and
modular homes within this state to ensure compliance with state and
federal standards.

(3) Working with consumers, manufacturers, retailers, developers,
salesmen, transporters, and installers to hear complaints and make
determinations relating to construction defects, warranty issues, service
complaints, and other matters which are not set forth pursuant to 24 CFR
Part 3280 and 24 CFR Part 3282.

(4) Establishing an alternative dispute resolution process for manufactured and
modular home consumers in Louisiana. The commission may charge
a reasonable fee to defray the cost of establishing the alternative dispute
resolution process.

(10) The authority to establish a mandatory uniform written transportation and
installation contract that is required to be used by all transporters and
installers when moving or installing a manufactured or modular home
in this state. Transporters and installers shall be required to give their
customers a copy of the contract, itemizing all services being provided and
the cost associated with those services, prior to beginning work or moving a
home. These records shall be maintained for at least three years and shall
be made available to the commission for inspection. Transporters who are
only passing through the state or are delivering a home from a manufacturer
to a licensee of the commission, are not required to comply with the
provisions of this Paragraph. The commission shall have the authority to
promulgate rules and regulations in accordance with the Administrative
Procedure Act in order to implement the provisions of this Paragraph.

(11) The authority to adopt rules governing the repairs or renovations of
manufactured homes.

§911.29. Motor vehicle inspection; exception
The provisions of Chapter 7 of Title 49 of the Louisiana Revised Statutes
of 1950 relative to inspections shall not apply to manufactured or modular
housing.

§911.30. Serial numbers on manufactured and modular homes
On each manufactured home manufactured after January 1, 1975, a
serial number shall be stamped by the manufacturer on the header plate
of mould or front cross member of the frame so that it can be easily read. It
may not contain more than fifteen digits. Any multiple units shall contain
the same serial number with letters of the alphabet designating that each is a
different unit. Lettering beginning with "A", an additional symbol shall be in
alphabetical order. The letter shall be stamped at the end of the serial
number.

§911.32. Administration and enforcement of Part; powers of commission;
cease and desist orders; applicability of Administrative Procedure Act
E. The commission or its authorized representatives may enter any place,
establishment, or location where manufactured or modular homes are
manufactured, sold, offered for sale, transported, or installed, for the
purpose of ascertaining whether the requirements of this Part and Part XIV-B
of this Chapter, and the rules and regulations of the commission, have been or are being complied with.

§911.36. Hearings to investigate and determine violations; orders
prohibiting violations and requiring compliance
A. Whenever in the opinion of the commission the Code or the requirements
of this Part or Part XIV-B of this Chapter are being violated, it may conduct
a hearing to determine whether the violation has occurred or is occurring and may issue orders prohibiting such violation and requiring
compliance with the Code and the provisions of this Part or Part XIV-B
of this Chapter. The notice, hearing, and actions
under as prescribed in this Section shall be governed by the provisions
of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, and
particularly R.S. 49:961(C) relative to emergency action.

§911.39. Penalties for violations
A. Whoever is found guilty of violating the Code or any manufactured or
modular housing provision of this Part, Part XIV-B of this Chapter, any
rule, or any regulation or final order issued thereunder shall be liable to the state
of Louisiana through the commission for a civil penalty not in excess of one
thousand dollars for each violation. Each violation shall constitute a separate
violation.
violation with respect to each manufactured or modular home, or with
any related series of violations occurring within one year from the
date of the first violation.
B. Any individual or director, officer, or agent of a corporation who
knowingly and willingly violates any provision of the Code or of this Part,
Part XIV-B of this Chapter, or any rule or regulation issued thereunder in
a manner which threatens the health and safety of any purchaser shall be fined not more than one thousand dollars or imprisoned
not more than one year, or both.
§911.41. Supremacy of the Part
Notwithstanding any provision of law to the contrary, the codes and standards referenced in R.S. 51:911.21 et seq. and R.S. 51:912.21 et seq. and those adopted by the commission shall be the only construction and installation standards used for manufactured or modular housing in Louisiana, and these standards shall preempt all local standards as they relate to the construction and installation of manufactured and modular homes in Louisiana.
§911.43. Maintenance of records; reports required
Each manufactured or modular home licensee shall establish and maintain such records, make such reports, and provide such information as the commission may reasonably require in order to be able to determine whether such licensee has acted or is acting in compliance with the Code and the manufactured or modular housing provisions of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted by the commission. Upon request of the commission, each manufacturer, distributor, and dealer licensee shall permit the commission or its representative to inspect appropriate buildings, records, and documents relevant to determining whether the licensee has acted or is acting in compliance with the provisions of this Part, Part XIV-B of this Chapter, or any rule, as well as any regulation or order issued thereunder.
§911.46. Down payments, sale of manufactured housing
It is unlawful for a retailer or developer to set forth in any retail installment sales contract, chattel mortgage, or security agreement any down payment unless all of the down payment has actually been received by the retailer or developer at the time of execution of such document. If any part of the down payment is represented by a loan, trade-in, or any consideration other than cash, this fact shall be expressly set forth on the retail installment sales contract, chattel mortgage, or security agreement. No amount of the cash down payment shall be from any rebate or other consideration received by or for the benefit of the consumer from the retailer or developer or his agents.
§912.3. Definitions
For purposes of this Part, the following words, phrases, and terms shall be defined and construed as follows:

(7) "Manufactured home" or "manufactured housing" means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United Department of Housing and Urban Development, under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq. as amended, further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to any single or double wide mobile home, factory built residential dwellings that are mounted on a chassis.
§912.5. Required notice
A. Before undertaking any repair himself or instituting any action for breach of warranty, the owner shall give the commission written notice by filling out the consumer complaint form provided by the commission and submitting it by registered or certified mail, within one year after knowledge of the defect, advising the commission of all defects. The commission shall then have the home inspected and a determination made on all defects listed by the owner. Thereafter, the commission shall give the appropriate builder a reasonable opportunity to comply with the provisions of this Part.
B. The manufactured or modular home shall be installed to meet the applicable wind zone, the following guidelines are to be used:

(4) "Installation permit" means a permit issued by the commission to a licensed installer or the homeowner who must shall certify that the home is in compliance with this Part.
(6) "Installer" means a person licensed by the commission to install a manufactured or modular home.
(9) "Modular home" and "modular housing" mean a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.
(10) "Over-roof tie" means a certain device approved by the manufactured homes manufacturer and manufactured or modular home systems to ground anchors in order to resist wind forces. Ties may be installed only under roof material.
(11) "Setup" or "installation" means the operations performed at the occupancy site which render manufactured or modular homes fit for habitation. Such operation include but are not limited to transporting, positioning, blocking, leveling, supporting, tying down, making minor adjustments and trim out, and assembling multiple or expandable units in the final construction process.
(12) "Stabilizer device" means an approved device or method that is used to resist lateral movement of manufactured homes and anchors.
(13) "Transporter" means an individual who transports a manufactured or modular home to the site of installation but does not perform the any blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.
§912.22. Installation standards for manufactured and modular homes
All manufactured and modular homes shall be installed to meet the following standards, unless otherwise specified in this Part:
(1) Manufactured or modular homes shall be installed in compliance with the International Residential Code enforced by the local authority having jurisdiction.
(7) Piers or load-bearing supports or devices shall be installed and constructed to evenly distribute the loads. Steel piers with mechanical anchorage shall be utilized at the perimeter framing of the home, whether or not such person receives compensation for such action.
§912.27. Licensure of installers and transporters; adoption of rules; enforcement of provisions of this Part
The manufactured and modular home installation standards provided for in this Part shall preempt all local installation standards.
§912.28. Local installation standards preempted
The requirements and modular home installation standards provided for in this Part shall preempt all local installation standards.
§912.29. Licensure of installers and transporters; adoption of rules; compliance with installation instructions; disposition of fees
A. The commission shall be licensed in accordance with the Administrative Procedure Act, provide for the licensure of installers and transporters of manufactured and modular homes and the implementation and collection of an annual license fee and an installation permit sticker fee.
B. It shall be unlawful for any person, other than the homeowner or a licensed installer, to perform an installation of a manufactured or modular home, whether or not such person receives compensation for such action. For the purposes of this Subsection, community owners or park operators of...
manufactured or modular homes shall not be considered homeowners if the home in question is or will be leased at any time.

C. Any installer or home owner installing a manufactured or modular home in this state shall first obtain an installation permit sticker from the commission which shall be affixed to the side of the home at the point where electrical power is connected to the home. All installation permit stickers shall be affixed within ten days of delivery of the manufactured or modular home, unless extinguishing circumstances are shown.

D. Any installation of a manufactured or modular home in this state shall be performed in strict compliance with this Part.

§912.28. Violations; penalties

A. Any installer, transporter, or other person who performs any service under work covered as described in this Part without the appropriate license or who installs a manufactured or modular home in a manner contrary to the requirements of this Part shall be in violation of the provisions of this Part. All such violators shall be subject to the penalty of revocation or suspension of their license or a civil fine of up to one thousand five hundred dollars, or both, for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, then the commission may double the civil penalty up to five thousand dollars for each violation. Violators shall also be subject to any measures prescribed by any other applicable rule, regulation, or law.

§912.52. Louisiana state administrative agent

B. The power and authority of the agent shall include but not be limited to the following:

(5) Providing oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer’s handling of consumer complaints at plants located within the state.

Section 2. R.S. 51:911.24(K), 911.26(A)(3), and (J), and 911.28(A)(10) are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

Tom Schedler
Secretary of State

ACT No. 222

HOUSE BILL NO. 474
BY REPRESENTATIVE GAROFALO

To amend and reenact R.S. 56:431.2(A)(1) and (B)(2) and to repeal R.S. 56:431.2(B)(3)(d) and (C), relative to alternative oyster culture permits; to authorize the issuance of such permit to a person holding an oyster lease on a privately owned water bottom or dual-claimed water bottom; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:431.2(A)(1) and (B)(2) are hereby amended and reenacted to read as follows:

§431.2. Alternative oyster culture permits

A. Alternative Oyster Culture Permits

(1) The Notwithstanding the provisions of R.S. 3:559.1 through 559.13, R.S. 56:412, 431.1, and 579.1 notwithstanding, the department is authorized to issue an alternative oyster culture permit (AOC permit) to a leaseholder holding a valid oyster lease of state water bottoms pursuant to R.S. 56:427 or 428 or to a person owning a water bottom or holding an oyster lease on a privately owned water bottom or dual-claimed water bottom as defined in R.S. 56:429.1. The area permitted for alternative oyster culture shall not extend beyond the boundaries of an existent lease or ownership of the water bottom. No AOC permit may be issued unless a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the state owns the water bottom to be covered by the permit. No AOC permit may be issued until the department has completed the suitability mapping required in Subsection C of this Section.

B. Application and permitting.

(2) Based on the initial suitability mapping required by this Section, any update or revisions to the initial suitability mapping, The department shall determine areas that are unsuitable or inappropriate for alternative oyster culture activities due to creation of unreasonable conflicts with other existing or anticipated uses of state waters and water bottoms, including but not limited to integrated coastal protection projects as defined in R.S. 49:214.2. The department shall base all rules, regulations, and decisions regarding AOC permits on master plan or annual plan issued pursuant to R.S. 49:214.5.3, and any other information and data deemed relevant by the department. The department may grant an AOC permit for a different location, size, or configuration, and for different alternative oyster culture activity than what was requested in the application.

Section 2. R.S. 56:431.2(B)(3)(d) and (C) are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 223

HOUSE BILL NO. 508
BY REPRESENTATIVE JAMES A. AND SENATOR MORRELL

To amend and reenact R.S. 47:6007(C)(4)(b) and to enact R.S. 47:6007(C)(4)(g), relative to motion picture production tax credits; to authorize a fee for the transfer of a motion picture production credit, to establish the Louisiana Entertainment Development Fund; to provide for deposits into and uses of the fund; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6007(C)(4)(b) is hereby amended and reenacted and R.S. 47:6007(C)(4)(g) is hereby enacted to read as follows:

§6007. Motion picture production tax credit

C. Production tax credit; specific productions and projects.

(4) Transferability of the credit. Except as provided for in Item (f)(iii) of this Part, motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, subject to the following conditions:

(b) Transferors and transferees shall submit to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within ten business days after the transfer or sale of such tax credits. No transfer or sale of tax credits shall be effective until recorded in the tax credit registry in accordance with R.S. 47:1524. The notification shall include the transferor’s tax credit balance prior to transfer, a copy of any tax credit certificate letter(s) issued by the office and the secretary of the Department of Economic Development the transferor’s remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, a copy of the credit certificate, price paid by the transferee to the transferor, in the case when the transferee is a state-certified production, for the tax credits, and any other information required by the office or the Department of Revenue. For the purpose of reporting transfer prices, the term “transfer” shall include allocations pursuant to Paragraph (2) of this Subsection as provided by rule. The tax credit transfer value means the percentage as determined by the price paid by the transferee to the transferor divided by the dollar value of the tax credits that were transferred in return. The notification submitted to the Department of Revenue shall include a processing fee of up to twenty-five percent to the Department of Revenue for administrative purposes.

(5) The notification submitted to the Department of Revenue shall include a fee, for projects that apply to the office prior to July 1, 2017, of two percent of the tax credit transfer value, and any information submitted by a transferor or transferee shall be treated by the office and the Department of Revenue as proprietary to the entity reporting such information and therefore confidential. However, this shall not prevent the publication of summary data that includes no fewer than three transactions.

(g)(ii) The notification submitted to the Department of Revenue shall include a fee, for projects that apply to the office prior to July 1, 2017, of two percent of the tax credit transfer value, which shall be deposited upon receipt in the state treasury.

(ii) There is hereby established in the state treasury a special treasury fund, the Louisiana Entertainment Development Fund, hereinafter referred to as the “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 becomes due and payable within any fiscal year as required by Article VII, Section 9(B) of this constitution, the treasurer shall deposit in and credit to the Fund any unexpended and unencumbered money in the Fund at the end of the fiscal year. The Funds shall be deposited upon receipt in the state treasury.

(iii) The money in the Fund shall be appropriated by the legislature as follows:

(AA) Twenty-five percent to the Department of Revenue for administrative purposes.

(BB) Seventy-five percent to the Department of Economic Development, office for education development initiatives, matching grants for Louisiana filmmakers, a loan guarantee program, and a deal closing fund.

(iv) The money in the Fund shall be invested by the treasurer in the same manner as the state general fund. Unexpended or unencumbered money in the Fund the end of the fiscal year shall remain in the Fund.

The office shall promulgate rules and regulations prior to issuance of any awards pursuant to the provisions of this item, in accordance with The Administrative Procedure Act.
To enact Subpart E of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1351 through 1358, relative to travel insurance; to provide for definitions; to provide for deposits, assessments, fees, and taxes; to provide for sales practices; to provide for travel protection plans; to provide for travel administrators; to provide for promulgation of regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1351 through 1358, is hereby enacted to read as follows:

SUBPART E. TRAVEL INSURANCE

§1351. Applicability
A. This Subpart shall apply to travel insurance where policies or certificates are delivered or issued for delivery in this state.
B. This Subpart shall not apply to cancellation fee waivers and travel assistance services, except as expressly provided herein.

§1352. Definitions
As used in this Subpart, the following definitions apply:
(1) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.
(2) "Blanket travel insurance" means travel insurance issued to any eligible group providing coverage for specified circumstances and specific classes of persons defined in the policy and issued to a policyholder and not by specifically naming the persons covered, by certificate or otherwise, although a statement of the coverage provided may be given, or required by policy to be given, to eligible persons.
(3) "Cancellation fee waiver" means a contractual agreement between a supplier and a customer or travel service and its customer to waive some or all of the nonrefundable cancellation fee or penalty provisions of the underlying travel contract between the supplier and customer. A cancellation fee waiver is not insurance.
(4) "Commissioner" means the commissioner of insurance of this state.
(5) "Eligible group" means any of the following:
a. Any entity engaged in the business of providing travel or travel services, including but not limited to:
   (i) Tour operators.
   (ii) Flying operators.
   (iii) Vacation property owners.
   (iv) Hotels and resorts.
   (v) Travel clubs.
   (vi) Property managers.
   (vii) Cultural exchange programs.
   (vi) Property managers.
   (vii) Cultural exchange programs.
   (vi) Property managers.
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   (vi) Property managers.
   (vii) Cultural exchange programs.
   (vi) Property managers.
   (vii) Cultural exchange programs.
   (vi) Property managers.
   (vii) Cultural exchange programs.
   (vi) Property managers.
   (vii) Cultural exchange programs.

§1353. Application
A. This Subpart applies to all travel insurance contracts, agreements, or policies issued to, owned by, or for the benefit of entities or individuals engaged in any of the businesses specified in Subsection (2) of this Section.
B. This Subpart does not apply to travel insurance contracts, agreements, or policies issued to individuals engaged in any of the businesses specified in Subsection (2) of this Section, unless the insurance is issued to, owned by, or for the benefit of entities or individuals engaged in any of the businesses specified in Subsection (2) of this Section.

§1354. Deposits, assessments, and fees
A. The commissioner shall require the deposit of a specified amount of money, as determined by the commissioner, in one of the following:
(1) Any newspaper or other publisher covering its journalists and carriers.
(2) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of the association.
(3) Any financial institution or financial institution vendor, or parent holding company, or trustee, or agent of or designated by one or more financial institutions or financial institution vendors, under which account holders, credit card holders, debtors, guarantors, or purchasers are insured.
(4) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of the association.
(5) Any trust or the trustees of a fund established, created, or maintained for the benefit of members or customers of one or more associations meeting the requirements of this Paragraph.
(6) Any travel insurance contractor, any insurance producer, any travel insurance agency, or any person engaged in the business of providing travel insurance services, for the benefit of members or participants.

§1355. Insurance policies
A. Every insurance policy issued, delivered, or issued for delivery shall:
(1) Contain a statement of the coverage provided by the policy, and the names of the insured parties.
(2) Be in a form approved by the commissioner, and contain:
   (a) The name and address of the insurer.
   (b) The name and address of the insured parties.
   (c) The nature of the coverage provided by the policy.
   (d) The terms and conditions of the policy.
   (e) The effective date of the policy.
   (f) The expiration date of the policy.
   (g) The premium or policy fee, and the method of payment.
   (h) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (i) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (j) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (k) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (l) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (m) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (n) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (o) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (p) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (q) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (r) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (s) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (t) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.

§1356. Deposit of premiums and fees
A. Every insurance policy issued, delivered, or issued for delivery shall:
(1) Contain a statement of the coverage provided by the policy, and the names of the insured parties.
(2) Be in a form approved by the commissioner, and contain:
   (a) The name and address of the insurer.
   (b) The name and address of the insured parties.
   (c) The nature of the coverage provided by the policy.
   (d) The terms and conditions of the policy.
   (e) The effective date of the policy.
   (f) The expiration date of the policy.
   (g) The premium or policy fee, and the method of payment.
   (h) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (i) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (j) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (k) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (l) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (m) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (n) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (o) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (p) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (q) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (r) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (s) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (t) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (u) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (v) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (w) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (x) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (y) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (z) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.

§1357. Insurance policies
A. Every insurance policy issued, delivered, or issued for delivery shall:
(1) Contain a statement of the coverage provided by the policy, and the names of the insured parties.
(2) Be in a form approved by the commissioner, and contain:
   (a) The name and address of the insurer.
   (b) The name and address of the insured parties.
   (c) The nature of the coverage provided by the policy.
   (d) The terms and conditions of the policy.
   (e) The effective date of the policy.
   (f) The expiration date of the policy.
   (g) The premium or policy fee, and the method of payment.
   (h) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (i) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (j) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (k) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (l) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (m) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (n) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (o) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (p) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (q) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (r) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (s) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (t) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (u) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (v) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (w) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (x) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
   (y) The right of the insurer to cancel the policy and the method of calculating the cancellation fee.
   (z) The right of the insured party to cancel the policy and the method of calculating the cancellation fee.
(6) “Fulfillment materials” means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan’s coverage and assistance details, as applicable.

(7) “Group travel insurance” means travel insurance issued to any eligible group.

(8) “Limited lines travel insurance producer” has the same meaning as in R.S. 22:1782.2.

(9) “Offer and disseminate” has the same meaning as in R.S. 22:1782.1.

(10) “Travel administrator” means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state in connection with travel insurance exclusion that shall not be considered a travel administrator if the only circumstance that would otherwise cause him to be considered a travel administrator is one of the following:

(a) A person working for a travel administrator to the extent that his activities are subject to the supervision and control of the travel administrator.

(b) An insurance producer selling insurance or engaging in administrative and claims-related activities within the scope of the producer’s license.

(c) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with the provisions of R.S. 22:1782.2.

(d) An individual adjusting or settling claims in the normal course of his practice or employment as an attorney at law and who does not collect charges or premiums in connection with insurance coverage.

(e) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer. For purposes of this Paragraph, “affiliated business entity” or “affiliated insurer” has the same meaning as “affiliated company” in R.S. 22:1782.1.

(11) “Travel assistance services” means non-insurance services that may be distributed by limited lines travel insurance producers or other entities and for which there is no indemnification for the travel protection plan currently or that would constitute the business of insurance. Travel assistance services include but are not limited to security advisories, destination information, vaccination and immunization information services, travel reservation services, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any other service that is furnished in connection with planned travel that is not related to the adjudication of a travel insurance claim unless otherwise approved by the commissioner in a travel insurance filing. Travel assistance services are not insurance and not related to insurance.

(12) “Travel insurance” has the same meaning as in R.S. 22:1782.1.

(13) “Travel protection plan” means a plan that provides any of the following:

(a) Travel insurance.

(b) Travel assistance services.

(c) Cancellation fee waivers.

(14) “Travel retailer” has the same meaning as in R.S. 22:1782.1.

§1353. Deposits, assessments, fees, and taxes

A. A travel insurer shall be subject to the provisions of Chapter 3 of this Title, R.S. 22:791 et seq.

B. A travel insurer shall pay premium tax, as provided in R.S. 22:837 and 636, on travel insurance premiums paid by any one of the following:

(1) An individual policyholder who is a resident of this state.

(2) A certificate-holder who is a resident of this state who elects coverage under a group travel insurance policy.

C. Any eligible group policyholder that is resident in, or has its principal place of business in, this state that purchases a blanket travel insurance policy

§1354. Travel protection plans

Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this state if all of the states the contract was written in make available the right to combined coverage that includes the travel insurance and the travel protection plan features.

A. There is no finding by the commissioner, pursuant to R.S. 22:1453, that the travel insurance market in the state is noncompetitive or that the travel protection plan restricts competition by either significantly decreasing output or efficiency in the market or that a travel insurer or travel retailer is exerting sufficient market power in providing travel insurance or a travel protection plan such that competition is adversely impacted or that the travel protection plan would exact burdensome terms that would not exist in a competitive market.

B. The travel insurance, travel assistance services, and cancellation fee waivers are clearly delineated in the travel protection plan’s fulfillment materials. The fulfillment materials shall include the travel insurance disclosure requirements required pursuant to state law and the contract information for persons who purchase travel assistance services and cancellation fee waivers, as applicable.

C. The travel protection plan clearly discloses to the consumer at or prior to the time of purchase and fulfillment that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides an opportunity at any time thereafter for the consumer to obtain additional information regarding the features and pricing of each.

§1535. Sales practices

A. No person engaged in offering, soliciting, or negotiating travel insurance to residents of this state shall be subject to the unfair trade practices provisions of Chapter 7 of this Title, R.S. 22:1901 et seq., except as otherwise provided in this Section.

B. It shall not be an unfair trade practice to include blanket travel insurance coverage with the purchase of a trip, provided the coverage is not marketed as free.

C. Travel insurance policies or certificates that contain pre-existing condition exclusions shall clearly disclose the exclusion in the coverage’s fulfillment materials.

D. Policyholders or certificate holders shall have a minimum of ten days from the date of purchase to review and cancel the policy or certificate for a full refund of the travel protection plan price, unless the insured has either settled the covered trip or has filed a claim under the travel insurance coverage.

E. The travel insurance policy shall disclose in the policy fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage. Travel insurance is not subject to coordination of benefits for health insurance coverage.

F. Where travel insurance is marketed directly to a consumer through an insurer’s website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law when an accurate summary or short description of coverage is provided on the web page, as long as the consumer has access to the full provisions through electronic means.

G. Unless otherwise permitted by state or federal law, no person offering travel insurance or travel protection plans on an individual or group basis shall make false representations or statements of fact that would require a consumer to take an affirmative action such as unchecking a box on an electronic form when he purchases a trip to deselect coverage.

§1356. Travel administrators

Notwithstanding any other provisions of this Title, no person shall act or represent himself as a travel administrator in this state unless that person meets one of the following conditions:

(1) Is a licensed producer for property and casualty insurance in this state.

(2) Holds a valid managing general agent license in this state.

§1357. Travel administration

A. Notwithstanding any other provision of this Title, travel insurance shall be classified and filed for purposes of rates and forms as a marine and transportation line of insurance as defined in R.S. 22:47(13).

B. Travel insurance may be provided by an individual or group master policy.

C. Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, and the travel insurance offered as part of the travel protection plan may be offered as individual travel insurance, group travel insurance, or blanket travel insurance.

§1558. Regulations

The commissioner may, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., promulgate rules and regulations as he deems necessary to enforce the provisions of this Subpart.

Section 2. This Act shall become effective on January 1, 2018.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

HOUSE BILL NO. 554

THE ADVOCATE

* As it appears in the enrolled bill

THE ADVOCATE

CODING: Words in strike-through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
promulgate regulations, in accordance with the Administrative Procedure Act. Such policies and procedures may require in the solicitation language that:

(3) Adequate public notice for the purchase of materials, supplies, services, or equipment using a reverse auction shall be given, as follows:

(a) The advertisement or notice shall be published one time in the official newspaper of the parish in which the opening date of the reverse auction, conform to the requirements for public notice of sealed bidding or small purchases as applicable, pursuant respectively to R.S. 39:1594 or 1596, such that the extent, timing, location, form, and duration of public notice activities required in the reverse auction process shall be fully consistent with the public notice activities required for a sealed bid or small purchase of equivalent value.

(b) In the case of any purchase to meet the needs of a single budget unit, the selection of the purchase method may be published in the official newspaper of the parish in which the budget unit is situated, or if there is not a newspaper printed in the parish, in a newspaper printed in the nearest parish that has a general circulation in the parish in which the budget unit is situated.

(4) The office of state procurement shall report annually to the legislature by September first, on the use of reverse auctions and any savings achieved.

Approved by the Governor, June 14, 2017.

Tom Schedler
Secretary of State

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ACT No. 227

HOUSE BILL NO. 556

BY REPRESENTATIVE PEARSON

To amend and reenact R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 and to enact R.S. 17:1200(C), relative to sick leave for public school employees; to provide relative to sick leave benefits to public school teachers, school bus operators, and other school employees who are disabled as a result of physical assault and battery under certain circumstances; to provide relative to requirements for certification of such disability by a physician; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 are hereby amended and reenacted and R.S. 17:1200(C) is hereby enacted to read as follows:

§500.1. School bus operators; sick leave
A. An employee of the parish or city school boards of this state, who is injured or incapacitated in his official capacity as a result of physical assault and battery by any student or person and is disabled as a result of such injury and cannot perform his functions as a school bus operator, shall receive sick leave without reduction in pay while incapacitated disabled as a result of such injury. If a school bus operator is absent for six or more consecutive days as a result of such injury, he shall be required to present a certificate from a physician certifying such disability. The sick leave authorized by this section shall include in all other sick leave days while injured or incapacitated disabled as a result of such disability, he shall be required to present a certificate from a physician certifying such injury or incapacitation the disability. The sick leave authorized by this section shall be in addition to all other sick leave authorized by R.S. 17:500.1, provided that additional sick leave for incapacitation disabled as a result of physical assault and battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized by R.S. 17:500.1.

B. At any time during the period of certified disability, if the school board questions the validity of the physician certification, the board may require the school bus operator to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board disagrees with the certification of the third physician, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate.

C. As used in this Section, “disabled” or “disability” means unable to or incapacitated disabled as a result of physical assault and battery under certain circumstances, or unable to or incapacitated disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while injured or incapacitated disabled as a result of rendering such assistance. Such member of the teaching staff shall be required to present a certificate from a physician selected by the teaching staff member certifying such injury or disability. Nothing in this Subsection shall prohibit a city, parish, or other local public school board from extending this period beyond one calendar year.

(ii) At any time during the period of certified disability, if the school board questions the validity of the physician certification, the board may require the teaching staff member to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the board disagrees with the certification of the third physician, the board may require the teaching staff member to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local or state medical society for such purpose and maintained by the board. Any costs of examination and any tests required by a third physician shall be paid by the board. The opinion of the third physician shall be determinative of the issue.

(iii) The opinion of each physician consulted as provided in this Subsection shall be in addition to all other sick leave authorized by R.S. 17:1200(C), as shall be the provisions of this Subsection.

(iv) The board shall not reduce the pay or accrued sick leave of a member of the teaching staff while injured or incapacitated disabled as a result of an injury as provided in this Subsection.

§1200.1. School employees; sick leave
A. (1) Any employee of the parish or city school boards of this state, who is injured or incapacitated in his official capacity as a result of physical assault and battery by any student or person, shall receive sick leave without reduction in pay while incapacitated disabled as a result of such injury. If the employee of the parish or city school board, as the word “employee” is defined in R.S. 17:1205, who is injured or incapacitated disabled as a result of physical assault and battery while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period up to ninety days without reduction in pay and without reduction in accrued sick leave days while injured or incapacitated disabled as a result of such physical assault or battery, however, when such the employee is absent for six or more consecutive days as a result of such injury or disability, he shall be required to present a certificate from a physician certifying such injury or disability. The sick leave authorized by this section shall be in addition to all other sick leave authorized by R.S. 17:1206, provided that additional sick leave for incapacity disabled as a result of physical assault or battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized by R.S. 17:1206.

B. At any time during the period of certified disability, if the school board questions the validity of the physician certification, the board may require the employee to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate.

C. (1) Any employee of the parish or city school boards of this state, who is injured or incapacitated disabled as a result of physical assault and battery by any student or person, shall receive sick leave without reduction in pay while incapacitated disabled as a result of such injury. If the employee of the parish or city school board, as the word “employee” is defined in R.S. 17:1205, who is injured or incapacitated disabled as a result of physical assault and battery while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period up to ninety days without reduction in pay and without reduction in accrued sick leave days while injured or incapacitated disabled as a result of such physical assault or battery, however, when such the employee is absent for six or more consecutive days as a result of such injury or disability, he shall be required to present a certificate from a physician certifying such injury or disability. The sick leave authorized by this section shall be in addition to all other sick leave authorized by R.S. 17:1206, provided that additional sick leave for incapacity disabled as a result of physical assault or battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized by R.S. 17:1206.

D. As used in this Section, “disabled” or “disability” means unable to or incapacitated disabled as a result of physical assault and battery under certain circumstances, or unable to or incapacitated disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while injured or incapacitated disabled as a result of rendering such assistance. Such member of the teaching staff shall be required to present a certificate from a physician selected by the teaching staff member certifying such injury or disability. Nothing in this Subsection shall prohibit a city, parish, or other local public school board from extending this period beyond one calendar year.

(2) The sick leave authorized by this Section shall be in addition to all other sick leave authorized by R.S. 17:1206, provided that additional sick leave for incapacity disabled as a result of physical assault or battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized by R.S. 17:1206.
A true copy:
Tom Schneller
Secretary of State

ACT No. 228

BY REPRESENTATIVE WHITE

To amend and reenact R.S. 56:1901, 1902(1) 1903, 1904(A), (B)(introductory paragraph), (C)(2), (D), (E), and (H), and 1907 and to enact R.S. 56:1902(3) and 1904(C)(3), (I), (J), and (K), relative to threatened and endangered species conservation; to include native plants in the species to be conserved by the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries; and to provide for related matters.

It is enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1901, 1902(1), 1903, 1904(A), (B)(introductory paragraph), (C)(2), (D), (E), and (H), and 1907 and to enact R.S. 56:1902(3) and 1904(C)(3), (I), (J), and (K) are hereby enacted to read as follows:

§1901. Legislative findings and declarations

The Louisiana Legislature finds:

A. That it is the policy of the state to conserve species of wildlife and native plants for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of this state's economic and ecologic systems.

B. That species of wildlife and native plants normally occurring within this state which may be found to be threatened or endangered within the state should be accorded such protection as is necessary to maintain and to enhance their numbers.

C. That the state should assist in the protection of species of wildlife which are determined to be "threatened" or "endangered" elsewhere pursuant to the Federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as amended by the Louisiana Wildlife and Fisheries Commission, by prohibiting the taking, possession, transportation, exportation from the state, processing, sale or offer for sale or shipment within this state of such endangered species not by carefully regulating such activities with regard to such species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this Part.

D. That funding for the conservation of threatened or endangered species and native plants may be made available to the Louisiana Department of Wildlife and Fisheries annually by appropriations from the general fund of the state. Additionally, sources other than those normally used by the department in the regulation of its programs may be utilized, including but not limited to federal funding through Section 6 of the federal Endangered Species Act of 1973 and to that extent the department may enter into cooperative agreements with the proper authorities of the government of the United States, state and local agencies, educational, research and conservation organizations, and the public for the purpose of enhancing the continued ability of species of wildlife or native plants and the commission may from time to time amend the list of threatened or endangered species, and interested persons and organizations. The secretary may not determine whether any species of wildlife or native plant occurring in this state is an endangered or threatened species because of any of the following factors:

E. Permitting or authorizing, directly or indirectly, the possession, transportation, exportation, sale or offer for sale or shipment of such species in violation of Subsection (2) of this Section.

F. Consenting to or the presence of any person or any species of wildlife, except for the purpose of conducting research, surveys, or other activities related to the conservation of such species as authorized by law.

G. To conduct research or surveys of such species without prior approval of the Wildlife and Fisheries Commission.

H. With respect to any threatened or endangered species of native plant, it is unlawful, except as provided in Section I of this Part, for any person to subject the jurisdiction of this state to:

1. Willfully destroy or harvest any species growing on the private land of another without first obtaining the written permission of the landowner or legal representative of the landowner.

2. Willfully destroy or harvest any species on any public land without a permit from the Louisiana Department of Wildlife and Fisheries and such permit may be issued only if it is determined and R.S. 56:1902(3) and 1904(C)(3), (I), (J), and (K) are hereby enacted to read as follows:

Approved by the Governor, June 14, 2017.
I. (1) With respect to native plant species, no provision of this Part shall apply to the following:
   (a) The clearing or other disturbance of land for agricultural or silvicultural purposes.
   (b) The clearing or removal of threatened or endangered plants by the landowner or his agent.
   (c) The clearing or removal of threatened or endangered plants by entities of the horticultural and nursery industry that are licensed or permitted to operate under the Horticulture Commission Law, R.S. 3:3801 et seq.
   (d) The propagation and sale of legally harvested threatened or endangered plant species by entities of the horticultural and nursery industry that are licensed or permitted to operate under the Agriculture Commission Law, R.S. 3:3801 et seq.
   (e) Any emission or discharge authorized pursuant to a permit, license, registration, or variance by the Department of Environmental Quality or any water intake for a facility that holds such permit, license, registration or variance.
   (2) The provisions of this Part shall not be interpreted to authorize the department to designate critical habitat on private property.

4. (1) Permit permit what is prohibited by this Part or by any regulation which implements this Part, or
   (2) Prohibit prohibit what is authorized pursuant to an exemption or permit provided for in this Part or in any regulation which implements this Part.

6. This Part shall not otherwise be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife.

$1907. Penalties and enforcement

A. Violation of the provisions of R.S. 56:1904(C) or any regulations issued pursuant thereto constitutes a class four violation.

B. Violation of the provisions of R.S. 56:1904(C), or any regulations issued pursuant to R.S. 56:1904(C), or failure to procure any permit required by R.S. 56:1904(C), or violation of the terms of any such permit constitutes a class six violation. Any violation of the provisions of this Part or any regulation adopted pursuant to the provisions of this Part shall constitute a class six violation punishable under the provisions of R.S. 56:36.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 229

HOUSE BILL NO. 617

BY REPRESENTATIVE LEBAS

AN ACT

To amend and reenact R.S. 48:600.1(B)(1) and 600.2(B)(1) and (4), relative to district five and six road commissions of St. Landry Parish, to provide relative to the appointment of the commissioners of the boards of district five and six road commissions of St. Landry Parish; 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. 48:600.1(B)(1) and 600.2(B)(1) and (4) are hereby amended and reenacted as follows:

§600.1. District Five Road Commission of St. Landry Parish

B.(1) The commissioners of the board shall be appointed by the governing authority of the parish of St. Landry. The governing authority shall appoint one member from each of the thirteen precincts of St. Landry, at the time the appointments are being made and as certified by the St. Landry Parish register of voters. Each member appointed shall be a resident of such precinct and shall be appointed to represent the precinct he is appointed to represent. The governing authority of the parish shall attempt to achieve a racial balance when appointing the commissioners to the board.

(4) The terms of commissioners of the board appointed upon the expiration of the initial terms shall be two years, and upon expiration of a term of office, the successor shall be provided for in Paragraph (1) of this Section Subsection. No commissioner shall serve for more than two terms. No person who has served as a commissioner for two consecutive four-year terms shall be appointed for the succeeding term.

* * *

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 230

HOUSE BILL NO. 660

BY REPRESENTATIVES GARY CARTER

AND BOUIE AND SENATOR CARTER

AN ACT

To enact R.S. 17:161.1, relative to school buses in Orleans Parish; to require all school buses used to transport students to public schools in Orleans Parish to contain lettering identifying the name of the school or schools; 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. 17:161.1 is hereby enacted to read as follows:

§161.1. School buses in Orleans Parish: lettering requirements

Each school bus used to transport students to public schools in Orleans Parish shall contain lettering identifying the name of the school or schools for which it transports students. The lettering shall be black and in block form. The lettering shall be placed on both sides of the bus as high as possible to provide maximum visibility.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 231

HOUSE BILL NO. 675

(Substitute for House Bill No. 440 by Representative Davis)

BY REPRESENTATIVE DAVIS

AN ACT

To amend and reenact R.S. 37:2175.1(A)(1) and 2175.3(A)(9) and to enact R.S. 37:2171.3, relative to contractors; to require the provision of name, license, classification, and insurance information to certain persons; to provide for penalties; to require certain information be included in home improvement contracting agreements; to provide for prohibited acts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2175.1(A)(1) and 2175.3(A)(9) are hereby amended and reenacted and R.S. 37:2171.3 is hereby enacted to read as follows:

§2171.3. Notification of name, license number, and classification; evidence of required insurance

A. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall provide, in writing to the party with whom he has contracted to perform contracting services, his name, contracting license number, classification, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers compensation coverage or R.S. 37:2175.3(A)(1) and 2175.3(A)(9) are hereby amended and reenacted and R.S. 37:2171.3 is hereby enacted to read as follows:

§2171.3. Notice and Registration Requirement

A. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall provide to the appropriate permitting authority evidence of a license or registration in good standing prior to the issuance of any permit required by law.

§2175.1. Home improvement contracting; written contract required; right to cancel

A. Every agreement to perform home improvement contracting services, as defined by this Part, in an amount in excess of one thousand five hundred dollars, but not in excess of seventy-five thousand dollars, shall be in writing and shall include the following documents and information:
(1) The complete agreement between the owner and the contractor and a clear description of any other documents which are or shall be incorporated into the agreement, including current insurance certificates evidencing the amount of liability insurance maintained and proof of workers compensation coverage by any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.

$2175.3. Home improvement contracting; prohibited acts; violations
A. The following acts are prohibited by persons performing home improvement contracting services:

(9) Failing to possess any insurance required by federal law provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

Approved by the Governor, June 14, 2017.
A true copy:
Tom Schedler
Secretary of State

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ACT No. 232

SENATE BILL NO. 43
BY SENATOR MARTINY
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C), relative to the Louisiana State Board of Examiners of Psychologists; to provide for authority to conduct hearings; to provide for hearing fees; to provide for informal resolution fees; to provide for experience substitutions; to provide for authority to withhold license; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C) are hereby amended and reenacted to read as follows:

§2353. State board of examiners; organization; duties; meetings; fees

C. The board is authorized and empowered to:

(5) Conduct hearings upon complaints concerning the disciplining of a psychologist provided that, notwithstanding a person licensed pursuant to the provisions of this Chapter and within the limitations established under Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950, no disciplinary proceeding shall be commenced more than one year after the date upon which the board knows or should know of the act or omission upon which the disciplinary action is based.

§2354. Fees

B. (1) The board shall charge an application fee to all applicants for licensure. The board may also charge a written examination fee and an oral examination fee. A hearing fee may also be charged at the discretion of the board. The board shall establish a reasonable fee schedule in conformity with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

§2356. Licensure of psychologists by written and oral examination

A. The board shall issue a license as a psychologist to each applicant who shall file an application upon a form and in such a manner as the board prescribes, accompanied by such fee as required by this Chapter, and who furnishes evidence to the board that, except as otherwise required by law, he:

(6) Has a minimum of two years of experience practicing psychology under the supervision of a psychologist, one year of which may be a predoctoral internship as defined in the rules and regulations of the board and required as part of the doctoral degree in psychology as defined by the board and all other experience being post-doctoral. Psychologists who can demonstrate five years of licensed practice as a psychologist in another state, with no disciplinary actions, may qualify to meet one year of post-doctoral experience as defined in the rules and regulations of the board.

§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology

C. (1) Proceedings for disciplinary action or for the denial or withholding of a license or provisional license under the authority of this Section shall be conducted in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom it has taken disciplinary action to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees in accordance with the provisions of this Chapter. These costs shall be paid no later than ninety (90) days after the adjudication by the board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

(2) The board may charge a hearing fee to include reasonable costs and fees incurred by the board for the hearing or proceedings, including its legal fees, stenographer, investigator, staff, and witness fees and any such costs and fees incurred by the board on any judicial review or appeal.

(3) The board may charge an informal resolution fee, not to exceed ten thousand dollars, to include costs and fees incurred by the board for a disciplinary action that is resolved by settlement, consent decree, or other informal resolution including its investigator, staff, and legal fees.

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 be presented.
A true copy:
Tom Schedler
Secretary of State  

ACT No. 235  
SENATE BILL NO. 38  
BY SENATOR MORRELL  
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact R.S. 37:1103(7) and 1116(F) and to repeal R.S. 37:1103(14), relative to mental health counselors; to provide for changes to the definition of mental health counseling services; to provide for the repeal of the definition of serious mental illness; to provide for the repeal of provisions regarding consultation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1103(7) and 1116(F) are hereby amended and reenacted to read as follows:

§1103. Definitions  
* * *
(7) “Mental health counseling services” means rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor, that is consistent with his professional training as prescribed by R.S. 37:1107(F), and code of ethics/behavior involving the application of principles, methods, or procedures of the mental health counseling profession. However, nothing in this Chapter shall be construed to authorize any person licensed under the provisions of this Chapter to access, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined in this Section, when medication may be indicated, except when a licensed professional counselor, in accordance with best practices, consults and collaborates with a practitioner who holds a license or permit under the provisions of this Chapter to assess, diagnose, or provide treatment.

§1116. Licensure application for marriage and family therapists; provisional license; temporary license or temporary provisional license

F. Nothing in this Chapter shall be construed to authorize any person licensed under the provisions of this Chapter to access, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined by R.S. 37:1107, when medication may be indicated, except when a licensed marriage and family therapist, in accordance with best practices, consults and collaborates with a practitioner who holds a license or permit with the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner. Moreover, except as provided in this Section, nothing in this Chapter shall be construed to authorize any person licensed hereunder to administer or interpret intellectual, personality, developmental, or neuropsychological tests in accordance with the provisions of R.S. 37:23324(A)(7), except as provided by Title 46, Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code, or engage in the practice of prescribing, either orally or in writing, distribute, dispense, or administer any medications. If intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed professional counselor or provisional licensed professional counselor shall make an appropriate referral.

§1116. Licensure application for marriage and family therapists; provisional license; temporary license or temporary provisional license

B. For purposes of this Section:

(1) “Prescriber” means a pharmacist or other person authorized to prescribe drugs or biological products to wholesalers or direct purchasers in the United States for the most recent month for which the information is available, as reported in wholesale price guides or other publications of pharmaceutical drug or biological product pricing data, not including prompt pay or other discounts, rebates, or reductions in price.

(2) “Pharmaceutical marketer” means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company engages in marketing activities of prescription drugs.

(3) “Prescription drug” means a pharmaceutical drug that legally requires a prescription to be dispensed.

(4) “Prescription drug marketing” means in-person meetings, mailings, telephonic conversations, video conferencing, and electronic mail activities with prescribers.

(5) “Prescriber” means a physician or any other person authorized to prescribe prescription drugs or any other person on their staff who receives prescription drug marketing materials.

C(1) Implementation of this Section shall be contingent upon the Louisiana Board of Pharmacy’s obtaining grant funds from private entities for the development, implementation, operation, and continued maintenance of the drug pricing disclosure website.

C(2) The board shall actively seek grant funding to implement the provisions of this Section. Within ten months of successful receipt of grant funds sufficient in amount to implement the provisions of this Section, the board shall make the drug pricing disclosure website available to prescribers.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State  

ACT No. 236  
SENATE BILL NO. 59  
BY SENATORS MILLS, JOHNS AND MORRIS
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1251, relative to prescription drug pricing information; to provide for disclosure of certain information; to provide for required data; to provide for responsibilities of the Louisiana Board of Pharmacy; to provide for a website; to provide for definitions; to provide for grant funding opportunities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1251, is hereby enacted to read as follows:

PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION

§1251. Disclosure of prescription drug price information

A(1) The Louisiana Board of Pharmacy shall develop a website to contain prescription drug price information to be made available to Louisiana prescribers on the board’s website with a dedicated link that is prominently displayed on the board’s home page, or by a separate easily identifiable internet address.

A(2) The website shall include, at a minimum, the following data elements, separated by therapeutic category:

(a) Name of the product.
(b) Whether the drug is a brand name or a generic.
(c) Drug strength.
(d) Per-unit wholesale acquisition cost of the drug.
(e) Any disclaimers deemed appropriate by the board.

A(3) When a pharmaceutical marketer engages in any form of prescription drug marketing directly to a prescriber, his designee, or any member of his staff, while physically present in the state of Louisiana, the prescriber shall be provided with the website’s internet address and informed of the pharmacist that he may access the website to obtain information on the cost of prescription drugs. The provisions of this Section shall only apply to pharmaceutical marketing engaged in by a pharmaceutical marketer and a prescriber licensed by the state of Louisiana, his designee, or any member of his staff, while physically present in the state of Louisiana.

A(4) The board shall have the authority to enter into a contract for the administration of the board’s responsibilities pursuant to this Section.

A(5) Each health profession licensing board that regulates individuals with prescriptive authority in Louisiana shall advise the licensees of the board at least once annually of the opportunity to access this website.

B. For purposes of this Section:

(1) “Wholesale acquisition cost” means, with respect to a pharmaceutical drug or biological product for which the manufacturer lists the price for the pharmaceutical drug or biological product pricing data, not including prompt pay or other discounts, rebates, or reductions in price.

(2) “Pharmaceutical marketer” means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company engages in marketing activities of prescription drugs.

(3) “Prescription drug” means a pharmaceutical drug that legally requires a prescription to be dispensed.

(4) “Prescription drug marketing” means in-person meetings, mailings, telephonic conversations, video conferencing, and electronic mail activities with prescribers.

(5) “Prescriber” means a physician or any other person authorized to prescribe prescription drugs or any other person on their staff who receives prescription drug marketing materials.

C(1) Implementation of this Section shall be contingent upon the Louisiana Board of Pharmacy’s obtaining grant funds from private entities for the development, implementation, operation, and continued maintenance of the drug pricing disclosure website.

C(2) The board shall actively seek grant funding to implement the provisions of this Section. Within ten months of successful receipt of grant funds sufficient in amount to implement the provisions of this Section, the board shall make the drug pricing disclosure website available to prescribers.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State  

THE ADVOCATE  
PAGE 107  
* As it appears in the enrolled bill  
CODING: Words in italic type are additions to existing law; words in boldfaced (House Bills) and underscored and boldfaced (Senate Bills) are additions.
The assistant secretary of the office of juvenile justice of the Department of Public Safety and Corrections, or his designee.

(ii) The Department of Education.

(iii) The religious community.

(iv) The office of juvenile justice of the Department of Public Safety and Corrections.

(v) The university community.

(vi) The early childhood community.

(vii) One member appointed by the governor, subject to Senate confirmation, from the list of names submitted by the Louisiana State Bar Association.

(viii) The Louisiana Chapter of the National Association of Social Workers.

(ix) The Louisiana Association of Chamber of Commerce Executives.

(x) The Louisiana Psychological Association.

(xi) The Louisiana State Senate of the National Association for the Advancement of Colored People.

(xii) The National Business League, New Orleans Chapter.

(2) In making his appointments as provided in this Subsection, the governor shall provide for geographic representation of all areas of the state and for representation of minority groups.

G. The board shall make recommendations to the Children's Cabinet on the following:

(1) Promulgate rules and regulations necessary to implement the provisions of this Chapter.

(2) Review, evaluate, adopt, coordinate, and revise the comprehensive state plan for child abuse prevention, as provided in R.S. 46:2406 and funded through the Children's Trust Fund.

(3) Have the authority to contract, in accordance with applicable provisions of state law, for the provision of services needed to coordinate, develop, and write a comprehensive state plan for child abuse prevention.

(4) Monitor, evaluate, and award grants for child abuse prevention programs funded through the Children's Trust Fund.

(5) Prepare and submit an annual report to the legislature and to the governor sixty days prior to each regular legislative session.

(6) Develop, implement, and administer a community-based family center program in accordance with R.S. 46:4504.

H. The board shall prepare and submit to the cabinet for review an annual report regarding the status of the fund that, once approved by the cabinet, shall be submitted to the legislature sixty days prior to each regular legislative session.

(1) Prepare the annual budget request for the board for adoption by the cabinet.

(2) Write a comprehensive state plan for child abuse prevention and neglect prevention programs as provided in R.S. 46:2407.

(3) Prepare and submit an annual report to the legislature and to the governor sixty days prior to each regular legislative session.

(4) Develop, implement, and administer a community-based family center program in accordance with R.S. 46:4504.

I. The board shall prepare and submit to the cabinet for review an annual report regarding the status of the fund that, once approved by the cabinet, shall be submitted to the legislature sixty days prior to each regular legislative session.

(1) Prepare the annual budget request for the board for adoption by the cabinet.

(2) Act as agent for the board in the performance of its duties and subject to the direction and serve as secretary of the board.

(3) Develop, implement, and administer a community-based family center program in accordance with R.S. 46:4504.

J. The board shall make recommendations to the Cabinet of the following:

(1) Promulgate rules and regulations necessary to implement the provisions of this Chapter.

(2) Review, evaluate, adopt, coordinate, and revise the comprehensive state plan for child abuse prevention, as provided in R.S. 46:2406 and funded through the Children's Trust Fund.

(3) Have the authority to contract, in accordance with applicable provisions of state law, for the provision of services needed to coordinate, develop, and write a comprehensive state plan for child abuse prevention.

(4) Monitor, evaluate, and award grants for child abuse prevention programs funded through the Children's Trust Fund.

(5) Prepare and submit an annual report to the legislature and to the governor sixty days prior to each regular legislative session.

(6) Develop, implement, and administer a community-based family center program in accordance with R.S. 46:4504.

(7) Prepare the annual budget request for the board for adoption by the cabinet.

(8) Write a comprehensive state plan for child abuse prevention and neglect prevention programs as provided in R.S. 46:2407.

(9) Prepare and submit an annual report to the legislature and to the governor sixty days prior to each regular legislative session.

(10) Develop, implement, and administer a community-based family center program in accordance with R.S. 46:4504.
beginning on January 1, 2018, and shall review the plan for necessary changes annually.

D. The board shall by rule recommend rules to the cabinet that establish procedures for preparation and adoption of the plan.

E. Prior to adoption of the state plan, the board cabinet shall submit the plan it proposes to adopt to the Committee on Health, and Welfare committees on health and welfare of the Senate and the House of Representatives for their approval as provided in R.S. 49:968. The comprehensive state plan shall be subject to approval as provided in R.S. 49:968.

F. The board shall review the state plan at least biennially and the board shall adopt make recommendations to the cabinet regarding any needed revision.

G. The Department of Children and Family Services, the Department of Public Safety and Corrections, and the Department of Education shall participate in the preparation of the state plan as deemed necessary by the cabinet.

§2407. Funding of children’s trust fund programs

A. The board in its annual budget request, cabinet shall identify the amount of funds necessary for the implementation of this Chapter.

B. Monies appropriated or otherwise made available to the board cabinet to implement the provisions of this Chapter shall be disbursed as follows:

(1) The board cabinet shall adopt a formula based on a recommendation by the board for the distribution of funds from the Children’s Trust Fund for programs and services for child abuse prevention which shall provide for the allocation of funds in each state planning district based upon the percentage of the total state reported cases of abuse and neglect reported in the state planning district and the percentage of the total state population under the age of eighteen years and upon the service and program needs of the district, and effective January 1, 1988, the comprehensive state plan.

(2) Any funds which are not utilized within a state planning district shall be reallocated to the remaining districts in accordance with the formula required by Paragraph (1) of this Subsection.

(3) Ten percent of the amount appropriated to the board cabinet may be used for administrative costs of the board. This ten percent limitation shall not apply to costs for plan development and shall include provisions for staff support.

C. Appropriations made for distribution by the board cabinet for programs and services shall be deposited in the fund and shall be disbursed by the office in accordance with directives of the board cabinet.

D. The board shall develop and, once approved by the cabinet, publish solicitations for grant proposals for grants to be funded from the Louisiana Children’s Trust Fund for child abuse prevention programs and services which are designed to meet identified priorities.

E. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children’s Cabinet shall:

(1) Administer the Children’s Trust Fund provided for in R.S. 46:2401 et seq.

§2605. Children’s Cabinet Advisory Board

A. The Children’s Cabinet Advisory Board, hereinafter referred to as the “advisory board”, is hereby created. The purpose of the advisory board shall be to provide information and recommendations from the perspective of advocacy groups, service providers, and parents. Primary responsibilities of the Children’s Cabinet Advisory Board are:

(1) To make recommendations to the Children’s Cabinet, through the executive director, as to specific programs with the greatest potential for reducing child poverty and funding opportunities for the implementation of such programs.

The advisory board shall be comprised of: The Secretary on Health and Welfare, the House Committee on Health and Welfare, the Select Committee on Women and Children, and any other legislative committee requesting a copy of the annual report, by January thirty-first summarizing.

The report shall summarize the well-being of Louisiana’s children, the accomplishments of the past year, and specific goals and priorities for the next fiscal year.

B. The advisory board shall be composed of the following members:

(1) The president of the Louisiana State Senate in his capacity as an ex officio member.

(11) The department secretary of the office of children and family services or child welfare assistant secretary of child welfare of the Department of Children and Family Services.

(17) A representative of the Louisiana Policy Institute for Children.

§9607. Termination

The existence of the Children’s Cabinet shall terminate, all legal authority thereof shall cease, and this Chapter shall be repealed on August 15, 2018.

August 1, 2022.

Section 3, R.S. 36:473(F) and (K) and 802.9 and R.S. 46:450(a), 2405(b), 2605(b) (1) and (2) and 5.62 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2801, are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 238

SENATE BILL NO. 69

BY SENATORS CARTER AND THOMPSON

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

AN ACT

To enact R.S. 2:2, relative to unmanned aircraft; to provide for definitions; to provide exclusive jurisdiction to the state to the regulation of such systems; to preempt local ordinances, rules, regulations, and codes; to provide for federal preemption and to provide related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:2 is hereby enacted to read as follows:

§2. Regulation of unmanned aerial systems and unmanned aircraft systems; preemption

A. Subject to the provisions of Subsection C of this Section and except as otherwise provided by law:

(1) The state shall have exclusive jurisdiction to regulate all unmanned aircraft systems and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. The state may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

(2) The state shall have exclusive jurisdiction to regulate all unmanned aerial systems and unmanned aircraft systems; to preempt any rule, regulation, code, or ordinance of any political subdivision or other unit of local government.

A. As used in this Section, the following phrases shall have the following meanings:

(1) “Unmanned aerial system” means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. The system may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

(2) “Unmanned aircraft system” means an unmanned, powered aircraft that does not include a human operator, may be autonomous or remotely piloted or operated, and may be expendable or recoverable. “Unmanned aircraft system” does not include the following:

(a) A satellite orbiting the earth.

(b) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.

(c) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.

(d) An unmanned aircraft system used by a local government law enforcement agency or fire department.

(e) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Communications Commission, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(f) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by a local franchising authority, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(g) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Communications Commission under Part 1 or under Part 73 of Title 47 of the United States Code of Federal Regulations, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(h) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of a municipal or public utility while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance
of a facility, servitude, or any property located on the immovable property
belonging to any municipal or public utility.

(1) An unmanned aircraft system used by a person, employee, agent, or contractor of any business that is regulated by the Federal Railroad Administration, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, equipment, servitude, or any property located on the immovable property belonging to such business.

C. If federal law or regulation preempts any provision of this Section, that provision of this Section shall be null.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 239
SENATE BILL NO. 81
BY SENATOR BISHOP
(On Recommendation of the Louisiana State Law Institute)
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact Children's Code Articles 405(A) and (B), 1016(A), and 1025.4(A)(2), and to enact Children's Code Articles 1164.1(1), 643(C), 1004(D)(6), 1015(10), and 1023(C), relative to curators; to provide for the payment of fees; to provide for the committee to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 240
SENATE BILL NO. 90
BY SENATORS ERDEY, ALARIO, ALLAIN, APPEL, BOUDREAUX, CORTEZ, DONAHUE, FANNIN, GATTI, JOHNS, LAFLEUR, LAMBERT, L'EUAN, MARTIN, MILKOVICH, MILLIS, MIZELE, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEEDE, BACALA, BROADWATER, CHAD BROWN, TERRY BROWN, ROBBY CARTER, STAFE CARTER, COX, EDMONDS, POILO, GLOVER, HOFFMANN, HOWARD, GREGORY MILLER, MORTON, POPE AND THIBAULT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend R.S. 17:681.1(A) and (B), relative to scholarships for children of certain law enforcement officers and other investigative employees killed or permanently disabled in the performance of duty; to allow use of the scholarships for part-time attendance; and to provide for related matters

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 17:681.1(A) and (B) are hereby amended and reenacted to read as follows:

(6) The child is in foster care and, despite diligent efforts by the department to identify the child's father, his identity is unknown and termination is authorized by Article 1015(10).

Art. 1015. Grounds
The grounds for termination of parental rights are:

(10) The child is in the custody of the department pursuant to a court order for at least one year, unless sooner permitted by the court, and the identity of the child's father remains unknown and all the following have occurred:

(a) In the course of investigating the case and providing services to the family the department has been unable to learn the identity of the father.

(b) No party to the proceedings or the mother, if not a party, is able to provide to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

(c) The department has obtained all of the following:

(i) A recent certificate from the putative father registry indicating that no person is listed or registered as the child's father.

(ii) A recent certificate from the clerk of court in the parish in which the child

Art. 1016. Right to counsel
A. The child and the identified parent shall each have the right to be represented by separate counsel in a termination proceeding brought under this Title. Neither the child nor anyone purporting to act on his behalf may be permitted to waive the child's right to counsel.

Art. 1023. Service; absentee parent; unidentified father
C. If the father is unidentified, it is not necessary to appoint a curator ad hoc for that parent. The father shall be considered unidentified if the biological father's name is not provided on the birth certificate, there is no presumed father and, no party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

Art. 1025.4. Prehearing and scheduling conference; order
A. At the appearance, on its own motion or on motion of counsel, the court shall direct counsel for the petitioner, for the parents, and for the child to appear before it for a conference to consider the following:

(2) Efforts to identify and locate an absent parent and relatives or other individuals willing and able to offer a wholesome and stable home for the child.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

THE ADVOCATE * As it appears in the enrolled bill CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
of Public Safety and Corrections who was or is killed or permanently disabled after January 1, 2017, in the course of his duties as such, which child is otherwise eligible and meets all of the eligibility requirements set by the board and advisory council to receive benefits, shall be entitled to receive tuition, books, reference manuals, and other aids to instruction required as any other child for any required course and, for full-time students only, room and board as such child meets the academic standards and complies with the rules and regulations of the institution of higher education for which the child is enrolled and for attendance therein as a full-time student. Such exemption shall exist for such child for the number of semesters required of a full-time student to obtain the bachelor's degree offered by such college or university.

B. In no event shall such a scholarship exceed eight semesters for any one child.

1. A scholarship award to a student pursuant to this Section shall be provided for the time period required for the student to earn one undergraduate degree or one vocational or technical certificate or diploma.

2. Such scholarship shall cover not more than:
   (a) One hundred twenty hours of course work required to earn a bachelor's degree.
   (b) Seventy-five hours of course work required to earn an associate's degree.
   (c) Sixty hours of course work required to earn a vocational or technical certificate or diploma.

3. Notwithstanding the provisions of Paragraph (2) of this Subsection, for a student who first earns a transferable associate's degree from a public two-year institution and then transfers to a public four-year college or university, the scholarship provided in this Section shall cover an additional sixty hours of course work required to earn a bachelor's degree.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 241

SENATE BILL NO. 96

BY SENATORS JOHNS AND THOMPSON

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

AN ACT

To amend and reenact R.S. 40:1007(A), (B), the introductory paragraph of (E), the introductory paragraph of (F), (I), and (J), 1008(A), and 1009(A) and (B) and to enact R.S. 40:1003(15) and 1007(E)/(S)/(G), (6), (7), and (K), relative to the prescription monitoring program; to provide for definitions; to provide for access to prescription monitoring information; to provide for immunity; to provide for education and training; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1007(A), (B), the introductory paragraph of (E), the introductory paragraph of (F), (I), and (J), 1008(A), and 1009(A) and (B) are hereby amended and reenacted and R.S. 40:1003(15) and 1007(E)/(S)/(G), (6), (7), and (K) are hereby enacted to read as follows:

§1007. Access to prescription monitoring information and audit trail information

A. The board shall, in consultation with and upon the recommendation of the advisory council, implement the following education courses:

(1) An orientation course during the implementation phase of the prescription monitoring program, among other things, on prescribing practices, pharmacology, and the identification, treatment, and referral of a patient addicted to or abusing controlled substances or drugs monitored by the prescription monitoring program.

(2) A continuing education course for health care providers of all types including prescribers, pharmacists, and non-pharmaceutical providers on the law, regulations, and conditions of probation or parole related to monitored drugs.

(3) A prescriber or dispensing agent course that provides training on the use of the prescription monitoring program.

(4) A course for any health care professional or other individual who requests access to prescription monitoring information or audit trail information.

(5) A course for any health care professional or other individual who requests access to prescription monitoring information or audit trail information.

§1008. Education and treatment

A. The board shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, transmitted, and maintained, as well as audit trail information, is not disclosed to any noncovered entities except as in Subsections C, D, E, F, G, H, and I and J of this Section.

E. The following persons, after successful completion of the educational courses identified in R.S. 40:1008, may access prescription monitoring information at no cost and in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:

(1) A medical examiner or coroner, or a delegate thereof, for the purpose of investigating an individual's death.

(2) A licensed substance abuse addiction counselor providing services as part of an addiction treatment program.

(3) A probation or parole officer for the purpose of monitoring an offender's compliance with participation in a drug diversion program or with other conditions of probation or parole related to monitored drugs.

F. The board may provide a report containing prescription monitoring information upon application of local, state, out-of-state, and federal law enforcement or prosecutorial officials, including judicially supervised specialty courts within the criminal justice system that are authorized by the Louisiana Supreme Court, engaged in the administration, investigation, or enforcement of the laws governing controlled substances or other drugs of concern in compliance with and as limited by the relevant requirements of any of the following:

I. The board may provide prescription monitoring information to an individual who requests his personal prescription monitoring information in accordance with procedures established by board regulation, the following in accordance with procedures established by board regulation:

(1) An individual who requests his personal prescription monitoring information that was not reported to the board.

(2) A parent, legal guardian, or legal healthcare agent, for the purpose of reviewing the history of monitored drugs dispensed to a child or an individual for whom the agent makes healthcare decisions, to the extent consistent with federal and state confidentiality law and regulations.

(3) An executor of a will, or a court-appointed representative of an estate, for the purpose of reviewing the history of monitored drugs dispensed to a deceased individual.

J. The board and the advisory council shall be immune from civil liability and immunity from any of the information submitted to the board pursuant to this Part. The board may disclose audit trail information to individuals identified in Paragraph (E)/(2) and Subsections F and I of this Section for use in an active investigation of an individual who submitted requests for prescription monitoring information.

K. (1) The board and advisory council shall not be subject to civil liability, adopt administrative action, or other legal or equitable relief for any of the following:

(a) Failure to possess prescription monitoring information that was not reported to the board.

(b) Release of prescription monitoring information or audit trail information that was factually incorrect.

(c) Release of prescription monitoring information or audit trail information to the wrong person or entity.

(d) Release of prescription monitoring information by an individual, or unlawful disclosure or use of prescription monitoring information by an individual who requested and received prescription monitoring information pursuant to this Section.

(2) A prescriber, dispenser, or other individual, agency, or entity in proper possession of prescription monitoring information or audit trail information shall not be subject to civil liability, administrative action, or other legal or equitable relief for reporting prescription monitoring information to the board.

(3) A prescriber, dispenser, or other individual, agency, or entity in proper possession of prescription monitoring information or audit trail information shall not be subject to civil liability, administrative action, or other legal or equitable relief for reporting prescription monitoring information to the board.

(4) A continuing education course for health care providers of all types including prescribers, pharmacists, and non-pharmaceutical providers on the law, regulations, and conditions of probation or parole related to monitored drugs.

§1003. Definitions

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

15(a) “Audit trail information” means information submitted or produced regarding requests for prescription monitoring program data that the board or other individual as specified by this Part uses to help monitor compliance with this Part and other applicable statutes, rules, or regulations.

(b) “Audit trail information” shall not include any information produced or requested by the Louisiana legislative auditor.

§1007. Access to prescription monitoring information and audit trail information

A. The board shall, in consultation with and upon the recommendation of the advisory council, implement the following education courses:

(1) An orientation course during the implementation phase of the prescription monitoring program, among other things, on prescribing practices, pharmacology, and the identification, treatment, and referral of a patient addicted to or abusing controlled substances or drugs monitored by the prescription monitoring program.

(2) A continuing education course for health care providers of all types including prescribers, pharmacists, and non-pharmaceutical providers on the law, regulations, and conditions of probation or parole related to monitored drugs.

* As it appears in the enrolled bill
§1009. Unlawful acts and penalties
A. A dispenser who fails to submit prescription monitoring information to the board after notification by the board shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency.
B. A person or entity authorized to possess prescription monitoring information who knowingly accesses or discloses such information in violation of this Part shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency and may, upon criminal conviction, be imprisoned, with or without hard labor, for not more than five years, and in addition, may be fined not more than five thousand dollars.

* * *

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

Approved by the Governor: June 14, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 242
SENATE BILL NO. 99
BY SENATOR DONAHUE
AN ACT
To amend and reenact R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and 130.409(A) and R.S. 44:4.1(B)(20), and to enact R.S. 33:130.409 (D), relative to the St. Tammany Economic Development Foundation, to provide relative to the classification of the district; to provide relative to its membership; to provide relative to the classification of the district; to provide relative to its membership; to provide relative to certain prohibitions regarding transactions and employment; to allow certain records regarding active negotiations to be confidential for a period of time subject to certain conditions; and to provide for relative matters.

Notice of intention to introduce this Act has been published.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:130.401(A), (B), (D), (E), (F) and (G), and 130.409(A) are hereby amended and reenacted and R.S. 33:130.409(D) is hereby enacted to read as follows:

§130.401. St. Tammany Parish Development District; creation; territorial jurisdiction.
A. The St. Tammany Parish Development District, hereinafter referred to as the “district”, is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana and a public agency for the purposes of R.S. 12:249. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of which is herein the district, is hereby granted all of the rights, powers, privileges, and immunities granted to political subdivisions for economic and industrial development purposes, including, but not limited to the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations hereinafter provided.

§130.402. Board of commissioners; members; officers; employees
A. (1) The district shall be governed by a board of commissioners consisting of thirteen members selected as set out herein provided for in this Section. All members shall be qualified voters and taxpayers within the limits of the district during their term of office. The On and after January 1, 2018, members of the board of commissioners shall be appointed and serve terms of office as follows: nominated by the board of commissioners and submitted to the council of St. Tammany Parish for approval. Commissioners shall serve three-year terms of office, except in the case of any shorter initial terms. Initial terms shall be staggered for the periods indicated as follows:
(a) Four members shall be appointed by the president of St. Tammany Parish for the initial appointment shall be made for staggered terms as specified herein and, at the termination of these initial terms of office, the term of office shall be for three years. Initial terms, as designated by the president of St. Tammany Parish, shall be as follows:
(i) One member shall be appointed for one year serve three-year initial terms.
(ii) One member shall be appointed for two years.
(iii) Two members shall be appointed for one year serve three-year initial terms.
(b) Four members shall be appointed by the council of St. Tammany Parish. The initial appointment shall be made for staggered terms as specified herein and, at the termination of these initial terms of office, the term of office shall be for three years. Initial terms, as designated by the council, shall be as follows:
(i) One member shall be appointed for two years.
(l) One member shall be appointed for three years.
(iii) One member shall be appointed for one year.

* * *

D. Records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in St. Tammany Parish shall be confidential on the same basis as such records in the custody of the Department of Economic Development as set forth in R.S. 44:22, with the district’s executive director performing the duties and obligations of the secretary of the Department of Economic Development and with any notice required therein being published in the official journal of St. Tammany Parish rather than the official journal of the state.

Section 2. R.S. 44:4.1(B)(20) is hereby amended and reenacted to read as follows:

§4.1. Exceptions
A. Except as otherwise specifically provided by R.S. 33:130.402 and Subsection D of this Section, no provision of this Subpart shall be construed so as to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana Election Code.

* * *

§130.409. General compliances; enhancement
A. Except as otherwise specifically provided by R.S. 33:130.402 and Subsection D of this Section, no provision of this Subpart shall be construed so as to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana Election Code.

* * *

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

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strikethrough type are deletions from existing law; words underscored (House Bill) and underlined and boldfaced (Senate Bills) are additions.
Section 3. The provisions of R.S. 13:402(A)(2), as amended by this Act, shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. The remaining provisions of this Act shall become effective January 1, 2018.

Section 4. The terms of office of the members of the board currently serving shall terminate on January 1, 2018, or upon the official appointment by the council of St. Tammany Parish of a new slate of board members, whichever is later.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 243**

BY SENATOR MILKOVICH AND REPRESENTATIVES AMEDEE, ANDERS, BACALA, BAGLEY, BAGNERS, BARRAS, BROADWATER, CHAD BROWN, ROBBY CARTER, CHANEY, CONNICK, COX, CREWS, CROMER, DAVIS, DEVILLIER, EDMONDS, EMERSON, FRANKLIN, GAROFALO, GISCLAIR, LANCE HARRIS, HILPERTY, HILL, HODGETZ, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, LEBAS, McCARLAND, MIGUEZ, JIM MORRIS, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHRODER, SEABAUGH, STEFANSKI, 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. 14:87.3(C) and (D) and to enact R.S. 14:87.3(E), relative to certain offenses affecting public morals; to prohibit cutting, resection, excision, harvesting, or removing a body part, organ, or tissue of an aborted unborn child for sale, commerce, transport, research, or profit; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87.3(C) and (D) are hereby amended and reenacted to read as follows:

§87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt, research, commerce, or transport of fetal organs, tissues, and body parts

C. After an induced abortion has been completed, no person shall intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of the aborted unborn child for any purpose prohibited by this Section, or for sale, commerce, transport, research, or profit.

D. (1) Nothing in this Section shall be construed to prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in accordance with state law, or to prohibit any conduct permitted under state law that is undertaken with any of the following purposes:
(a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.
(b) The purpose of providing knowledge solely to law enforcement officers, such as the case of an autopsy following a felicite.
(c) Nothing in this Section shall be construed to prohibit the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.
(d) Nothing in this Section shall be construed to affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

E. Any person who violates this Section shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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**ACT No. 244**

BY SENATORS ALLAIN AND APPEL

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

AN ACT
To amend and reenact R.S. 9:1254(A), relative to rights and servitude of passage on certain waterways; to provide for indemnification for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1254(A) is hereby amended and reenacted to read as follows:

§1254. Enclosed estate; right and servitude of passage on certain waterways
A. The owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. He is bound to indemnify his neighbor for the damage he may occasion. The existing waterway passing through the neighboring property shall be directly accessible from a publicly navigable waterway, and shall have been and shall still be capable of use for navigation by the owner of either the dominant or servient estate at the time of acquisition by act of sale, inheritance, or otherwise, by the owner of the dominant estate.

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**ACT No. 245**

BY SENATORS CHABERT AND MORRELL

AN ACT
To amend and reenact R.S. 47:6036(C)(1)(b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (G), the introductory paragraph of (I)(1), (I)(1)(c) and (2)(a) and to repeal R.S. 47:6036(C)(1)(b) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature and R.S. 47:6036(K), relative to the Ports of Louisiana tax credits; to streamline the approval process; to change the overall credit caps; to extend the sunset date of the credit; to remove an expired reporting provision; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6036(C)(1)(b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (G), the introductory paragraph of (I)(1), (I)(1)(c) and (2)(a) are hereby amended and reenacted to read as follows:

§6036. Ports of Louisiana tax credits

C. Investor tax credit.

(1) *   *   *

(b) The Investor Tax Credit provided for in this Subsection shall be granted by the Department of Economic Development for a qualifying project if the commissioner of administration, after approval of the Joint Legislative Committee on the Budget, and to the secretary of the department that securing the project will result in a significant positive economic benefit to the state. “Significant positive economic benefit” means net positive tax revenue that shall be determined by taking into account direct, indirect, and induced impacts of the project based on a standard economic impact methodology utilized by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by the department to secure the project. If the commissioner with the approval of the committee so certifies, then the Department of Economic Development may grant a tax credit equal to seventy-two percent of the total capital costs of such qualifying project to be taken at five percent per tax year or shall grant such other amount of tax credit to be taken at such other percentage which is warranted by the significant positive economic benefit determined by the commissioner, but no tax credit granted for a qualifying project shall exceed one million eight hundred thousand dollars per tax year.

However, the total amount of tax credits granted on a qualifying project shall not exceed the total cost of the project. In addition, the investor tax credits granted by the department to any recipient pursuant to this Section shall be limited to an amount which shall be determined in a reduction of tax liability by all recipients of such credits to exceed four million five hundred thousand dollars in any fiscal year.

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G. Termination of investor and import-export cargo tax credits. The provisions of Subsection C and I of this Section shall be effective until January 1, 2020 July 1, 2021, and no investor tax credit or import-export cargo tax credit pursuant to the provisions of this Section shall be granted after such date.
I. Import-export cargo tax credit:

(1) Certification of taxpayer. Only those taxpayers who have received certification from the secretary of the Department of Economic Development shall be eligible to take the tax credits provided for by this Subsection and then only for the taxable year or years and for the amount provided for in the commissioner of administration’s certification, approved by the Joint Legislative Committee on the Budget and the state bond commission, provided for in Item (2a)(i) of this Subsection as allocated by the secretary. The secretary shall promulgate rules in accordance with the Administrative Procedure Act which establish the process by which a taxpayer shall apply for certification.

(2) Certification of taxpayer. Only those taxpayers who have received certification from the secretary of the Department of Economic Development shall be eligible to take the tax credits provided for by this Subsection and then only for the taxable year or years and for the amount provided for in the commissioner of administration’s certification, approved by the Joint Legislative Committee on the Budget and the state bond commission, provided for in Item (2a)(i) of this Subsection as allocated by the secretary. The secretary shall promulgate rules in accordance with the Administrative Procedure Act which establish the process by which a taxpayer shall apply for certification.

(3) The Secretary shall provide a statement of certification to each taxpayer which he has certified as eligible to take the tax credit after approval of the Joint Legislative Committee on the Budget and the state bond commission, which shall contain the taxable year or years for which the taxpayer has been allowed the tax credit and the amount of tax credit allocated for each taxable year or years. The secretary shall also transmit a copy of such statement to the secretary of the Department of Revenue.

(4) For taxable years beginning on and after January 1, 2014, there shall be allowed a credit against the individual income, corporation income, and corporation franchise tax liability of a taxpayer who has received certification pursuant to the provisions of Paragraph (1) of this Subsection, provided that the credit shall be allowed only against the tax liability of the international business entity which receives the certification. The amount of the credit shall be equal to the product of multiplying three dollars and sixty cents by the taxpayer’s number of tons of qualified cargo for the taxable year which exceeds the pre-certification tonnage or the product of multiplying one dollar twenty-five cents by the taxpayer’s number of tons of qualified cargo for the taxable year or portion of a taxable year which exceeds the pre-certification tonnage which is warranted by the significant positive economic benefit determined by the commissioner pursuant to Item (ii) of this Paragraph, whichever is less. For purposes of this Subparagraph, “pre-certification tonnage” means the number of tons of cargo which meets the definition of qualified cargo for purposes of this credit, and which was owned or controlled by the international business enterprise receiving the credit, were imported or exported to or from a manufacturing, fabrication, assembly, distribution, processing, or warehouse facility located in Louisiana, and which were so moved by way of an oceangoing vessel berthed at public port facilities in Louisiana during the calendar year in which the application is submitted. However, each tax credit granted to a taxpayer shall be subject to the same limit as is provided for in a qualifying project pursuant to Subparagraph (C)(1)(b) of this Section. In addition, the import-export cargo tax credits granted by the department to any recipient pursuant to this Section shall be limited to an amount which shall not result in a reduction of tax liability by all recipients of such credits to exceed four million five hundred thousand dollars in any fiscal year.

(ii) The tax credit provided for in this Subsection shall be allowed if the commissioner of administration certifies to the secretary of the Department of Economic Development that there has been an increased utilization of public port facilities and other activity in Louisiana associated with the import or export of the international business entities qualified cargo which will result in a significant positive economic benefit to the state. “Significant positive economic benefit” means net positive economic benefit determined by the commissioner pursuant to Item (ii) of this Paragraph, which is the product of multiplying the number of dollars by the taxpayer’s number of tons of qualified cargo for the taxable year or portion of a taxable year which exceeds the pre-certification tonnage which is warranted by the significant positive economic benefit determined by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by the department to determine the projects that are available in the state and the value of the credit, and such certification is approved by the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014 and the state bond commission.

Section 1. R.S. 29:733 is hereby amended and reenacted to read as follows:

Section 2. R.S. 74:6036(C)(1)(b) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature and R.S. 47:6036(K) are hereby repealed.

Section 3. The provisions of this Act shall supersede and control to the extent of any conflict between this Act and Act No. 125 of the 2015 Regular Session of the Legislature as amended by Act No. 29 of the 2016 First Extraordinary Session of the Legislature.

Section 4. This Act shall become effective upon signature by the governor or, if redesignated by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State
(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, or any combination thereof. The determination shall include, but not be limited to, any emergency or disaster that may be caused, at least in part, by a failure to have qualified personnel, equipment, material, information or other resources, both human and material, available to the party states.

(2) Review party states’ individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance for those emergencies so determined.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developing plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) assure uninterrupted delivery of services, medicines, water, food, energy, fuel, search and rescue, critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The director may request assistance of another party state by contacting the authorized representative of that state. The provisions of this Compact shall apply only to requests for assistance made by the director and to authorized representatives of another state. Requests may be oral or in writing. If oral, the request shall be confirmed in writing within thirty days of the oral request. Requests shall provide the following information:

1. Description of the emergency service function for which assistance is needed, including, but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, law of transportation, and other support services, such as law enforcement, and other emergency services.

2. The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time they will be needed.

3. The placing of the assisting party’s response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the federal government of the United States of America, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article 4 Any state party requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide assistance. The state party is subject to the control of the director, the commander of the state party, or the political officer of a state or states. The terms hereof, provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. The state party shall afford to the state party of the receiving state all personnel, equipment, and supplies, both human and material, necessary to render such aid in the state or states in which they are engaged.

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, or any combination thereof. The determination shall include, but not be limited to, any emergency or disaster that may be caused, at least in part, by a failure to have qualified personnel, equipment, material, information or other resources, both human and material, available to the party states.

(2) Review party states’ individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance for those emergencies so determined.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developing plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) assure uninterrupted delivery of services, medicines, water, food, energy, fuel, search and rescue, critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The director may request assistance of another party state by contacting the authorized representative of that state. The provisions of this Compact shall apply only to requests for assistance made by the director and to authorized representatives of another state. Requests may be oral or in writing. If oral, the request shall be confirmed in writing within thirty days of the oral request. Requests shall provide the following information:

1. Description of the emergency service function for which assistance is needed, including, but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, law of transportation, and other support services, such as law enforcement, and other emergency services.

2. The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time they will be needed.

3. The placing of the assisting party’s response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the federal government of the United States of America, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article 5 The director may request assistance of another party state by contacting the authorized representative of that state. The provisions of this Compact shall apply only to requests for assistance made by the director and to authorized representatives of another state. Requests may be oral or in writing. If oral, the request shall be confirmed in writing within thirty days of the oral request. Requests shall provide the following information:

1. Description of the emergency service function for which assistance is needed, including, but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, law of transportation, and other support services, such as law enforcement, and other emergency services.

2. The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time they will be needed.

3. The placing of the assisting party’s response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the federal government of the United States of America, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article 6 Officers or employees of a party state, including political subdivisions and local governments of that state, rendering aid in another state pursuant to this compact shall be considered agents of the requesting party state for tort liability and immunity purposes. No party state or its officers or employees, including local political subdivisions and local governments, rendering aid in another state shall, in such capacity, have any claim against the requesting party state for tort liability and immunity purposes.

Article 7 Codifying information contained within this compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the secretary of the party state advising such party state of its decision to withdraw from the compact. The compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the secretary of the party state advising such party state of its decision to withdraw from the compact.
Article 14. This Compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this Compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Compact and the applicability of other persons and circumstances shall not be affected thereby.

Article 15.(a) This Article shall be in effect only as among those states which from time to time have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this Compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement entered into in the implementation of this Article may modify, expand, or add to any such obligation among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances, and subject matter to which preceding Articles of this Compact make it applicable, this Compact and the authorizations, entitlement, and procedures thereof shall apply to:
(i) Searches for and removal of persons who are lost, marooned, or otherwise in danger.
(ii) Action useful in coping with emergencies or disasters arising from any cause or designed to increase the capacity to cope with any such emergencies and disasters.
(iii) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel in larger numbers than are locally available in order to reduce, control, or remove the danger.

Article 12. This Compact shall be construed to effectuate the purposes stated in Article I, if any provision of this Compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Compact and the applicability thereof to other persons and circumstances shall not be affected.

Article 13. Nothing in this Compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president of the United States of America is authorized by law to call into federal service the militia, or for any purpose for which the use of the United States Army or the United States Air Force would, in the absence of express statutory authorization, be prohibited under Section 1355 of Title 10 of the United States Code. It is hereby understood that Article 13 does not affect the authority of the president of the United States of America over the national guard provided by Article I of the United States Constitution and Title 10 of the United States Code.

Section 2. R.S. 40:1379.1(F) is hereby amended and reenacted to read as follows:
§1379.1. Special officers; powers and duties; concealed handgun permit authorized. F. During a declared state of emergency or disaster by the governor, the deputy secretary of the Department of Public Safety and Corrections, public safety services, office of state police may issue a special officer's commission to a commissioned law enforcement officer who responds to a request for assistance pursuant to the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact, as found in R.S. 32:101 et seq, and determined by the deputy secretary to need statewide police power and power to arrest. Any person who receives a special officer's commission under this Subsection shall not be required to be bonded or adhere to any restrictive stipulations as set forth in the special officer's commission and regulations promulgated and adopted pursuant to Subsection C of this Section. Such person shall have the powers and duties of a peace officer, provided, that when he is not performing tasks directly related to the special officer's commission, he shall be regarded as a private citizen and his commission shall not be in effect.

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 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 248

SENATE BILL NO. 163

BY SENATOR MIZEL AND REPRESENTATIVE WHITE

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

AN ACT

To amend and reenact R.S. 15:1157(A), relative to the purchase of goods by state prisons; to authorize the purchase of goods and services in the parish in which a state prison is located if the purchase price is lower than central purchasing or prison enterprises; to provide relative to compliance with the purpose of the Hudson Initiative and Veteran Initiative; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1157(A) is hereby amended to read as follows:

(1) State agencies which operate a state prison may purchase, if available, goods and services from prison enterprises, or products manufactured in a certified Private Sector/Prison Industry Enhancement Program, if the prices are less than those of central purchasing.

(2) State agencies which operate a state prison may purchase, if available, goods and services from vendors located in the parish in which the prison facility is located, if the prices are less than those of central purchasing.

(3) Goods and services may be sold to the governing authorities of parishes, municipalities, other political subdivisions, and public employees.

(4) Services shall be provided at a cost that is not less than the cost to the department for providing the services. Manufactured products shall be provided at a cost that is not less than the cost of the raw materials used to manufacture the product. If the manufactured product is deemed to be spoiled, overstocked, obsolete or otherwise not salable at a cost equal to or greater than the raw material cost of the manufactured product and can be documented and verified, the vendor shall agree to provide the product at a price not less than the cost of the raw material. Sales of manufactured products to public employees shall be priced at the current prison enterprises contract price or based on established and documented pricing methodologies.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 249

SENATE BILL NO. 164

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. 17:387.6(A) and R.S. 41:891 and 892(A) and (F), and to enact R.S. 41:892(G), relative to school lands; to provide for the sale of certain school lands by school boards; to provide for the sale by a licensed real estate broker; to provide for the appraisement of school lands; to provide procedures, terms, conditions, and requirements of the sale; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:387.6(A) is hereby amended and reenacted to read as follows:

§87.6. School property; alienation by school boards

A. Any city, parish, or other local public school board may sell, lease or otherwise dispose of, at public or private sale, for cash or on terms of credit, any school site, building, facility, or personal property which is not used and, in the judgment of the school board, is not needed in the operation of any school or schools within its jurisdiction. Any such sale, lease, or disposal of such school property shall be on such terms and conditions and for such consideration as the school board shall prescribe. Any sale shall be in accordance with the provisions of R.S. 41:891 and 892.

Section 2. R.S. 41:891 and 892(A) and (F) are hereby amended and reenacted and R.S. 41:892(G) is hereby enacted to read as follows:

§891. Sale of unused school lands

Whenever the school board of any parish or city determines that any school lands or other immovable property under its control are no longer needed for school purposes and that the best interest of the public school system would be served by the sale of such lands, the school board shall have authority to dispose of such lands at public auction, or, under sealed bids, by licensed real estate broker in accordance with the procedure set forth in this Subpart Subpart: provided that this Subpart Subpart shall not apply to the sale of sixteen section lands, school indemnity lands, or any other school lands for the sale of which the law already has provided a procedure in Chapter 6 of Title 40 of the Louisiana Revised Statutes or elsewhere in the law.

§892. Procedure; deed of sale

A. Whenever a sale of property described in R.S. 41:891 is ordered by the school board, the sale shall be made by the president of the school board, or, if the board so directs, by an auctioneer designated by the school board, or through a licensed real estate broker. The school board may obtain appraisals from up to three Louisiana state-certified appraisers to ascertain the current value of the property. The appraisals shall be obtained within six months prior to the conducting of the sale.

F. In lieu of public auction or sealed bids, and when it is in the best interest of the school board, the school board may contract under policies adopted by the school board for the services of a licensed real estate broker to conduct the sale of the property. Such policies shall include the qualifications for a licensed real estate broker and appraiser.

(2) The term of the contract shall not exceed six months. A minimum sale price and a time period within which the sale is to occur shall be specified by the school board as conditions of the contract. Payment shall not exceed five percent of the sale price and shall be contingent upon completion of the sale in accordance with the terms and conditions of the contract. The school board shall have the right to cancel the contract at any time for any reason prior to the sale and conduct the sale as otherwise provided by law.

(3) No member or immediate family, as defined in R.S. 42:1102, of the school board or legislature shall perform the services of appraiser or real estate broker authorized by this Section.

G. The deed of the president of the school board shall be full and complete evidence of the sale, shall convey a good and valid title to the property sold, and shall have the force and effect of a notarial act.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 250

SENATE BILL NO. 190

BY SENATORS THOMPSON, ALARIO, APPEL, FANNIN, GATTI, JOHNS, LONG, MILKOVICH, MRRISH, PERRY, WALSWORTH AND WARD

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

AN ACT

To enact R.S. 17:2927.1, relative to college and career readiness; to provide for identification of high school students who do not meet certain college readiness standards; to provide relative to the provision of certain courses designed to help students meet such readiness standards; to provide relative to professional development for teachers of such courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2927.1 is hereby enacted to read as follows:

§2927.1. College transition courses; testing; reports

A. The State Board of Elementary and Secondary Education, in collaboration with public school governing authorities and the public postsecondary education management boards, shall publish a list of transition courses designed to improve identified academic weaknesses in English and mathematics and to enable such students to achieve college readiness by the end of their senior year of high school. Transition courses shall align with applicable state content standards.

B. Beginning with the 2017-2018 school year, a student's English and mathematics scores from the ACT test and the standards for remediation established by the Board of Regents shall be used to determine readiness for college-level credit-bearing coursework.

C. Beginning with the 2018-2019 school year, each high school senior who did not meet the established college readiness standards for English and mathematics shall be given the opportunity to take an appropriate transition course.

D. Each public school governing authority shall:

(1) Identify each high school senior who did not meet the established college readiness standards and provide the student with information on available transition courses designed to address identified academic weaknesses.

(2) Use course assessment data to determine student attainment.

(3) Provide appropriate professional development to teachers of transition courses as part of existing professional development activities.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

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after the due date, the timeliness of the mailing shall be shown by an official United States Postal Service or a commercial mail service, made at the time of mailing that indicates the date thereof.

C. Any certificate holder whose renewal fee for 2017 was received by the board by February 1, 2017, and who paid a reinstatement of certificate fee or any penalty for late payment shall be issued a refund by the board for all amounts paid in excess of the annual renewal fee. This refund shall be issued no later than September 1, 2017.

Certificates not renewed by December 31 of any year shall be considered automatically revoked.

§874. Annual renewal of licenses

C. Any crematory retort operator or any crematory authority whose renewal application, renewal fee, and, if applicable, annual report is not received by the board by May fifteenth of each year shall be deemed delinquent. A notice of delinquency shall be sent via certified mail to the crematory retort operator or crematory authority by the board. The notice shall state that the deadline for renewal has lapsed and that if the crematory retort operator or crematory authority intends to renew, the renewal fee, the renewal application, and, if applicable, annual report shall be submitted to the board within five business days of receipt of the notice. No penalties, reinstatement fees, or late fees shall be assessed and no reinspection shall be required if the crematory retort operator or crematory authority submits the renewal fee, the renewal application, and, if applicable, the annual report within five business days of receipt of the notice. If the board does not receive the renewal fee, the renewal application, and, if applicable, annual report within the five business days provided for by this Subsection, such crematory retort operator or crematory authority shall be subject to suspension, revocation, reinstatement fees, or late fees authorized by law.

D. A renewal fee, application, or annual report sent through the mail shall be deemed timely received if mailed on or before the due date. If received by the board after the due date, the timeliness of the mailing shall be shown by an official United States Postal Service or a commercial mail service, made at the time of mailing that indicates the date 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, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 252

SENATE BILL NO. 195
BY SENATOR CORTEZ

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

AN ACT
To amend and reenact the introductory paragraph of R.S. 4:152(A) and to enact R.S. 4:152(C), relative to the suspension of racing privileges; to require the Louisiana State Racing Commission to suspend a permittee who has a final and definitive judgment rendered against him mandating payment of past due financial obligations to any individual or business for the boarding of horses; to require the clerk of court to send a certified copy of the final and definitive judgment to the commission; to provide for the suspension period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 4:152(A) is hereby amended and reenacted and R.S. 4:152(C) is hereby enacted to read as follows:

§152. Grounds for denial or termination of racing privileges—other than associations

A. The commission may refuse, suspend, or withdraw licenses, permits, and privileges granted by it or terminate racing privileges for just cause in accordance with the provisions of Subsection B Subsections B and C of this Section. Those things constituting just cause are:

C.(1) Notwithstanding the provisions of Subsection A of this Section, the commission shall suspend all licenses, permits, and privileges granted to a permittee who has a final and definitive judgment rendered against him by a court of competent jurisdiction mandating payment of past due financial obligations to any individual or business for the boarding of horses.

(2) The clerk of any court rendering or affirming such judgment shall send a certified copy of the final and definitive judgment to the commission.

(3) The suspension period shall begin upon the date the certified copy of the final and definitive judgment is received by the commission and shall end on the date the permittee provides proof of full payment of the judgment to the commission.

B. The commission shall adopt uniform policies and procedures to implement the provisions of this Section, but such policies and procedures shall not limit the ability of a school to exercise the authority granted by this Item.

C. Any crematory retort operator or any crematory authority whose renewal application, renewal fee, or certificate from his collaborating physician, psychiatric mental health nurse practitioner, or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 254

SENATE BILL NO. 216
BY SENATORS TARVER AND LAFLEUR

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

AN ACT
To amend and reenact R.S. 28:53(1)(b), (2)(a) and (b), and (F), relative to healthcare professionals who may issue an emergency certificate for mental health or substance abuse treatment; to provide for authority to issue an emergency certificate; to provide with respect to certificate documentation; to provide authority to require transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(1)(b), (2)(a) and (b), and (F) are hereby amended and reenacted to read as follows:

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

(1) A charter school with a foreign immersion mission may directly enroll the child of a foreign consular officer who resides in Louisiana if the child meets all mission-related and academic admission requirements established for the school.

(2) An emergency certificate shall be counted to determine whether such enrollment exceeds the capacity of a program, class, grade level, or school. A charter authorizer that uses a common application and enrollment process for its charter schools shall adopt uniform policies and procedures to implement the provisions of this Item, but such policies and procedures shall not limit the ability of a school to exercise the authority granted by this Item.

B. The commission shall adopt uniform policies and procedures to implement the provisions of this Section, but such policies and procedures shall not limit the ability of a school to exercise the authority granted by this Item.

C. A charter school may directly enroll the child of a faculty member if the child meets all admission requirements for the school.

D. A charter school may directly enroll the child of a faculty member if the child meets all admission requirements for the school.
the certificate from his collaborating physician, or psychologist determines
the person to be dangerous to self or others or to be gravely disabled.

The actual examination of the person by a psychiatrist may be conducted by
telemedicine utilizing video conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (4) of this Subsection shall be in the examination room with the patient at the time of the video conference.

A patient examined in such a manner shall be medically cleared prior to admission to a mental health treatment facility. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

(2) The certificate shall state:
(a) The date of the physician's, physician assistant's, psychiatric mental health nurse practitioner's, other nurse practitioner's or psychologist's examination of the person, which shall not be more than seventy-two hours prior to the date of the signature of the certificate.
(b) The objective findings of the physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist relative to the physical or mental condition of the person, leading to the conclusion that the person is dangerous to self or others or is gravely disabled as a result of substance abuse or mental illness.

F. An emergency certificate shall constitute legal authority to transport a patient to a treatment facility and shall permit the director of such treatment facility to detain the patient for diagnosis and treatment for a period not to exceed fifteen days, and to return the patient to the facility if he is absent with or without permission during authorized periods of detention. If necessary, peace officers shall apprehend and transport, or ambulance services, under appropriate circumstances, may locate and transport, a patient on whom an emergency certificate has been completed to a treatment facility at the request of either the director of the facility, the certifying physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist, the patient's next of kin, the patient's curator, or the agency legally responsible for his welfare. In the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to Paragraph (B)(1) of this Section, or where the valid original is not provided to the transporter, a copy transmitted by facsimile telemedicine pursuant to Paragraph (B)(1) of this Section, or where the valid original is not provided to the transporter, a copy transmitted by facsimile or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient. The psychiatrist shall cause the original or facsimile copy to be deposited in the United States mail properly addressed to the director of the treatment facility by the next business day following the date of examination. The director of the treatment facility shall notify the patient's nearest relative, if known, or designated responsible party, if any, in writing, of the patient's admission by emergency certificate as soon as reasonably possible.

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Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 255

SENATE BILL NO. 255
(Subtitle of Senate Bill No. 133 by Senator MORRELL)

BY SENATOR MORRELL

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

AN ACT

To amend and reenact R.S. 17:407.50.1, relative to early learning centers; to provide relative to health-related policies established by early learning centers; to provide for parental notification; and to provide for related matters.

It is enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.50.1 is hereby enacted to read as follows:
§407.50.1. Health-related policies; parental notification
Each licensed early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled in the early learning center. Such policies shall be binding upon the early learning center and the child’s parent or legal guardian. However, nothing in this Section shall be construed to provide any exemptions or exclusions to any protections or waivers established by law.

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 257

SENATE BILL NO. 146

BY SENATOR CLAITOR

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

AN ACT

To amend and reenact R.S. 15:529.1(A)(1), (3), and (4) and (C) and to enact R.S. 15:529.1(I) and (J), relative to the habitual offender law; to amend penalties provided for in the habitual offender law; to provide relative to the amount of time that must elapse between the current and prior offense for the habitual offender law; to provide for related matters.

It is enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.1(A)(1), (3), and (4) and (C) are hereby amended and reenacted and R.S. 15:529.1(I) and (J) are hereby enacted to read as follows:
§529.1. Sentences for second and subsequent offenses; certificate of warden
A. Any person who, after having been convicted within this state of a felony, or who, after having been convicted under the laws of any other state of the United States, or any foreign government of a crime which, if committed in this state would be a felony, thereafter commits any subsequent felony within this state, upon conviction of said felony, shall be punished as follows:
(1) If the second felony is such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than one half nor more than one year. If the said felony is one of those alleged in this section to be punishable by imprisonment for a term of from one year to not more than five years, then the sentence to imprisonment shall be for a determinate term not less than one year nor more than five years.
(2) If the third felony is such that upon a first conviction, the offender would be punishable by imprisonment for any term less than his natural life then the following sentences apply:
(a) The person shall be sentenced to imprisonment for a determinate term not less than two-thirds one-half of the longest possible sentence for the conviction and not more than twice the longest possible sentence prescribed for a first conviction.

(b) If the third felony and the two prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), or a sex offense as defined in R.S. 15:541 when the victim is under the age of eighteen at the time of commission of the offense, or an offense, or an offense under Section 594 of Title 46 of the Louisiana Revised Statutes of 1990, Dangerous Substances Law punishable by imprisonment for ten years or more, or any other crimes punishable by imprisonment for twelve years or more, or any combination of such crimes, the person shall be imprisoned for not less than twenty years and not more than his natural life, without benefit of parole, probation, or suspension of sentence.

(c) If the fourth felony and no prior felony is defined as a crime of violence under R.S. 14:2(B) or a sex offense under R.S. 15:541, the person shall be imprisoned for not less than twenty years nor more than twice the longest possible sentence prescribed for a first conviction. If twice the possible sentence prescribed for a first conviction is less than twenty years, the person shall be imprisoned for twenty years.

(d) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), or a sex offense as defined in R.S. 15:541 when the victim is under the age of eighteen at the time of commission of the offense, or an offense, or an offense under Section 594 of Title 46 of the Louisiana Revised Statutes of 1990, Dangerous Substances Law punishable by imprisonment for ten years or more, or any other crimes punishable by imprisonment for twelve years or more, or any combination of such crimes, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

(e) Except as provided in Paragraph (2) of this Subsection, the current offense shall not be included in the computation of the fourth or higher offense if more than less five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, or the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding conviction or convictions alleged in the multiple offender bill and the date of the commission of the fourth or higher offense if more than less five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, or the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(f) 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 the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for a crime of violence as defined in R.S. 14:2(B), or a sex offense as defined in R.S. 15:541 and the date of the commission of the following offense or offenses. In computing the intervals of time as provided herein, in this Paragraph, 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 said ten-year or five-year periods between the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding conviction or convictions alleged in the multiple offender bill for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the next succeeding offense or offenses.

I. If the court finds that a sentence imposed under the provisions of this Section would be constitutionally excessive pursuant to the criteria set forth in State v. Dorthey, 623 So.2d 1276 (La. 1993), then the court shall state for the record the reasons for such finding and shall impose the most severe sentence prescribed for the current offense.

For purposes of this Section, “correctional supervision” means any period of parole, probation, or incarceration by a person in a penal institution, either within the state of Louisiana or outside of the state.

Section 2. The Act shall be effective November 1, 2017, and shall have prospective application only to offenders whose convictions became final on or after November 1, 2017.
(1) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall cause to be promulgated uniform victim notice and registration forms which outline and explain the rights and services established by this Chapter. This information shall be updated as necessary. The costs of developing the victim notice and registration form shall be funded by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(2) To the extent that funding is available for such purposes, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and provide, by August 1, 2018, a system by which an agency may choose to complete and submit the uniform victim notice and registration form electronically and by which a victim may choose to receive all notices electronically.

* * *

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 259

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HOUSE BILL NO. 156

BY REPRESENTATIVE DIGHT

AN ACT

To amend and reenact R.S. 56:435.1(A) and 435.11(A)(2) and (C), relative to oyster harvest in Calcasieu Lake and Sabine Lake; to provide for the gear authorized for oyster harvest on Calcasieu Lake and Sabine Lake; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:435.1(A) and 435.11(A)(2) and (C) are hereby amended and reenacted as follows:

§435.1. Sabine Lake; methods of harvest; penalty; season; self-propelled vessels; harvested oysters

A. Oysters may be harvested in Sabine Lake using only

* * *

§435.1.1. Oyster harvest in Calcasieu Lake

A. * * *

(2) Such permit shall be in addition to all other licenses and permits required for harvesting of oysters. At all times, such oyster harvesting shall be limited to using hand tongs, a hand scraper, or a single scraper with mechanical assist with a flat bar length of no more than thirty-six inches.

* * *

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and shall end on April thirtieth. However, in consultation with the Calcasieu Oyster Task Force, the commission may open or close the season at its discretion. Annual data indicate a need and may manage East Cove and West Cove separately.

* * *

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 260

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HOUSE BILL NO. 249

BY REPRESENTATIVES MAGEE, BAGNERS, BOUIE, CARPENTER, GARY CARTER, COX, DWIGHT GAINES, DISCLAIR, GLOVER, HALL, JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JORDAN, TERRY LANDRY, LÉGER, LYONS, MARCELLE, MARINO, MORENO, NORTON, REYNOLDS, AND SMITH

AN ACT

To amend and reenact R.S. 47:1676(B)(1) and Code of Criminal Procedure Articles 883.2(D), 884, 885.1(A), (C), and (D), 888, 894.4, 895.1(A) and (2) (a) and (E), and 895.5(C) to enact Code of Criminal Procedure Article 875.1, relative to the financial obligations for criminal offenders; to provide relative to the payment of fines, costs, restitution, and other monetary obligations related to an offender’s conviction; to require the court to determine the offender’s ability to pay the financial obligations imposed; to authorize the court to waive, modify, or create a payment plan for the offender’s financial obligations; to provide relative to the court’s authority to extend probation under certain circumstances; to provide relative to the recovery of uncollected monetary obligations at the end of a probation period; to provide for legislative intent; to provide relative to the disbursement of collected payments; to authorize the court to impose certain conditions in lieu of payment in certain situations; to provide relative to the penalties imposed when an offender fails to make certain payments or fails to appear for a hearing relative to missed payments; to require notice to an offender upon his failure to make certain payments; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 883.2(D), 884, 885.1(A), (C), and (D), 888, 894.4, 895.1(A) and (2) (a) and (E), and 895.5(C) are hereby amended and reenacted and Code of Criminal Procedure Article 875.1 is hereby enacted to read as follows:

A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred as a result of the commission of a crime, to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven. Creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more compliance with the law. Financial obligations that cause undue hardship required by the provisions of this Paragraph.

B. For purposes of this Article, “financial obligations” shall include any fine, fee, cost, restitution, or other monetary obligation authorized by this Code or by the Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a criminal sentence, incarceration, or as a condition of probation.

§435.1.1. Oyster harvest in Calcasieu Lake

A. * * *

(2) Such permit shall be in addition to all other licenses and permits required for harvesting of oysters. At all times, such oyster harvesting shall be limited to using hand tongs, a hand scraper, or a single scraper with mechanical assist with a flat bar length of no more than thirty-six inches.

* * *

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and shall end on April thirtieth. However, in consultation with the Calcasieu Oyster Task Force, the commission may open or close the season at its discretion. Annual data indicate a need and may manage East Cove and West Cove separately.

* * *

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

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Art. 883.2. Restitution to victim

A. * * *

D. Notwithstanding any other provision of law to the contrary, if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court may order a periodic payment plan for the offender's financial obligations that the offender is able to comply with and often results in more compliance with the law. Financial obligations that cause undue hardship required by the provisions of this Paragraph.

E. If a defendant is ordered to make monthly payments under a payment plan established pursuant to the provisions of Subparagraph (D)(1)(b) of this Article, the defendant's financial obligations resulting from his criminal conviction are forgiven and considered paid in full if the defendant makes consistent monthly payments for either twelve consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

The provisions of this Article shall apply only to defendants convicted of offenses classified as felonies under applicable law.

* * *
consistent with the person's financial ability pursuant to the provisions of Article 875.1.

A. 894. Sentence of fine with imprisonment for default.

A. If a sentence imposed includes a fine or costs, the sentence shall provide that in default of payment thereof the defendant shall be imprisoned for a specified period not to exceed one year; provided that where the maximum prison sentence which may be imposed as a penalty for a misdemeanor is six months or less, the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months for that offense.

B. The provisions of this Article do not apply if the court has determined, pursuant to the provisions of Article 875.1, that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. In such cases, the provisions of Article 875.1 shall apply.

Art. 885.1. Suspension of driving privileges: failure to pay criminal fines

A. When a fine is levied against a person convicted of any felony criminal offense, including any violation of the Louisiana Highway Regulatory Act or any municipal or parish ordinance regulating traffic in any municipality or any parish and the defendant is assessed a period of time in which he is able but has willfully refused to pay the fine, the judge of the court having jurisdiction may order the driver’s license to be surrendered to the sheriff or official of the court collecting fines for a period of time not to exceed one hundred eighty days. If, after expiration of one hundred eighty days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections.

* * * *

C. If, after expiration of one hundred eighty days, the court finds that the defendant has not paid remains able but has willfully refused to pay the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections. Upon receipt of the def     endant’s surrendered driver’s license, the department shall suspend the driver’s license of the defendant. The suspension shall begin when the department receives written notification from the court, and the department shall send immediate written notification to the defendant informing him of the suspension of driving privileges.

D. The department shall not reinstate, return, reissue, or renew a driver’s license in its possession pursuant to this Section until upon payment of the fine and any additional administrative cost, fee, or penalty required by the judge having the jurisdiction and any other cost, fee, or penalty required by the department in accordance with R.S. 32:414(1) or other applicable cost, fee, or penalty provision.

* * * *

Art. 888. Costs and fines: payment

Costs and any fine imposed shall be payable immediately except as provided in Article 875.1 relative to the determination of the defendant’s ability to pay; provided, however, that in cases involving the violation of any traffic law or ordinance, the court having jurisdiction may grant the defendant five judicial days after rendition of judgment to pay any costs and any fine imposed.

* * * *

Art. 894.4. Probation; extension

A. When a defendant has been sentenced to probation and has a monetary obligation, including but not limited to court costs, fines, costs of prosecution, and any other monetary costs associated with probation, the judge may not extend the period of probation until the monetary obligation is extinguished for the purpose of collecting any unpaid monetary obligation, except as provided in Paragraph B of this Article. The attorney may refer the unpaid monetary obligation to the office of debt recovery pursuant to R.S. 47:1676.

B. The judge may extend probation only one time and by a period of six months for the purpose of monitoring collection of unpaid victim restitution if the court finds on the record by clear and convincing evidence that the court’s temporary ongoing monitoring would ensure collection of unpaid restitution more effectively than any of the following:

(1) Converting the unpaid restitution to a civil money judgment pursuant to Article 886 or 895.1.

(2) Referring the unpaid restitution to the office of debt recovery pursuant to R.S. 47:1676.

(3) Any other enforcement mechanism for collection of unpaid restitution authorized by law.

C. A six-month extension of probation as provided in Paragraph B shall apply only to the order of victim restitution. All other conditions of probation during the six-month extension shall be terminated.

Art. 895.1. Probation; restitution; judgment for restitution; fees

A. When a court places the defendant on probation, it shall, as a condition of probation, order the payment of restitution in cases where the victim or his family has suffered any direct loss of actual cash, any monetary loss pursuant to damage or to loss of property, or medical expense. The court shall order restitution in a reasonable sum not to exceed the actual pecuniary loss to the victim in an amount certain. However, any additional or other damages sought by the victim and available under the law shall be pursued in an action separate from the establishment of the restitution order as a civil money judgment provided for in Subparagraph (2) of this Paragraph. The court has determined, pursuant to the provisions of Article 875.1, that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. In such cases, the provisions of Article 875.1 shall apply.

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

**Art. 895.5. Restitution recovery division; district attorneys; establishment**

C. Compliance enforcement. The (1) Except as provided in Subparagraph (2) of this Paragraph, the district attorney may take all lawful action necessary to require compliance with court-ordered payments, including filing a petition for revocation of probation, filing a petition to show cause for contempt of court, or institution of other civil or criminal proceedings which may be authorized by law or by rule of court. In addition, the district attorney may issue appropriate notices to inform the defendant of his noncompliance and of the penalty for noncompliance. In the event that the district attorney institutes any other civil or criminal proceedings pursuant to this Paragraph, the defendant shall be charged costs of court and such costs shall be added to the amount due.

(2) If a court authorizes a payment plan to collect financial obligations associated with a criminal case and the defendant fails to make a payment, the court may serve the defendant with a citation for a rule to show cause why the defendant should not be found in contempt of court for failure to comply with the payment plan. This citation shall include the following notice:

"If you make a payment toward the above listed fines and fees on or before you will not have to come to court for this matter."

**IMPORTANT NOTICE REGARDING THE HEARING ON THE RULE TO SHOW CAUSE FOR PROOF OF SATISFACTION OF FINANCIAL OBLIGATION:**

If the court finds that the defendant has the ability to pay the fines and fees listed above, the court may require the defendant to show cause hearing, the court will evaluate your ability to pay the fines and fees listed above.

(b) You are ordered to bring any documentation or information that you want the court to consider in determining your ability to pay.

(c) Your failure to make a payment toward the ordered financial obligation may result in your incarceration only if the court finds, after a hearing, that you had the ability to pay and willfully refused to do so.

(d) You have the right to be represented by counsel (attorney/lawyer) of your choice. If you cannot afford counsel, you have the right to be represented by a court-appointed lawyer at no cost to you. However, you must apply for a court-appointed lawyer at least seven (7) days before this court date by going to the public defender’s office. There is a forty-dollar ($40) application fee.

(e) If you are unable to make a payment toward the ordered financial obligation you may request payment alternatives including but not limited to community service, a reduction of the amount owed, or both.

(f) During the hearing, you will have a meaningful opportunity to explain why you have not paid the above-listed amounts by presenting evidence and testimony.

(g) The court may, in its discretion, reduce or modify the order for restitution in any way it deems appropriate.

(3) If after the hearing provided for by Subparagraph (2) of this Paragraph, the court determines the defendant shall be served with the same notice provided for in Subparagraph (2) of this Paragraph regarding the consequences and due process for the willful failure to pay. * * *

Section 2. R.S. 47:1676(B)(1) is hereby amended and reenacted to read as follows:

$1676. Debt recovery * * * *

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

THE ADVOCATE

* As it appears in the enrolled bill
(1) “Agency” means any state office, department, board, commission, institution, division officer or other person, or functional group, existing or created, that is authorized to exercise, or that does exercise, any function of this Section; and, for purposes of this Section, “agency” shall also mean the court only for the collection of unpaid monetary obligations as set forth in Code of Criminal Procedure Article 894.4.

Section 3. The provisions of this Act shall become effective on August 1, 2018.

1. R.S. 15:827.2 and 827.3, relative to the reinvestment of savings realized from criminal justice reforms; to require the Department of Public Safety and Corrections to collect and make available certain information and data relative to the prison and community supervision population; to authorize the collection of information and data to be collected; to provide for the calculation of savings realized by the Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:827.2 and 827.3 are hereby enacted to read as follows:

A.(1) In addition to other duties imposed upon the Department of Public Safety and Corrections to collect and make available certain information and data relative to the prison and community supervision population, to authorize the collection of information and data relative to the prison and community supervision population; to provide for the calculation of savings realized by the Department of Public Safety and Corrections; and to provide for related matters.

B. The department shall provide the information described in Subsection D of this Section to the Joint Legislative Committee on the Budget and the commissioner of administration by June 30, 2018, and shall provide updated information annually thereafter.

C. The department shall make the information described in Paragraphs (1) through (6) of this Subsection publicly available by June 30, 2018, and shall update the information annually thereafter.

D. The department is authorized to adopt rules or regulations necessary to implement the provisions of this Section.

E. The information collected by the department, in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, shall include but be limited to the following:

(1) With respect to prison admissions: the total prison population and the total number of individuals admitted to prison by offense type, type of admission, prior criminal history, and, if measured upon intake, by risk assessment score and risk assessment tool.

(2) With respect to parole and release from prison: the average length of time spent in prison organized by offense type and by type of admission, the total number of parole hearings held, the average length of parole hearings held, and the recidivism rate of individuals released from prison.

(3) With respect to the population of individuals on probation or parole supervision: the total number of supervision intakes by offense type and by risk assessment score, the average sentence length for persons on probation by offense type, and the total number of supervision discharges by discharge type.

(4) With respect to those individuals on probation or parole supervision who violate a condition of their release or commit a new offense: the average amount of time credited to either their suspended sentence or the remainder of their sentence from time spent on supervision, the average amount of time credited to either their suspended sentence or the remainder of their sentence from time spent on supervision, the total number of non-jail administrative sanctions administered, and the total number of and average length of stay in jail for, administrative jail sanctions issued.

(5) With respect to certified treatment and rehabilitation programs (CTRIP): pursuant to R.S. 15:828: the total number of individuals who are awarded earned credits from CTRIP, the percentage of eligible individuals who are awarded earned credits from CTRIP, the average amount of credits earned individuals earn from CTRIP, and the number of certified treatment and rehabilitation programs (CTRIP) that are certified by the department to provide services to state inmates under the custody of the Department of Public Safety and Corrections.

(6) With respect to workforce development work release program, pursuant to R.S. 15:111, 1199.9: the total number of individuals who participate in a workforce development work release program, the average amount of time spent awaiting program, the total number of individuals who participate in a workforce development work release program, and the average amount of awarded earned credits for participation in a workforce development work release program.

(7) With respect to reinvestment and savings: the total amount of annual savings achieved as a result of a legislation relative to the criminal justice system enacted in the 2017 Regular Session of the Legislature and thereafter, the total amount of funds deemed a bona fide obligation pursuant to the definition of "bona fide obligation" for those entities that received reinvestment funds, the dollar amounts directed to each, and a description of how the funding was used.

§827.3. Savings attributable to criminal justice reforms

A. At the end of each fiscal year, the Department of Public Safety and Corrections shall provide to the commissioner of administration and to the Joint Legislative Committee on the Budget a statement of calculated annual savings realized as a result of reforms to the criminal justice system. For Fiscal Year 2017-2018, seventy percent of the savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Section B of this Section. For Fiscal Year 2018-2019 and each fiscal year thereafter, fifty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Section B of this Section and twenty percent of the savings shall be deemed a bona fide obligation of the state and shall be allocated by the department for juvenile justice initiatives and programs.

B. The amount deemed to be a bona fide obligation pursuant to the provisions of this Subsection A of this Section, except for the portion required to be allocated by the department for juvenile justice initiatives and programs, shall be allocated as follows:

(1) Thirty percent shall be allocated to the Department of Public Safety and Corrections to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.

(2) Twenty percent shall be allocated to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to award grants for victim services and other services provided to or on behalf of victims and survivors, and shall be allocated by the department for juvenile justice initiatives and programs.

(3) The remainder shall be allocated to the Department of Public Safety and Corrections for targeted investments in reentry services, community supervision, educational and vocational programming, and other programs that require the reinvestment of a portion of the savings realized, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, relative to provisional licenses issued to ex-offenders through the “Provisional Licenses for Ex-Offenders Act” to delete the term “provisional” from the title and other local facilities that state house inmates to incentivize expansion of recidivism reduction programming and treatment services.

A true copy:

Tom Schelder
Secretary of State

House Bill No. 489
By Representatives Leger, Amidee, Bagnères, Billiott, Bouie, Carpenter, Gary Carter, Cox, Gainés, Gisclair, Glover, Hall, Jimmy Harris, Hoffmann, Horton, Hunter, Jackson, James, Jefferson, Jenkins, Johnson, Jordan, Terry Landry, Lyons, Marcelle, Marino, Moreno, Norton, Pierre, Smith, Thibaut, and White

HOUSE BILL NO. 519
By Representatives Emerson, James, and Leger

AN ACT

To amend and reenact Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, relative to provisional licenses issued to ex-offenders through the “Provisional Licenses for Ex-Offenders Act”; to delete the term “provisional” from the title and other local facilities that state house inmates to incentivize expansion of recidivism reduction programming and treatment services.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, is hereby amended and reenacted to read as follows:

CHAPTER 1-C. PROVISIONAL LICENSES FOR EX-OFFENDERS

§31. Short title

This Chapter shall be known and may be cited as the “Provisional Licenses for Ex-Offenders Act”.

§32. Issuance of licenses to ex-offenders

Notwithstanding any provision of law or rule adopted and promulgated by any state department, agency, board, commission, or authority to the contrary, an entity issuing licenses, except for those listed in R.S. 37:36(E),
for persons to engage in certain fields of work pursuant to state law shall issue either of the following to an otherwise qualified applicant who has been convicted of an offense or offenses, except those described in R.S. 37:36(a) through (c), the
(1) The license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses.
(2) A provisional license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses referred to in this Chapter as “applicant” or “holders”.

§33. Provisional license; issuance, term, probation or parole

A. An ex-offender may apply to any entity issuing licenses to engage in certain fields of work pursuant to state law for a provisional license to engage in the particular field of work for which the entity issues licenses.

B. The licensing entity shall issue the provisional license for which the applicant applied and is otherwise qualified to receive.

C. The licensing entity issuing the provisional license shall determine the term for which the provisional license shall be valid; however, in no event shall a provisional license issued pursuant to this Chapter be valid for fewer than ninety days nor more than three hundred sixty days.

D. The licensing entity may require up to two years to have passed since an applicant’s last conviction or release from incarceration in order for the applicant to qualify for the provisional license.

(1) An applicant who is on community supervision and who is issued a provisional license pursuant to this Chapter shall provide the licensing entity with the name and contact information of the person at the Department of Public Safety and Corrections, division of probation and parole, to whom he reports. If the applicant reports to the probation or parole department of another state, he shall provide the licensing entity with the name and contact information of the person at that particular department to whom he reports.

(2) The licensing entity shall notify the probation or parole department or division if the holder of the provisional license commits any of the following:

(a) Any grade of homicide enumerated in R.S. 14:29.

(b) Any grade of assault enumerated in R.S. 14:32.

(c) Any grade of arson enumerated in R.S. 14:22.

(d) Any grade of trespass enumerated in R.S. 14:22.4.

(e) A violation of law or rules governing the practice of the field of work for which the provisional license was issued.

F. If a licensing entity believes that another exemption not provided in this Section is necessary in a specific case to protect the public from a clear and imminent danger, the entity may seek declaratory relief in district court through a judicial order finding that the applicant shall not be issued a provisional or regular license because it would pose such a danger.

Approved by the Governor, June 18, 2017.

THE ADVOCATE
* As it appears in the enrolled bill

ACT No. 263

HOUSE BILL NO. 533

BY REPRESENTATIVES HUNTER, BAGGERS, BISHOP, COX, JACKSON, MARCELLE, AND PIERRE AND SENATORS BARROW, BOUDREAUX, AND CLAIR

AN ACT

To enact Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1290.1 through 1290.4, related to drinking water; to provide for legislative findings; to require a collaborative effort to improve public drinking water quality; to require reporting; to provide for a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1290.1 through 1290.4, is hereby enacted.

PART V. STATE-LEVEL COLLABORATION TO IMPROVE PUBLIC DRINKING WATER QUALITY

$1290.1. Legislative findings; purpose

(1) The Louisiana Legislature hereby finds and declares the following:

(1) The provision of water for public use and consumption not only safe but also acceptable in appearance, taste, and odor is of the highest priority.

(2) Water aesthetically unacceptable can undermine the confidence of consumers, will lead to complaints, and could lead to the use of water from sources which are less safe.

(3) Generally, consumers have no means of judging the safety of their water themselves, but their attitude towards the water supply and water suppliers is often greatly affected by the appearance of water quality they are able to perceive with their own sense.

(4) It is natural for consumers to regard with suspicion water that appears dirty or discolored or that has an unpleasant taste or smell. Even though these characteristics may not in themselves be of direct consequence, they...
A true copy:

A of this Section is submitted.

Legislative session of each year until the final report required by subsection

It shall be issued no later than thirty days prior to the convening of the regular

Legislative session of each year, and to make the report available to the public

on request. The information shall also be distributed by the Department of Public Safety and Corrections

or the sheriff of any parish, as appropriate, to every person incarcerated in

every parish jail and prison facility. When the initial support order is entered, either the court or the department, if providing services, shall

provide this information to the parties.

D. A material change in circumstance need not be shown for either of the following purposes:

(1) Modifying to modify a child support award to include a court-ordered award for medical support.

(2) To suspend or modify a child support award in accordance with R.S.

9:311.1.

§311.1. Child support during the obligor's incarceration

A. In accordance with the provisions of this Section, every order of child support shall be suspended when the obligor will be or is incarcerated for any period of one hundred eighty consecutive days or more, unless any of the following conditions exist:

(1) The person will be or is incarcerated for one hundred eighty consecutive days or longer.

(2) At least six months before the person who was the subject of notification under Paragraph (1) of this Subsection is scheduled to be released from incarceration as defined in Subsection B of this Section.

(3) “Suspension” means the modification of a child support order to zero dollars during the period of an incarcerations.

D. A material change in circumstance need not be shown for either of the following purposes:

(1) Modifying to modify a child support award to include a court-ordered award for medical support.

(2) To suspend or modify a child support award in accordance with R.S.

9:311.1.

An Act

(Replace for House Bill No 426 by Representative Marino)

BY REPRESENTATIVES MARINO, BAGNERIS, BOJIE, CARPENTER, GARY CARTER, GLOVER, HALL, HOFFMANN, HUNTER, JAMES, TERRY LANDRY, LEGER, LYONS, MARCELLE, NORTON, PIERRE, AND SMITH

An ACT

To amend and reenact R.S. 9:311(A)(2) and (D) and 315.11(A) and (C), to enact Childen's Code Article 1353(G), R.S. 9:311.1 and 315.27, R.S. 13:4611(1)(d) (iii), R.S. 46:236.0(B)(4) and 236.7(C)(4), and to repeal R.S. 9:311(G), relative to child support; to provide relative to child support obligations; to provide for temporary modification or suspension of child support orders; to provide for notice requirements; to provide for a defense to contempt of court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1353(G) is hereby enacted to read as follows:

Art. 1353. Support provisions; contempt; penalties; defenses

G. It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

Section 2. R.S. 9:311(A)(2) and (D) and 315.11(A) and (C) are hereby amended and reenacted and R.S. 9:311.1 and 315.27 are hereby enacted to read as follows:

§311. Modification or suspension of support; material change in circumstances; periodic review by Department of Children and Family Services; medical support

A. *

(2) The Department of Children and Family Services shall prepare and distribute information, forms, and rules for the modification or suspension of support orders, in accordance with this Subsection, and for proceeding in forma pauperis. The information provided by the Department of Children and Family Services shall specifically include what may constitute a material change in circumstances. The clerk of court in all parishes shall make the information available to the public upon request. This information shall also be distributed by the Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, to every person incarcerated in every parish jail and prison facility. When the initial support order is entered, either the court or the department, if providing services, shall provide this information to the parties.

D. A material change in circumstance need not be shown for either of the following purposes:

(1) Modifying to modify a child support award to include a court-ordered award for medical support.

(2) To suspend or modify a child support award in accordance with R.S.

9:311.1.

* * *
(6) If a timely objection is made, the order of child support shall continue until further order of the court.

G. Nothing in this Section shall prevent either party from seeking a suspension or a modification of the order of support under this Section or any other provision of law.

F(1) Upon motion of either party or the Department of Children and Family Services, after notice and hearing, the court shall suspend the child support obligation unless it finds one of the conditions in Subsection A of this Section exists.

(2) If one of the conditions in Subsection A of this Section exists, the court shall use the child support guidelines in R.S. 9:315 et seq. to determine an order of support that is equal to the amount of support obligation during his period of incarceration.

G. (1) An order of support suspended in accordance with this Section shall resume by operation of law on the first day of the second full month after the obligor’s release from incarceration.

(2) An order that suspends an obligor’s order of support because of the obligor’s incarceration shall contain a provision that the previous order will be reinstated on the first day of the second full month after the obligor’s release from incarceration.

(3) Unless the terms of the order of support have been otherwise modified, the suspended order of support shall resume at the same terms that existed before the suspension.

H. The suspension of an order of support in accordance with this Section shall not affect any past due support that has accrued before the effective date of the suspension.

I. The provisions of this Section shall not apply if a court does not have continuing exclusive jurisdiction to modify the order of child support in accordance with Children’s Code Article 1302.5.

J. The secretary of the Department of Children and Family Services, in consultation with the courts, the Department of Public Safety and Corrections, and law enforcement entities, shall promulgate rules in accordance with the Administrative Procedure Act necessary to implement the provisions of this Section.

§315.11. Voluntarily unemployed or underemployed party

A. (1) If a party is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of income earning potential, unless the party is physically or mentally incapacitated, or is caring for a child of the parties under the age of five years. In determining the party’s income earning potential, the court may consider the most recently published Louisiana Occupational Employment Wage Survey. In determining whether to impute income to a party, the court’s considerations shall include, to the extent known, all of the following:

(a) Assets owned or held by the party.

(b) Residence.

(c) Employment and earnings history.

(d) Job skills.

(e) Educational attainment.

(f) Literacy.

(g) Age and health.

(h) Criminal record and other employment barriers.

(1) Record of seeking work.

(2) The local job market.

(k) The availability of employers willing to hire the noncustodial parent.

(1) Prevailing earnings level in the local community.

(2) Other relevant background factors in the case.

(2) Absent evidence of a party’s actual income or income earning potential, there is a rebuttable presumption that the party can earn a weekly gross amount equal to thirty-two hours at a minimum wage, according to the laws of his state of domicile or federal law, whichever is higher.

C. A party shall not be deemed voluntarily unemployed or underemployed if he or she

(1) Has been temporarily unable to find work or has been temporarily forced to take a lower-paying job as a direct result of Hurricane Katrina or Rita.

(2) He or she was incarcerated for one hundred twenty consecutive days or longer.

§315.27. Child support award

A. If a child support award is suspended pursuant to R.S. 9:311.1 and the obligor is released from incarceration while the child is a minor, the department of children and family services may petition the court to continue the award beyond the termination date provided by R.S. 9:315.22. If the court extends the child support award, the amount of support shall be established using the child support guidelines. However, any continuation of a child support award extended pursuant to this Subsection shall not exceed the amount of support established using the child support guidelines during the child’s period of incarceration.

B. If a child support award is suspended pursuant to R.S. 9:311.1 and the obligor is released from incarceration after the child has reached the age of majority, the custodial party or the child may petition the court to establish an award of support for the twenty-four month period following the child’s release from incarceration. If the court establishes a child support award for the period of suspension, the amount shall be established using the child support guidelines. However, any child support award established pursuant to this Subsection shall not exceed the amount of time the child support order was suspended.

Section 2. R.S. 13:4611(3) is hereby enacted to read as follows:

$4611. Punishment for contempt of court; defenses

Except as otherwise provided for by law:

(1) The supreme court, the courts of appeal, the district courts, family courts, juvenile courts and the city courts may punish a person adjudged guilty of a contempt of court therein, as follows:

(2) * * *

(iii) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

Section 4. R.S. 46:236.6(B)(4) and 236.7(C)(4) are hereby enacted to read as follows:

$236.6. Failure to pay support; procedure, penalties and publication

B. * * *

(4) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

$236.7. Order of support; stipulation by district attorney and party

C. * * *

(4) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

Section 5. R.S. 9:311(G) is hereby repealed in its entirety.

Section 6. The legislature finds that the purpose of modifying child support during a person’s incarceration is to increase the likelihood of successful reintegration into the workforce and long-term stability after a jail or prison term. Establishing financial stability in the weeks and months following a jail or prison term reduces the risk of recidivism, increasing both public safety and the likelihood of consistent payment of child support over time.

Section 7. The provisions of this Act shall become effective on January 1, 2019.

Approved by the Governor, June 15, 2017.

Tom Schedler
Secretary of State

ACT No. 265

HOUSE BILL NO. 681

Representative Moreno

BY REPRESENTATIVES MORENO, BAGGERIS, COX, GLOVER, HALL, JACKSON, JAMES, TERRY LANDRY, MARCELLE, MARINO, NORTON, PIERRE, AND SMITH AND SENATOR BISHOP

To enact R.S. 46:233.3 and to repeal R.S. 46:233.2 and 237(D), relative to eligibility for benefits of certain public assistance programs; to provide relative to Supplemental Nutrition Assistance Program eligibility; to provide relative to child support; to provide an effective date; and to provide for related matters.

As authorized by 21 U.S.C. 862a(d)(1), this state hereby exempts all individuals domiciled in the state from the application of the prohibition provided in 21 U.S.C. 862a(a) on eligibility for the following assistance programs and benefits:

(1) Cash benefits under any state program funded under Part A of Title IV of the Social Security Act.

(2) Benefits under the Supplemental Nutrition Assistance Program as defined in Section 3 of the Food and Nutrition Act of 2008 or any state program carried out under that Act.

Section 2. R.S. 46:233.2 and 237(D) are hereby repealed in their entirety.

Section 3. This Act shall become effective October 1, 2017.

Approved by the Governor, June 15, 2017.

Tom Schedler
Secretary of State

NEW ORLEANS, LA, JUNE 15, 2017

A true copy:

Secretary of State

* * *
ACT No. 266

BY REPRESENTATIVES FOIL, AMEDEE, ARMES, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, DAVIS, FALCONER, GISCLAIR, GUINN, HILFERTY, HORTON, JACKSON, JEFFERSON, LÉBAS, LYONS, MAGEE, GREGORY MILLER, MORENO, NORTON, PIERRE, REYNOLDS, RICHARD, STAGNI, THIBAUT, THOMAS, AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:223(A), 416.1(B), and 3996(B)(2), relative to student discipline; to prohibit the use of corporal punishment in public elementary and secondary schools for students with exceptionalities, except gifted and talented students; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:223(A), 416.1(B), and 3996(B)(2) are hereby amended and reenacted to read as follows:

§223. Discipline of pupils; suspension from school, corporal punishment

§416.1. Discipline of pupils; additional disciplinary authority

B. (1)(a) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort to a student.

(b) Corporal punishment does not include:

(i) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to prevent possession of a weapon or other dangerous object from a student.

(ii) The use of seclusion and restraint as provided in R.S. 17:416.21.

(2) Each parish and city school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district.

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, use 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 shall maintain a student discipline and related policies that are applicable to public schools.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 268

BY REPRESENTATIVE SHADOIN

AN ACT

To amend and reenact Code of Civil Procedure Article 1446(A)(1), relative to depositions; to provide procedures for the sealing of certain depictions; to provide delivery of electronically sealed depictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1446(A)(1) is hereby amended and reenacted to read as follows:

Art. 1446. Certification by officer; custody of deposition; exhibits; copies; notice of availability for inspection or copying; cost of originals and copies of transcripts

A. (1)(a) The officer as defined in Article 1434(3) shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness.

(b) The officer shall do either of the following:

(i) Securely seal the deposition in an envelope endorsed with the title of the action and marked “Deposition of [here insert name of witness]” and promptly and simultaneously send it by United States mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition, and to all other parties to the action who have ordered a copy of the deposition transcript.

(ii) Securely seal the deposition in an envelope endorsed with the title of the action and marked “Deposition of [here insert name of witness]” and promptly and simultaneously deliver the deposition electronically to the party at whose request the deposition was taken, who shall become the custodian of the deposition, and to all other parties to the action who have ordered a copy of the deposition transcript.

The original of the deposition shall not be filed in the record, but shall be made available to all other parties in the matter for inspection or copying. The failure or lack of filing such original in the record shall not affect the use or admissibility of the original at trial or by the court if otherwise authorized or provided by law.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 269

BY REPRESENTATIVE CONNICK

AN ACT

To amend and reenact R.S. 38:330.1(C)(2), relative to the Non-Flood Protection Asset Management Authority; to provide for delivery of electronically sealed depositions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:330.1(C)(2) is hereby amended and reenacted to read as follows:

§572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on applications; time periods for additional review

D. Notwithstanding any provisions of law to the contrary, any applicant who has been sentenced to life imprisonment shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of fifteen years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment shall be included in computing the fifteen-year period. If the application is denied, the applicant shall be notified in writing of the reason for the denial and the denial may be renewed only at the request of the applicant, but no earlier than five years from the date of action by the board. Any subsequent applications shall not be filed earlier than five years after the immediately preceding action taken by the board. However, the provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, is available, and if it had been introduced at the trial, it would probably have changed the verdict or judgment of guilty.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State
Section 1. R.S. 38:330.1(C)(2)(a) and (b) and 330.12.1(C)(2) are hereby amended and reenacted and R.S. 330.1(C)(2)(d) and (e) are hereby enacted to read as follows:

$330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

C. * * *

(2)(a) The nominating committee for each board shall be composed as follows:
(i) A member designated by or designee of the Public Affairs Research Council of Louisiana.
(ii) A member designated by or designee of the Council for A Better Louisiana.
(iii) A representative member or designee of the Louisiana Geological Survey at Louisiana State University.
(iv) A member or designee of the Association of State Floodplain Managers designated by the association.
(v) A member or designee of the National Society of Black Engineers designated by the society.
(vi) The dean A faculty member or designee of the College of Engineering at the University of New Orleans, or his designee.
(vii) The dean A faculty member or his designee of the School of Science and Engineering at Tulane University, or his designee.
(viii) The dean A faculty member or designee of the School of Engineering at Southern University and Agricultural and Mechanical College or his designee.
(ix) The dean A faculty member or designee of the College of Engineering at Louisiana State University or his designee.
(x) A member or designee of the American Society of Civil Engineers designated by the society.
(xi) A member or designee of the Louisiana Engineering Society.
(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for the purpose of nominating persons to serve on the Southeast Louisiana Flood Protection Authority-West Bank, the committee shall also include, a member or designee of the Harvey Canal Industrial Association West Bank Business and Industry Association and the president a faculty member or designee of Our Lady of Holy Cross College or his designee.
(d) After August 1, 2017, all nominating committee members shall be appointed for a term of eight years. A former nominating committee member may be reappointed to a nominating committee four years from the completion of a previous term. Service of four or more years of an unexpired term shall constitute a term.
(e) For purposes of Paragraph (C)(2) of this Section, the nominating committee shall be considered a “public body” as defined in R.S. 42:13, and the Open Meetings Law, R.S. 42:11 et seq., and Public Records Law, R.S. 44:1 et seq., shall apply to such committee.

$330.12.1. Non-Flood Protection Asset Management Authority: creation; composition; powers, duties, functions

C. The authority shall be composed of the following members who shall be subject to Senate confirmation. Provided that no elected official shall be appointed to serve as a member of the authority:

(2) One member appointed by the state senator representing Senate District No. 3 and Senate District No. 4, and by the state representative representing House District No. 97, House District No. 94, House District No. 99, and two members appointed by the Congressional Representative representing Congressional District No. 1 and Congressional District No. 2. At least one member appointed shall be a lawyer, at least one member shall be a certified public accountant, and at least one member shall be a realtor.

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

Approved by the Governor; June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 270

HOUSE BILL NO. 337
BY REPRESENTATIVES SPOROS, SIMON, AND STAGNI
AN ACT
To amend and reenact R.S. 47:297(P)(1), (2), (3) introductory paragraph, and (5) and to enact R.S. 47:297(P)(6) and (7), relative to individual income tax credits; to authorize an individual income tax credit for certain residential improvements made by persons with certain disabilities; to provide for a program cap; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297(P)(1), (2), (3) introductory paragraph, and (5) are hereby amended and reenacted and R.S. 47:297(P)(6) and (7) are hereby enacted to read as follows:

$297. Reduction to tax due

P(1) There shall be allowed a credit against the individual income tax liability of a taxpayer for the inclusion of accessible and barrier-free design elements in either the construction of a new one- or two-family dwelling or the renovation of an existing dwelling if the taxpayer, the taxpayer’s spouse, or an individual who qualifies as a dependent of the taxpayer for purposes of determining the taxpayer’s federal income tax liability and who resides with the taxpayer has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling. For purposes of this Subsection, “taxpayer” shall mean an individual who owns a newly constructed one- or two-family dwelling, or the existing dwelling that is renovated, and who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit authorized by the provisions of this Subsection. If the dwelling is co-owned in indivision by two or more taxpayers who qualify for and claim a homestead exemption on the dwelling, the credit allowed to each taxpayer shall be limited to the pro-rata ownership interest of the taxpayers.

(2) The amount of the credit shall be seven hundred twenty-five thousand dollars, or seventy-two percent of the total tax liability of the taxpayer, whichever is less. The credit shall be taken in the taxable year in which the construction or renovation of the dwelling is completed. Only one tax credit may be granted per dwelling. If the amount of the credit authorized by this Paragraph exceeds the amount of tax liability for the tax year, the amount of unused credit shall be carried forward as a credit against subsequent Louisiana individual income tax liability for a period not to exceed five years.

(3) A newly constructed dwelling which meets all of the following requirements, or a renovated dwelling that meets any of the following requirements, shall be deemed to be a dwelling that meets all of the design elements for purposes of the tax credit:

(4) Notwithstanding any other provision of law to the contrary, the taxpayer shall be allowed to claim the tax credit if any individual in the taxpayer’s household has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling, provided that such individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and can be identified as a member of the taxpayer’s household.

(5) Notwithstanding any other provision of law to the contrary, the taxpayer shall be allowed to claim the tax credit in any case where there is a valid and enforceable contract of lease, as defined in Civil Code Article 1026, between the taxpayer and any individual who has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements for purposes of the tax credit.

(6) The provisions of this Subsection shall be effective for all tax years beginning on or after January 1, 2018.

The total amount of tax credit granted by the department in any calendar year shall not exceed five hundred thousand dollars. Claims for tax credits shall be allowed on a first-come, first-served basis. Any taxpayer whose claim exceeds the amount of tax credit that the department is authorized to grant in a calendar year may claim the credit against the individual income tax liability on an original tax return filed in the next calendar year and his claim shall have priority over other claims filed after the date and time of his original claim.

Section 2. Notwithstanding the provisions of Section 8 of Act No. 125 of the 2015 Regular Session as amended by Act No. 29 of the 2016 First Extraordinary Session of the Legislature, R.S. 47:297(P)(2) as enacted by Section 5 of Act No. 125 of the 2015 Regular Session shall not become effective.

Section 3. The provisions of this Act shall be applicable for all tax years beginning on or after January 1, 2018.

Section 4. This Act shall become effective on January 1, 2018.

Approved by the Governor, June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 271

BY REPRESENTATIVES GAINES, BAGNERIS, GARY CARTER, JIMMY HARRIS, JACKSON, AND JAMES

HOUSE BILL NO. 473

To amend and reenact R.S. 40:2405(H)(2)(a), (1)(d), and (J) and to enact R.S. 40:2405(H)(2)(c), relative to peace officers; to provide relative to peace officer certification; to provide for annual training requirements for peace officers to maintain P.O.S.T. certification; to provide relative to impediments
to P.O.S.T. certification; to provide for revocation of P.O.S.T. certification; to provide for grounds for revocation; to provide for revocation hearings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405(H)(2)(a), (1)(2), and (J) are hereby amended and reenacted and R.S. 40:2406(H)(2)(c) is hereby enacted to read as follows:

§2405. Peace officer training requirements; reimbursement by peace officer

H. * * *

(2)(a) A person who is not serving as a peace officer, but who retains the qualifications to do so, as provided in Paragraph (1) of this Subsection, may resume service as a qualified peace officer during the five-year period without the requirement of any further training prior to such resumption provided the officer successfully requalifies with his or her firearm in accordance with the provisions of Paragraph (A)(2) of this Section and completes additional annual training for the year in which the peace officer resumes employment as required and prescribed by the council.

(c) The additional annual training required of officers pursuant to Subparagraph (a) of this Paragraph and Paragraph (I)(2) of this Section may be available online and at no cost to the peace officer.

I. Any person who is enrolled in a law enforcement curriculum and who successfully completes a certified Police Officer Standards and Training course or academy subsequent to July 1, 2005, and does not begin employment as a peace officer upon completion of the course or academy shall maintain their P.O.S.T. qualification status for a period of two years provided they meet the following requirements: * * *

(2) Satisfactorily fulfill all requirements for annual basic firearms training and any additional training for the year in which the peace officer resumes employment as required and prescribed by the council.

J. (1) Notwithstanding any provision of law to the contrary, the P.O.S.T. certification of any qualified peace officer, whether employed full-time, part-time, or reserve, shall be immediately revoked upon a conviction of malfeasance in office, the occurrence of any of the following conditions:

(a) A conviction of malfeasance in office.
(b) A conviction of an offense which results in the individual peace officer’s restriction of his constitutional right to bear arms.
(c) The Council on Peace Officer Standards and Training may conduct a revocation hearing to determine whether the P.O.S.T. certification of any qualified peace officer, whether employed full-time, part-time, or reserve, shall be revoked if any of the following conditions occur:

(a) The officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations and the officer has exhausted all administrative remedies.
(b) The officer has been convicted of a misdemeanor involving the crime of domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the United States.
(c) The officer has failed to complete additional training as required and prescribed by the council.
(d) The officer voluntarily surrenders certification.
(e) A judicial disposition in a criminal case results in revocation of certification.
(f) Any hearings conducted by the council or appeal by an officer whose certification has been revoked shall be conducted according to rules promulgated by the council.
(g) The council shall promulgate rules in accordance with the Administrative Procedure Act no later than January 1, 2018, subject to the oversight of the House Committee on Judiciary and the Senate Committee on Judiciary B, to provide procedures governing revocation hearings.

(3) Any peace officer whose certification has been denied or revoked by the council may file an appeal under the provisions of the Administrative Procedure Act provided in R.S. 49:964.

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 and following such approval.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 272

HOUSE BILL NO. 481

BY REPRESENTATIVES JACKSON, BAGNERIS, GARY CARTER, GAINES, JIMMY HARRIS, JAMES, MARINO, AND ZERINGUE AND SENATORS BARROW AND THOMPSON

AN ACT

To amend and reenact R.S. 15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B), R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2), and R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8), to enact R.S. 15:1212.1(C), (D), (E), and (F) and R.S. 44:454, and to repeal R.S. 40:2405(E)(2), relative to the. Unive Enforcement Statewide Reporting Database; to provide relative to the information reported to and contained in the database; to provide relative to the use of information in the database; to provide for certain information that is exempt from disclosure; to provide for the definition of a peace officer; to provide relative to the time periods within which peace officers are required to obtain training and certification; to provide relative to the Public Records Law; to provide for an emergency effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B) are hereby amended and reenacted and R.S. 15:1212.1(C), (D), (E), and (F) are hereby enacted to read as follows:

§1212. Creation of database; functions * * *

B. The commission shall be the central depository for all information submitted for entry into the database by law enforcement agencies, correctional agencies, and institutions and shall have the following functions, powers, and duties:

(1) To establish, through electronic data processing and related procedures, a database by which relevant information can be collected, coordinated, analyzed, and made readily available to serve and be electronically accessible to qualified law enforcement agencies concerned with the hiring practices, P.O.S.T. certifications, disciplinary actions, resignations, terminations, and training of law enforcement officers located anywhere in the state. The commission Council on Peace Officer Standards and Training shall promulgate rules in accordance with the Administrative Procedure Act no later than January 1, 2018, subject to the provisions of Paragraph (A)(2) of Paragraph (I)(2) of this Section and (4) from the database before hiring a law enforcement officer.

(4) To prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the database. The forms shall provide for detailed information regarding the name of the law enforcement officer, the designated position, the status of all P.O.S.T. certifications and decertifications related to training and qualifications, the hire date, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, resignations pending an investigation, and final judgments in civil cases related to civil rights violations under the provisions of 42 U.S.C. 1983 or related to serious bodily injury as defined in R.S. 14:34.1(B)(3) or criminal cases related to the duties of a law enforcement officer in the course and scope of his employment when the misconduct of the law enforcement officer gave rise to the cause of action, and the date of separation from service.

§1212.1. Report to the system; duties of persons and agencies * * *

B. Upon the request of the commission, all law enforcement agencies shall provide any other such assistance, information, and data which are reasonable and available to enable the commission to properly carry out its powers and duties.

C. A law enforcement agency shall obtain and certify to the commission that it has received the required information as provided in R.S. 15:1212(B)(4) from the database before hiring a law enforcement officer.

D. Except in cases willful or wanton misconduct or gross negligence, the commission, Council on Peace Officer Standards and Training, or a law enforcement agency, correctional agency, or institution shall not be civilly or criminally liable for the release or reporting of information provided in R.S. 15:1212(B)(4) when released or reported pursuant to the provisions of this Section.

E. The personal information of a peace officer including the peace officer’s home address, home telephone number, birth date, Social Security number, driver’s license number, and username for P.O.S.T. electronic data/training systems contained in the database central depository shall be confidential and shall not be subject to disclosure by the commission or Council on Peace Officer Standards and Training pursuant to the Public Records Law but may be disclosed to a requesting law enforcement agency in this or another state, accredited training academies of the Council on Peace Officer Standards and Training, and to councils on peace officer standards and training in other states.

F. The information received by the commission as provided in R.S. 15:1212(B)(4), other than certification and training records of a law enforcement officer, shall be used for hiring or revocation purposes only and shall not be disclosed to any person other than a qualifying law enforcement agency.

* * *

Section 2. R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2) are hereby amended and reenacted to read as follows:

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and italicized and boldfaced (Senate Bills) are additions.
§2402. Definitions
As used in this Chapter:

(3)(a) “Peace officer” means any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department.

(b) “Peace officer” shall also include full-time military police officers within the Military Department, State of Louisiana.

(c) “Peace officer” shall also include full-time military police officers employed by the Supreme Court of the State of Louisiana.

§2405. Peace officer training requirements; reimbursement by peace officer
A.(1) Notwithstanding any other provision of law to the contrary except as otherwise provided in Paragraph (2) of this Subsection, any person who begins employment as a peace officer in Louisiana subsequent to January 1, 1986, must successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from the date of initial employment. The one-year period in which a peace officer is required to complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination is not interrupted if the peace officer leaves the employing agency to be employed as a peace officer in another agency in Louisiana. Any person who fails to comply with this requirement shall be prohibited from exercising the authority of a peace officer; however, such persons shall not be prohibited from performing administrative duties.

(2) In addition, any person employed or commissioned as a peace officer, reserve peace officer, or part-time peace officer prior to January 1, 1986, who has not satisfactorily completed a basic firearms training program, shall do so no later than August 1, 1988. All such persons who begin employment as a peace officer, reserve peace officer, or part-time peace officer after January 1, 1986, shall do so no later than August 1, 1999. All other such persons who begin employment as a peace officer after August 1, 1988, shall do so no later than August 1, 1999. All persons who begin employment as a reserve peace officer, or part-time peace officer after August 1, 1988, shall do so no later than August 1, 1999.

B. (a) The council shall promulgate administrative rules for the certification requirements of part-time and reserve peace officers employed on or after the effective date of this Act and prior to January 1, 2022, subject to oversight by the House Committee onJudiciary and Senate Committee on Judiciary B.

§2406. Peace officer training reimbursement

§4. Applicability
This Chapter shall not apply:

(5) To the personal information of a peace officer as provided in R.S. 15:1212.1(E) in the custody of the Council on Peace Officer Standards and Training or the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

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

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

(8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507, 1614

Section 4. R.S. 40:2405(E)(2) is hereby repealed in its entirety.

**THE ADVOCATE**
*As it appears in the enrolled bill*
B.(1) The system by which such taxpayers file electronically and pay their taxes and by which the information provided for in Subsection 1 is to be processed and managed shall be created and managed, and supervised by the secretary of the Department of Revenue. The Uniform Electronic Local Return and Remittance Advisory Committee shall provide advice and may make enforceable recommendations to the secretary for his consideration with regard to the design, implementation, and operation of the system in the manner provided for by this Section. The advisory committee is hereby created within the Department of Revenue and shall be composed of the following members:

B. (II) A representative of a local governmental subdivision who shall be appointed by the governor from a list of three names provided to him by the Louisiana Municipal Association, one by the Police Jury Association of Louisiana, and one by the Louisiana School Board Association. The member shall serve at the pleasure of the governor for a term of four years.

B. (III) The head of a collector's office, appointed by the governor Louisiana Uniform Local Sales Tax Board from a list of three names provided to him by the board of directors of the Louisiana Association of Tax Administrators, to serve at the pleasure of the governor for a three-year term.

B. (IV) A representative of a business which is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided to him jointly by the Louisiana Retail sheds Dealers Association and the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.

§337.49. Protest to collector's determination of tax due.

A. The taxpayer, within fifteen calendar days from the date of the notice provided in R.S. 47:337.48(B) or within thirty calendar days from the date of the notice provided in R.S. 47:337.48(B), may protest thereto. This protest must be in writing and should fully disclose the reasons, together with facts and figures in substantiation thereof, for objecting to the collector's determination. The collector shall consider the protest, and shall grant a hearing thereon, before making a final determination of tax, penalty, and interest due.

B. The taxpayer or the local collector may request that a member of the Louisiana Uniform Local Sales Tax Board attend a hearing granted in accordance with this Section. The request shall be made in writing and received by the board at least five business days prior to the date of the hearing. The chairman of the board may appoint a designee to serve in the place of a board member for this purpose. A person eligible to serve as a designee shall be either a full time employee of the board or the head of a single parish collector's office.

§337.81. Appeals from the collector's disallowance of refund claim.

A. (1) If the collector fails to act on a properly filed claim for refund or credit within one year from the date received by him or her, the Louisiana Uniform Local Sales Tax Board or if the collector denies the claim in whole or in part, the taxpayer claiming such refund or credit may within thirty days of the notice of disallowance of the claim hearing a request with the collector for refund or credit determination. The collector shall render a decision within thirty days of the request by the taxpayer.

§337.86. Credit for taxes paid

E. (3) Optional concursus proceeding.

(a) When a taxpayer or dealer has received a formal notice of assessment from two or more Louisiana local collectors having a competing or conflicting claim to sales or use tax on a transaction, the taxpayer or dealer is hereby authorized to file a concursus proceeding before the Local Tax Division of the Louisiana Board of Tax Appeals hereinafter referred to as "board". If a concursus proceeding is filed or applicable to the customer at each parish as specified in R.S. 47:306(D)(2)(a) and R.S. 47:337.1(B)(2)(a) shall comply with rules authorized by this Subsection within six months of the effective date of such rules.

§337.23. Uniform electronic local return and remittance system; official record of tax rates, and exemptions; filing and remittance of local sales and use taxes; penalties for violations
Louisiana Uniform Local Sales Tax Board as defined in R.S. 47:337.2 which is required to develop rules and regulations pursuant to Chapter 2-D of the Uniform Local Sales Tax Code unless otherwise specified.

337.102. Louisiana Uniform Local Sales Tax Board; creation; membership; powers and duties

A. Creation of the board. The Louisiana Uniform Local Sales Tax Board, hereinafter referred to in this Section as “board”, is hereby created as a political subdivision of the state as such term is defined in the Constitution of Louisiana. The board shall consist of a public body, including procurement, ethics, record retention, fiscal and budgetary controls, and legislative audit in the same manner as any local political subdivision. The domicile of the board shall be East Baton Rouge Parish.

B. Board membership and organization. (1) The board shall consist of eight members, as follows:
   (a) The executive director of the Louisiana Municipal Association.
   (b) The executive director of the Louisiana School Boards Association.
   (c) The executive director of the Police Jury Association of Louisiana.
   (d) The executive director of the Louisiana Sheriffs Association.
   (e) The head of a single parish collector’s office appointed by the executive director of the Louisiana School Boards Association.
   (f) The head of a single parish collector’s office appointed by the executive director of the Police Jury Association of Louisiana.
   (g) The head of a single parish collector’s office appointed by the board's website within ten days of its issuance.

E. Rulemaking. The board shall promulgate rules pursuant to the Administrative Procedure Act to establish a uniform voluntary disclosure program for taxpayers seeking relief from penalties in cases where a liability to more than one local sales and use tax collector is owed. The board shall accept applications from taxpayers seeking to participate in the program and apply a recommendation for the waiver of penalties. The board shall promulgate rules and regulations ensuring that the program and its recommendations do not constitute an unfair method of competition, including full payment of taxes and interest. This recommendation shall be binding on local tax collectors absent fraud, material misrepresentation, or any such misrepresentation of the facts by the taxpayer.

F. Voluntary disclosure program. The board shall promulgate rules pursuant to the Administrative Procedure Act to establish a uniform voluntary disclosure program for taxpayers seeking relief from penalties in cases where a liability to more than one local sales and use tax collector is owed. The board shall accept applications from taxpayers seeking to participate in the program and apply a recommendation for the waiver of penalties. The board shall promulgate rules and regulations ensuring that the program and its recommendations do not constitute an unfair method of competition, including full payment of taxes and interest. This recommendation shall be binding on local tax collectors absent fraud, material misrepresentation, or any such misrepresentation of the facts by the taxpayer.

G. Powers and duties of the board. The board may:
   (1) Support and advise local sales and use tax collectors concerning the imposition, collection, and administration of local sales and use taxes authorized under the Constitution and laws of this state.
   (2) Promulgate rules and regulations in accordance with Part H of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.
   (3) Enter into agreements with local tax collectors.
   (4) Enter into contracts for the services of legal counsel, analysts, auditors, accountants, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, actuaries, acts and acts.
2. (a) The actual amount to be disbursed to the board by the office of motor vehicles in any fiscal year shall be determined by the requirements of the annual budget adopted by the board for that year, subject to the limitations established in Subparagraphs (a) through (c) of Paragraph 1 of this Subsection. To accomplish this, by the first day of June each year the chairman of the board shall notify the commissioner of the office of motor vehicles regarding the amount to be disbursed to the board for the ensuing fiscal year, with the exception of Fiscal Year 2018, when the date for such notification shall be determined by agreement of the chairman and the commissioner.

(b) The board shall develop and adopt a budget as required by the Louisiana Local Government Budget Act, R.S. 39:1301, et seq. The board shall have the same fiscal year as the state. The adopted budget may be amended as necessary.

3. If use tax collections pursuant to R.S. 47:302(K) yields insufficient revenue to fulfill the dedication made pursuant to R.S. 47:302(K) for interagency transfers to the Department of State Civil Service, Board of Tax Appeals, Local Tax Division, the board shall pay any remaining amount necessary to satisfy the dedication, which payment shall be made into the Local Tax Division Expense Fund within the first thirty days of the fiscal year. The board is authorized to enter into an agreement with the Department of State Civil Service, Board of Tax Appeals, Local Tax Division to pay an amount sufficient to compensate the Local Tax Division for workload increases.

J. Employees. Employees of the board shall serve in unclassified positions.

K. The board shall adopt a strategic plan for its operations, which shall include specific goals and objectives. The plan shall be adopted by July 1, 2018.

L. The board shall provide for the education and training of collectors of local sales and use taxes. Programs shall be offered from time to time as determined by the board, but not less than once per fiscal year.

* * * *

CHAPTER 2-E. LOUISIANA SALES AND USE TAX COMMISSION FOR REMOTE SELLERS

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

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 sales and use taxes, as provided in Article VI, Section 29 of the Constitution of Louisiana and other laws.

B. With respect to any federal law as may be enacted by the United States Congress authorizing states to require remote sellers, except those remote sellers who qualify for the small seller exceptions as may be provided by federal law, the single, central state agency to which remote sellers and their designated agents to collect from customers and remit to the commission sales and use taxes on remote sales sourced to Louisiana on the uniform Louisiana state and local sales and use tax base established by Louisiana law.

(1) To promote, to the extent feasible and in accordance with law, uniformity and simplicity in sales and use tax compliance in Louisiana, while reserving to political subdivisions their authority to impose and collect sales and use taxes as provided in Article VI, Section 29 of the Constitution of Louisiana and other laws.

(2) To serve as the central, single agency to which remote sellers shall remit monies, less any refunds and amounts retained for expenses as defined in Paragraph (3) of this Subsection, to the Louisiana Uniform Local Sales Tax Board, or political subdivision concerning the performance of its functions.

(3) To establish a single entity within the state of Louisiana responsible under and subject to the direct supervision and control of the commission, shall direct the day-to-day administration and enforcement of all laws, rules, policies, and regulations which it is the duty of the commission to administer. The executive director shall serve at the pleasure of the commission. The executive director may employ professional and administrative staff and set their rate of compensation and benefits, plus necessary expenses incurred in performing their duties, as may be approved by the commission. The executive director may execute any contracts or agreements on behalf of the commission with any person or entity, including the Louisiana Uniform Local Sales Tax Board, or political subdivision concerning the performance of its functions.

(4) To serve as the single state of Louisiana agency to represent both state and local taxing authorities in taking appropriate action to enable Louisiana to more efficiently enforce and collect state and local sales and use taxes on sales made to in-state and out-of-state entities, and the Louisiana Uniform Local Sales Tax Board shall make state and local sales and use tax collections.

(5) To conduct administrative hearings as requested by aggrieved remote sellers, administer oaths, and make adjustments to assessments when justified by the facts and the law, and render decisions following such hearings.

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

(1) "Commission" means the Louisiana Sales and Use Tax Commission for Remote Sellers.

(2) "Executive director" means the executive director of the commission.

(3) "Federal law" means any federal law as may be enacted by the United States Congress authorizing states to require remote sellers, except those remote sellers who qualify for the small seller exceptions as may be provided by federal law, to serve as the central, single agency to which remote sellers shall remit monies, less any refunds and amounts retained for expenses as defined in Paragraph (3) of this Subsection, to the Louisiana Uniform Local Sales Tax Board, or political subdivision concerning the performance of its functions.

(4) "Local taxing authority" means those municipalities, special tax districts and political subdivisions, parish governing bodies, and school boards that are authorized under the provisions of the Constitution of Louisiana, the Louisiana Revised Statutes of 1950 and uniformity and simplicity in sales and use tax compliance in Louisiana, while reserving to political subdivisions their authority to impose and collect sales and use taxes as provided in Article VI, Section 29 of the Constitution of Louisiana and other laws.

(5) The term "non-remote sale" means a sale that is not a remote sale.

(6) The term "remote seller" means a seller that is a remote seller.

(7) The term "person" shall have the meaning as defined by federal law for purposes of the provisions of Title 26, United States Code. For all other purposes in state and local sales and use tax law, "person" shall mean and include individuals, partnerships, associations, corporations, and other legal entities.

(8) "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:

A. The duties of the commission shall be exercised and discharged under the supervision and direction of a commission with voting power and a non-voting executive director, all of whom shall be appointed and shall serve as provided in this Section.

B. The commission shall be comprised of eight voting commissioners as follows:

(1) The secretary of the Department of Revenue.

(2) Three employees or other officials of the Department of Revenue as appointed by the secretary.

(3) The members of the Louisiana Local Uniform Sales Tax Board appointed as provided in R.S. 47:327(102)(K) to (b).

D. (1) The commission shall meet as often and at such locations as directed by the chairman, who shall provide timely notice to the public as to the time and location of each meeting. A majority of the commission membership shall constitute a quorum for the transaction of business and no action shall be taken by the commission unless approved by a majority vote of the members present.

(2) The domicile of the commission shall be East Baton Rouge Parish.

E. (1) The commission shall select and employ an executive director who shall serve at the pleasure of the commission. The executive director shall receive compensation and benefits as may be determined and fixed by the commission. The executive director may employ professional and administrative staff and set their rate of compensation and benefits, plus necessary expenses incurred in performing their duties, as may be approved by the commission. The executive director may execute any contracts or agreements on behalf of the commission with any person or entity, including the Louisiana Uniform Local Sales Tax Board, or political subdivision concerning the performance of its functions.

(2) The commission shall usually meet and conduct business at other locations within the state of Louisiana as it may from time to time determine, after timely notice to those persons who may be affected by the change in location.

F. The commission shall have all powers in the Louisiana Revised Statutes of 1950 and the sales and use taxes levied by local taxing authorities to levy and collect local sales and use taxes. The commission may make state and local sales and use tax remittances.

G. The commission shall develop rules and procedures in accordance with the Administrative Procedure Act with respect to implementation of the provisions of this Chapter.

H. The commission shall have the power, duty, and authority:

(1) To serve as the single entity within the state of Louisiana responsible for all state and local sales and use tax administration, return processing, and collection of the commission in a manner consistent with the sales and use taxes levied by local taxing authorities.

(2) To serve as the central, single agency to which remote sellers shall make state and local sales and use tax remittances.

(3) To assign and direct a single audit of remote sellers for the state and local taxing authorities.

(4) To serve as the single state of Louisiana agency to represent both state and local taxing authorities in taking appropriate action to enable Louisiana to more efficiently enforce and collect state and local sales and use taxes on sales made to in-state and out-of-state entities, and the Louisiana Uniform Local Sales Tax Board shall make state and local sales and use tax collections.

(5) To conduct administrative hearings as requested by aggrieved remote sellers, administer oaths, and make adjustments to assessments when justified by the facts and the law, and render decisions following such hearings.

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

(7) To provide to the single tax collector for each parish an annual report of revenues collected and distributed for the previous calendar year, which report shall be provided on or before June first of each year.
(8) To enter into agreements to waive or suspend prescription with remote sellers as to state and local taxes.
(9) With the consent of the affected local taxing authority to issue notices of intent to assess, notices of assessments, enforcement of local sales and use taxes by distraint and sale, and institute summary proceedings or ordinary proceedings for collection of local taxes.
(10) To sue and be sued.
(11) Nothing in this Chapter shall be construed to:
   (1) Authorize or require any expenditure unless and until a federal law authorizes 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.
   (2) Limit the right of local taxing authorities to levy and collect sales and use taxes as provided in the Constitution of Louisiana, statutory law, and jurisprudence.
   (3) Authorize the commission to exercise any right or perform any function provided to be exercised by local taxing authorities under present law.
   (4) Create, repeal, or amend any local tax exclusions or exemptions.
   (5) Authorize the commission to grant local tax amnesty.
   (6) Authorize the commission to promulgate rules, regulations, issue private letter rulings or give to dealers or taxpayers other advice that is inconsistent with the Constitution of Louisiana, statutory law, or controlling jurisprudence.
   (7) Require local taxing authorities to make refunds, give tax credit, waive penalties, or waive audit costs.
   (8) Repeal or amend any provisions of any local tax ordinances.
   (9) Extend to any local taxes any state exclusions, exemptions, credits, rebates, or other tax relief provisions that do not presently apply to local taxes.
   (10) Repeal or amend any provision of the Uniform Local Sales Tax Code, R.S. 47:337.1, et seq.

(11) Make the state of Louisiana a member of the Streamlined Sales and Use Tax Agreement.
(12) Authorize the commission to serve as a central state collection agency for local sales and use taxes.
(13) Limit any statutory and ordinal provisions in place as of the effective date of this Act that require dealers and taxpayers, with respect to non-local sales, to pay and remit directly to the single sales and use tax collector in each parish the sales and use taxes due to each local taxing authority within each parish.
(14) Limit or amend any provision of R.S. 47:1508 and 1508.1.

Section 1. R.S. 47:6023(A)(introductory paragraph), (1(b), (B), (C)(1)(introductory paragraph) and (b) and (3)(introductory paragraph), (D)(1) (introductory paragraph), (E)(1)( Introductory paragraph) and (2); R.S. 47:6023(D)(c), (d) and (e), and (4), (E) and (1), to enact R.S. 47:6023(C)(1)(c) and (d), (4), and (5), and to repeal R.S. 47:6023(A)(2) and R.S. 47:6023(C)(1)(c) and (3)(introductory paragraph) both as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature, relative to tax credits; to provide with respect to the sound recording investor tax credit; to provide for an additional tax credit; to provide for the amount of the fee associated with certain reports; to provide for definitions; to provide for administration of the tax credit; to provide with respect to certain tax certification letters; to provide for certain requirements and limitations; to provide with respect to review of the tax credit program; to authorize the promulgation of rules and regulations; to provide for the termination of the tax program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6023(A)(Introductory paragraph), (1)(b), (B), (C)(1)(Introductory paragraph) and (b) and (3)(Introductory paragraph), (D)(1)(Introductory paragraph), (E)(1)(Introductory paragraph) and (2) are hereby amended and reenacted and R.S. 47:6023(C)(1)(c) and (d), (4), and (5), are hereby enacted to read as follows:

§6023. Sound recording investor tax credit

A. Purpose. The primary objective of this Section is to encourage development in Louisiana of a strong capital and infrastructure base for sound recording productions in order to achieve a more independent, self-supporting music and sound recording industry. This objective is divided into immediate and long-term objectives as follows:

1. Immediate objectives are to . . .
2. Long-term objectives are to . . .

B. Definitions. For the purposes of this Section:

1. “Base investment” shall mean the actual investment made and expended in the state by a state-certified production as production-related costs and QMC payroll expenditures for Qualified Music Companies approved by the state or local sales and use tax authorities under present law.
2. “QMC payroll” means wages reported in box 1 on a W-2 form.
3. “Qualified Music Company” or “QMC” means an entity authorized to do business in Louisiana, engaged directly or indirectly in the production, distribution and promotion of music, certified by the secretary as meeting the eligibility requirements of this Section, and executing a contract providing the terms and conditions for its participation.

1407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

3. All matters related to 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.

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 becoming law without signature by the governor, as provided by Article III, Section 21 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 16, 2017.

A true copy.

Tom Schedler
Secretary of State

ACT No. 275

BY REPRESENTATIVES LEBER, GLOVER, AND WHITE

To amend and reenact R.S. 47:6023(A)(Introductory paragraph), (1)(b), (B), (C)(1)(introductory paragraph) and (b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature and (3)(introductory paragraph) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (E)(1)(introductory paragraph), (2)(c), (d), and (e), and (4), (E), and (1), to enact R.S. 47:6023(C)(1)(c) and (d), (4), and (5), and to repeal R.S. 47:6023(A)(2) and R.S. 47:6023(C)(1)(c) and (3)(introductory paragraph) both as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature, relative to tax credits; to provide with respect to the sound recording investor tax credit; to provide for an additional tax credit; to provide for the amount of the fee associated with certain reports; to provide for definitions; to provide for administration of the tax credit; to provide with respect to certain tax certification letters; to provide for certain requirements and limitations; to provide with respect to review of the tax credit program; to authorize the promulgation of rules and regulations; to provide for the termination of the tax program; and to provide for related matters.
(1) Until January 1, 2020, there is hereby authorized a credit against the state income tax for investments made in state-certified productions and state-certified sound recording infrastructure projects. 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. 47:6007:0929, or 6034.

(b) For state-certified productions certified on or after July 1, 2015, and state-certified sound recording infrastructure projects which have been applied on or after July 1, 2015, and before July 1, 2017, each investor shall be allowed a tax credit of eighteen percent of the base investment made by that investor in excess of fifteen thousand dollars or, if a resident of this state, in excess of five thousand dollars.

(c) Project-based production credit. For applications for state-certified productions received on or after July 1, 2017, each investor shall be allowed a tax credit of eighteen percent of the base investment made by that investor in excess of twenty-five thousand dollars. However, if the investor who is applying for the tax credit is a Louisiana resident, the eighteen percent tax credit shall be allowed on base investments which exceed ten thousand dollars.

(d) Company-based QMC payroll credit. For applications for Qualified Music Companies received on or after July 1, 2017, 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:

(i) Tier 1. A payroll credit of ten percent shall be earned for each new job whose QMC payroll is equal to or greater than thirty-five thousand dollars per year. More than sixty-six thousand dollars per year, but no greater than two hundred thousand dollars per year.

(ii) Tier 2. A payroll credit of fifteen percent shall be earned for each new job whose QMC payroll is equal to or greater than sixty-six thousand dollars per year, but no greater than two hundred thousand dollars per year.

(3) Except as otherwise provided in this Paragraph, the aggregate amount of credits certified for all investors pursuant to this Section during any calendar year shall not exceed two million one hundred sixty-six thousand dollars.

(4)(a) Company-based QMC payroll credit. A business shall be eligible for participation in the program if the business meets all of the following criteria:

(i) The business is engaged directly or indirectly in the production, distribution, and promotion of music.

(ii) The business creates a minimum of three new jobs meeting or exceeding the Tier 1 minimum wage requirements, in accordance with the provisions of Subparagraph (C)(1)(d) of this Section.

(iii) The business is approved by the secretary of the Department of Economic Development.

(iv) The business is a music publisher, sound recording studio, booking agent, or artist management. The secretary, in his discretion may approve other businesses which are related to the music and sound recording industry which permanently locate or expand existing operations in Louisiana and which is certified by the Secretary of the Department of Economic Development on or after July 1, 2007, and thereafter.

(5) Sound recording investor tax credits associated with a state-certified production shall never exceed the total base investment in that production.

D. Certification and administration.

(1) The secretary of the Department of Economic Development shall determine which projects and expenditures, including amounts expended in this state on state-certified productions or state-certified sound recording infrastructure projects, qualify for the tax credits earned by the investor pursuant to this Section. Application of tax credits earned and claimed against an investor's income tax liability shall never reduce the investor's income tax liability below fifty percent of the amount of the liability prior to application of the credit. Any excess credit may be carried forward for up to five years and shall be applied against the subsequent income tax liability of the taxpayer.

(2) Sound recording investor tax credits associated with a state-certified production shall never exceed the total base investment in that production.

E. Tax credit certification letter for project-based tax credit. After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the investor who earned the sound recording tax credits. The Department of Revenue may require the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification and any additional information, the secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

F. Commencing no later than January 31, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the expenditure verification reports and, for those expenses found to be qualified the department shall issue a tax credit certification letter to the investors indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project.

(4) With input from the Legislative Fiscal Office, the Louisiana Department of Economic Development shall prepare a written report to be submitted to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs no less than sixty days prior to the start of the session. The report shall include: (a) The amount of the tax credits issued, the number of new jobs created, the amount of new infrastructure that has been developed in the state, and any other factors that describe the impact of the program.

E. Tax credit certification letter for project-based tax credit. After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the investor who earned the sound recording tax credits. The Department of Revenue may require the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification and any additional information, the secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

I. Commencing no later than January 31, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the expenditure verification reports and, for those expenses found to be qualified the department shall issue a tax credit certification letter to the investors indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project.
of the 2015 Regular Session of the Legislature are hereby repealed in their entirety.

Section 3. Notwithstanding Section 8 of Act No. 125 of the 2015 Regular Session, as amended by Act No. 29 of the 2016 First Extraordinary Session, R.S. 47:6023(C)(1) and (3)(introductory paragraph) as enacted by Section 5 of that Act shall not become effective and R.S. 47:6023(C)(1) and (3)(introductory paragraph) as amended and reenacted by Section 2 of that Act shall remain effective.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 276

HOUSE BILL NO. 688

(Substitute for House Bill No. 122 by Representative Pierre)

BY REPRESENTATIVES PIERRE, JAMES, AMEDEE, ARMS, BAGNERS, BILLIOT, BISHOP, BOULIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARPENTER, GARY CARTER, CONNICK, COX, CREWS, DAVIS, DWIGHT, EDMONS, EMERSON, FALCONER, FRANKLIN, GAINES, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, HILFERTY, HORTON, HUNTER, JACKSON, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEBAS, LEGER, LYONS, MAGEE, MARCELLE, MARINO, DUSTIN MILLER, GREGORY MILLER, NORTON, PRICE, REYNOLDS, RICHARD, SMITH, AND STAGNI AND SENATORS BISHOP, CARTER, AND PETERSON

AN ACT

To amend and reenact R.S. 17:3138(A)(1)(a) and (D) and to enact R.S. 17:3152, relative to public postsecondary education; to provide relative to the consideration of criminal history in the process of admission to public postsecondary education institutions; to prohibit inquiries relative to criminal history prior to an institution’s decision relative to a student’s admission; to provide exceptions; to provide relative to criminal history with respect to academic programs related to occupational licensing; to provide relative to certain common applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138(A)(1)(a) and (D) are hereby amended and reenacted and R.S. 17:3152 is hereby enacted to read as follows:

§3138. Louisiana common application; development; implementation

A. In collaboration with the public postsecondary education management boards, the chairmen of the Senate Committee on Education or his designee, and the chairmen of the House Committee on Education or his designee, shall provide for the development and implementation of a common application whereby Louisiana residents and nonresidents may apply to any public college and university in the state. Except as provided in R.S. 17:3152, such application shall not include questions pertaining to an applicant’s criminal history.

D. Notwithstanding the provisions of Subsection B of this Section, if a student chooses to utilize the “Common Application” developed and administered by the not-for-profit membership organization, The Common Application, Inc., a public college or university may accept such application in lieu of the Louisiana common application required by this Section. If a public college or university accepts such application, it shall not consider any criminal history information provided on the application at any point during the admissions process except as provided in R.S. 17:3152.

§3152. Consideration of criminal history; prohibited acts

A.(1) Except as provided in Paragraph (2) of this Subsection, a public postsecondary education institution, referred to in this Section as an “institution”, shall not inquire about a prospective student’s criminal history on an initial application form or at any time during the admissions process prior to the institution’s decision relative to the prospective student’s acceptance for admission.

(2) An institution may inquire on an initial application about a prospective student’s criminal history relative to any conviction for an offense defined in R.S. 14:40.2, 40.3, 41, 42, 42.1, 43, 43.1 and 43.2 or an offense under the laws of another state or under any military, territorial, foreign, tribal, or federal law that is equivalent to any of these offenses. If an institution determines that an offender is serving a sentence of life imprisonment who was under the age of eighteen at the time of the commission of the offense, the institution shall not consider any criminal history information provided on the application at any point during the admissions process except as provided in R.S. 17:3152.

B.(1) After a student has been accepted for admission, an institution may make inquiries relative to his criminal conviction history, not limited to the offenses enumerated in Paragraph (A)(2) of this Section, for the following purposes:

(a) Offering supportive counseling and services

(b) Making decisions relative to a student’s participation in campus life and determining if the institution’s disciplinary matters

(2) An institution may make such inquiries when obtaining secondary information, including but not limited to information pertaining to immunizations, financial aid, or housing. If an institution elects to make such inquiries, the institution shall consider all of the following:

(a) The nature and gravity of the criminal conduct and whether it bears a direct relationship to a particular aspect of a student’s participation in campus life, including but not limited to campus residency and campus activity requirements.

(b) The time that has passed since the occurrence of the criminal conduct.

(c) The age of the student at the time of the conduct underlying the criminal conviction.

(d) Any evidence of rehabilitation or good conduct produced by the student.

(3) After a student has been accepted for admission, an institution offering a teacher preparation program may consider criminal conviction history if information pertaining to such history is provided on the professional conduct form developed by the state Department of Education for use in the teacher certification process. The purpose of such consideration shall be limited to the offering of counseling as provided in Paragraph (C)(1) of this Section.

(4) An institution shall not deny based solely on criminal conviction history admission to or continuation in an academic program designed to prepare a student for a career that requires an occupational license or a teaching certificate. The institution shall offer counseling relative to the licensing or certification requirement in order to assist a student in making an informed decision about pursuing such program.

(5) The Louisiana State University Health Sciences Center at New Orleans, the Louisiana State University Health Sciences Center at Shreveport, the Louisiana State University School of Veterinary Medicine, and other public postsecondary education institutions may consider criminal conviction history if information pertaining to such history is provided on an application that is designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 277

SENATE BILL NO. 16

BY SENATOR CLAITOR

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

AN ACT

To amend and reenact R.S. 15:574.4(D)(1)(a) and (2) and (E)(1)(introductory paragraph) and (a) and Code of Criminal Procedure Article 878.1 and to enact R.S. 15:574.4(F) and (G), relative to juvenile parole eligibility; to provide relative to parole eligibility for juveniles who commit certain crimes; to provide relative to the judicial determination of parole eligibility; to provide relative to parole eligibility for juveniles sentenced to life imprisonment for non-homicide offenses; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(D)(1)(a) and (2) and (E)(1)(introductory paragraph) and (a) are hereby amended and reenacted and R.S. 15:574.4(F) and (G) are hereby enacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

D.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment who was under the age of eighteen years at the time of the commission of the offense, except for a person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

(a) The offender has served thirty twenty-five years of the sentence imposed.

(b) The time that has passed since the occurrence of the criminal conduct.

(c) Any evidence of rehabilitation or good conduct produced by the student.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board committee on parole shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

E.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection 6 of this Section, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(A) and all of the following conditions have been met:

(a) The offender has served thirty twenty-five years of the sentence imposed.

* * *

THE ADVOCATE

As it appears in the enrolled bill

CODING: Words in square type are additions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(f) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.
(d) The offender has completed substance abuse treatment as applicable.
(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:
(i) A literacy program.
(ii) An adult basic education program.
(iii) A job skills training program.
(b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
(c) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.
(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.
(i) The panel shall render specific findings of fact in support of its decision.
(ii) The panel shall render specific findings of fact in support of its decision.

F.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30) who was under the age of eighteen years at the time of the commission of the offense and where the sentence is on or after August 1, 2017, shall be eligible for parole consideration if all of the following conditions have been met:
(a) The offender has served twenty-five years of the sentence imposed.
(b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
(c) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.
(d) The offender has completed substance abuse treatment as applicable.
(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:
(i) A literacy program.
(ii) An adult basic education program.
(iii) A job skills training program.
(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
(g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.
(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.
(i) The panel shall render specific findings of fact in support of its decision.

G.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense was prior to August 1, 2017, shall be eligible for parole consideration if all of the following conditions have been met:
(a) The offender has served twenty-five years of the sentence imposed.
(b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
(c) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.
(d) The offender has completed substance abuse treatment as applicable.
(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:
(i) A literacy program.
(ii) An adult basic education program.
(iii) A job skills training program.
(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
(g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.
(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.
(i) The panel shall render specific findings of fact in support of its decision.
§162. Definitions
The following words and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where a different meaning is expressly stated or clearly indicated by the context.

(5)(a) All certificates of public convenience and necessity common carrier certificates and contract carrier permits now issued and validly outstanding for common carriers defined herein in this Paragraph shall continue in full force and effect until the further orders of the commission. Those portions of certificates of public convenience and necessity issued and validly outstanding prior to January 1, 1995, which are subject to the preemption as provided by Section 601 of the Federal Aviation Administration Act of 1994 are null and void and shall have no continuing value.

(9) “Department” means the Department of Highways, Transportation and Development.

§164. Common carrier’s certificate; contract carrier’s permit
A. Except as provided by Subsection C of this Section, no No motor carrier, as defined in R.S. 45:162, of waste shall operate as a common carrier without first having obtained from the commission a certificate of public convenience and necessity common carrier certificate or contract carrier permit, which shall be issued only after a written application made and filed, a public hearing, due notice given to applicant and all competing common carriers, and a finding by the commission that public convenience and necessity require the issuance of the applicant is fit to receive a certificate. No new or additional certificate shall be granted over a route where there is an existing certificate, unless the public has shown that the public convenience and necessity would be materially promoted thereby. No such certificate to operate as a motor carrier of passengers shall be issued to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707, or an equivalent title issued pursuant to the laws of another state in this subsection. No certificate to operate as a contract carrier without having had a public hearing and obtained from the commission a permit to do so, which permit shall not be issued unless in the public interest and until the applicant shall have complied with the requirements of R.S. 45:161 through 172. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of waste, as defined in R.S. 45:162, shall prove fitness in a hearing before an administrative law judge or hearing officer by proving all of the following:

1. The applicant holds, or is capable of acquiring, an insurance policy that complies with commission rules.
2. The applicant has the financial ability to provide the transportation of waste in a safe and efficient manner.
3. The applicant holds, or is capable of acquiring, all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
4. The applicant holds, or is capable of acquiring for use, equipment and manpower to provide transportation services in a safe and efficient manner.
5. The applicant is in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.
6. Wrecker and towing services, passenger carrying vehicles, household goods movers, and motor carriers of salt water utilized in oil well exploration and production shall not be required to prove public convenience and necessity comply with Subsection B of this Section when applying for a common carrier certificate or contract carrier permit.

F. No certificate to operate as a motor carrier of passengers shall be issued to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in this subsection.

§302. Imposition of tax
A. Notwithstanding any other provision of this Section to the contrary, except as provided in Paragraph (29) of this Subsection, beginning July 1, 2017, the following specific exclusions from exemptions shall be applicable to the tax levied pursuant to the provisions of this Section:

(29) Beginning July 1, 2017, the exclusion for surface preparation, coating, and painting fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state, as provided in R.S. 47:301(14)(g)(iv).

§321.1. Imposition of Tax
F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provision of this Chapter, there shall be no exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section, except for the sales or purchases of the following items:

(67) Beginning July 1, 2017, in addition to those exclusions and exemptions provided for in Paragraphs (1) through (66) of this Subsection, the exclusion for surface preparation, coating, and painting fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state, as provided in R.S. 47:301(14)(g)(iv).

Section 2. This Act shall become effective on July 1, 2017. Approved by the Governor, June 15, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 280

SENATE BILL NO. 139
BY SENATORS MARTINY AND BISHOP AND REPRESENTATIVES BAGNERS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, CONNICK, COX, DWIGHT, GAINES, GLOVER, HALL, JIMMY HARRIS, HOFFMANN, HUNTER, JACKSON, JAMES, JORDAN, TERRY LANDRY, LEEGER, LYONS, MAGEE, MARCELLE, MARINO, MORENO, NORTON, PIERRE AND SMITH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact Code of Criminal Procedure Articles 893(A) and (B), 899.1(A)(introductory paragraph), 900(A)(5) and (6), and 903.1, R.S. 13:5304(b)(10)(b), and R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2) (introductory paragraph) and (D)(1) (introductory paragraph), (9) and (9), 574.4(A)(1), (B)(1), and (C)(2)(a)(introductory paragraph) and (b), 574.4.1(A)(1), 574.6, 574.7(B)(1)(introductory paragraph) and (C), 574.9(D), (E), (F), and (G), 574.20, and 828(B) and (C) and to enact Code of Criminal Procedure Articles 899(G), 895.6, and 899.2 and R.S. 15:574.2(C)(4), 574.4(F), 574.6.1, 574.7(D), 574.9(H), 827(A)(7), and 828(D), relating to criminal justice; to provide for alternatives to incarceration; to provide for release from incarceration and from supervision; to provide for felony probation and
parole; to provide for suspension and deferral of sentence; to provide for the term of probation and of parole; to provide for extended probation periods; to provide for discharge credits for felony probation and for parole; to provide for credit for time served; to provide for the regulation of number of credits earned; to provide for methods to rescind credits; to provide for notice; to provide for the satisfaction of sentences; to provide for discharge from probation and from parole; to provide for additional methods to manage violations of probation and of parole; to authorize use of administrative sanctions; to provide for a system of administrative rewards; to provide for probation and for parole revocation; to provide for sentences imposed for technical violations of probation and parole; to provide for the substance abuse probation program; to provide for diminution of sentence; to provide for good time; to provide for earning rates for good time; to provide for the committee on parole; to provide for meetings of the committee on parole; to provide for parole revocation; to provide for notice; to provide for parole eligibility; to provide for parole eligibility for offenders serving a life sentence; to provide for parole hearings; to provide for conditions of parole; to provide for custody and supervision of parolees; to provide for modification of parole; to provide for suspension of probation and of parole; to provide for return to custody hearings; to provide for determinants; to provide for enforceability of determinants; to provide for medical parole; to authorize medical treatment furloughs; to provide for the terms of medical parole and medical treatment furlough; to provide for revocation of medical parole or medical treatment furlough for improved health; to provide for written case plans; to provide for classification and treatment programs; to provide for credit for participation in certain programs; to provide relative to good time for one who has been sentenced as habitual offenders; to provide for rulemaking; to provide for record collection; to provide for maintenance of records; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(A) and (B), 899.1(A) (introductory paragraph), 900(A)(5) and (6), and 903.1 are hereby amended and reenacted and Code of Criminal Procedure Articles 893(G), 895.6, and 899.2 are hereby enacted to read as follows:

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

(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, second, or third conviction of a noncapital felony, may suspend the sentence of the defendant, even if the defendant had not been offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, only if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit. If necessary to ensure successful completion of the program, the court may place the defendant on probation for a period of not more than five years.

(b) The court shall not suspend the sentence of a second or third conviction of R.S. 14:98, only if the offender had not been offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to ensure successful completion of the program, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit.

(i) Enter and complete an established driving while intoxicated court probation program pursuant to the provisions of R.S. 13:5301 et seq., with the consent of the district attorney, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to ensure successful completion of the program, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit.

(ii) Enter and complete an established driving while intoxicated court or sobriety court program as agreed upon by the trial court and the district attorney. When a case is assigned to an established driving while intoxicated court or sobriety court program established pursuant to R.S. 13:5371 et seq., the court may place the defendant on probation for a period of not more than three years, except as provided in Subparagraph (b) or (d) of this Paragraph Paragraph G of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

(c) Notwithstanding any other provisions of law to the contrary, the sentencing alternatives available in Subparagraph (b) of this Paragraph, shall be made available to offenders convicted of a fourth offense violation of operating a vehicle while intoxicated pursuant to R.S. 14:98, only if the court determines that such alternative is the best means of ensuring the public safety and the best means of ensuring the public safety.

G. If the court, with the consent of the district attorney, orders a defendant, upon a third conviction or fourth felony conviction, to enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety court program, a mental health court program established pursuant to R.S. 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., or a Veterans Treatment Furlough Program established pursuant to R.S. 13:5361 et seq., or a Veterans Treatment Furlough Program established pursuant to R.S. 13:5361 et seq., or a Veterans Treatment Furlough Program established pursuant to R.S. 13:5361 et seq., the court may place the defendant on probation for a period of not more than six years. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

Article 899.6. Compliance credits: probation.

A. Every defendant on felony probation pursuant to Article 893 for an offense other than a crime of violence as defined in R.S. 14:2(2) or a sex offense as defined in R.S. 15:541 shall earn a diminution of probation term, to be known as "earned compliance credits", by good behavior. The amount of diminution of probation term allowed under this Article shall be at the rate of thirty days for every full calendar month on probation.

B. If the defendant's probation and parole officer has reasonable cause to believe that a defendant on felony probation has not been compliant with the provisions of this Article, the probation and parole officer shall immediately notify the court in writing of such noncompliance.

C. The Department of Public Safety and Corrections shall develop written policies and procedures for the implementation of earned compliance credits for defendants on felony probation supervision provided for by the provisions of this Article. The policies and procedures shall include but not be limited to guidelines regarding the process to rescind earned compliance credits for defendants on felony probation supervision provided for by the provisions of this Article. The policies and procedures shall include but not be limited to guidelines regarding the process to rescind earned compliance credits for defendants on felony probation supervision provided for by the provisions of this Article. The policies and procedures shall include but not be limited to guidelines regarding the process to rescind earned compliance credits for defendants on felony probation supervision provided for by the provisions of this Article.
Art. 899.1. Administrative sanctions for technical violations: crimes of violence and sex offenses

A. At the time of sentencing for a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, the court may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided for in this Article. If authorized to do so by the sentencing court, each time a defendant violates a condition of his probation, a probation agency may use administrative sanctions to address a technical violation committed by a defendant when all of the following occur:

1. The defendant, after receiving written notification of the right to a hearing before a court and the right to counsel provides a signed waiver of a probation violation hearing.
2. The defendant admits to the violation or affirmatively chooses not to contest the alleged violation in the probation violation report.
3. The defendant consents to imposition of administrative sanctions by the Department of Public Safety and Corrections.

B. The department shall promulgate rules to implement the provisions of this Article to establish the following:

1. A system of structured administrative sanctions which shall be imposed for technical violations of probation and which shall take into consideration the following factors:
   i. The severity of the violation behavior.
   ii. The prior violation history.
   iii. The severity of the underlying criminal conviction.
   iv. The relation of the violation to the probation.
   v. Any special circumstances, characteristics, or resources of the probationer.
   vi. The protection of the community.
   vii. Deterrence.
   viii. Availability of appropriate local sanctions, including but not limited to jail treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.
   (b) Incarceration shall not be used for the lowest-tier violations including the first offender drug test and the first or second violation for the following:
   i. Association with known felons or persons involved in criminal activity.
   ii. Changing residence without permission.
   iii. Failure to initially report as required. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer willfully failed to report as required and instructed for the purpose of permanently avoiding supervision.
   iv. Failure to pay restitution for up to three months.
   v. Failure to report as instructed. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer willfully failed to report as required and instructed for the purpose of permanently avoiding supervision.
   vi. Traveling without permission.
   vii. Occasion of unemployment and failure to seek employment within ninety days.
   (c) Incarceration shall not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated pursuant to R.S. 14:35.3 or a sex offense as defined by R.S. 15:541, defendants convicted of domestic abuse battery pursuant to R.S. 14:35.3 convicted by one family member or household member against another; defendants convicted of battery by one dating partner as defined by R.S. 46:2151 against another; or defendants convicted of violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 46:2151 against another.
   (d) Incarceration shall not be used for first or second violations of parole as defined by R.S. 14:79, or a sex offense as defined by R.S. 15:541, or a dating partner as defined by R.S. 46:2151.
   viii. The availability of appropriate local sanctions, including but not limited to jail treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

2. Procedures to provide a probationer with written notice of the right to a probation violation hearing to determine whether the probationer violated the conditions of probation alleged in the violation report and the right to be represented by counsel at state expense at that hearing if financially eligible.

3. Procedures for a probationer to provide written waiver of the right to a probation violation hearing, to admit to the violation or affirmatively choose not to contest the violation alleged in the probation violation report, and to consent to the imposition of administrative sanctions by the department.

4. The level and type of sanctions that may be imposed by probation officers and other supervisory personnel.

5. The level and type of violation behavior that warrants a recommendation to the court that probation be revoked.

6. Procedures notifying the probationer, the district attorney, the defense counsel of record, and the court of probation of a violation admitted by the probationer and the administrative sanctions imposed.

C. If the administrative sanction imposed pursuant to the provisions of this Article is jail confinement, the confinement shall not exceed ten days per violation and shall not exceed a total of sixty days per year.

D. For purposes of this Article, a violation shall mean any violation of a condition of probation, except that it does not include any of the following:

1. An allegation of a criminal act that is subsequently proven to be a felony.
2. An allegation of a criminal act that is subsequently proven to be an infraction.
3. An allegation of a criminal act pursuant to R.S. 14:2(B).
4. An allegation of a criminal act pursuant to R.S. 15:541.

E. An allegation of a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 46:2151 against another.

F. An allegation of a protective order, pursuant to R.S. 14:2(B), or a sex offender as defined by R.S. 15:541.

G. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant representing a defendant who is a member of another household.

H. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked in the intensive incarceration program pursuant to R.S. 14:2(B) or a sex offense as defined by R.S. 15:541.

I. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 or a sex offense as defined by R.S. 15:541, or a dating partner as defined by R.S. 46:2151.

J. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 or a sex offense as defined by R.S. 15:541.

K. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 against another, or a sex offense as defined by R.S. 15:541.

L. An allegation of a domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

M. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

N. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

O. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

P. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

Q. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

R. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

S. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

T. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

U. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

V. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

W. An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by a defendant who has had his probation revoked for a technical violation.

X. An alleged technical violation that is subsequently proven to be a felony.

Y. An alleged technical violation that is subsequently proven to be a felony.

Z. An alleged technical violation that is subsequently proven to be a felony.

* * * * *
Art. 903.1. Substance abuse probation program; eligibility
A. In order to be eligible for the substance abuse probation program, the defendant must be charged with a violation of a statute of this state relating to the use and possession of or with intent to distribute any narcotic drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or where there is a significant relationship between the use of alcohol or drugs and the crime before the court, and not be excluded from participation pursuant to the provisions of Paragraph B of this Article and shall be charged with any of the following offenses:
(1) Felony possession of a controlled dangerous substance as defined in R.S. 40:966(A), 40:967(A), or 40:968(A).
(2) Except as provided in Subparagraph (3) of this Paragraph, possession with intent to distribute a controlled dangerous substance as defined in R.S. 40:966(A), 40:967(A), 40:968(A), or 40:969(A) where the offense involves less than twenty grams of a controlled dangerous substance.
(3) Possession with intent to distribute marijuana or synthetic cannabinoids as defined in R.S. 40:966(C) where the offense involves less than one pound of marijuana or synthetic cannabinoids.
B. The provisions of this Article shall not apply to any defendant who has been convicted of a crime of violence as defined in R.S. 14:2(B), except for a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 40:235, or against a dating partner as defined by R.S. 46:2151, or a sex offense as defined in R.S. 15:541, or any defendant who has participated in or declined to participate in a drug division probation program as provided for in R.S. 13:5301 et seq.
Section 2. R.S. 13:5304(B)(10)(b) is hereby amended and reenacted to read as follows:
§5304. The drug division probation program
B. Participation in probation programs shall be subject to the following provisions:
*   *   *
(10) In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:
*   *   *
(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B), except a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 40:235, or against a dating partner as defined by R.S. 46:2151, or an offense of domestic abuse battery which is punishable by imprisonment at hard labor as provided in R.S. 14:235.
*   *   *
Section 3. R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2)(introductory paragraph), and (D)(1), (6)(introductory paragraph), (B)(a), and (9), 574.4(A)(1) and (2)(introductory paragraph), and (B)(1), 574.7(A)(1)(introductory paragraph) and (C), 574.9(D)(1), (F), (F), and (G), 574.20, and 828(B) and (C) are hereby amended and reenacted and R.S. 15:574.2(C)(4), 574.4(F), 574.61, 574.7(D), 574.9(H), 827(A)(7), and 828(D) are hereby enacted to read as follows:
§571.3. Diminution of sentence for good behavior
D.(1) Diminution of sentence shall not be allowed an inmate offender in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense crime of violence as defined by R.S. 14:2(B).
(2) Diminution of sentence shall not be allowed an offender in the custody of the Department of Public Safety and Corrections if the instant offense is a sex offense as defined by R.S. 15:541.
§574.2. Committee on parole, Board of Parole; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions
C.(1) The committee shall meet in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months. Such dates are to be determined by the chairman. The provisions of Subparagraph (a) of this Paragraph, Subparagraph (b) of Paragraph (3) of Subsection (3) of Paragraph (3) of Subsection (4) of this Subsection, and Paragraph (4) of this Subsection, three-member panels shall be required to grant parole, or, if the number exceeds a three-member panel, a unanimous vote of those present shall be required to grant parole.
(2) The committee may grant parole to two of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:
§574.1: Parole: eligibility

A.(1)(a) Unless eligible at an earlier date and except as provided for in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving fifteen percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person whose probation or parole is revoked on or after November 1, 2017.

(2)(a) If the offender has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole, convicted of a first or second conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction. Notwithstanding any provisions of law to the contrary, the provisions of this Subparagraph shall be applicable to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(1) No person shall be eligible for parole consideration who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction. Notwithstanding any provisions of law to the contrary, the provisions of this Subparagraph shall be applicable to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(2) No person shall be eligible for parole consideration who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(3) Notwithstanding the provisions of Subparagraph (b)(ii) of this Paragraph, a person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving seventy-five percent of the sentence imposed. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(4) No person shall be eligible for parole consideration who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(5) Notwithstanding the provisions of Subparagraph (b)(ii) of this Paragraph, a person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving eighty percent of the sentence imposed. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(6) Notwithstanding the provisions of Subparagraph (b)(ii) of this Paragraph, a person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving ninety percent of the sentence imposed. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(7) Notwithstanding the provisions of Subparagraph (b)(ii) of this Paragraph, a person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving ninety-five percent of the sentence imposed. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(8) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(9) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(10) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(11) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(12) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(13) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(14) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(15) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(16) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(17) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(18) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

B.(19) A person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.
F. Notwithstanding any provision of law to the contrary, an offender serving a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions are met:

(1) The offender committed the offense after July 2, 1973, and prior to June 29, 1979.

(2) The offender has served at least forty years of the sentence imposed.

(3) The committee on parole has granted parole with a unanimous vote of those present.

§574.4.1. Parole consideration and hearings

A.(1) The parole hearings shall be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of this Part. Except as provided in R.S. 15:574.2(C)(4), before the parole of any prisoner is ordered, such prisoner shall appear before and be interviewed by the committee, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. The committee may order a reconsideration of the case or a rehearing at any time.

§574.4.6. Parole term; automatic discharge

The parole term, when the committee orders an offender released on parole, shall be for the remainder of the offender’s sentence, without any diminution of sentence for good behavior with credits for compliance with the terms and conditions of parole supervision pursuant to R.S. 15:574.6.1. When the parolee has completed his full parole term, he shall be discharged from parole by the Department of Public Safety and Corrections without order by the committee, provided that:

(1) No warrant has been issued by the committee for the arrest of the parolee.

(2) No detainer has been issued by the parole officer for the detention of the parolee pending revocation proceedings.

(3) No indictment or bill of information is pending for any felony the parolee is suspected to have committed while on parole.

§574.6.1. Compliance credits: parole

A. Each offender on parole for an offense other than a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541 shall earn a diminution of parole term, to be known as “earned compliance credits”, by good behavior on parole. The amount of diminution of parole term allowed under this Subsection shall be at the rate of thirty days for every full calendar month on parole.

B. If the probation and parole officer has reasonable cause to believe that an offender on parole has not been compliant with the conditions of his parole in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction under R.S. 15:574.7. Credits may be rescinded only for a month in which the offender is found not to be in compliance.

C. The Department of Public Safety and Corrections shall develop written policies and procedures for the implementation of earned compliance credits for offenders on parole supervision provided by the provisions of this Section. The policies and procedures shall include but not be limited to written guidelines regarding the process to rescind earned compliance credits and the placement of these credits in the administrative sanctions grids. The Department of Public Safety and Corrections shall adopt policies that direct the use of the earned compliance credits, including the names of offenders that earned credits, how many credits are applied to each offender, and reductions to supervision periods at the time of discharge.

D. When the offender’s total parole term is satisfied through a combination of time served on parole and earned compliance credits, the Department of Public Safety and Corrections shall order the discharge of the offender from parole.

§574.7. Custody and supervision of parolees; modification or suspension of supervision; violation of conditions of parole; sanctions; alternative conditions; administrative sanctions

B.(1) At the time a defendant is released on parole for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the committee on parole may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided for in this Section. If authorized to do so by the committee, each time a parolee violates a condition of parole, a parole officer may use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:

(1) Each time a parolee who is on parole for a crime other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, violates a condition of parole, a parole officer is authorized to use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:

(a) The parolee, after receiving written notification of his right to a hearing before a parole officer and right to counsel, provides a written waiver of a parole violation hearing.

(b) The parolee admits to the violation or affirmatively chooses not to contest the violation alleged in the parole violation report.

(c) The parolee consents to the imposition of administrative sanctions by the Department of Public Safety and Corrections.

(2) The department shall promulgate rules to implement the provisions of this Subsection to establish the following:

(a) A system of structured, administrative sanctions which shall be imposed for technical violations of parole and which shall take into consideration the following factors:

(i) The severity of the violation behavior.

(ii) The prior violation history.

(iii) The severity of the underlying criminal conviction.

(iv) The criminal history of the parolee.

(v) Any special circumstances, characteristics, or resources of the parolee.

(vi) Policy.

(vii) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

§574.2(C)(4). The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.

(e) Procedures notifying the parolee and the committee on parole of a violation hearing to determine whether the parolee violated the conditions of parole alleged in the violation report and the right to be represented by counsel at such hearing.

(f) Procedures to provide a parolee with written notice of the right to a parole violation hearing and to the possible consequences.

(g) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report and to consent to the imposition of administrative sanctions by the department.

(h) The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.

(i) Procedures notifying the parolee and the committee on parole of a violation hearing to determine whether the parolee violated the conditions of parole alleged in the violation report and the right to be represented by counsel at such hearing.

(j) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(k) The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.

(l) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(m) The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.

(n) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(o) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(p) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(q) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(r) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(s) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(t) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(u) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(v) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(w) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(x) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(y) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(z) Procedures to provide a parolee with written notice of the right to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.
(1) If the chief probation and parole officer, upon recommendation by a parole officer, has reasonable cause to believe that a parolee has violated the conditions of parole, he shall notify the committee, and shall cause the appropriate parole officer to suspend the parolee's parole until a parole revocation hearing is held by the committee. After consideration of the record submitted, and after such further investigation as may deem necessary, the committee may order:
(a) The issuance of a reprimand and warning to the parolee;
(b) That the parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with R.S. 15:574.4.
(c) That the parolee be arrested, and upon arrest be given a prerevocation hearing within a reasonable time, at or reasonably near the place of the alleged parole violation or arrest, to determine whether there is probable cause to believe that the parolee has violated the parolee's parole and pending orders of the parole committee.
(2) Upon receiving a summary of the prerevocation proceeding, the committee may order the following:
(a) The parolee's return to the physical custody of the Department of Public Safety and Corrections, and to the supervision services, to await a hearing to determine whether his parole should be revoked.
(b) As an alternative to revocation, that the parolee, as a condition of parole, be committed to a community rehabilitation center or a substance abuse treatment program operated by, or under contract with, the department, for a period of time not to exceed six months, without benefit of good time, provided that such commitment does not extend the period of parole beyond the full parole term. Upon written request of the department that the offender be removed for violations of the rules or regulations of the community rehabilitation center or substance abuse program, the committee shall order that the parolee be revoked, with credit for time served in the community rehabilitation center.

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; credit for time served; revocation for a technical violation

D(1) When a judge sets bond on allegations of a new felony offense for a parolee, the Department of Public Safety and Corrections, division of probation and parole and the committee on parole must be notified within three business days.

D(2) The parole detainer will expire ten days after the bond has been set, unless the division of probation and parole seeks to maintain the detainer.

D(3) Parole revocation shall require two votes of a three-member panel of parole committee members or, if the number of members present exceeds a three-member panel, a majority vote of those members present and voting, and the revocation hearing shall be reduced to writing and preserved.

D(4) When the parole of a parolee has been revoked by the committee for violation of the conditions of parole, the parolee shall be returned to the physical custody of the Department of Public Safety and Corrections, corrections services, and serve the remainder of his sentence as of the date of his release on parole, and any credit for time served for good behavior while on parole. The parolee shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a parole violation in a local detention facility, state institution, or out-of-state institution, in accordance with the provisions of Section 880.05, Criminal Procedure Article 880.

D(5) Any such prisoner whose parole has been revoked may be considered by the committee for parole in accordance with the provisions of this Part. The parole determinations of a prisoner in accordance with this Subsection shall be reduced to writing and preserved.

§574.10. Medical parole; program; eligibility; revocation

§574.20. Medical parole program; eligibility; revocation

A. Notwithstanding the provisions of this Part or any other law to the contrary, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole or medical treatment furlough by the committee on parole.

B. Medical parole

(1) A committee on parole shall establish the medical parole program to be administered by the Department of Public Safety and Corrections. An inmate offender eligible for consideration for release under the program shall be an inmate who, because of an existing medical or physical condition, as determined by the department to be a limited-mobility offender.

(2) Medical parole shall not be available to any inmate serving time for the conviction of first degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1) or an offender who is awaiting execution.

C. Medical treatment furlough

(1) The department shall establish the medical treatment furlough program to be administered by the Department of Public Safety and Corrections for the purpose of utilizing off-site medical facilities for an eligible offender’s medical treatment. Medical treatment furlough shall not be available to any inmate offender who has been recommended for medical parole.

(2) For purposes of this Section, “off-site medical facility” means an off-site medical facility able to meet the offender’s medical and treatment needs.

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; credit for time served; revocation for a technical violation
The authority to grant medical parole or medical treatment furlough pursuant to this Section shall rest solely with the committee on parole, and the committee shall establish additional conditions of the parole or medical treatment furlough in accordance with the provisions of this Subpart. The Department of Public Safety and Corrections shall identify those inmates who may be eligible for medical parole or medical treatment furlough based upon available medical information. In considering an inmate offender for medical parole or medical treatment furlough, the committee may require that additional medical evidence be produced or that additional medical examinations be conducted. The committee on parole shall determine the risk to public safety and shall grant medical parole or medical treatment furlough only after determining that the inmate offender does not pose a threat to public safety.

The parole term of an inmate offender released on medical parole or medical treatment furlough shall be for the remainder of the inmate's sentence, without diminution of sentence for good behavior. Supervision of the parolee offender shall consist of periodic medical evaluations at intervals to be determined by the committee at the time of release. Release of protected health information to the Department of Public Safety and Corrections or the committee on parole shall be in accordance with all state and federal laws and regulations.

If it is discovered through the supervision of the offender released on medical parole or medical treatment furlough that his condition has improved such that he would not then be eligible for medical parole or medical treatment furlough, under the provisions of this Subpart, the committee may order that the parolee offender be returned to the custody of the Department of Public Safety and Corrections to await a hearing to determine whether his parole or medical treatment furlough shall be revoked. Any parolee offender whose medical parole or medical treatment furlough is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole or medical treatment furlough. If the parolee offender's medical parole or medical treatment furlough is revoked due to an improvement in his condition, and he would otherwise be eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4. Medical parole and medical treatment furlough may also be revoked for violation of any condition of the parole as established by the committee on parole.

The committee on parole shall promulgate such rules as are necessary to effectuate this Subpart, including rules relative to the conduct of medical parole and medical treatment furlough hearings, and the conditions of medical parole and medical treatment furlough release.

§827. Duties of Department of Public Safety and Corrections
A. In addition to other duties imposed upon the department it shall be the duty of the department to:
   *   *   *
   (7) Establish a procedure that provides for each offender who is sentenced to one hundred eighty days or more in the custody of the Department of Public Safety and Corrections, a written case plan that is based on the results of an assessment of the offender's risk and needs and includes participation in programming that addresses the needs identified in that assessment. For offenders eligible for administrative parole pursuant to R.S. 15:574.3C(6), the case plan should be reasonably achievable prior to the offender's administrative parole eligibility date and the department shall notify the committee in writing of an offender's compliance or noncompliance with the case plan not less than sixty days before an offender's administrative parole release date. The provisions of this Paragraph shall be implemented to the extent that funds are appropriated for this purpose and to the extent that it is consistent with the available resources.
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§828. Classification and treatment programs; qualified sex offender programs; reports; earned credits
B. The secretary shall adopt rules and regulations for local jail facilities and state correctional institutions to encourage voluntary participation by inmates offenders in certified treatment and rehabilitation programs, including but not limited to basic education, job skills training, values development and faith-based initiatives, therapeutic programs, and treatment programs. When funds are provided, such programs shall be available at each penal or correctional institution under the jurisdiction of the department. The rules and regulations may include provisions for furloughs or the awarding of earned credits toward the reduction of the projected good time parole supervision date. Offenders may be awarded up to ninety days toward the reduction of the projected good time parole supervision date for satisfactory participation in each approved program pursuant to the provisions of this Subsection, but no offender shall receive more than three hundred sixty days total earned credits toward the reduction of the projected good time parole supervision date for program participation.

C. Notwithstanding any other provision of law to the contrary, any offender in the custody of the Department of Public Safety and Corrections who has been, including those sentenced as an habitual offender pursuant to the provisions of R.S. 15:529.1, may earn additional good time for participation in certified treatment and rehabilitation programs as provided for in Subsection B of this Section, unless the offender was convicted of a sex offense as defined by R.S. 15:541 or a crime of violence as defined by R.S. 14:2(B). Offender's instant offense is one of the following:
   (1) A sex offense as defined in R.S. 15:541.
   (2) A crime of violence as defined in R.S. 14:2(B) and the offender has more than one prior conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

D. Offenders who are otherwise eligible under this Section who are participating in the workforce development work release program pursuant to R.S. 15:1199.9 shall be eligible to earn an additional one hundred eighty days of credit toward the reduction of the projected good time parole supervision date.

Section 4. This Act shall become effective on November 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on November 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 13, 2017.
A true copy:
Tom Schedler
Secretary of State

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