B. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value less than a value of twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

C. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars but less than a value of fifty thousand dollars shall be imprisoned for not more than twenty years, or may be fined not more than two thousand dollars, or both.

D. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars but less than a value of one hundred fifty thousand dollars shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

E. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value of more than one hundred fifty thousand dollars shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

§67.25. Organized retail theft

D. Whoever commits the crime of organized retail theft when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of organized retail theft when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars or more shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

§67.26. Theft of a motor vehicle

D. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars or more shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

§67.27. Theft of property

D. Whoever commits the crime of theft of property when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of theft of property when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars or more shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

§67.28. Theft of a motor vehicle

D. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars or more shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.

§67.29. Theft of a motor vehicle

D. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of theft of a motor vehicle when the aggregate amount of the misappropriation, taking, procuring, possessing, procuring, receiving, concealing or concealing in any one-hundred-eighty-day period amounts to a value of more than fifty thousand dollars or more shall be imprisoned, with or without hard labor, for not more than thirty years, or may be fined not more than five hundred thousand dollars, or both.
(d) When the misappropriation or taking amounts to less than a value of one thousand dollars, the offender shall be imprisoned for not more than five years, or may be fined not more than five hundred dollars, or both.

(4) When the misappropriation or taking amounts to a value of more than one thousand five hundred dollars or more but less than a value of twenty-five thousand dollars, the offender shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than fifty thousand dollars, or both.

§68.4. Unauthorized use of a motor vehicle

B. Whoever commits the crime of unauthorized use of a motor vehicle shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.

§68.7. Receipts and universal product code labels; unlawful acts

B.(1) Except as provided in Paragraph (3) and (4) of this Subsection, whoever violates the provisions of this Section shall be subject to the following penalties:

(a) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more, imprisonment, with or without hard labor, for not more than ten years or a fine not to exceed three thousand dollars, or both.

(b) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more but less than one thousand five hundred dollars, imprisonment, with or without hard labor, for not more than five years or a fine not to exceed five thousand dollars, or both.

(c) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more but less than five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or a fine not to exceed five thousand dollars, or both.

(d) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more but less than five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or a fine not to exceed five thousand dollars, or both.

§69. Illegal possession of stolen things

B.(1) Whoever commits the crime of illegal possession of stolen things, when the value of the things is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than five thousand dollars, or both.

(2) When the value of the stolen things is five hundred dollars or more but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or a fine not to exceed five thousand dollars, or both.

(3) When the value of the stolen things is one thousand five hundred dollars or more, but less than a value of twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or a fine not to exceed twenty-five thousand dollars, or both.

(4) When the value of the stolen things is more than a value of twenty-five thousand dollars, the offender shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than fifty thousand dollars, or both.

§70.2. Refund or access device application fraud

C.(1) Whoever commits the crime of refund fraud shall be fined not more than five thousand dollars or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, twenty-five thousand dollars or more shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than three fifty thousand dollars, or both.

(3) When any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than ten years, twenty-five thousand dollars or more shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than three fifty thousand dollars, or both.

§70.4. Access device fraud

E.(1) A person who commits the crime of access device fraud when the misappropriation or taking amounts to a value of one twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not more than twenty years, or may be fined not more than fifty thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of at least five hundred thousand dollars or more, but less than a value of one thousand five hundred twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or a fine not to exceed twenty-five thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of one thousand dollars or more, but less than a value of five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than fifty years, or may be fined not more than fifty thousand dollars, or both.

(4) When the misappropriation or taking amounts to a value of one hundred dollars or more, the offender shall be imprisoned, with or without hard labor, for not more than two years, or a fine not to exceed two thousand dollars, or both.

(5) Upon a second or subsequent conviction of a violation of the provisions of this Section theft, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than ten two thousand dollars, or both.

§71. Issuing worthless checks

C.(1) Whoever commits the crime of issuing worthless checks, when the amount of the check or checks is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

(2) When the amount of the check or checks is five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than one year, or a fine not to exceed five hundred dollars, or both.

(3) When the amount of the check or checks is one thousand five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than one year, or a fine not to exceed one thousand dollars, or both.

(4) When the amount of the check or checks is one thousand five hundred dollars or more, but less than three thousand dollars, or both.

D.(2) When the amount of the check or checks is less than five hundred dollars, the offender shall be imprisoned for not more than six months, or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of issuing worthless checks theft two or more times previously, upon any subsequent conviction he shall be
imprisoned, with or without hard labor, for not more than two years, or may be fined not more than **one thousand** dollars, or both.

If the offender has issued more than one worthless check within a one hundred eighty-day period, the amount of several or all worthless checks issued during that one hundred eighty-day period may be aggregated to determine the grade of the offense.

In addition to any other fine or penalty imposed under this Section, the court shall order as part of the sentence restitution in the amount of the check or checks, plus a fifteen dollar per check service charge payable to the person or entity that initially honored the worthless check or checks, an authorized collection agency, or justice of the peace. In the event the fifty dollars or more service charge is not paid, the person or entity other than one who initially honored the worthless check or checks, the court shall order as part of the sentence restitution equal to the amount that the bank or other depository charged the person or entity who initially honored the worthless check, plus the actual cost of recording the nonpayment of nonpayment as required in Paragraph 14(2)(A)(2) of this Section.

In any prosecution for a violation of this Section, the prosecution may enter as evidence of a violation of this Section any check, draft, or order for the payment of money upon any bank or other depository which the bank or other depository has refused to honor because the person who issued the check, draft, or order did not have sufficient credit with the bank or other depository for the payment of that check, draft, or order in full upon its presentation.

In addition to the provisions of Subsection 14 F of this Section, in any prosecution for a violation of this Section, the prosecution may enter as evidence of a violation of this Section any tangible copy, facsimile, or reproduction of the check, draft, or order, or any electronic reproduction of the check, draft, or order, or any other form of the record of the check, draft, or order, provided that the tangible copy, facsimile, or reproduction, or the electronic reproduction, or the other form of the record of the check, draft, or order has been made, recorded, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the regulations of the federal agency which regulates the bank or other depository, and provided that the appropriate officer of the bank or other depository has certified that the tangible copy, facsimile, or reproduction, or the electronic copy, or the other form of the record of the check, draft, or order for the payment of money has been made, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the requirements of the federal agency which regulates the bank or other depository, and is a true and correct record of the transaction involving the check, draft, or order upon which the prosecution is based.

§82. Prostitution; definition; penalties; enhancement

C.(1) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than **two** nor more than four years and shall be fined not less than five hundred dollars nor more than **four thousand** dollars.

§95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies

B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ten **five** nor more than twenty years without the benefit of probation, parole, or suspension of sentence and shall be fined not less than one hundred thousand dollars nor more than **five hundred thousand** dollars. Notwithstanding the provisions of R.S. 14:27, whoever is found guilty of attempting to violate the provisions of this Section shall be imprisoned at hard labor for not more than seven and one-half years and fined not less than five hundred dollars nor more than two thousand five hundred dollars.

§202.1. Residential contractor fraud; penalties

C.(1) When the misappropriation or intentional taking amounts to a value of less than **fifty** thousand dollars, the offender shall be imprisoned for not more than six months, fined not more than one thousand dollars, or both. **If the offender in such cases has been convicted of theft two or more times previously, then upon conviction the offender shall be imprisoned,** with or without hard labor, for not more than two years, or fined not more than **two thousand** dollars.

(2) When the misappropriation or intentional taking amounts to a value of **five hundred** one thousand dollars or more, but less than **one thousand five hundred** dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than **two thousand** dollars, or both.

(3) When the misappropriation or intentional taking amounts to a value of **one thousand five hundred** dollars or more but **less than twenty-five thousand** dollars, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than **three** thousand dollars, or both.

(4) When the misappropriation or intentional taking amounts to a value of **twenty-five thousand** dollars or more, the offender shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than **fifty thousand** dollars, or both.
required to pay a fine of not more than fifty thousand dollars, for an amount of:

(a) An aggregate weight of less than twenty-eight grams, shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b) An aggregate weight of twenty-eight grams or more, shall be imprisoned at hard labor for not less than one year nor more than twenty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(2) Except as otherwise provided in Paragraph (2) of this Subsection, any other controlled dangerous substance classified in Schedule I, shall be imprisoned for a term of imprisonment at hard labor for not less than five years nor more than thirty years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and pay a fine of not more than fifty thousand dollars.

(3) Except as otherwise provided in Paragraph (2) of this Subsection, any other controlled dangerous substance classified in Schedule I, which is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty years, and pay a fine of not more than one hundred fifty thousand dollars.

(4) Except as otherwise provided in Paragraphs (2), (3), and (4) of this Subsection, a substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues upon conviction of a second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than ten years nor more than thirty 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, or a mixture or substance containing a detectable amount of heroin or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues upon conviction of a second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than ten years nor more than thirty 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, or a mixture or substance containing a detectable amount of heroin or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(c) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues upon conviction of a second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than ten years nor more than thirty 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, or a mixture or substance containing a detectable amount of heroin or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(2) Possession of synthetic cannabinoids. (a) Except as provided in Subsection F of this Section, on a conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(b) Except as provided in Subsection F of this Section, on a second conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not more than five thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(c) Any person who has been convicted of a violation of sentenced under the provisions of Item (a) or (b) of this Paragraph and who has not been convicted of any other violation of the same elements as Subsection C of this Section prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not be eligible to have the conviction used as a predicate conviction for enhancement purposes. The provisions of this Subparagraph Paragraph shall occur only once with respect to any person.

(d) Except as provided in Subsection F of this Section, on a second conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than sixty months, or both.

(e) On a second conviction the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than sixty months, or both.

(f) Except as provided in Subsection F of this Section, on a third conviction for violation of Subsection B of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall be imprisoned for not more than three years and may, in addition, be required to pay a fine of not more than ten thousand dollars.

(g) On a fourth or subsequent conviction the offender shall be imprisoned for not more than ten years and may, in addition, be required to pay a fine of not more than one hundred thousand dollars.

(h) Except as provided in Subsection F of this Section, on a fourth or subsequent conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be sentenced to imprisonment with or without hard labor for not more than two years and may, in addition, be required to pay a fine of not more than five thousand dollars.

(i) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.

(j) Except as provided in Subsection F of this Section, on a fourth or subsequent conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be sentenced to imprisonment with or without hard labor for not more than two years and may, in addition, be required to pay a fine of not more than five thousand dollars.

(3) Possession of synthetic cannabinoids. (a) Except as provided in Subsection F of this Section, on a conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(b) Except as provided in Subsections F and G of this Section, on a subsequent conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.
(c) Except as provided in Subsections F and G of this Section, on a third or subsequent conviction for violation of Subsection C of this Section with respect to: (1) Production or manufacturing of amphetamine or methamphetamine; or (2) any controlled substance as provided in Schedule I of R.S. 40:964 and except oxycodone as provided in Schedule III of R.S. 40:964 and except methadone as provided in Schedule II of R.S. 40:964 shall be imprisoned at hard labor for not less than two years nor more than thirty years; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.

(d) A conviction for the violation of any other provision of law or ordinance with the same elements as this Subsection prohibiting the possession of synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

(3) A substance classified in Schedule I which is a narcotic drug or a mixture or substance containing a detectable amount of heroin or of its antecedents, or of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount of:

(a) An aggregate weight of less than two grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than four years.

(b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than ten years and may, in addition be required to pay a fine of not more than five thousand dollars.

(c) An aggregate weight of twenty-eight grams or more but less than sixty pounds of marijuana, or synthetic cannabinoids, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars nor more than three hundred thousand dollars.

(d) Any person who knowingly or intentionally possesses a controlled substance as provided in Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:990, who has a substance abuse disorder shall be required to pay court-approved supervised community service, and may, in addition be sentenced to serve a term of imprisonment at hard labor of not less than one year nor more than twenty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(e) A conviction for the violation of any other provision of law or ordinance with the same elements as Paragraph (b) of this Section prohibiting the distribution or dispensing of controlled substances, shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

(f) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-authorized supervised community service activities. Any costs associated with probation shall be paid by the offender.

4. A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its antecedents, or of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount of:

(a) An aggregate weight of less than two grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than four years.

(b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than ten years and may, in addition be required to pay a fine of not more than five thousand dollars.

(c) An aggregate weight of twenty-eight grams or more but less than sixty pounds of marijuana, or synthetic cannabinoids, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars nor more than three hundred thousand dollars.

(d) Any person who knowingly or intentionally possesses a controlled substance as provided in Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:990, who has a substance abuse disorder shall be required to pay court-approved supervised community service, and may, in addition be sentenced to serve a term of imprisonment at hard labor of not less than one year nor more than twenty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

5. A substance classified in Schedule I that is a synthetic cannabinoid, the offender shall be punished as described below:

(a) On a first conviction, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(b) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than one thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

(c) On a third or subsequent conviction, the offender shall be sentenced to imprisonment at hard labor for not more than twenty years, and may, in addition, be fined not more than five thousand dollars.

(d) A conviction for the violation of any other provision of law or ordinance with the same elements as this Subsection prohibiting the possession of synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

6. A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its antecedents, or of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount of:

(a) An aggregate weight of less than two grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than four years.

(b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than ten years and may, in addition be required to pay a fine of not more than five thousand dollars.

(c) An aggregate weight of twenty-eight grams or more but less than sixty pounds of marijuana, or synthetic cannabinoids, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars nor more than three hundred thousand dollars.

(d) Any person who knowingly or intentionally possesses a controlled substance as provided in Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:990, who has a substance abuse disorder shall be required to pay court-approved supervised community service, and may, in addition be sentenced to serve a term of imprisonment at hard labor of not less than one year nor more than twenty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(e) Except as otherwise authorized in this Part:

(1) Upon conviction of Paragraph B(3) or C(4) of this Section, possession with intent to distribute heroin or fentanyl, or synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

(2) Upon receiving the report or evaluation, the court shall, if it finds probable cause from such report to believe the defendant has a substance abuse disorder, order a contradictory hearing for the purpose of determining whether the defendant has a substance abuse disorder.

(3) If, at such contradictory hearing, the court determines that the defendant has a substance abuse disorder, it shall require as a condition of probation that the defendant complete a drug treatment program if the following conditions are met:

(a) There is an available program in the local jurisdiction that has sufficient experience in working with criminal justice participants with substance abuse disorders.

(b) The cost of the approved treatment does not create a substantial financial hardship to the defendant or his dependents.

(c) Substantial financial hardship shall have the same meaning as provided in R.S. 13:176.

(d) If the defendant does not successfully complete the drug treatment program, or otherwise violates the conditions of his probation, the court may revoke the probation or impose other sanctions pursuant to Code of Criminal Procedure Article 900.
the time of the commission of the offense, the minimum mandatory sentence shall be fifteen years without benefit of parole, probation, or suspension of sentence.

(d)(2) Production or manufacturing of cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II (A)(4) or R.S. 40:964 or oxycodone as provided in Schedule II (A)(11)(p) of R.S. 40:964 or methadone as provided in Schedule II (A)(11)(o) of R.S. 40:964 or methadone or oxycodone, or methadone shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than five hundred thousand dollars.

(a) Distribution, dispensing, or possession with intent to distribute, manufacture, distribute, dispense cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II (A)(11)(o) of R.S. 40:964 or oxycodone as provided in Schedule II (A)(11)(p) of R.S. 40:964 or methadone as provided in Schedule II (A)(11)(o) of R.S. 40:964 or methadone or oxycodone, or methadone shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than thirty years, with the first two years of said sentence being without benefit of parole, probation, or suspension of sentence, and, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.

(b) Any other controlled dangerous substance classified in Schedule II except pentazocine, amphetamine, methamphetamine, cocaine, or oxycodone, or methadone shall be sentenced to a term of imprisonment at hard labor for not more than five years; or both.

(c) Possession. It is unlawful for any person unknowingly or intentionally to possess a controlled dangerous substance classified in Schedule II unless such possession was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part.

Any person who violates this Subsection with respect to:

(1) Any person who violates this Subsection with respect to pentazocine shall be imprisoned, with or without hard labor, for not more than two years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

An aggregate weight of less than two grams shall be imprisoned, with or without hard labor, for not more than two years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

(2) Any person who violates this Subsection as to any other controlled dangerous substance shall be imprisoned with or without hard labor for not more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

An aggregate weight of two grams or more but less than twenty-eight grams shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

(3) Phencyclidine, for an amount of an aggregate weight of less than twenty-eight grams, shall be imprisoned at hard labor for not less than one year nor more than twenty years, or required to pay a fine of not more than five thousand dollars.

D. If a person knowingly or intentionally possesses a controlled substance as classified in Schedule II, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part, Any person who violates this Subsection shall be imprisoned with or without hard labor for not less than one-half of a year nor more than one year, with the longest term and not more than twice the aggregate weight of the controlled substance being a violation of Subsection A of this Section.

§968. Prohibited acts-Schedule III; penalties

B. Penalties for violation Violations of Subsection A. Any person who violates Subsection A of this Section with respect to any controlled dangerous substance classified in Schedule III shall be sentenced to a term of imprisonment, at with or without hard labor, for not less than one year nor more than ten years and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule III unless such possession was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part.

Any person who violates this Subsection shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than five hundred thousand dollars.

(1) Flunitrazepam shall be imprisoned, at with or without hard labor, for not less than one year nor more than ten years, and, in addition, be required to pay a fine of not more than five thousand dollars.

(2) Any other controlled dangerous substance classified in Schedule IV shall be imprisoned with or without hard labor for not less than one year nor more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.
(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. 15:540 et seq. R.S. 15:541 when the victim is under the age of eighteen at the time of commission of such offense, or an offense defined as a crime of violence under R.S. 40:12.2, Dangerous Substances Law punishable by imprisonment for ten years or more, or any other crime 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.

(4) If the fourth or subsequent 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 apply:

(a) The person shall be sentenced to imprisonment for the fourth or subsequent felony for a determinate term not less than the longest prescribed for a first conviction but in no event less than twenty years and not more than his natural life.

(b) If the fourth felony and no prior felony is defined as a crime of violence under R.S. 14:2(B) or as 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 but in no event less than twenty years and not more than his natural life then the offender would be punishable by imprisonment for any term less than the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

(c) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), a sex offense as defined in R.S. 15:540 et seq. R.S. 15:541 when the victim is under the age of eighteen at the time of commission of the offense, or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ten years or more, or of any other crime 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.

* * *

C. (1) The Except as provided in Paragraph (2) of this Subsection, the current offense shall not be counted as, respectively, a second, third, 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 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 the previous conviction or convictions, or 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 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 correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(2) The current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten years have elapsed between the date of the commission of the current offense or offenses and the expiration of 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 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 the ten-year periods between the expiration 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 next succeeding offense or offenses.

* * *

J. 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. Dorthee, 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 that is not constitutionally excessive.

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

Section 2. This Act shall become effective November 1, 2017, and shall have prospective application only to offenders whose convictions became final on or after November 1, 2017.

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 284

SENATE BILL NO. 7
BY SENATORS PEACOCK, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, CHABERT, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, HEWITT, JOHNS, LAFLUR, LAMBERT, LONG, MARTINY, MILKOVICH, MIZELL, MORRIS, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVES ALABAMA, ANDERS, BACALA, BAGLEY, BAGNERS, BARRAS, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, CHANEY, COX, CREWS, DANAHY, DAVIS, DEVILLIER, EDMONDS, EMERSON, GAINES, GISCLAIR, HALL, HILFERTY, HILL, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, JEFFERSON, JENKINS, TERRY LANDRY, LEBAS, LYONS, MACK, MARCELLE, MIGUEZ, GREGORY MILLER, JIM MORRIS, NORTON, PEARSON, PEPPE, REYNOLDS, RICHARDSON, SCHROEDER, SHADON, SMITH, STAGNI, STEFANSKI, THOMAS AND 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. 11:2091(B), relative to the board of trustees for the Registrar of Voters Employees' Retirement System; to provide for membership of the board of trustees; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2091(B) is hereby amended and reenacted to read as follows:

§2091. Board of trustees; membership; vacancies; compensation

B. The board shall consist of eight ten trustees as follows:

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

(2) The chairman of the Senate Committee on Retirement, ex officio, or his designee.

(3) The secretary of state, ex officio, or his designee.

(4) The state treasurer, ex officio, or his designee.

(5) Six active and contributing members of the system who shall have at least ten years of creditable service in the Registrars of Voters' Retirement System who shall be elected by the members of the Registrars of Voters' Retirement System according to the rules and regulations adopted by the board of trustees to govern such elections. The term of office of the six elected board members shall be for a period of four years; provided, that one elected member whose term of office begins January 1, 2012, shall serve an initial term of two years, with subsequent terms of four years. No elected trustee may serve for more than two consecutive four-year terms, exclusive of any term being served on December 31, 2011. If an elected trustee elects to participate in the Deferred Retirement Option Plan after his term has commenced, he may continue to serve for the remainder of the term for which he was elected; however, if he otherwise separates from service, his term shall expire.

(6) Notwithstanding the provisions of Paragraph (2) of this Subsection, the term of office for any person elected and serving on the board of trustees on December 31, 2011, shall be extended to December thirty-first of the year in which the term expires.

Section 2. This Act shall become effective on June 30, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

* As it appears in the enrolled bill
surviving spouse of deceased employee; minor children with no surviving spouse

A. This Section shall apply to any sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections whose first employment making him eligible for membership in one of the state systems occurred on or before December 31, 2010.

(1) The surviving spouse of any such sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections who is killed in the discharge of his duties, or dies from immediate effects of any injury received as the result of an act of violence occurring while engaged in the discharge of his duties, shall be entitled to receive a survivor benefit equal to one hundred percent of the salary being received by the employee at the time of the decedent's death or injury, provided the surviving spouse was married to the decedent at the time of the event which resulted in the officer’s death.

(2) The surviving spouse of any sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections who is killed by an intentional act of violence occurring while engaged in the discharge of his duties, or dies from immediate effects of any injury received as the result of an intentional act of violence occurring while engaged in the discharge of his duties, shall receive a survivor benefit equal to one hundred percent of the salary being received by the employee at the time of the decedent's death or injury, provided the surviving spouse was married to the decedent at the time of the event which resulted in the officer's death.

B. Notwithstanding the foregoing provisions of R.S. 11:1321, the pension benefit of a surviving spouse covered by Subsection A of this Section shall be paid until the death of the surviving spouse.

C.(1) If there is no surviving spouse of any state police employee whose death results from injury received in line of duty covered by Subsection A of this Section, the surviving minor children shall receive the survivor benefit at the amounts set forth in Subsection A of this Section.

(2) As each minor child reaches eighteen years of age, or twenty-three years of age if a student, he shall receive no further benefits.

D. Any surviving spouse of a member killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit provided for in Paragraph (A)(2) of this Section shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to Paragraph (A)(2) of this Section regardless of the date of death of the member.

§1345.8. Survivors’ benefit for members killed in the line of duty; death by an intentional act of violence

A. If a member's death occurs in the line of duty or is a direct result of an injury sustained while in the line of duty, survivor benefits shall be payable to qualified survivors as provided for in this Section, except that a surviving spouse shall be eligible for benefits under this Section without regard to the amount of time that the surviving spouse was married to the deceased member and without regard to the amount of time that the deceased was a member of this plan. This benefit is payable only if the injury or injuries were sustained while on active duty status.

B.(1) If the member has a surviving spouse, a child or children who are minors, have a disability, or are mentally incapacitated, or both a surviving spouse and a child or children who are minors, have a disability, or are mentally incapacitated, or both, the surviving spouse or surviving spouses shall receive a survivor benefit equal to eighty percent of the member's average compensation. The benefit shall be shared equally by the surviving spouse and any children. When a child who neither has a disability nor is mentally incapacitated no longer meets the definition of minor child under R.S. 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

(2) If the member has a surviving spouse, a child or children who are minors, have a disability, or are mentally incapacitated, or both a surviving spouse and a child or children who are minors, have a disability, or are mentally incapacitated, or both, the surviving spouse or surviving spouses shall receive a survivor benefit equal to eighty percent of the member's average compensation. The benefit shall be shared equally by the surviving spouse and any children. When a child who neither has a disability nor is mentally incapacitated no longer meets the definition of minor child under R.S. 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

C. Notwithstanding the forfeiture provisions of R.S. 11:1321, the benefit of a surviving spouse covered by Subsection B of this Section shall be paid until the death of the surviving spouse.

D. Any surviving spouse of a member killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit provided for in Paragraph (A)(2) of this Section shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to Paragraph (B)(2) of this Section regardless of the date of death of the member.

Section 2. The cost of this Act, if any, shall be funded through additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. The Louisiana State Police Retirement System board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to R.S. 11:1316(A)(2) or 1345.8(B)(2) as provided for in this Paragraph.

Section 4. This Act shall become effective on June 30, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2017, or on the day following such approval by the legislature, whichever is later.
§888.1. Service for which credit has not been received
If a person is employed in a position in which he should have been enrolled in this system on the date of employment, but was not enrolled in any public retirement system, he shall become a member of this system. He may establish service credit for the time he should have been a member of this system only under the provisions of R.S. 11:888.

Section 2. R.S. 11:896, 1119, and 2214.1 are hereby repealed.

Section 3. The cost of this Act, if any, shall be funded through additional employer contributions, as provided for in R.S. 11:143.1(D)(3), in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. This Act shall become effective on June 30, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the date on which the new law is submitted to the legislature, whichever is later.

Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 286

SENATE BILL NO. 17
BY SENATORS GATTI, BISHOP AND GARY SMITH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 32:402.1(A)(1)(a) and (2)(b), 407(A)(2)(a), and 408(A)(1), relative to driver education; to provide for driver education to include instruction relative to appropriate driver conduct when stopped by a law enforcement officer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§402.1. Driver education; requirements and skills tests

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

(1)(a) A "driver education course" for any person under the age of eighteen, which shall consist of not less than eight hours of actual driving instruction and thirty hours of classroom instruction. A person shall not be allowed to receive more than four hours of actual driving instruction on any single calendar day. The Department of Public Safety and Corrections, public safety services, shall establish rules and regulations to administer and define the requirements of the course, and regulations are established by the Department of Public Safety and Corrections, public safety services, shall provide for instruction relative to trailer safety and to the economic effects of littering, and to appropriate driver conduct when stopped by a law enforcement officer.

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

(3) If the amount transferred from the incorrect system pursuant to Subparagraph (C)(2)(c) of this Section is not sufficient to pay the amount required by the provisions of Paragraph (2) of this Subsection, the employer shall pay any difference to the correct system.

(4) If the amount transferred from the incorrect system pursuant to Subparagraph (C)(2)(c) of this Section exceeds the amount required by the provisions of Paragraph (2) of this Subsection, the correct system shall credit to the employer’s account the amount of the overpayment.

E. Upon transfer of all monies required pursuant to Subparagraph (C)(2)(c) of this Section, all of the employee’s service credit shall be transferred to the correct system and the employee’s refundable contribution balance in the correct system shall be equal to the employee contributions that would have been paid to the correct system had the employee been properly enrolled in the correct system at employment. The retirement percentage factor of the correct system shall be used to calculate the employee’s retirement benefit based on the retirement age, service credit, and contributions transferred to the correct system.

F. After the date on which the transfer of the funds required pursuant to Subparagraph (C)(2)(c) is completed, the system from which the employee transfers shall have no future liability with respect to the service credit, liability, or contributions transferred to the correct system.

§408. Examination of applicants required; classes of licenses
A. Except as otherwise provided, every applicant must pass a written test, knowledge and skills test for a motor vehicle representative of the type of motor vehicle he operates or expects to operate, or provide evidence on a form approved by the department that he has successfully passed the written knowledge test and a driving or skills test administered by an authorized third party. In addition to the specialized knowledge and skills tests, each such examination shall include: a test of the applicant’s eyesight; his ability to understand highways signs regulating, warning, and directing traffic; his knowledge of railroad and highway grade crossing safety; his knowledge of sharing the road with motorcycles and tractor-trailer trucks; his knowledge of the economic effects of littering; his knowledge of distracted driving issues; his knowledge of trailer safety; his knowledge of appropriate driver conduct when stopped by a law enforcement officer; and his knowledge of all relevant traffic regulations.

B. If a person is employed in a position in which he should have been enrolled in this system on the date of employment, but was not enrolled in any public retirement system, he shall become a member of this system. He may establish service credit for the time he should have been a member of this system only under the provisions of R.S. 11:888.

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

Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 287

SENATE BILL NO. 63
BY SENATORS GATTI, BISHOP AND REPRESENTATIVES
BAGNERIS, BARRAS, ROBBY CARTER, COUSSAN, CREWS, CROMER, DWIGHT, GISCRAIR, HILBERT, HORTON, HOWARD, JEFFERSON, MAGEE, GREGORY MILLER, MORENO, NORTON, POPE, REYNOLDS, RICHARDS, SEABAUGH, SMITH, 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. 33:2011(A) and (B), relative to occupational diseases; to provide with respect to firefighters; to provide for the classification of certain types of cancer as occupational diseases or infirmities connected with the duties of a firefighter; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2011(A) and (B) are hereby amended and reenacted to read as follows:

§2011. Development of cancer during employment in fire service; occupational disease

A. Because of exposure to heat, smoke, and fumes or carcinogenic, poisonous, toxic, or chemical substances, when a firefighter in the classified service who has completed ten or more years of service is unable to perform his regular duties in the fire service in this state by reason of a disabling disease, and has developed cancer, the cancer shall be classified as an occupational disease or infirmity connected with the duties of a firefighter. The disease or infirmity shall be presumed to have been caused by or to have resulted from the work performed. This presumption shall be rebuttable by evidence meeting judicial standards, and shall be extended to a member following termination of service for a period of three months for each full year of service not to exceed sixty months commencing with the last actual date of service.

B. The disabling cancer referred to in Subsection A of this Section shall be limited to the types of cancer which may be caused by exposure to

THE ADVOCATE
heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The disabling heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The disabling heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. The disabling heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer.

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the University Neighborhood Security and Improvement District in Orleans Parish; to provide for the powers and duties of the district and its board of commissioners; to provide for a parcel fee; to provide with respect to termination of the district; and to provide for related matters.

B. Boundaries. The boundaries of the district shall be that area within the following perimeter streets and avenues: Calhoun Street, downtown side, from Saint Charles Avenue to Freret Street; Freret Street, river side, from Calhoun Street to State Street; State Street from Freret Street to Saint Charles Avenue; Saint Charles Avenue, lake side, from State Street to Calhoun Street and all of Everett Place and 5940 Freret Street.

C. Purpose. The district is established for the objects of promoting and encouraging security and safety within the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

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

(a) The president of the University Neighborhood Association, Inc., referred to in this Section as the “association”.
(b) The board of directors of the association shall appoint three members, none of whom shall be the president of the association.
(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
(e) The assessor of Orleans Parish shall appoint one member from a list of nominations submitted by the University Neighborhood Association, Inc.
(f) The mayor of the city of New Orleans shall appoint one member from a list of nominations submitted by the association.
(g) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

(2) All members of the board shall be residents of the district.

(a) Board members serving pursuant to Subparagraph (1)(b) through (g) of this Paragraph shall serve terms as provided in this Subparagraph. Two members shall serve initial terms of one year; two shall serve initial terms of two years; two shall serve initial terms of three years; and two shall serve initial terms of four years, as determined by lot at the first meeting of the board.

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the association.

Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Board members may be reappointed.

The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

The minute books and archives of the district shall be maintained by the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.

The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable laws as may be applicable, R.S. 23:11 et seq, relative to open meetings.

The board shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Each member of the board shall have one vote, and the vote of a majority of the members of the board present and voting, a quorum being present, shall be required to decide any question upon which the board takes action.

The members of the board shall serve without compensation but shall be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

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

(1) To sue and be sued.
(2) To adopt, use, and alter at will a corporate seal.
(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.
(4) To enter into contracts with individuals or entities, private or public.
(5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.
(6) To enter into contracts with one or more other security and improvement districts for the joint security, improvement, or betterment of all participating districts.
(7) To contract for such services and expenditures as the board deems proper for the governance of the district.
(8) To acquire or lease items and supplies which the board deems useful to achieve the purposes of the district.
(9) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with a district plan.

F. Parcel fee. The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per improved parcel of land not to exceed nine hundred fifty dollars per year for each improved parcel, beginning in the calendar year on which the fee is imposed.

(2) The fee shall be imposed on each improved parcel located within the district except as provided in Paragraph (4) of this Subsection.

(a) For purposes of this Section, “parcel” means a lot, a subdivided portion of a lot, an improvement tract, or a condominium parcel as defined in R.S. 9:1121.103. “Parcel” shall not refer to any building or structure unless it is part of a condominium parcel.
(b) The owner of each parcel shall be responsible for payment of the fee. The tax collector shall submit the bill for a parcel fee which is to be collected from each owner of a condominium parcel.

(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.
(4) To enter into contracts with individuals or entities, private or public.
(5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.
(6) To enter into contracts with one or more other security and improvement districts for the joint security, improvement, or betterment of all participating districts.
(7) To contract for such services and expenditures as the board deems proper for the governance of the district.
(8) To acquire or lease items and supplies which the board deems useful to achieve the purposes of the district.
(9) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with a district plan.

(5) No fee shall be imposed upon any parcel whose owner qualifies for and receives the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

Approved by the Governor, June 16, 2017.
(6) Any parcel fee which is unpaid shall be added to the tax rolls of Orleans Parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

(7)(a) The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the Orleans Parish Sheriff may retain one percent of the amount collected as a collection fee.

(b) The proceeds of the fee shall be used for maintenance, repair, and administration of the district; however, the Orleans Parish Sheriff may retain one percent of the amount collected as a collection fee.

(c) The proceeds of the fee shall be used to provide for the “Blue Star Mothers” special prestige motor vehicle license plate to be known as the “Blue Star Mothers” plate. The fee shall be restricted to the use on passenger cars, pickup trucks, motorcycles, recreational vehicles, and vans.

§463.192. Special prestige license plate; “Blue Star Mothers”

A. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish a special prestige motor vehicle license plate to be known as the “Blue Star Mothers” plate. The plate shall be restricted to the use on passenger cars, pickup trucks, motorcycles, recreational vehicles, and vans.

B. The deputy secretary shall work in conjunction with the Mothers of Military Servicemen and Women/Blue Star Mothers of Louisiana, Chapter 1, to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3).

C. The special prestige license plate shall be issued, upon application, in the same manner as any other motor vehicle license plate, to a Louisiana resident who submits written evidence that the applicant is the owner of a motor vehicle and is the spouse, sibling, parent, or child of a person serving or who has served in the armed forces of the United States. As used in this Subsection, “armed forces of the United States” means persons serving or who have served in the United States Army, Air Force, Navy, Marines, and Coast Guard, reservists, and members of the National Guard. The plate issued under this Subsection shall not be transferable between motor vehicle owners. In the event the owner of a motor vehicle issued a “Blue Star Mothers” plate shall sell, trade, exchange, or otherwise dispose of such vehicle, the plate shall be retained by original applicant to whom the plate was issued.

D. For the purposes of this Section, an applicant shall submit proof of service and establish his family relationship to the armed service member. Proof of service shall include but not be limited to a member’s military identification card, a member’s DD Form 214, a member’s leave and earning statement, or a letter from the member’s unit commander on official letterhead describing the member’s status. Proof of family relationship shall include but not be limited to a marriage license, a birth certificate, or a signed and notarized affidavit from the service member attesting to the applicant’s family relationship.

E. The department shall collect a special prestige royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection F of this Section. This royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents authorized to be retained by the department to offset a portion of administrative costs.

F. The annual royalty fee shall be collected by the department and forwarded to the Mothers of Military Servicemen and Women/Blue Star Mothers of Louisiana, Chapter 1.

G. The deputy secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 290

SENATE BILL NO. 137
BY SENATOR JOHNS

ACT

To enact R.S. 33:4699.1(E), relative to lakefront property within the city of Lake Charles; to authorize a referendum election on a proposition regarding certain lands owned by the city; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4699.1(E) is hereby enacted to read as follows: $4699.1. City of Lake Charles; lakefront property

E. (1) Notwithstanding any other provision of this Section to the contrary, the governing authority of the city of Lake Charles is authorized to call a special election in accordance with law seeking voter approval by those electors of the city qualified to vote regarding the revision or modification of the existing plan for commercial and residential usage of all or a portion of the land areas described in this Section. The proposition for the election shall include the following information with respect to the proposed project:

(a) The city of Lake Charles may also construct, acquire, extend, or improve facilities such as marinas, hotels, motels, restaurants, residential housing, commercial space, and marinas to accommodate such facilities and provide roads, sewer, water, and other nonelectric utilities as may be necessary to facilitate any such plan for commercial or residential use previously approved by the voters or as may be authorized in the future as provided herein or to make such site improvements as may be necessary to comply with applicable flood plain regulations. In

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 156

CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and italicized and boldfaced (Senate Bills) are additions.
exercising such authority the city shall also have authorization to develop the property pursuant to the provisions of R.S. 31:1151 through R.S. 31:1160.

(4) Nothing in this Subsection shall in any way supersede the sole authority and responsibility of the Louisiana Gaming Control Board relative to gaming as specified in R.S. 27:15 nor shall it affect any law regarding the requirement for or the conduct of any election or regarding the conduct of any form of gaming.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor within 45 days after the expiration of the time for bill reviews, shall become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 291

SENATE BILL NO. 145

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

AN ACT

To amend and reenact R.S. 17:5065(A)(2), relative to granting of free tuition by Tulane University; to provide relative to the Tulane Legislative Scholarship; to require that a student’s legislative scholarship be applied toward his financial obligations before any award amount provided through the Taylor Opportunity Program for Students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5065(A)(2) is hereby amended and reenacted to read as follows:

§5065. Funding A.

(2) Effective beginning with the 1999-2000 academic year and thereafter, no state payments made on behalf of any student receiving an award pursuant to the provisions of this Chapter shall be used by an institution of higher education to supplant the granting of free tuition for such student pursuant to a scholarship given in accordance with the provisions of Act No. 52 of the 1995 Regular Session of the Legislature, as amended. For a student enrolled in Tulane University who is the recipient of both a Tulane Legislative Scholarship and an award pursuant to the provisions of this Chapter, the university shall apply the full amount of the Tulane Legislative Scholarship toward the student’s financial obligations to the university before applying any award amounts provided pursuant to this Chapter.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 292

HOUSE BILL NO. 179

BY REPRESENTATIVES STOKES, BAGLEY, BILLIOT, BROADWATER, CHANEY, CONNICK, COX, HENSGENS, HOFFMANN, HORTON, JACKSON, JOHNSON, LEBA, LYONS, MARINO, DUSTIN MILLER, MORENO, NORTON, POPE, REYNOLDS, RICHARD, SIMON, STAGNI, AND THOMAS AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, Boudreaux, Carter, CHABERT, CLAIGHT, COLOMB, CORTEZ DONAHEU, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAPLUEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZEELL, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 40:1169.2(3) and 1169.3(1)(d) and (2), relative to investigational drugs, products, and devices for use by terminally ill patients pursuant to the Right To Try Act; to revise certain definitions and legislative findings of such law; to provide relative to consent for the use of investigational drugs, biological products, or devices; to authorize the prescription and use of certain devices which have not completed phase one of a federally approved clinical trial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1169.2(3) and 1169.3(1)(d) and (2) are hereby amended and reenacted to read as follows:

§1169.2. Legislative findings

The Legislature of Louisiana hereby finds and declares the following:

(3) The standards of the United States Food and Drug Administration for the use of investigational drugs, biological products, and devices may deny the benefits of potentially life-saving treatments or devices to terminally ill patients.

§1169.3. Definitions

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

(1) “Eligible patient” means a person to whom all of the following criteria apply:

(ii) A person who can understand and comprehend spoken English but is physically unable to talk or write may be deemed as meeting the criteria of this Subparagraph if he is competent and able to indicate consent by other means.

(2)(a) “Investigational drug, biological product, or device” means a drug, biological product, or device that has successfully completed phase one of a United States Food and Drug Administration approved clinical trial, but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial.

(b) Notwithstanding Subparagraph (a) of this Paragraph, for purposes of this Subpart, “investigational drug, biological product, or device” shall include any device possessing the following characteristics regardless of whether it has successfully completed phase one of a United States Food and Drug Administration approved clinical trial:

(i) If of a robotic nature, the device is designed such that any failure in a multitude of continuous tests of its internal subsystems should cause the motion to stop, consistent with the Guidelines For Robotics Safety from the Occupational Safety and Health Administration of the United States Department of Labor (Directive Number STD 01-12-002).

(ii) The device has all of the following features for intentional control:

(a) The motion of the device responds to specific controls from the user;

(b) The device has no machine state in which motion continues without a specific command from the user;

(iii) The device has an emergency stop button which allows an assistant to force the motion of the device to stop.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 293

HOUSE BILL NO. 113

BY REPRESENTATIVE BROADWATER

AN ACT

To amend and reenact R.S. 17:3351.20(A)(1) and (F), relative to fees charged to students at public postsecondary education institutions; to extend the authority of a public postsecondary education management board to establish, adjust, and increase certain fees; to provide limitations; to extend the requirement that such boards report annually to the legislature relative to such fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351.20(A)(1) and (F) are hereby amended and reenacted to read as follows:

§3351.20. Mandatory fees

A.(1) In addition to the authority granted by any other provision of law, including but not limited to R.S. 17:3393.5, 3351.7, and 3351.8, and in accordance with Article VII, Section 2.1 of the Constitution of Louisiana, the Legislature of Louisiana hereby authorizes the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural College, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Louisiana Community and Technical Colleges to establish at each institution under their respective management and supervision mandatory fees to be charged to students enrolled at such institutions and to adjust the amounts of such fees as they deem necessary. Such authority shall apply for the 2015-2016 and 2016-2017 through the 2019-2020 academic years only, and the authority to increase fees pursuant thereto shall terminate on June 30, 2020.

F. Each postsecondary education management board shall submit a written report to the Senate Committee on Education and the House Committee on Education not later than February 10, 2016, and February 15, 2017, February fifteenth of 2018, 2019, and 2020 regarding how the fees authorized by this Section were are being implemented at each institution under its supervision and management, including an overview of the distribution of the monies in the need-based financial assistance fund as provided in Subsection C of this Section.
To amend and reenact R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b), relative to medical malpractice claims; to provide for the date of filing of a request for a medical review panel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b) are hereby amended and reenacted to read as follows:

§1231.8. Medical review panel
A. * * *
(2) * * *
(b)(i) The request for review of a malpractice claim under this Section shall be deemed filed on the date of receipt of the request stamped and certified by the division of administration or on the date of mailing of the request if mailed to the division of administration by certified or registered mail the request is:
   (aa) Sent, if the request is electronically sent by facsimile transmission or other authorized means, as provided by R.S. 9:2613(A), to the division of administration.
   (bb) Mailed, if the request is delivered by certified or registered mail to the division of administration.
   (cc) Received, if the request is delivered to the division of administration by any means other than as provided by Subitem (aa) or (bb) of this Item.
   (ii) Upon receipt, the request shall be stamped with the filing date and certified by the division of administration. Filing of the request shall be complete only upon timely compliance with the provisions of Subparagraph (1c) or (d) of this Subsection. Upon receipt of any request, the division of administration shall forward a copy of the request to the board within five days of receipt.
* * *
§1237.2. State medical review panel
A. * * *
(2) * * *
(b)(i) The request for review of the claim under this Section shall be deemed filed on the date of receipt of the complaint stamped and certified by the commissioner, or on the date of mailing of the complaint if mailed to the commissioner by certified or registered mail the request is:
   (aa) Sent, if the request is electronically sent by facsimile transmission or other authorized means, as provided by R.S. 9:2613(A), to the division of administration.
   (bb) Mailed, if the request is delivered by certified or registered mail to the division of administration.
   (cc) Received, if the request is delivered to the division of administration by any means other than as provided by Subitem (aa) or (bb) of this Item.
   (ii) Upon receipt, the request shall be stamped with the filing date and certified by the division of administration. Filing of the request shall be complete only upon timely compliance with the provisions of Subparagraph (1c) or (d) of this Subsection.
* * *
Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 295

BY REPRESENTATIVE SEABAUGH

To amend and reenact R.S. 14:313(D) and to enact R.S. 14:313(C)(4) and (5), relative to offenses affecting the public generally; to provide relative to the prohibition on wearing hoods, masks, and other facial disguises in public places; to provide an exception for persons driving or riding a motorcycle; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 14:313(D) is hereby amended and reenacted and R.S. 14:313(C)(4) and (5) are hereby enacted to read as follows:

§313. Mask or hood, wearing of masks, hoods, or other facial disguises in public places prohibited; penalty; exceptions; permit to conduct Mardi Gras festivities; how obtained; wearing of hoods, masks, or disguises or giving of candy or other gifts by sex offenders
* * *
C. Except as provided in Subsection E of this Section, this Section shall not apply:
* * *
(4) To persons driving or riding a motorcycle.
(5) To persons wearing a helmet or mask for medical purposes or reasons.
D. All persons having charge or control of any of the festivities set forth in Paragraph B(C)(2) of this Section, shall, in order to bring the persons participating therein, within the exceptions contained in Paragraph B(C)(2), make written application for and shall obtain in advance of the festivities from the mayor of the city, town, or village in which the festivities are to be held, or when the festivities are to be held outside of an incorporated city, town, or village, from the sheriff of the parish, a written permit to conduct the festivities. A general public proclamation by the mayor or sheriff authorizing the festivities shall be equivalent to an application and permit.

Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 296

BY REPRESENTATIVE COUSSAN AND SENATOR WALSWORTH

To amend and reenact R.S. 37:752(3), relative to the practice of dental hygiene; to exempt from licensure the practice of dental hygiene by students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 37:752(3) is hereby amended and reenacted to read as follows:

§752. Exemptions from license
The licensing provisions of this Chapter shall not apply to:
* * *
(3)(a) Dental schools or colleges approved by the Louisiana State Board of Dentistry; the practice of dentistry by students in dental schools or colleges approved by the board when acting under the direction and supervision of registered dentists, licensed and acting as instructors or professors; interns in any hospital or institution, but not residents.
(b) Dental hygiene schools or colleges approved by the Louisiana State Board of Dentistry; the practice of dental hygiene by students in dental or dental hygiene schools or colleges approved by the board when acting under the direction and supervision of registered dentists or dental hygienists, licensed and acting as instructors or professors; interns in any hospital or institution, but not residents.
* * *
Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 297

BY REPRESENTATIVE JORDAN

To amend and reenact R.S. 22:361(9) and to enact R.S. 22:373(C), relative to vehicle mechanical breakdown breakdown breakdown; to provide for the incorporation by reference of certain laws regulating unfair competition; to provide for the incorporation by reference of certain laws regulating unfair trade practices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 22:361(9) is hereby amended and reenacted and R.S. 22:373(C) is hereby enacted to read as follows:

§361. Definitions
As used in this Subpart:
* * *
(9) “Vehicle mechanical breakdown insurance policy” means any contract, agreement, or instrument whereby a person other than the owner, seller, or lessor of a vehicle assumes the risk of or the expense or portion thereof for the mechanical breakdown or mechanical failure of a motor vehicle and may include other customer assistance and convenience services, such as vehicle rental assistance, towing assistance, trip interruption, and roadside assistance, and shall include those agreements commonly known as vehicle service agreements or extended warranty agreements where the assumption of risk is made by an entity other than the owner, seller, or lessor of the vehicle.
* * *
§373. Scope and limitations
* * *
C. All vehicle mechanical breakdown insurers operating pursuant to a license as required by this Subpart shall be subject to the following insurance laws of this state specifically incorporated herein by reference: R.S. 22:1961 through 1964(1) through 5(3), (7)(c), (d), and (f) through (b), (d),
(13), (14), and (16) through (18), and 1967 through 1971. None of the provisions of law incorporated in this Subsection by reference shall preclude the seller and buyer of a vehicle mechanical breakdown insurance policy from negotiating the final customer costs of such a policy by written agreement.

Section 2. This Act shall become effective on July 1, 2017. Approved by the Governor, June 16, 2017. A true copy:
Tom Schedler
Secretary of State

ACT No. 298

HOUSE BILL NO. 238

BY REPRESENTATIVE BILLIOT

AN ACT

To amend and reenact R.S. 9:315.44(A)(introductory paragraph) and to enact R.S. 9:315.44(C) and 315.46(D), relative to license suspension for failure to pay child support; to authorize the electronic transmission of a certification of noncompliance to licensing authorities; to authorize an intermediary agency with a licensing authority to facilitate the development, implementation, and use of a transmission system; to authorize the electronic transmission of a compliance release certificate to licensing authorities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:315.44(A)(introductory paragraph) is hereby amended and reenacted and R.S. 9:315.44(C) and 315.46(D) are hereby enacted to read as follows:

§315.44. Certification of noncompliance

A. The department may certify to the licensing authority that a licensee is in compliance with an order of support in the event of any of the following:

* * *

C. The certification shall be in writing unless the department and licensing authority agree that the department will transmit the certification in an electronic format. The department may enter into an interagency agreement with a licensing authority to facilitate the development, implementation, and use of a transmission system.

* * *

§315.46. Subsequent compliance with support order; compliance and partial compliance releases

* * *

D. Any certificate issued pursuant to this Section shall be in writing unless the department and licensing authority agree that the department will transmit the certification in an electronic format in accordance with R.S. 9:315.44(C).

A true copy:
Tom Schedler
Secretary of State

ACT No. 299

HOUSE BILL NO. 287

BY REPRESENTATIVE TALBOT

AN ACT

To amend and reenact R.S. 22:885(B), relative to the cancellation or surrender of a policy by the policyholder; to provide for the return of unearned premium to the mortgagee and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:885(B) is hereby amended and reenacted to read as follows:

§885. Cancellation by the insured; surrender

* * *

B. Within thirty days following such cancellation the insurer shall pay to the insured or to the person entitled thereto as shown by the insurer’s records, any unearned portion of any premium paid on the policy as computed on the customary pro rata rate, unless otherwise stated in a policy that has been filed with and approved by the commissioner, and any unearned commission. If a mortgagee provided written notice to the insurer of the percentage of the premium being funded with the mortgagee’s own funds, the percentage of the unearned premium attributable to the mortgagee shall be returned to the mortgagee and the percentage of the unearned premium attributable to the insured shall be returned to the insured. If no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force. Except for surplus line insurers, any assessment of a monetary penalty by an insurer against an insured as a result of the insured’s cancellation prior to the expiration of any policy is prohibited. Nothing in this Section shall prohibit an insurer from calculating unearned premium based on a short-rate provision contained in any insurance policy that has been filed with and approved by the commissioner.

* * *

THE ADVOCATE

PAGE 159

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
(ii) A credentials evaluation as directed by the board that determines that the candidate has met uniform criteria for educational requirements as further established by board rule.

(3) Any additional education as required by the board.

(4) Provides indisputable proof of identity as specified by the board.

(5) Provides documentation satisfactory to the board of verification of all professional or trade licenses, certifications, and permits, past or present, held in any country, province, or state, including the United States, as required by the board.

(6) Achieves a passing score on board-approved English proficiency examinations if the applicant's native language is not English.

(7) Completes supervised clinical practice requirements as defined by board rule.

(8) Meets all additional requirements established by board rule.

§2411.2. Physical therapist assistant; military training

An applicant who has completed a United States armed services program of training that is substantially equivalent to the requirements for physical therapist assistants educated in an accredited entry-level program as determined by the board.

(a) Provides satisfactory evidence of successful completion of a United States armed services program of training that is substantially equivalent to the requirements of physical therapist assistants educated in an accredited entry-level program as determined by the board.

(b) A physical therapist assistant trained in the United States armed services shall establish substantial equivalency by presenting documentation satisfactory to the board of the successful completion of all of the following:

(i) A United States armed services program of training accredited by a board-approved accrediting agency containing courses which prepared the applicant to work as a physical therapist assistant.

(ii) A credentials evaluation as directed by the board that determines that the candidate has met uniform criteria for educational requirements as further established by board rule.

(iii) Any additional education as required by the board.

(2) Meets all additional requirements established by board rule.

§2424. Fees; receipts and disbursements

A. The board may establish and collect fees, which shall be deposited into the treasury of the board. The fees shall be established by rule adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall not exceed the schedule provided for in Subsection C and D of this Section.

D.(1) Fees assessed by the board to a course or activity sponsor for board review of a course or activity of continuing education shall not exceed two hundred fifty dollars.

(2) Fees assessed by the board on a license for review of a course or activity of continuing education shall not exceed twenty dollars. This fee shall apply only if a licensee intends to earn continuing education credit for a course or activity in which the sponsor has not sought review or obtained approval by the board.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State
by the board or the Louisiana Medical Society for a physician vacancy on
the board or for the public member from names submitted to the board
by an individual, advocacy group, or eligible veterans organization.

F. There shall be a chair and a vice chair of the board, who shall be
elected annually from among the members of the board licensed pursuant
to this Chapter. A chair may include an individual or advocate who
meets the qualifications and requirements of Paragraph (A)(3) of this Section.

* * *

G. Regular meetings of the board shall be held at such times and places
as is prescribed and special meetings may be held upon the call of the
chair or upon a requisition signed by at least one regular meeting be held each year.
Meetings may be conducted in accordance with Robert’s Rules of Order.
Four members shall constitute a quorum for the transaction of the business of the board
provided that at least one speech-language pathologist and one audiologist are present.

H. No member of the board shall be paid any compensation for duties
performed as a member of the board, but shall be reimbursed for all
reasonable and necessary travel expenses in attending any board meeting of
the board within this state and may be reimbursed for all other reasonable
and necessary expenses incurred in attending board meetings of the board
or on necessary business of the board which is authorized by the board.

I. No member of the board shall be an officer or hold any leadership position
in a state speech-language pathology or audiology professional association
for the term of the member’s appointment to the board. For the purposes of this
paragraph, the term “leadership position” shall include but not be limited to
an elected or appointed position as a member of the state executive board,
service on an ethics committee or membership committee, or other similar positions of the state professional association.

J. There shall be a secretary-treasurer of the board who shall be elected
annually from among the members of the board. The secretary-treasurer
shall review financial records and, together with one of the officers of the board,
shall co-sign all checks disbursing funds of the board.

K. The domicile of the board shall be the parish of East Baton Rouge.

* * *

§2656.1. Removal of board members
A member of the board may be removed by the board upon an affirmative
vote of a two-thirds majority of board members upon one or more of the following:

(1) Refusal or inability for any reason of a member of the board to perform
the duties required of a board member;

(2) Failure to attend two consecutive meetings of the board without prior approval
of the board chair;

(3) Misuse of a board member position to obtain or attempt to obtain
any financial or material gain, or any advantage personally or for another,
through such position;

(4) A final adjudication that there has been a violation of the laws governing
the practice of speech-language pathology or audiology by a board member;

(5) Conviction of a crime other than a minor traffic offense;

(6) Failure to maintain standards of practice.

* * *

§2660.1. Telehealth
The use of telehealth in the delivery of speech-language pathology
or audiology services, regardless of where the services are rendered
delivered, constitutes the practice of speech-language pathology or
audiology and shall require Louisiana licensure for in-state practitioners
and telehealth registration for out-of-state practitioners.

* * *

§2661.2. Conditional issuance or renewal of a license
An individual may have a license issued on a conditional basis. Conditions
may include, but are not limited to any of the following:

(1) Additional requirements for continuing education;

(2) Additional supervision requirements;

(3) Limitations on practice;

(4) Limitations on supervisory responsibility;

(5) Monthly monitoring of conditions.

§2662. Disciplinary action
A. Any individual licensed or registered under pursuant to this Chapter may
have his license suspended or revoked or be disciplined by the board
upon proof that such individual:

(1) Has obtained his license or registration by means of fraud,
representation, or concealment of material facts;

(2) Has engaged in unbecoming or negligent or fraudulent billing in connection
with services provided;

(7) Has provided professional services without:

(c) Has used, Under the influence of any narcotic or controlled dangerous
substance or other drug that is in excess of therapeutic amounts or without
valid medical indication.

* * *

B. When the board is authorized to discipline an individual, the board
may:

It shall be unlawful for any individual to engage in the practice of
speech-language pathology or the practice of audiology unless currently
licensed and registered to practice pursuant to the provisions of this Chapter.
The individual engaging in unlicensed practice shall be subject to a cease
and desist order or disciplinary action by the board, as appropriate, and as
provided for in Subsection (C) of this Section.

C. When the board is authorized to discipline an individual, the board
may impose, separately or in combination, any of the following disciplinary actions:

(1) Refuse to issue or renew a license or registration;

(2) Issue a public or private letter of reprimand or concern;

(3) Require restitution of costs and expenses, not to include attorney’s fees,
in connection with the enforcement of this Chapter;

(4) Impose a fine in the amount of ten thousand dollars for each violation
which is the result of intentional misconduct;

(5) Impose a fine for each violation not to exceed one thousand dollars;

(6) Suspend or revoke a license or registration;

(7) Restrict the license by limiting or reducing the scope of practice;

(8) Otherwise discipline a licensee or registrant upon proof of violations of
any provisions of this Chapter.

§2663. Disciplinary hearing; procedure, appeal
A. Any person, against whom a complaint has been filed under pursuant to
this Chapter shall be given thirty days notice, in writing by certified mail
with return receipt, enumerating the charges and specifying the date,
place, and time for public hearing thereon. In connection with any hearing,
the board may issue subpoenas, compel the attendance and testimony of
witnesses, and administer oaths the same as a district court in the parish
where the proceeding takes place. The provisions of all proceedings before the board shall be made and a transcript kept on file with the board.
B. Any licensee or registrant aggrieved by a decision of the board may
appeal the decision within thirty days thereof to the district court for the parish where the hearing took place. If the board is domiciled in such case the secretary-treasurer shall transmit to the district court a certified copy of the record.
The procedure for the appeal shall be pursuant to the Administrative Procedure Act.

* * *

D. The state of Louisiana shall be a party to the prosecution of all such
actions and hearings before the board pertaining to the suspension and
revocation of a certificate, license or registration, and the attorney general,
or one of his assistants, is hereby authorized and directed to appear on behalf of the state.

§2664. Prohibitions
No person may:

(1) Sell, barter, or offer to sell or barter a license or registration;

(2) Purchase or procure by barter a license or registration with intent to
use it as evidence of the holder’s qualifications in the practice of
speech-language pathology or audiology;

(3) Alter a license or registration materially;

(4) Use or attempt to use a license or registration which has been purchased,
fraudulently obtained, counterfeited, or materially altered;

(5) Willfully make a false, material statement in an application for a license or
registration or for renewal of a license or registration.

Section 2. R.S. 37:2635 is hereby repealed in its entirety.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schleder
Secretary of State

ACT No. 303

HOUSE BILL NO. 401
BY REPRESENTATIVE GISCLAIR

AN ACT
To amend and reenact R.S. 29:253(A)(1)(b), (2)(a), and (3), relative to the
Veterans’ Affairs Commission; to provide for the appointment and removal
of commission members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 29:253(A)(1)(b), (2)(a), and (3) are hereby amended and
reenacted to read as follows:

(b) The Governor shall appoint three additional members who need not be from any
eligible veterans organization, but such members shall have the qualifications provided in the introductory paragraph of this Subsection A
of this Section.

THE ADVOCATE
PAGE 161

* As it appears in the enrolled bill
(2)(a) Each member shall serve a six-year term, except the members initially appointed as provided in Section 2 of Act 285 of the 2003 Regular Session shall be appointed for terms as provided in that Act. Each member shall serve at the pleasure of the governor and may be removed without cause prior to the expiration of his term upon written request by the secretary of the Louisiana Department of Veterans Affairs.

(3) If required, nominations for appointment to fill vacancies occurring because of the death, resignation, removal, or incapacity of a member shall be made within thirty days of the date of vacancy, and the governor shall make the appointment within thirty days after receiving the nominations. If nominations are not required, the governor shall make the appointment within thirty days after receiving notice of the vacancy. Appointments to fill vacancies shall be made for the remainder of the unexpired term.

Approved by the Governor, June 16, 2017.

Tom Schedler
Secretary of State

---

ACT No. 305

HOUSE BILL NO. 432

BY REPRESENTATIVE SHADOIN

AN ACT

To amend and reenact R.S. 34:852.6(A) and to enact R.S. 32:702(17) and 705(B)(4), relative to transactions executing the transfer of certificates of title of certain movable property; to provide for definitions; to regulate certain transactions transferring certificates of title of movable property; to impose certain procedural requirements; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 32:702(17) and 705(B)(4) are hereby enacted to read as follows:

§702. Definitions

As used in this Chapter:

(17) “Authorized officer” means any officer of a federally insured financial institution operating in Louisiana who is designated to witness the endorsement of a seller, on behalf of a federally insured financial institution, for the purpose of executing the transfer of a titled motor vehicle or titled vessel in accordance with the requirements of this Chapter. A federally insured financial institution may designate one or more officers to serve as authorized officers.

§705. Delivery of certificate to purchaser of vehicle

B. For purposes of this Section, an “endorsement” means one of the following:

(4)(a) The signature of the seller in the presence of an authorized officer, as defined in R.S. 32:702(17), who shall verify the identity of the seller and who shall subscribe his name as a witness thereon, when the seller is transferring ownership to a purchaser who is granting a security interest in the vehicle to the federally insured financial institution that is making a secured loan to the purchaser.

(b) The federally insured financial institution shall provide the Department of Public Safety and Corrections, office of motor vehicles, with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution. This document or a copy thereof shall be attached to or included with each title presented to the department that is endorsed in the manner described in this Paragraph.

Section 2. R.S. 34:852.6(A) is hereby amended and reenacted to read as follows:

§852.6. Prohibition of vessel or outboard motor sale, assignment, or transfer without certificate of title or documentation

A.(1) No person shall sell, assign, or transfer a vessel or outboard motor titled by the department or documented with the United States Coast Guard without delivering to the new owner or the new owner’s designee a certificate of title or a certificate of documentation with an assignment in the new owner’s name.

(2) (a) Notwithstanding the requirements of Paragraph (1) of this Subsection or any other law, regulation, or policy of the department to the contrary that requires the signature of a notary public on a document evidencing the transfer of ownership of a vessel or outboard motor, if a person sells, assigns, or transfers a vessel or outboard motor to a purchaser who obtains a secured loan from a federally insured financial institution that takes a security interest in the vessel or outboard motor, the bill of sale or seller’s assignment of the certificate of title shall be signed by the seller and may, in lieu of being signed in the presence of a notary public, be signed in the presence of an authorized officer who shall verify the identity of the seller and subscribe his name as a witness.

(b) The federally insured financial institution shall provide the department with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

(3)(i) For the purposes of this Section, “authorized officer” shall mean any officer of a federally insured financial institution operating in Louisiana who is designated to witness a bill of sale or assignment of a certificate of title of a seller, on behalf of a federally insured financial institution, for the purpose of executing the transfer of a vessel or an outboard motor.

(ii) A federally insured financial institution may designate one or more officers to serve as authorized officers.

Approved by the Governor, June 16, 2017.

Tom Schedler
Secretary of State
To amend and reenact R.S. 22:1880(C)(1) and (2) and to enact R.S. 22:1880(C)(4) and (E), relative to balance billing disclosure; to require that a healthcare facility disclose to a patient at the time of or prior to discharge, or within 30 days of the discharge, a written notice to enrollees or insured that the enrollee or insured may be responsible for payment of all or part of the fees for the services provided by these physicians who have provided out-of-network services, in addition to applicable amounts due for copayments, coinsurance, deductibles, and non-covered services. The written notice shall be provided at the website address of your health plan or by calling the customer service telephone number of your health plan.

(2) You have the right to receive a list of independent healthcare professionals who provide services at this facility. To obtain a list of those independent healthcare professionals, please contact the customer service number of your health plan or visit its website. Your health plan is the primary source of information on its provider network and benefits.

(3) The following balance billing disclosure notice in minimum 12 point typeface:

"NOTICE
HEALTH CARE SERVICES MAY BE PROVIDED TO YOU AT A NETWORK HEALTH CARE FACILITY BY FACILITY-BASED PHYSICIANS WHO ARE NOT IN YOUR HEALTH PLAN. YOU MAY BE RESPONSIBLE FOR PAYMENTS IN ADDITION TO APPLICABLE AMOUNTS DUE FOR CO-PAYMENTS, COINSURANCE, DEDUCTIBLES, AND NON-COVERED SERVICES. SPECIFIC INFORMATION ABOUT IN-NETWORK AND OUT-OF-NETWORK SERVICES, IN ADDITION TO APPLICABLE AMOUNTS DUE FOR PAYMENT OF ALL OR PART OF THE FEES FOR THOSE OUT-OF-NETWORK SERVICES, IN ADDITION TO APPLICABLE AMOUNTS DUE FOR COPAYMENTS, COINSURANCE, DEDUCTIBLES, AND NON-COVERED SERVICES, MAY BE FOUND AT THE WEBSITE ADDRESS OF YOUR HEALTH PLAN OR BY CALLING THE CUSTOMER SERVICE TELEPHONE NUMBER OF YOUR HEALTH PLAN.

Professional services rendered by independent healthcare professionals are not part of the hospital bill. These services will be billed to the patient separately. Please understand that physicians or other healthcare professionals may be called upon to provide care or services to you or on your behalf, but you may not actually see, or be examined by, all physicians or healthcare professionals participating in your care; for example, you may not see physicians providing radiology, pathology, and EKG interpretation. In many instances, there will be a separate charge for professional services rendered by physicians to you or on your behalf, and you will receive a bill for these professional services that is separate from the bill for hospital services. These independent healthcare professionals may not participate in your health plan and you may be responsible for payment of all or part of the fees for the services provided by these physicians who have provided out-of-network services, in addition to applicable amounts due for copayments, coinsurance, deductibles, and non-covered services.

We encourage you to contact your health plan to determine whether the independent healthcare professionals are participating with your health plan. In order to obtain the most accurate and up-to-date information about in-network and out-of-network services, please contact the customer service number of your health plan or visit its website. Your health plan is the primary source of information about its provider network and benefits. To help you determine whether the independent healthcare professionals who provide services at this facility are participating with your health plan, this healthcare facility has provided you with a complete list of the names and contact information for each individual or group."

(2) Provide a list upon request from an enrollee or insured that contains the name and contact information for each individual or group of hospital-contracted anesthesia professionals, pathologists, radiologists, hospitalists, intensivists, and neonatologists who provide services at that facility and inform the enrollee or insured that the enrollee or insured may request information from their health insurance issuer as to whether those physicians who provide services at the hospital-contracted health insurance issuer and under what circumstances the enrollee or insured may be responsible for payment of any amounts not paid by the health insurance issuer.

(4) If a facility meets the definition of a provider-based entity, as defined by 42 CFR 413.65, and the facility is located off of the main hospital campus the facility shall disclose to the enrollee or insured the following:

(a) That the enrollee or insured is receiving services in a hospital-based outpatient facility where the facility provides the use of the facility, medical, or technical equipment, supplies, staff, and services.

(b) That depending on the enrollee’s or insured’s health insurance benefit plan and the actual services furnished by the facility, the patient may receive a facility charge billed separately from the physician that covers the fees for the use of the facility, medical, or technical equipment, supplies, staff, and services.

To amend and reenact R.S. 15:544(7), 544(A), (B)(1) and (2)(introductory paragraph), and (E)(1), (2), (3), (c), and (4), 544.1, 544.2(A)(1)(introductory paragraph), (a), and (c), (B)(introductory paragraph), (2), and (3), (c), (D), (E), (F), (G), and (H) and to enact R.S. 15:544.2(B)(4), (1), (J), and (K), relative to sex offender registration and notification; to provide relative to the definition of “conviction” for purposes of sex offender registration and notification; to provide relative to the duration of the registration and notification requirements; to provide relative to the procedure by which an offender may be relieved of the registration and notification requirements for maintaining a “clean record”; to provide relative to the duties of the office of state police, district attorney, and the Sexual Predator Apprehension Team of the Department of Justice relative to these procedures; to provide relative to petitions for injunctive relief or declaratory judgments regarding the application or interpretation of the sex offender registration and notification requirements; to provide relative to the determination of an offender’s registration and notification end date; to provide relative to the procedure for appealing these determinations and the effect of those determinations that are not timely appealed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:541(7), 544(A), (B)(1) and (2)(introductory paragraph), and (E), 544.1, 544.2(A)(1)(introductory paragraph), (a), and (c), (B)(introductory paragraph), (2), and (3), (c), (D), (E), (F), (G), and (H) are hereby amended and reenacted and R.S. 15:544.2(B)(4), (1), (J), and (K) are hereby enacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

"Conviction or other disposition adverse to the subject" means any disposition of charges, including a guilty plea, plea of nolo contendere, plea of guilty, deferred adjudication, or adjudication withheld for the perpetration of or attempted perpetration of or conspiracy to commit a sex offense or criminal offense against a victim who is a minor as those terms are defined by this Section. "Conviction" shall not include a decision not to prosecute, dismissal, or an acquittal, except that acquittal is due to a finding of not guilty by reason of insanity and the person was committed. However, a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject included in the definition of "conviction" for purposes of this Chapter.

§544. Duration of registration and notification period

A. Except as provided in Subsection B of this Section, a person required to register and provide notification pursuant to the provisions of this Chapter shall comply with the requirement for a period of fifteen years from the date of the initial registration in Louisiana, or the duration of the lifetime of the offender as provided in Subsection E of this Section, unless the underlying conviction is reversed, set aside, or vacated, except for those convictions that were reversed, set aside, or vacated pursuant to the provisions of this Chapter for a period of twenty-five years from the date of initial registration in Louisiana, or the duration of the lifetime of the offender as provided in Subsection E of this Section, unless the underlying conviction is reversed, set aside, or vacated, except for those convictions that were reversed, set aside, or vacated pursuant to the provisions of Criminal Procedure Article 893 or 894, or a similar provision of federal law or law from another state or military jurisdiction. The requirement to register shall apply to an offender who is pardoned receives a pardon as a first-time offender pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana and R.S. 15:572(B)(1).

B.(1) A person required to register pursuant to this Chapter who was convicted of a sexual offense against a victim who is a minor as defined in R.S. 15:541 shall register and maintain his registration and provide notification pursuant to the provisions of this Chapter for a period of twenty-five years from the date of initial registration in Louisiana, or the duration of the lifetime of the offender as provided in Subsection E of this Section, unless the underlying conviction is reversed, set aside, or vacated, except for those convictions that were reversed, set aside, or vacated pursuant to the provisions of Criminal Procedure Article 893 or 894, or a similar provision of federal law or law from another state or military jurisdiction. The requirement to register shall apply to an offender who is pardoned receives a pardon as a first-time offender pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana and R.S. 15:572(B)(1).

(2) Any of the following persons required to register pursuant to this Chapter shall register and provide notification for the duration of their lifetime, even if granted a first offender pardon, unless the underlying pardon followed by a different sentence, or any of the following persons required to register pursuant to this Chapter shall register and provide notification for the duration of their lifetime, even if granted a first offender pardon, unless the underlying pardon followed by a different sentence:

...
E.(1) The registration period of fifteen years established in Subsection A of this Section may be reduced to a period of ten years if the offender was adjudicated delinquent for the offense which requires registration and maintains a clean record for twenty-five years upon petition motion to be relieved of the sex offender registration to in the court of conviction for those convicted in Louisiana, or the court of the parish of residence for those convicted under the laws of another state, or military, tribal, or federal law. The court shall consider a motion filed pursuant to the provisions of this Subsection (a) accompanied by documentation of completion of an appropriate sex offender treatment program as described in Subparagraph (3)(d) of this Subsection.

(2) The lifetime registration period established in Paragraph (b)(2) of this Section may be reduced to a period of twenty-five years if the offender was adjudicated delinquent for the offense which requires registration and maintains a clean record for twenty-five years upon petition motion to be relieved of the sex offender registration to in the court of conviction for those convicted in Louisiana, or the court of the parish of residence for those convicted under the laws of another state, or military, tribal, or federal law. The court shall consider a motion filed pursuant to the provisions of this Subsection only if the motion is accompanied by documentation of completion of an appropriate sex offender treatment program as described in Subparagraph (3)(d) of this Subsection.

(3) For purposes of this Subsection, an offender maintains a “clean record” by:

(a) The office of state police shall issue a certification of the offender's history of registration in Louisiana to the court in which the petition motion was filed. The certification issued by the office of state police shall be admissible and shall be deemed prima facie evidence of the offender’s history of registration in Louisiana.

(b) The Sexual Predator Apprehension Team of the Department of Justice shall conduct a review of the offender’s registration, notification, and criminal history and shall determine whether the offender maintained a clean record as defined by Subparagraph (3) of this Subsection.

(c) The district attorney shall determine the facts of the underlying sex offense for which the offender is required to comply with the provisions of this Chapter to determine if an objection to the motion is warranted based on continued concerns for public safety.

(d) The court may adopt a protective order hearing to be held not less than sixty days after the date of service of the motion to determine whether the offender is entitled to be relieved of the registration and notification requirements pursuant to the provisions of Paragraphs (1) and (2) of this Subsection. The Department of Public Safety and Corrections, office of state police, and the Department of Justice shall be given notice of the hearing date and shall have a right to oppose the granting of relief if either determines that the offender does not meet the criteria of having maintained a clean record as defined by Paragraph (3) of this Subsection.

(4) The findings of this Subsection shall not apply to any person who was convicted of more than one offense which requires registration pursuant to the provisions of this Chapter.

(5) The offender has the burden of proving that he has maintained a clean record for the requisite period of time and that continued registration and notification will no longer serve the purposes of this Chapter.

(6) The court may grant the motion, relieving the offender of the duty to register and give notice pursuant to the provisions of this Chapter, only if the offender demonstrates by clear and convincing evidence that the end date of registration and notification period end date shall be revised if the offender’s criminal history or registration history subsequently reflects actions or inaction that, pursuant to the provisions of this Chapter, requires the end date to be recalculated. The written notice shall inform the offender of his right to seek review of the Department of Justice’s determination as provided in Subsections D and E of this Section. The date on which the letter is sent notifying the offender of his registration and notification period end date shall be entered by the Department of Justice or its authorized agent in the offender’s registry profile and included in the notification of registration and notification requirements at the end date. Such notice shall be deemed prima facie evidence of the offender’s registration and notification period end date.

(7) The offender’s criminal history or registration history determines the end date to be recalculated. The written notice shall inform the offender of his right to seek review of the Department of Justice’s determination as provided in Subsections D and E of this Section. The date on which the letter is sent notifying the offender of the registration and notification period end date shall be entered by the Department of Justice or its authorized agent in the offender’s registry profile and included in the notification of registration and notification requirements at the end date. Such notice shall be deemed prima facie evidence of the offender’s registration and notification period end date.

§544.1. Petitions for injunctive relief or declaratory judgments

Any petition for injunctive relief or for declaratory judgment regarding the application or interpretation of the registration and notification requirements of this Chapter as they apply to a particular offender convicted of or adjudicated delinquent for a sex offense as defined in R.S. 15:5541 or a criminal offense against a victim who is a minor as defined in R.S. 15:5541, or for some interest other than that of a minor, or the summary proceeding provided for in R.S. 15:5424(P) and 544(E) was based on false evidence, erroneous findings of fact, or an erroneous application of law, the district court for the parish where the motion is made shall file such petition to determine whether the registration and notification requirements of this Chapter are no longer necessary to serve the purposes of this Chapter. Appeals from determinations made pursuant to R.S. 15:5424.1, shall comply with the deadlines and other procedures as required by R.S. 15:5424.11.
(4) The provisions of this Subsection shall not apply to any person who has been convicted of more than one offense that requires registration pursuant to the provisions of this Chapter or to anyone convicted of an aggravated
offense as defined by R.S. 15:541.

C. Whenever there is a question regarding whether an offender convicted or adjudicated in a Louisiana state court of an offense requiring registration and notification pursuant to the provisions of this Chapter, as determined by the Sexual Predator Apprehension Team of the Department of Justice shall have the authority to make determinations regarding the appropriate time period of registration and notification in accordance with the provisions of this Chapter. When such a determination is made by the Sexual Predator Apprehension Team, the Department of Justice, the determination shall be noted in the offender’s profile on the State Sex Offender and Child Predator Registry. These determinations shall be binding for purposes of enforcement of the registration and notification provisions of this Chapter unless overturned by a court of competent jurisdiction pursuant to R.S. 15:544.1. If an offender, who is currently residing in this state and is under an obligation to register and provide notification pursuant to the provisions of this Chapter, believes that the determined registration and notification period end date is incorrect, the offender may seek further review of the end date determination by the Department of Justice within forty-five days of date on which notice as sent by the Department of Justice binding and final.

D. The registration and notification period end date, calculated and maintained by the Department of Justice pursuant to the provisions of Subsections A and B of this Section, shall be set in accordance with the provisions of this Chapter and shall be binding for purposes of enforcement of the registration and notification provisions of this Chapter unless overturned by the court of competent jurisdiction pursuant to R.S. 15:544.1. The registration and notification period end date, calculated for purposes of this Subsection, shall constitute a waiver by the offender and shall make the registration and notification period determination by the Department of Justice binding and final.

E. The registration and notification period end date, calculated and maintained by the Department of Justice pursuant to the provisions of Subsections A and B of this Section, shall be set in accordance with the provisions of this Chapter and shall be binding for purposes of enforcement of the registration and notification provisions of this Chapter unless overturned by the court of competent jurisdiction pursuant to R.S. 15:544.1. If an offender, who is currently residing in this state and is under an obligation to register and provide notification pursuant to the provisions of this Chapter, believes that the determined registration and notification period end date is incorrect, the offender may seek further review of the end date determination by the Department of Justice within forty-five days of date on which notice as sent by the Department of Justice binding and final.

F. The Department of Justice is not required to make the determination of the registration and notification period end date for any offender who is incarcerated or living out of state and is, therefore, not under an active obligation to register and provide notification in Louisiana. Once the offender is released from incarceration or returns to live in Louisiana and is under an active obligation to register and provide notification in this state, the determination of registration and notification period end date shall be made pursuant to the provisions of this Section.

G. No determination of the determination of the registration and notification period end date shall be made pursuant to the provisions of this Section.

H. When an offender has completed all registration and notification requirements for the period of time required by the provisions of this Chapter, the Department of Justice shall, upon request by the offender, issue a formal letter verifying that the offender has completed all his requirements. This letter shall state that the offender is no longer required to register and notify as a sex offender or a child predator for the underlying sex offense or criminal offense against a victim who is a minor, as defined by R.S. 15:541, which gave rise to his obligation to register, unless the offender is convicted of another offense which requires registration and notification pursuant to the provisions of this Chapter.

I. If at any time after the determination of the registration and notification period end date is made pursuant to the provisions of this Chapter, the offender’s criminal history or registration history reflects actions or inaction that, pursuant to the provisions of this Chapter, requires the running of the registration period to begin anew or to be suspended, and the registration and notification period end date is revised by the Department of Justice, the Department of Justice shall post the updated registration and notification period end date to the offender’s file in the State Sex Offender and Child Predator Registry. Within thirty days from the date on which the Department of Justice posts the revised registration and notification period end date to the offender’s file, the Department of Justice or its authorized agent shall give the offender written notice by mail of the revised end date and notify the offender of his right to seek review of the determination by the Department of Justice as provided in Subsections E and F of this Section.

J. The Department of Justice is not required to make the determination of the registration and notification period end date for any offender who is incarcerated or living out of state and is, therefore, not under an active obligation to register and provide notification in Louisiana. Once the offender is released from incarceration or returns to live in Louisiana and is under an active obligation to register and provide notification in this state, the determination of registration and notification period end date shall be made pursuant to the provisions of this Section.

K. Nothing in this Section shall be construed to relieve an offender of the obligation to register and provide notification pursuant to the provisions of this Chapter or to anyone convicted of an aggravated offense as defined by R.S. 15:541.
(7) Lessors shall include all information regarding the advertisement of bids described in Subsection A of this Section.

Act approved by the Governor, June 16, 2017.

A true copy,

Tom Shedler
Secretary of State

ACT No. 309

SENATE BILL NO. 254

(Subtitle of Senate Bill No. 253 by Senator Morrell)

BY SENATORS MORRELL AND GARY SMITH AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, COUSSAN, COX, GAINES, GAROFALO, GLOVER, JIMMY HARRIS, HILFERTY, HORTON, HUNTER, JACKSON, JAMES, JENKINS, JONES, TERRY, LANDRY, LEROUX, MCCRELL, MENDOZA, MUNOZ, MORENO, PIERRE, REYNOLDS, SMITH, STAGNI, STOKES AND THIBAUD

AN ACT

To amend and reenact R.S. 47:6007(B)(1), (8), (11) as amended by Acts 2015, No. 129, (14), (16) as amended by Acts 2015, No. 141, (17) as amended by Acts 2015, No. 129, (21), (24), the introductory paragraph of R.S. 47:6007(C)(1), R.S. 47:6007(C)(1)(a) and (b), the introductory paragraphs of R.S. 47:6007(C)(1)(c) and (d), R.S. 47:6007(C)(4)(f) as amended by Acts 2015, No. 129 and 134, R.S. 47:6007(D)(3)(a) and (2)(c)(i) as amended by Acts 2015, No. 141, (d), (D)(2)(c)(ii) as amended by Acts 2015, No. 144, (9)(b)(i), and (I), to enact R.S. 47:6007(B)(28), (29), (30), (31), (32), (33), (34), and (C)(3)(d), (C)(4)(g), (D)(1)(d)(v) and (2)(a)(i)(g) and (hh), (2)(a)(ii), and (e)(iv), and (J), and to repeal R.S. 47:6007(B)(4), (5) as amended by Acts 2015, Nos. 134 and 144, (16) as amended by Acts 2015, Nos. 129, 134, 141, 142, 143, 144, and 421, (17)(c), (d), and (e) all as amended by Acts 2015, Nos. 134, 141, 142, 143, 144, and 421, (23), (C)(1)(d), (C)(4)(f) as amended by Acts 2015, No. 144, (D)(2)(c)(i) as amended by Acts 2015, No. 421, (D)(2)(e)(i) as amended by Acts 2015, No. 129, 141, and 421, relative to the motion picture production tax credit; to provide for conditions applicable to the credit; to provide for base investment credit enhancements; to provide for a maximum overall credit rate; to provide for conditions required to earn the credit; to provide for payroll credits for qualified entertainment claims and to provide for a sunset date; or third-party credit transfers; to provide for permanent credit caps, structured pay outs, and project size limitations; to remove duplicate provisions; to provide for a sunset date; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6007(B)(1), (8), (11) as amended by Acts 2015, No. 129, (14), (16) as amended by Acts 2015, No. 141, (17) as amended by Acts 2015, No. 129, (21), (24), the introductory paragraph of R.S. 47:6007(C)(1), R.S. 47:6007(C)(1)(a) and (b), the introductory paragraphs of R.S. 47:6007(C)(1)(c) and (d), R.S. 47:6007(C)(4)(f) as amended by Acts 2015, No. 129 and 134, R.S. 47:6007(D)(3)(a) and (2)(c)(i) as amended by Acts 2015, No. 141, (d), (D)(2)(c)(ii) as amended by Acts 2015, No. 144, (9)(b)(i), and (I), are hereby amended and reenacted and R.S. 47:6007(B)(28), (29), (30), (31), (32), (33), (34), and (C)(3)(d), (C)(4)(g), (D)(1)(d)(v) and (2)(a)(i)(g) and (hh), (2)(a)(ii), and (e)(iv), and (J) are hereby enacted to read as follows:

6007. Motion picture production tax credit

B. Definitions. For the purposes of this Section:

(1) “Above the line services” or “ATL services” means all salary, wages, fees, and fringe benefits paid for services such as those of a producer, executive producer, line producer, coproducer, assistant producer, actor, director, casting director, screenwriter, lead cast, supporting cast, day players, and other services of job services performed by personnel of the production that are associated with the creative or financial control of a production and customarily considered as above the line services in the film and television industry.

(2) “Above the line services” or “ATL services” means a graphical brand or logo for promotion of the state which has been approved by the office for production, consisting of either of the following:

A. A five-second-long static or animated graphic that promotes Louisiana is depicted before the below-the-line crew credit for the life of the production, and which includes a link to Louisiana on the production’s website and online promotions.

B. An embedded five-second-long static or animated graphic that promotes Louisiana is depicted in each broadcast of the show worldwide for the life of the production, and which includes a link to Louisiana on the production’s website and online promotions.

(11) “Motion picture” means a nationally or internationally distributed feature-length film, short film, video, television pilot, television series, television movie of the week, animated feature film, animated short film, animated television series, commercial, or documentary made in Louisiana, in whole or in part, for theatrical or television viewing, or for viewing on any other platform as may be defined by the office through the promulgation of rules. The term “motion picture” shall not include the production of television coverage of news and athletic events or music festivals.

(14) “Payroll” means all salary, wages, and other compensation of any kind whatsoever, including but not limited to services, benefits, per diem, housing, bonuses, and other fringe benefits of any type associated with the creative or financial control of a production, and which includes all payroll received by a person from an individual for production services relating to a state-certified production, and, except for fringe benefits not includable in gross income, for which taxes are withheld and remitted to the Department of Revenue in accordance with R.S. 47:6014(D)(2) and taxable in this state as verified by the office through the use of payroll records, which may be performed by a payroll broker approved by the Louisiana Workforce Commission, or the Department of Revenue.

Any information so furnished shall be considered and held confidential and privileged by the Department of Economic Development. However, the Department of Economic Development or any department or agency of the state shall be authorized to disclose any portion of an individual’s salary in excess of three million dollars.

(16) “Production expenditure verification report” means a report issued by a qualified accountant who is retained by the beneficiant to certify the production expenditure verification report of the qualified accountant’s verification of the motion picture production’s cost report of production expenditures. The production expenditure verification report shall contain an opinion from the qualified accountant stating that there are no related party transactions or that material transactions of related party relationships are properly reported and accounted for as required by Paragraph (D)(9) of this Section, adequately disclosed, and explained in the report and that the production’s cost report of production expenditures presents fairly, in all material aspects, the production expenditures expended in Louisiana pursuant to the provisions of this Section. The production expenditure verification report shall:

(a) Be performed in accordance with the accounting standards generally accepted in the United States.

(b) Be performed by a certified public accountant which has engaged the qualified accountant, with a copy addressed to the motion picture production company or motion picture investor tax credit applicant.

(c) Contain the qualified accountant’s name, address, and telephone number.

(d) Contain a certification that the qualified accountant is unrelated to the motion picture production company.

(e) Be dated as of the date of completion of the qualified accountant’s field work.

(f) Contain a statement of acknowledgment by the qualified accountant that the state is relying on the qualified production expenditure verification report in the issuance of the tax credits under the provisions of this Section.

(17)(a) “Production expenditures” means preproduction, production, and postproduction expenditures in this state directly relating to a state-certified production, including without limitation the following: set construction and operation; wardrobe, makeup, accessories, and related services; lighting, and related services and materials; editing and related services; rental of facilities and equipment; leasing of vehicles; costs of food and lodging; digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects; payroll.

For all state-certified productions approved on or after July 1, 2015, this term shall include marketing and promotion expenses of the state-certified production incurred in this state.

(For all state-certified productions approved on or after January 1, 2004, this term shall not include expenditures for related party transactions denied or limited by the office pursuant to Paragraph (D)(9) of this Section, the production expenditure verification report, expenditures for Above the Line (ATL) salaries for the production that exceed forty percent of total production expenditures in the state for the production, or expenditures for advertising. This term shall not include expenditures for interest, dividends, fines, financial losses, and similar expenses, fees, or payments of a similar nature, paid to investors in the production unless such expenditures are made to a Louisiana resident licensed insurance producer that has its principal place of business in this state as required by R.S. 22:1543, a Louisiana financial institution as defined in R.S. 22:1543, or the Louisiana Business and Industrial Development Corporation as defined in and provided for in Chapter 39-B of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:2386 et seq., that is regulated by the office of financial institutions and which have one or more offices in the state, in which case, the expenditures may be allocated only on a pro rata basis, and allocating the fees based on the relative percentage of production activity occurring in and out of state.

(For all applications received on or after July 1, 2017, this term shall not include expenditures for catering and craft services unless such expenditures are made to a source within the state.

(21) “Resident” or “resident of Louisiana” means a natural person who is a legal resident and who has been domiciled in the state and has maintained
(24) "Source within the state" means a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee. Procurement company means any vendor that purchases, leases or otherwise obtains goods or services from sources outside of Louisiana, with a minimum investment of ten thousand dollars in qualified visual effects expenditures and one million dollars in qualified entertainment industry expenditures. A state-certified production company and one of its affiliate in Louisiana, or previously on the payroll of any business whose activities, operations or affiliate within Louisiana, or service business is more than five thousand dollars for each new job whose QEC payroll is equal to or greater than forty-five thousand dollars per year, up to sixty-six thousand dollars per year.

(b) Louisiana screenplay. A ten percent increase in the base investment rate may be allowed for state-certified production expenditures equal to or greater than five hundred thousand dollars for each new job whose QEC payroll is equal to or greater than forty-five thousand dollars per year, up to sixty-six thousand dollars per year.

(c) State-certified productions for scripted episodic content, with estimated budget no greater than ten million dollars, produced outside of the state, the project site designated in the contract, who were not previously on the QEC’s payroll in Louisiana, nor previously on the payroll of the QEC’s parent entity, subsidiary, or affiliate in Louisiana, or previously on a payroll of any business whose activities, operations or affiliate in any state were more than fifty thousand dollars but no greater than five million dollars, based upon a screenplay created by a Louisiana resident as evidenced by documents such as certificate of authorship, a Writers Guild of America registration certificate, the records of the United States Copyright Office, or a reasonable legal opinion issued by counsel.

(11) If the total base investment is greater than eight million dollars, each taxpayer shall be allowed a tax credit of ten percent of the actual investment made by that taxpayer. Additional payroll and visual effects credits shall be allowed.

(aa) Louisiana payroll. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, each taxpayer shall be allowed an additional tax credit of fifteen percent of such payroll.

(bb) Visual effects. To the extent that base investment is expended on visual effects expenditures, each taxpayer shall be allowed an additional tax credit of five percent of such expenditures if at least fifty percent of the visual effects budget is expended for services performed in Louisiana by an approved QEC, or a minimum of one million dollars in qualified visual effects expenditures are made in Louisiana.

(cc) The maximum tax credit that a production can earn pursuant to this Paragraph for the base investment credit, including base investment increases for out-of-zone filming and Louisiana screenplay, and the additional payroll and visual effects credits, shall not exceed the total base investment.

(12) In order to qualify for the tax credits pursuant to this Section, state-certified productions shall be required to participate in a career-based learning and training program approved by the office. The tax credits shall be earned at the following rates:

(a) For state-certified productions approved by the office and the secretary on or after January 1, 2006, and before July 1, 2009: Company-based QEC payroll tax credit for Qualified Entertainment Companies approved by the office and the secretary on or after January 1, 2006, and before July 1, 2009, to the extent that base investment is expended on payroll for Louisiana residents in connection with a QEC, tax credits shall be earned at the following rates:

(i) If the total base investment is greater than three hundred thousand dollars, each taxpayer shall be allowed a tax credit of twenty-five percent of the actual investment made by that taxpayer. Each qualifying payroll job whose QEC payroll is equal to or greater than twenty-five thousand dollars but no greater than fifty thousand dollars, based upon a screenplay created by a Louisiana resident as evidenced by documents such as certificate of authorship, a Writers Guild of America registration certificate, the records of the United States Copyright Office, or a reasonable legal opinion issued by counsel.

(ii) If the total base investment is greater than eight million dollars, each taxpayer shall be allowed a tax credit of ten percent of the actual investment made by that taxpayer. Additional payroll and visual effects credits shall be allowed.

(aa) Louisiana payroll. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, each taxpayer shall be allowed an additional tax credit of fifteen percent of such payroll.

(bb) Visual effects. To the extent that base investment is expended on visual effects expenditures, each taxpayer shall be allowed an additional tax credit of five percent of such expenditures if at least fifty percent of the visual effects budget is expended for services performed in Louisiana by an approved QEC, or a minimum of one million dollars in qualified visual effects expenditures are made in Louisiana.

Based upon the records of the United States Copyright Office, or a reasonable legal opinion issued by counsel.

(aa) State-certified productions for scripted episodic content, with estimated budget no greater than ten million dollars, produced outside of the state, the project site designated in the contract, who were not previously on the QEC’s payroll in Louisiana, nor previously on the payroll of the QEC’s parent entity, subsidiary, or affiliate in Louisiana, or previously on a payroll of any business whose activities, operations or affiliate in any state were more than fifty thousand dollars but no greater than five million dollars, based upon a screenplay created by a Louisiana resident as evidenced by documents such as certificate of authorship, a Writers Guild of America registration certificate, the records of the United States Copyright Office, or a reasonable legal opinion issued by counsel.
(d) Transferability of the credit. Except as provided for in Item (1)(ii) of this Paragraph, motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayor or to the Office of the Department of Revenue, subject to the following conditions:

(i) Beginning on and after January 1, 2007, the taxpayer who earned the motion picture production tax credits pursuant to such certification or the company's irrevocable designee, as provided for in Item (ii) of this Paragraph, may transfer the credits to the Department of Revenue for eighty-five percent of the face value of the credits in accordance with the procedures and requirements of Item (iii) of this Paragraph.

(ii) For projects that receive initial certification that apply on and after July 1, 2017, the motion picture production company that earned the motion picture production tax credits pursuant to such certification or the company's irrevocable designee, as provided for in Item (iii) of this Paragraph, may transfer the credits to the Department of Revenue for eighty-five percent of the face value of the credits in accordance with the procedures and requirements of Item (ii) of this Paragraph.

(cc) Beginning July 1, 2017, legacy credits that are recorded in the Louisiana Tax Credit Registry before January 1, 2018, may be transferred to the Department of Revenue for eighty-five percent of face value. The Department of Revenue shall make payment for the legacy credits in the amount to which the transferor is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section.

(bb) Any other businesses as determined by rule promulgated by the Louisiana Office of Economic Development and approved by the secretary.

(bb) For projects with initial certification letters issued on or after July 1, 2015, no later than six months after the expiration of the initial certification period, the applicant shall submit a request to the office to proceed to final certification by submitting to the office a preliminary allocation of tax credits by year identifying number for each state-certified production to the applicant for all qualifying expenditures and to provide for uniformity in expenditure verification reporting, the department shall directly engage and assign an independent certified public accountant, hereinafter referred to as “CPA”, to prepare, for the department, the required production expenditure verification report on a tax credit applicant’s cost report of expenditures or claims. The applicant shall be responsible for and assessed any production expenditure verification report fee which may be required by law, including any upfront deposit of the fee. For purposes of the report, the applicant shall make all records related to the tax credit application available to the CPA.

(d) When determining which productions may qualify, the office and secretary may execute a contract with an applicant for a period of up to five years, providing the terms and conditions for its participation. A five-year renewal contract may be entered into only if the applicant has fulfilled all the terms and conditions of the contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has complied with the provisions of this Section. The contract shall set forth an estimate of jobs and payroll per calendar year, which will be tentatively allocated to the QEC for annual cap computation purposes.

(e)(i) Any other businesses as determined by rule promulgated by the Department of Economic Development and approved by the secretary.

(ii) Company-based QEC payroll tax credit. After application review and consideration of all discretionary factors, the office and the secretary shall submit their initial certification or written denial of a project as a state-certified production to investors and to the secretary of the Department of Revenue for eighty-five percent of face value. For purposes of the report, the applicant shall make all records related to the tax credit application available to the CPA.

(f) When determining which productions may qualify, the office and the secretary may execute a contract with an applicant for a period of up to five years, providing the terms and conditions for its participation. A five-year renewal contract may be entered into only if the applicant has fulfilled all the terms and conditions of the contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has complied with the provisions of this Section. The contract shall set forth an estimate of jobs and payroll per calendar year, which will be tentatively allocated to the QEC for annual cap computation purposes.

(g) The format of the project, for example whether it is a feature film or television series, and whether it seeks qualification as a QEC, Independent film project, or Louisiana screenplay project.

(h) A statement of which of the base credit rate enhancements or additional credits for payroll or visual effects, if any, will apply to the project and an explanation of the effects of such enhancements or credits.

(i) For state-certified productions the application shall include:

   (aa) A bank or other lender may be named as an irrevocable designee in the initial tax credit certification or other document submitted thereafter by a motion picture production company to the office. As an irrevocable designee, a bank or other lender may elect to have the tax credits issued directly to it from the office, and in addition to the rights of a transferee may also elect to transfer to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title provided such tax credits are transferred to the Department of Revenue within one calendar year of certification.

   (bb) For projects with initial certification letters issued on or after July 1, 2015, no later than six months after the expiration of the initial certification period, the applicant shall submit a request to the office to proceed to final certification by submitting to the office a preliminary allocation of tax credits by year identifying number for each state-certified production to the applicant for all qualifying expenditures and to provide for uniformity in expenditure verification reporting, the department shall directly engage and assign an independent certified public accountant, hereinafter referred to as “CPA”, to prepare, for the department, the required production expenditure verification report on a tax credit applicant’s cost report of expenditures or claims. The applicant shall be responsible for and assessed any production expenditure verification report fee which may be required by law, including any upfront deposit of the fee. For purposes of the report, the applicant shall make all records related to the tax credit application available to the CPA.

   (cc) Beginning July 1, 2017, legacy credits that are recorded in the Louisiana Tax Credit Registry before January 1, 2018, may be transferred to the Department of Revenue for eighty-five percent of face value. The Department of Revenue shall make payment for the legacy credits in the amount to which the transferor is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section.

   (dd) Any other businesses as determined by rule promulgated by the Department of Economic Development and approved by the secretary.

   (ee) The office and secretary may execute a contract with an applicant for a period of up to five years, providing the terms and conditions for its participation. A five-year renewal contract may be entered into only if the applicant has fulfilled all the terms and conditions of the contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has complied with the provisions of this Section. The contract shall set forth an estimate of jobs and payroll per calendar year, which will be tentatively allocated to the QEC for annual cap computation purposes.

   (ff) For projects with initial certification letters issued on or after July 1, 2015, no later than six months after the expiration of the initial certification period, the applicant shall submit a request to the office to proceed to final certification by submitting to the office a preliminary allocation of tax credits by year identifying number for each state-certified production to the applicant for all qualifying expenditures and to provide for uniformity in expenditure verification reporting, the department shall directly engage and assign an independent certified public accountant, hereinafter referred to as “CPA”, to prepare, for the department, the required production expenditure verification report on a tax credit applicant’s cost report of expenditures or claims. The applicant shall be responsible for and assessed any production expenditure verification report fee which may be required by law, including any upfront deposit of the fee. For purposes of the report, the applicant shall make all records related to the tax credit application available to the CPA.

   (gg) The format of the project, for example whether it is a feature film or television series, and whether it seeks qualification as a QEC, Independent film project, or Louisiana screenplay project.

   (hh) A statement of which of the base credit rate enhancements or additional credits for payroll or visual effects, if any, will apply to the project and an explanation of the effects of such enhancements or credits.

   (ii) For state-certified productions the application shall include:

      (aa) A bank or other lender may be named as an irrevocable designee in the initial tax credit certification or other document submitted thereafter by a motion picture production company to the office. As an irrevocable designee, a bank or other lender may elect to have the tax credits issued directly to it from the office, and in addition to the rights of a transferee may also elect to transfer to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title provided such tax credits are transferred to the Department of Revenue within one calendar year of certification.

      (bb) For projects with initial certification letters issued on or after July 1, 2015, no later than six months after the expiration of the initial certification period, the applicant shall submit a request to the office to proceed to final certification by submitting to the office a preliminary allocation of tax credits by year identifying number for each state-certified production to the applicant for all qualifying expenditures and to provide for uniformity in expenditure verification reporting, the department shall directly engage and assign an independent certified public accountant, hereinafter referred to as “CPA”, to prepare, for the department, the required production expenditure verification report on a tax credit applicant’s cost report of expenditures or claims. The applicant shall be responsible for and assessed any production expenditure verification report fee which may be required by law, including any upfront deposit of the fee. For purposes of the report, the applicant shall make all records related to the tax credit application available to the CPA.

   (cc) Beginning July 1, 2017, legacy credits that are recorded in the Louisiana Tax Credit Registry before January 1, 2018, may be transferred to the Department of Revenue for eighty-five percent of face value. The Department of Revenue shall make payment for the legacy credits in the amount to which the transferor is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section.

   (dd) Any other businesses as determined by rule promulgated by the Department of Economic Development and approved by the secretary.

   (ee) The officer shall not accept the transfer of motion picture investor tax credits from July 1, 2015 through June 30, 2016.

   (ff) For projects that apply on and after July 1, 2017, the motion picture production company that earned the motion picture production tax credits pursuant to such certification or the company’s irrevocable designee, as provided for in Item (ii) of this Paragraph, may transfer the credits to the Department of Revenue for eighty-five percent of the face value of the credits in accordance with the procedures and requirements of Item (iii) of this Paragraph.

   (gg) The office and secretary may execute a contract with an applicant for a period of up to five years, providing the terms and conditions for its participation. A five-year renewal contract may be entered into only if the applicant has fulfilled all the terms and conditions of the contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has complied with the provisions of this Section. The contract shall set forth an estimate of jobs and payroll per calendar year, which will be tentatively allocated to the QEC for annual cap computation purposes.
picture production company or motion picture investor, tax credit applicant a production expenditure verification report and the affidavit required by Subparagraph (g) of this Paragraph. The office and the secretary shall review the production expenditure verification report and may require additional information needed to make a determination. Within one hundred twenty days of the receipt of the production expenditure verification report and all required supporting information, the office and the secretary shall issue a tax credit certification letter. The aggregate amount of tax credits certified for the state-certified production to the investors for all qualifying expenditures verified by the office. Any expenditures for which tax credits were neither denied nor certified due to insufficient information or other issues, the office and secretary shall diligently work to resolve the outstanding issues in a timely manner, and the office and secretary may subsequently issue a supplemental tax credit certification at the time of such resolution.

(iv) State-certified productions for scripted episodic content and approved QEC’s may submit more than one request for final certification of tax credits, but no more frequently than once per calendar year, in accordance with the terms of the initial certification letter or QEC contract and instructions by the office.

(b) Tax credits certified for goods and services provided by related parties to a state-certified production shall be further limited as follows:

(1) Qualifying production expenditures for Above the Line, or “ATL”, salaries provided by related parties shall be limited to twelve percent of total Louisiana production expenditures.

I. Commencing no later than January 21, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the credit authorized pursuant to the provisions of this Section to determine if the economic benefit provided by such credit outweigh the loss of revenue realized by the state as a result of awarding such credit. The Office of Management and Budget is authorized to certify state-certified productions for up to two hundred thousand dollars per person, for each employee as reported on a Form W-2, and no tax credits shall be earned for payroll expenditures in excess of two hundred thousand dollars per person.

J. Credit caps, structured pay outs, and project size limitations

(1) Department of Economic Development program issuance cap.

(a) The department shall by rule establish the method of provisionally allocating available tax credits in initial certification letters, and the method for granting tax credits in final tax credit certification letters, including but not limited to a specific time period, or other method which the department, in its discretion, may find beneficial to the program.

(b) For applications for state-certified productions and qualified entertainment company contracts submitted on or after July 1, 2017, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred fifty million dollars. Twenty percent of the annual program cap shall be reserved as follows: five percent for qualified entertainment companies, five percent for Louisiana screenplay productions, and ten percent for independent film productions. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

(c) If the total amount of credits granted to QEC’s in any fiscal year is less than the QEC cap, any residual amount of unused credits shall carry forward for use in subsequent years and may be granted in addition to the QEC cap for each year.

(d) If the total amount of credits granted in any fiscal year to screenplay productions or independent film productions is less than their respective caps, any residual amount may be available for issuance by the department during that fiscal year as established by rule.

(2) Department of Revenue taxpayer claim cap.

(a) Beginning July 1, 2017, claims against state income tax allowed on returns for tax credits or transfers of such tax credits, including legacy credits, to the Department of Revenue as provided in Paragraph (1) of this Section shall be limited to an aggregate total of one hundred eighty million dollars each fiscal year. If less than one hundred eighty million dollars of such tax credits and transfers are allowed in a fiscal year, the remaining amount, plus any amounts resulting from previous fiscal years, shall be added to the one hundred eighty million dollar limit of subsequent fiscal years until that amount of tax credits or tax credit transfers to the Department of Revenue are claimed and allowed.

(b) Claims for tax credits or transfers of tax credits to the Department of Revenue shall be allowed on a first-come, first-served basis. Any taxpayer which has applied for such tax credits or tax credit transfers to the Department of Revenue shall be allowed to receive all credit transfers applied for after the date of his original claim or application for transfer.

(c) If a claim against state income tax for a tax credit is disallowed because the fiscal year cap has been reached, the Department of Revenue may provide for an abatement of interest pursuant to R.S. 47:1601 and a waiver of delinquency payment penalties pursuant to R.S. 47:1602.

(iii) Any transferor whose transfer of legacy credits to the Department of Revenue exceeds ten million dollars shall be paid a maximum of ten million dollars that year and may transfer the remaining legacy credits, up to a maximum of ten million dollars for each subsequent fiscal year, to the Department of Revenue and his transfer shall have priority over other transfers applied for after the date of his original application for transfer.

(c) For all completed applications for transfer submitted to the Department of Revenue on or after July 1, 2017, the face value of the credits transferred to the Department of Revenue shall be subtracted from the remaining available Department of Revenue tax credits.

(d) The Department of Revenue shall make reasonable efforts to post a listing of estimated amounts available under the cap on its website.

(3) Department of Economic Development individual project issuance cap.

(a) For applications for state-certified productions on or after July 1, 2017, the maximum amount of credits that may be granted for a single state-certified production shall not exceed (twenty million dollars, except for state-certified productions for scripted episodic content that may be granted up to twenty-five million dollars per season.

(b) Company-based QEC payroll tax credit. For applications for qualified entertainment company contracts on or after July 1, 2017, the maximum amount of credits that may be granted for a single company shall not exceed one million dollars per year.

(4) Department of Economic Development individual payroll cap.

(a) Project-based production tax credit. For applications for state-certified productions on or after July 1, 2017, the maximum amount of qualifying payroll expenditures made for the services rendered by an individual, whether directly to an individual, or indirectly through a loan company, shall be three million dollars. If the production is not completed in the fiscal year in which earned, the amount of credits earned for payroll expenditures in excess of three million dollars per person.

(b) Company-based QEC payroll tax credit. For applications for qualified entertainment company contracts on or after July 1, 2017, the maximum amount of credits that may be granted for a single company shall be a reimbursement for payroll expenditures in excess of two hundred thousand dollars per person.

(5) Department of Economic Development structured pay outs.

(a) The department may, at its discretion, require credits for any size production or approved QEC to be structured to over the course of two or more years, as provided for in the initial certification letter or QEC contract.

(b) The department shall by rule establish the circumstances under which a structured pay-out of credits may be required, including but not limited to the availability of tax credits in any given year or the best interests of the state.


Section 3. The Louisiana State Law Institute is hereby directed to alphabetize the definitions contained in R.S. 47:6007(B).

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

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

---

ACT No. 310

SENATE BILL NO. 83
BY SENATE BARROW AND REPRESENTATIVES PIERCE AND MARCELLE
AN ACT

To amend and reenact R.S. 33:4574.1(A)(6) and to repeal R.S. 47:338.217, relative to East Baton Rouge Parish; to provide relative to Visit Baton Rouge; to provide state tax exemptions of hot tubs, motel rooms, and overnight camping facilities levied by the commission; to authorize the commission to levy an additional occupancy tax of hot tubs, motel rooms, and overnight camping facilities; to provide for the use of additional tax proceeds; to provide for an election; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4574.1(A)(6) is hereby amended and reenacted to read as follows:

43:4574.1. 1. Occupancy taxes levied by the commissions

A. For the purposes set forth in this Subsection or Paragraph (F)(3) of this Section, a commission created pursuant to R.S. 33:4574(B) is authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. Such
tax shall not exceed the following percentages of the rent or fee charged for such occupancy:

* * *

(6)(a) Visit Baton Rouge, four percent subject to the provisions of Subsection L of this Section. Notwithstanding any provision of law to the contrary, the aggregate rate of occupancy taxes levied by all commissions in East Baton Rouge Parish shall not exceed the rates authorized by this Paragraph.

(b) In addition to taxes authorized by Subparagraph (a) of this Paragraph, Visit Baton Rouge may levy an additional tax upon the paid occupancy of hotel rooms located within East Baton Rouge Parish, but not located within the municipalities of Baker, Central, or Zachary or the area within the boundaries of the Baton Rouge North Economic Development District. The levy of an additional tax pursuant to this Subparagraph shall be subject to approval by a majority of the electors residing in that portion of East Baton Rouge Parish not within the municipalities of Baker, Central, or Zachary or the area within the boundaries of the Baton Rouge North Economic Development District. The levy of the tax, Visit Baton Rouge shall call an election for the purpose of submitting such a proposition to the voters. Fifty percent of the proceeds of the tax shall be used to fund the Raising Cane’s River Center and fifty percent of the proceeds of the tax shall be used to fund Visit Baton Rouge.

* * *

Section 2. R.S. 47:338.217 is hereby repealed.

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

-----------

ACT No. 311

SENATE BILL NO. 246

BY SENATOR MORRELL AND REPRESENTATIVE JIMMY HARRIS

AN ACT

To amend and reenact R.S. 33:4082.1, relative to the New Orleans Sewerage and Water Board; to authorize the board to sell its services to neighboring parishes; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4082.1 is hereby amended and reenacted to read as follows:

§4082.1. Authorization to furnish water and other services to adjoining parishes

The sewerage and water board is authorized to contract with parties having franchises for that purpose to supply water and other services to consumers in the adjoining parishes, at rates to be fixed by the sewerage and water board.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

-----------

ACT No. 312

---

HOUSE BILL NO. 624

BY REPRESENTATIVE HENRY

AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2017-2018; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. For the purposes of this Act the following definitions shall apply and obtain:

(a)(1) Unless otherwise provided herein, “tax recipient bodies” shall mean the city of New Orleans, parish governing authorities, school boards, special taxing districts, and other bodies which were eligible for reimbursement or payment from the Property Tax Relief Fund prior to its abolition and repeal by Act 10 of the 1972 Extraordinary Session of the Louisiana Legislature and any other taxing district listed in Sections 1(a)(3) and 1(a)(4) or any other taxing district for any millage specified in Section 9(B) of this Act. In the parish of Rapides, “tax recipient bodies” shall not include Red River Waterways. In the parish of Lafourche, “tax recipient bodies” shall not include the Atchafalaya Basin Levee District, the Lafourche Levee District, and Fresh Water District No. 1.

(2) “Tax recipient bodies” shall not include the millage levied by the various law enforcement districts in the state in lieu of commissions as a result of Act 689 of the 1976 Regular Session of the Louisiana Legislature; however, law enforcement districts shall be considered tax recipient bodies for any millage voted and levied for that purpose to the extent specifically provided in Section 9(B) of this Act.

(c) “Tax recipient bodies” shall also mean those special taxing districts and other bodies which were not eligible for reimbursement as provided in Section 1(a)(1) but which had erroneously shared as a tax recipient body in the proceeds of Act 596 of the 1977 Regular Session and were subsequently determined by the state treasurer to be ineligible for such participation under the provisions of Act 592 of the 1978 Regular Session. The exclusive listing of all such special taxing districts and other bodies is as follows:

Acadia
- Mermentau River Harbor & Terminal

Allen
- Elizabeth Recreation District #3
- Kinder Recreation District #2--Maintenance
- Hospital Service District #3--Maintenance

Ascension
- Lighting District #6
- Lighting District #7

Avoyelles
- Red River Waterway District--Capital Outlay
- Red River Waterway District--Operations

Beauregard
- Waterworks District #3--Ward 4
- Waterworks District #3--Ward Bienville
- Fire Protection District #6
- Hospital Service District #2

Calhoun
- Columbia Heights Sewerage

Cameron
- Cameron Water District #1--Maintenance
- Water District #7--Maintenance
- Grand Lake Recreation District--Maintenance
- Water District #10--Maintenance
- Fire District #10--Maintenance

Catahoula
- Hospital District #2

Claiborne
- Hospital District #1

Concordia
- Recreation District #3--Maintenance
- Fire Protection District #1

Evangeline
- Cemetery Tax District--Ward 4
- Cemetery Tax District #1
- Cemetery Tax District #6
- Water District #1--Maintenance
- Evangeline Parish School Board
- Consolidated School District No. 2
- Evangeline Parish School Board
- Consolidated School District No. 7

Grant
- Hospital District #1
- Recreational District #2

Jefferson
- Ambulance Service #1
- Community Center Playground District #1
- Community Center Playground District #10
- Community Center Playground District #11
- Community Center Playground District #12
- Community Center Playground District #13
- Community Center Playground District #14
- Community Center Playground District #15
- Fire Protection District #5
- Fire Protection District #6
- Sewerage District #8
- Sewerage District #9
- Jefferson Hospital District #1

LaSalle
- Sewer Maintenance
- Recreation District #5

Livingston
- Road Light District #2
- Fire Protection District #1
- Fire Protection District #4
- Recreation District #3

Morehouse
- Bastrop Area Fire District #2
- Fire District #1--Ward 6
- Fire District #1--Ward 10

Pointe Coupee
- Fire District #1
- Sewerage District #1

Rapides
- Waterworks #1A--Maintenance
- Recreation--Maintenance

St. James
- Road Light District #1A
The estimates so submitted shall have no effect on the distribution for the treasurer not later than March fifteenth of each calendar year hereafter.

annually not later than January fifteenth of each calendar year. Any tax the most recent federal-state cooperative program for local population State University and Agricultural and Mechanical College Agriculture in full or part on the tax rolls. In Orleans Parish this limitation shall apply thereof, or any millage authorized prior to January 1, 1978, but not levied in the proceeds of state revenue sharing. The exclusive districts and other bodies which were not eligible for reimbursement (b) “Population” shall mean that enumeration of persons within the state, Mosquito District No. 2(A)--10 mills St. Tammany Fire Protection District No. 9--Maintenance Recreation District No. 2 Tangipahoa Hospital District #1--Maintenance Union Hospital Service--Tri-Ward Baton Rouge Village St. George Fire District Ouachita Cooley Hospital Tax Sterlington Sewerage District North Monroe Sewerage District No. 1--Maintenance Road Light District No. 5 Road Light District No. 1 Road Light District No. 3 Road Light District #4 East Ouachita Recreational District Terrebonne Road Lighting District No. 4 Road Lighting District No. 5--Maintenance Road Lighting District No. 6 Road Lighting District No. 8--Maintenance Road Lighting District No. 9--Maintenance Road Lighting District No. 10--Maintenance Fire Protection District No. 4--A--Maintenance Fire Protection District No. 5--Maintenance Fire Protection District No. 8--Maintenance Fire Protection District No. 10--Maintenance Sanitation District No. 1--Maintenance Recreation District No. 1--Maintenance Recreation District No. 4--Maintenance Road Lighting District No. 1--Maintenance Road Lighting District No. 2--Maintenance Road Lighting District No. 3A Fire Protection District No. 123--Maintenance Fire Protection District No. 9--Maintenance Road Lighting District No. 7--Maintenance St. Tammany Mosquito District No. 2(A)--10 mills Mosquito District No. 2(B)--10 mills (5)(a) In addition to the limitations herein above set forth, “tax recipient bodies” for purposes of this Act shall be tax recipient bodies within the meaning of Article VII, Section 26 of the Constitution of Louisiana, limited solely to those taxes authorized prior to January 1, 1978, and any renewals thereof, or any millage authorized prior to January 1, 1978, but not levied full or part on the tax rolls. In Orleans Parish this limitation shall apply solely to those taxes authorized and collected prior to January 1, 1978.

(b) “Population” shall mean that enumeration of persons within the state, its parishes, and incorporated municipalities determined by the Louisiana State University and Agricultural and Mechanical College Agriculture Center. The determination of the Louisiana State University and Agricultural and Mechanical College Agriculture Center, Department of Agricultural Economics and Agribusiness, under the most recent federal-state cooperative program for local population estimates. Such determination shall be submitted to the state treasurer annually not later than January fifteenth of each calendar year. Any tax recipient body or incorporated municipality which is aggrieved by such determination may file a petition for administrative review with the state treasurer not later than March fifteenth of each calendar year hereafter. The estimates so submitted shall have no effect on the distribution for the fiscal year in which they are made but shall be utilized for purposes of this Act and for distribution during the ensuing fiscal year. The treasurer shall have authority to affirm, modify, or set aside in whole or in part, the determination of the Louisiana State University and Agricultural and Mechanical College Agriculture Center, Department of Agricultural Economics and Agribusiness.

(c) “Homesteads” shall mean that enumeration of homestead exemption claims filed with the assessors as determined by the Louisiana Tax Commission as of March thirty-first of the current calendar year. The respective percentages to be used in calculating tax recipient bodies in the city of New Orleans shall refer only to the aforesaid entities.

Section 2. The revenue sharing fund for the Fiscal Year 2017-2018 shall consist of the sum of Ninety Million and No/100 ($90,000,000.00) Dollars. The amount to be distributed annually to each parish from the revenue sharing fund shall be the sum of (a) an amount equal to that percentage of eighty percent of the total fund which is equal to the ratio which the population of the parish bears to the total state population, and (b) an amount equal to that percentage of twenty percent of the total fund which is equal to the ratio which the number of homesteads in the parish bears to the total number of homesteads in the state. As used in this Section, the term “homesteads” shall mean that enumeration of adjusted homestead exemption claims filed with the assessor as determined by the Louisiana Tax Commission as of March thirty-first of the current calendar year.

Section 4. Except as provided in Section 5, the state treasurer shall distribute the funds herein allocated to the tax collectors of the respective parishes and to the city of New Orleans.

Section 5. That portion of the fund for the parish of Ouachita allocated to the Monroe City School Board shall be an amount which will reimburse said board, to the extent available and subject to the provisions of Section 9(C) of this Act, for the taxes lost as a result of homestead exemptions on the tax rolls for the current calendar year and shall be distributed directly to the city treasurer of the city of Monroe, who shall pay therefrom the statutorily dedicated deductions for retirement systems. For the purpose of distribution of the revenue sharing funds, the state treasurer may use the amount listed on the prior year Ouachita Parish tax rolls which were due the Monroe City School Board.

Section 6. Eleven and nine-tenths percent of all revenue sharing funds distributed by the provisions of this Act, excluding such funds as are distributed directly to the city of New Orleans and the amount listed on the prior year Ouachita Parish tax rolls which were due the Monroe City School Board ($1,210,682), shall form a special fund ($9,721,173) to be distributed as commissions to the tax collectors of the respective parishes, the city of New Orleans excepted. Each such tax collector shall receive a percentage of said fund, based on commissions received by him pursuant to Act 153 of the 1973 Regular Session, as provided in Section 8 of this Act.

Section 7. A. Two and forty-four hundredths percent of all revenue sharing funds distributed by the provisions of this Act, excluding such funds as are distributed directly to the city of New Orleans and the amount listed on the prior year Ouachita Parish tax rolls which were due the Monroe City School Board ($1,210,682), shall form a special fund ($9,721,173) to be distributed to the various retirement systems which were eligible for payment pursuant to Act 153 of the 1973 Regular Session, as provided in Section 8 of this Act, for distribution to such retirement systems, and shall make due payment thereof to each retirement system in the same proportion that the statutory deductions provided by law for the system bears to the total statutory deductions provided by law for all such retirement systems. For the purpose of distributing these retirement contributions, the state treasurer may use the statutory deductions determined by the Public Retirement Systems Actuarial Committee as per R.S. 11:103 for the previous calendar year.

B. The city of New Orleans shall make the deductions legally established for retirement funds which were entered in the pension and retirement systems for fiscal year 2017-2018: Assessors’ Retirement Fund, $168,474; Clerks of Court Retirement and Relief Fund, $137,015; District Attorneys’ Retirement System, $67,281; Registrars of Voters Employees’ Retirement System, $64,443; Sheriffs’ Pension and Relief Fund, $55,762.

Section 8. The respective percentages to be used in calculating tax collectors’ commissions and retirement system distributions shall be as follows:

<table>
<thead>
<tr>
<th>PARISH</th>
<th>SHERIFF</th>
<th>RETIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acadia</td>
<td>1.497%</td>
<td>1.047%</td>
</tr>
<tr>
<td>Allen</td>
<td>0.739%</td>
<td>0.475%</td>
</tr>
<tr>
<td>Ascension</td>
<td>1.283%</td>
<td>0.985%</td>
</tr>
<tr>
<td>Assumption</td>
<td>0.871%</td>
<td>0.399%</td>
</tr>
<tr>
<td>Avoyelles</td>
<td>1.263%</td>
<td>0.811%</td>
</tr>
</tbody>
</table>
Section 9. All remaining funds shall be allocated and distributed as follows:

A. Subject to the provisions of Subsection B of this Section and except as provided by Section 5, the tax collector of each parish and the city of New Orleans shall allocate and distribute, within fifteen days after receipt thereof, to the tax recipient bodies within his jurisdiction an amount available after commissions and deductions which is necessary to offset losses attributable to homestead exemptions. In any parish which had excess funds in 1977, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased or decreased from 1977 to 2016, together with any additional taxing bodies or millages authorized to participate on the same pro rata basis within the provisions of Section 9(a)(3), Section 9(a)(4), and Section 9(B) of this Act. This restriction shall not apply to the parish of East Carroll and to parishes in which there were no excess funds in 1977. However, in the city of New Orleans the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, except that the amount distributed to the Orleans Levee District or its successor shall be limited solely to the amount used for the reimbursement of homestead exemption losses in 1977 on the Orleans Levee District’s two mill tax. The remaining amount shall be adjusted by the percentage by which the number of homesteads in the city of New Orleans increased or decreased from 1977 to 2016, together with any additional taxing bodies or millages authorized to participate on the same pro rata basis under the provisions of Section 9(B) of this Act.

B. For purposes of this Subsection only, tax recipient bodies shall mean and include any recipient of funds hereunder, but limited solely to such specified disbursements. The millages listed are included solely as an identification aid for administrative purposes and the new tax approved by the electorate shall be eligible for distribution hereunder, regardless of fluctuations in millage caused by reassessment or other purposes. In no event shall any amount be deemed available within the meaning of Article VII, Section 26 of the Constitution of Louisiana to reimburse losses attributable to homestead exemptions for taxes authorized after January 1, 1978, and any renewals thereof, with the following basic exceptions:

1. In the parish of Sabine, all millages listed on the tax roll, except the sheriff’s original millage, shall share on a pro rata basis.
2. In the parish of DeSoto, all school board taxes authorized after January 1, 1978 and prior to the convening of the 1979 Regular Session, the 7 mill parishwide school tax authorized May 2, 1967, the 37 mill school special tax authorized October 24, 1987, the assessor’s original millage, the maintenance taxes for Fire Protection Districts Nos. 1, 5, 8, and 9, and prior to 1990, the 8.37 mill tax authorized on November 7, 1978 for the parish law enforcement district, the 1 mill tax authorized April 5, 1997 for Water District #1, the 3 mills tax authorized November 21, 2002 for the parish library, and the 1 mill tax authorized July 16, 1994 for the Communications District 911 System, shall share on a pro rata basis with all other tax recipient bodies in the parish. The parish road maintenance tax which lapsed in 1983 and which was reauthorized at 5 mills in 1984 shall share on a pro rata basis with all other tax recipient bodies in the parish.
3. In the parish of Bossier, after full reimbursement of all taxes authorized prior to May 1, 1978 to all other tax recipient bodies in the parish including the additional 3 mills authorized on April 5, 1980 for the law enforcement district and the assessor’s original millage, the following new millages shall be reimbursed to the extent available:
   - School Board District 13--11.63 mills
   - School Board District 3--15.1 mills
4. In the parish of Grant, all new millages authorized prior to January 1, 1989 that were authorized January 16, 1999 for the library, the millage authorized October 7, 1989 for Fire District No. 1, the 15 mill tax authorized in 1995 for Fire District #3, the additional mills for the law enforcement district and the assessor’s original millage, but excluding bond millages, shall share on a pro rata basis with all other tax recipient bodies in the parish.
5. In the parish of Webster, after full reimbursement of all taxes authorized prior to January 1, 1978 to all other tax recipient bodies in the parish and the assessor’s original millage, the following new millages shall be reimbursed to the extent available:
   - Fire District "A"--7.42 mills
   - Fire District "D"--7.42 mills
6. In the parish of Vernon, all taxes authorized after January 1, 1978, including the additional 7 mills authorized on April 4, 1981 for the law enforcement district, but excluding the sheriff’s original millage, shall share on a pro rata basis with all other tax recipient bodies in the parish.
7. In the parish of East Baton Rouge, the B.R.E.C. Maintenance and Operation and Capital Improvement millages shall be limited to a total of 5.44 mills.

In the parish of Lafourche, the total parish allocation, excluding the tax collector’s commission and the retirement systems’ deductions shall form a special fund to be distributed as follows:

- Parish Council - 57.40%
- School Board - 27.25%
- South Lafourche Levee District - 2.95%
- Port Commission - 2.06%
- Assessor - 3.32%
- Bayou Lafourche Fresh Water District - 2.82%
- North Lafourche Levee District - 4.29%
- Provided, however, that of the funds distributed to the Bayou Lafourche Fresh Water District in any state fiscal year, no less than Ten Thousand ($10,000) Dollars shall be used for the abatement of water hyacinth and other noxious vegetation within the jurisdiction of the district in Lafourche Parish.

(a) Of the amount distributed to the parish the following allocations shall be made:

- Bayou Blue Fire District - 0.42%
- Drainage District No. 1 - 0.59%
- Drainage District No. 5 - 0.65%
- Fire District No. 1 - 0.57%
- Fire District No. 2 - 0.59%
- Fire District No. 3 - 1.30%
- Fire District No. 9 - 0.42%
- Lafourche Ambulance District No. 1 - 0.61%
- Recreation District No. 2 - 2.81%
- Water District No. 1 - 3.02%
- Health Unit - 3.04%
- Recreation Commission - 5.05%
- Recreation District No. 1 - 0.96%
- Recreation District No. 8 - 0.61%
- Drainage - 10.14%

THE ADVOCATE
CODING: Words in *italics* are additions.
*(House Bills) are additions.*
*(Senate Bills)* are additions.
Road Lighting - 4.24%
Public Buildings - 6.19%
Library - 6.24%
Criminal - 0.24%
Road District #1 - 5.46%
Drainage 1 of 12 - 0.20%
Drainage 2 of 12 - 0.11%
Drainage 3 of 12 - 0.14%
Juvenile Justice - 1.47%
(b) The amount distributed to the school board shall be allocated as follows:

Schools - 24.31%
Special Education - 2.94%

(9) In the parish of Calcasieu, the total parish allocation, excluding the tax collector's commission and the retirement systems' deductions, shall form a special fund to be distributed as follows:

Police Jury - 45.95%
School Board - 29.44%
Sheriff - 11.95%
Police Jury - 5.00% to be distributed to the district attorney
Lake Charles Harbor and Terminal District - 2.8%
Assessor - 2.3%

Vinton Harbor and Terminal District - 0.1%

(10) In the parish of Iberia, the library’s 1996 millage shall be limited to 2.9 mills.

(11) In the parish of St. Bernard, the assessor’s millage shall be limited to 1.47 mills.

(12) In the parish of Livingston, the library’s 1995 millage shall be limited to 3.46 mills, the assessor’s millage shall be limited to 2.56 mills, and the Juvenile Detention Center’s 1995 millage shall be limited to .44 mills. The #2 Fire District’s millage shall be limited to .81 mills, the #3 Fire District’s millage shall be limited to 1.91 mills, and the #9 Fire District’s millage shall be limited to 1.96 mills.

(13) In the parish of Assumption, the total parish allocation, excluding the tax collector’s commission and the retirement systems’ deductions, shall form a special fund to be distributed as follows:

Law Enforcement District - 30.77%
Assessor’s original millage
School Board - 28.72%
Assessment District - 10.26%

(14) The following new millages shall share on a pro rata basis with all other tax recipient bodies in their respective parishes:

Acadia
Bayou des Cannes-Nepique Gravity Drainage District -- 10 mills/1996
5th Ward Gravity Drainage District -- 5 mills/April, 1980
Iota-Long Point Gravity Drainage -- 0.40 mills/October 27, 1979
Bayou Mallett Gravity Drainage -- 0.73 mills/April 5, 1990
6th Ward and Crowley Dist. Maint. -- 1.29 mills/Dec. 8, 1979
Basile School District #7 Maintenance -- 3.32 mills/May 19, 1979
Acadia-St. Landry Hospital District -- 7 mills/November 2, 1982
Bayou Plaquemine-Wikoff Drainage -- 5 mills/Jan. 21, 1984
Road Maintenance -- 3 mills/Nov. 28, 1981
Health Unit Mt. -- 1.06 mills/Nov. 28, 1981
Assessor’s original millage
Fire District #4 Maintenance -- 6 mills/January 16, 1999

Allen
Law Enforcement District (Additional) -- 6.47 mills/April 11, 1992
Assessor -- 5.23 mills/1990
Road Dist. #1 - 4.86 mills/1992
Road Dist. #1A - 3 mills/1995
Road District No. 2 Maintenance -- 7 mills/October 6, 1990
Road District No. 2 Maintenance -- 10 mills/July 18, 1992
Road District No. 2 Bridge Maint. -- 5 mills/July 18, 1992
Road District No. 3 Maintenance -- 8.18 mills/March 10, 1992
Road District No. 3 Maintenance -- 10 mills/January 20, 1990
Road Dist. #5 -- 30 mills/1995
Road Dist. #4 -- 21.12 mills/1995
Road District No. 4 Maintenance -- 30 mills/March 10, 1992
Library -- 10.76 mills/October 2002
Courthouse and Jail -- 4 mills/November 6, 2012
Road District 5 -- 5.30 mills/November 6, 2012

Ascension
Law Enforcement District (Additional) -- 5 mills/Nov. 4, 1980
Library Maintenance -- 4.2 mills/November 6, 1990
Library -- 2.6 mills/2000
East Asc. Gravity Drainage Dist. -- 5 mills/January 20, 1979
West Asc. Gravity Drainage Dist. -- 5 mills/November 4, 1980
West Ascension Gravity Drainage Dist. -- 4.67 mills/2000
Mental Health -- 2 mills/2000
Road Lighting District No. 1 -- 5 mills/January 16, 1993
Road Lighting District No. 2 -- 5 mills/January 16, 1993
Road Lighting District No. 3 -- 5 mills/January 16, 1993
Road Lighting District No. 4 -- 5 mills/January 16, 1993

Road District No. 5 -- 5 mills/January 16, 1993
Road Lighting District No. 6 -- 5 mills/January 16, 1993
Road Lighting District No. 7 -- 5 mills/September 27, 1986
Prairieville Fire District #3 -- 11 mills/July 16, 2005
Prairieville Fire District #3 -- 10 mills/April 2, 2011
Assessor’s original millage

Avoyelles
All millages listed on the tax roll, except the sheriff’s original millage, shall share on a pro rata basis

Bauxite
Law Enforcement District -- 5 mills/July 17, 1983
Assessor’s original millage

Bienville
School Board -- 10 mills/1997
Assessor’s original millage

Caddo
Fire Protection District No. 1 -- 5 mills/July 16, 1985
Jail Facilities -- 2.00 mills/September 27, 1986
Courthouse Maintenance -- 3.00 mills/January 16, 1982
Law Enforcement District (Cont. Ser.) -- 4.00 mills/July 4, 1986
Library -- 4.90 mills/April, 1988
Library -- 5.26 mills/April 1996
Fire Dist. No. 2 -- 10 mills/July 16, 1985
Fire Dist. No. 3 -- 10 mills/September 27, 1986
Fire Dist. No. 4 -- 10 mills/November 6, 1984
Fire Dist. No. 5 -- 10 mills/November 6, 1984
Fire Dist. No. 6 -- 10 mills/January 19, 1985
Fire Dist. No. 7 -- 10 mills/November 28, 1984
Fire Dist. No. 8 -- 10 mills/November 28, 1984
Fire Dist. No. 9 -- 10 mills, November 28, 1984
Fire Dist. No. 10 -- 10 mills/November 28, 1984
School Board Operations -- 11 mills/May 4, 1985
Prairieville Fire District No. 2 -- 10 mills/November 4, 1984
Public Facilities -- 0.92 mills
Jail -- 2 mills
Assessor’s original millage
Parish Health Unit -- 1 mill/1990
Caddo Detention Center -- 3 mills/1990
Law Enforcement District -- 3 mills/November 6, 1990
Law Enforcement District -- 3.0 mills/October 16, 1993
BioMedical -- 2 mills/1993
Criminal Justice System -- 1.82 mills/October 20, 2001

Calhoun
Assessor’s original millage
Recruitment Maintenance -- November 1995
Road Maintenance -- May 1990

Cameron
Law Enforcement District (Add.) -- 8 mills/July 16, 1985
Assessor’s original millage

Catahoula
All millages listed on the tax roll, except the sheriff’s original millage, shall share on a pro rata basis

Claiborne
Assessment District
School District #13 -- 12 mills/November 2, 1982
Library -- 24.55 mills/November 2, 1982
School Board Maintenance -- 2 mills/April 5, 1986
School Board Operations -- 5 mills/November 4, 1986
Assessor's original millage
Police Jury Building -- 2 mills/April 5, 1986
Road, Street & Bridge Maintenance -- 1993
Road Equipment -- 1993

Concordia
School Operation & Maintenance -- 23.25 mills/September, 1982
Library -- All millages
Assessor’s original millage
Law Enforcement District -- 12 mills/November 6, 1992
Highway, Drainage and Courthouse Maintenance -- 10 mills/October 16, 1993

East Baton Rouge
Fire Protection #6 (Hooper Rd.) -- 10 mills/November 6, 1984
Fire Protection #3 (Brownsfield) -- 10 mills/November 6, 1984
Fire Protection #2 (Central) -- 10 mills/October 8, 1985
Zachary Constitutional School -- 5 mills/November 15, 2003
Baker Constitutional School -- 5 mills/November 15, 2003

East Carroll
Garbage District No. 1 -- 7 mills/November 4, 1980
Parish Library -- 6.5 mills/May 22, 1989
Parish Health Unit -- 3 mills
Road Maintenance District -- 2 mills
Courthouse Maintenance -- 2 mills
Road Maintenance District -- 5 mills/November 4, 1980
Drainage Maintenance and Construction -- 0.75 mills/June 26, 1983
Drainage Maintenance and Construct -- 0.75 mills/March 26, 1983
East Carroll Hospital Service Dist. -- 5 mills/May 5, 1984
Assessor’s original millage

East Feliciana
* As it appears in the enrolled bill
THE ADVOCATE PAGE 173
Fire District No. 1--10.04 mills/1986
School District No. 5--5 mills/November 2, 1982
Fire District No. 1--10.04 mills/1986

Fire District No. 5--7--5 Mills/1999
Fire District No. 10--10.53 mills/1985
Fire District No. 11--All millages
Roads & Bridges--5 mills/November 3, 1992

Madison
Assessor's original millage

Morehouse
Bastrop Area Fire Pro. Dist. No. 2--2 mills/Nov. 7, 1978
Assessor's original millage
Library--1 mill/Jan. 20, 1990

Natchitoches
Law Enforcement District (Additional)--10 mills/May 16, 1981
Fire District No. 6--7 mills
Parish Ambulance Tax
Fire District No. 7--10 mills
Goldonna Area Fire Protection Dist. No. 2
Library--3 mills/1988

Assessor's original millage
City of New Orleans
Board of Assessors' original millage

Ouachita
Ouachita Parish Road Lighting District No. 1 (Lakeshore Area)
Ouachita Parish Assessment District
Green Oaks Juvenile Detention Home--3.75 mills/1996
Library--7.75 mills/1995

Plaquemines
School Board Tax--6 (4 Maint./2 Sal.) mills/November 19, 1983
Law Enforcement District (Additional)--5 mills/May 4, 1985
Water--2.47 mills in 1992
Library--1.24 mills in 1992
Pollution Control--2.47 mills in 1992
Road Maintenance--1.86 mills in 1992
Public Health--1.24 mills in 1992
Waste Disposal--3.69 mills in 1992
Incineration--1.24 mills in 1992
Hospital--2.54 mills in 1992
Law Enforcement Jail Fac. Prop. I--6 mills/October 3, 1992

Assessor's original millage

Pointe Coupee
Law Enforcement District (Additional)--10 mills/April 4, 1981
School Board--5.83 mills/April 4, 1981
Library--1.22 mills/April 4, 1981
Fire Protection Dist. #1--All maint. millages prior to 1991
Fire Protection District #2--3 mills/October 17, 1981
Fire Protection District #3--3 mills/October 17, 1981
Fire Protection District #4--3 mills/October 17, 1981
Fire Protection District #5--5 mills/October 17, 1981
Sewerage Dist. No. 1 Mt.--5 mills/July 9, 1977 (levied 1980)

Assessor's original millage

Rapides
Rapides Parish School Board--.20 mills/April 1, 1978
Rapides Parish School Board--15.20 mills/May 13, 1978
Gravity Drainage District #1 Main.--1 mill/October 17, 1981
Road District 1A (Ward 4)
Road District 2C
Road District 3A
Road District 5A
Road District 6A (Ward 6)
Road District 7A (Ward 7)
Road District 26 (Ward 8)
Road District 9B (Ward 9)
Road District 10A (Ward 10)
Road District 5B (Ward 11)
Fire District #8 (Maint.)--20 mills/April 30, 1983
School District No. 11 (Ward 10)--2 mills/May 7, 1980
School District No. 30 (Ward 11)--2 mills/September 11, 1982
School District No. 51 (Ward 5)--All maint. millages prior to 1990
Consolidated School Dist. No. 62--4.02 mills/April 4, 1987
Consolidated School Dist. No. 62--4.00 mills/April 16, 1988
Fire District No. 5--20 mills/Nov. 4, 1986
Fire District No. 3--12 mills/Oct. 19, 1995
Fire District No. 7--6 mills/May 3, 1986
Fire District No. 9
Fire District No. 10--20 mills/Nov. 4, 1986
Fire District No. 11
Fire District #7
Senior Citizens
Buckeye Recreational District
Flatwoods Fire District
Law Enforcement District (Additional)--Nov. 6, 1984
Library--All millages

St. Charles

Law Enforcement District (Add.)--7.75 mills/Nov. 4, 1980
Library--3 mills/Sept. 27, 1986
Law Enforcement District--3.75 mills/July 16, 2005
Assessor's original millage

St. Helena

Parishwide Road District Maintenance
Road District #1 Maintenance
Sub-Road District #2 of Road District #2 Maintenance
Road District #3 Maintenance
Road District #4 Maintenance
Road District #5 Maintenance
Road District #6 Maintenance
Parish Library
Fire Protection District #5 Maintenance
Assessor's original millage
Sub-Road District #1 of Road District #2
Fire Protection District #2
Fire Protection District #3
Florida Parishes Juvenile Detention Center--3 mills/1995

St. James

St. James Hospital Board--4.31 mills/May 18, 1979
Gramercy Recreation District--5 mills/May 18, 1979
Law Enforcement District--6.00 mills/July 16, 1988
Assessment District, 1985

St. John

Law Enforcement District (Additional)--15.18 mills/May 17, 1980
Assessor's original millage

St. Landry

Gravity Drainage District No. 1 of Ward 2
Fire District #3
Fire District #2
Fire District No. 5
St. Landry Parish School Board--12 mills/May 3, 1986
Jail Maintenance Tax--1 mill/April 30, 2011
Fire District No. 6
Acadia-St. Landry Hospital District--7 mills/November 2, 1982
Road District #11A, Sub-1--10.00 mills/1993
Road District #11-A, Sub-2 Maintenance--5 mills/December 30, 1983
Road District #3, Ward 1, Sub-1 Maint.--10 mills/January 1, 1984
Road District #12, Ward 2--2.65 mills/January 1, 1979
Road District #1, Ward 3
Road District #4--10 mills/July 21, 2001
Road District #5--15 mills/1993
Road District #6--15 mills/May 4, 2002
Assessor's original millage
South St. Landry Comm. Library Dist.--5.75 mills/Nov. 16, 1991
Fire District #1

St. Martin

Assessor's original millage

St. Mary

Wax Lake East Drainage District
Sub Gravity Drainage District of Wax Lake East
Assessor--2.9 mills/1982
Hospital Service District No. 1--7.98 mills/1999
Hospital Service District No. 1--6 mills/1999
Hospital Service District No. 1--3.47 mills/2003

St. Tammany

All millages listed on the tax roll, except the sheriff's original millage, shall share on a pro rata basis.

Tangipahoa

Road Lighting District No. 2--5 mills/July 21, 1990
Library--60 mills/1984
Library Maint.--2.60 mills/May 4, 1985
Garbage District # 1 Maint.--10 mills/December 26, 1983
Road District # 7 Maint.--3 mills/September 11, 1982
Fire Dist. #1--2.10 mills/1978
Fire Protection District No. 1--7 mills/1998
Fire Dist. #1--5.65 mills/1996
Fire Protection District # 2--10 mills/May 5, 1984 (2 taxes)
Fire Dist. #2--10 mills/1996
Law Enforcement District (Additional)--10 mills
Drainage District #4 Maint.--3 mills/April 30, 1983
Assessor's original millage
Gravity Drainage District No. 5--5 mills/April 7, 1990

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.

* As it appears in the enrolled bill

PAGE 175
as they mature; the only exceptions to this prohibition shall be specifically included in this Subsection. In the parish of Natchitoches, bond millages shall share and any tax recipient body in said parish otherwise eligible to participate in the tax millage shall use any funds so re-imbursed for the purposes of the principal, interest, or premium, if any, or any combination thereof, of any outstanding bonded indebtedness of such tax recipient body. In the parish of Livingston the millage authorized in 1975 for the parish health unit shall be allocated within the parish of Livingston. In the parish of Avoyelles, the Ward 7 School District Construction Tax and the Ward 10 School District Construction Tax shall each share as an operation and maintenance millage. In the parish of DeSoto, the 150 mills authorized for School District Construction Tax shall share a pro rata distribution of excess millage. In the parish of East Baton Rouge, the BRE Capital Improvement Tax shall share as an operation and maintenance millage. Bond millages may share in the parish of Sabine; however, if there are no excess funds those millages levied for operation and maintenance of those taxing districts eligible for reimbursement shall have priority in the operation of public schools. In the parish of St. Charles, thirty thousand dollars shall be distributed to the St. Charles Department of Community Services to be used for the operation of an outreach program at the St. Rose Community Center. Of the funds allocated within the parish of Acadia, $180,000 shall be distributed to the law enforcement district.

Section 10. In the event the distribution to the tax collector in each parish and to the city of New Orleans is more than the amount necessary to satisfy the requirements of Sections 6 and 7 of this Act and to reimburse all tax recipient bodies as set forth in Section 9 of this Act, then the city of New Orleans and the tax collector in each parish, within fifteen days after receipt thereof, shall distribute such remaining excess amount as follows: except as otherwise provided in Subsection D of this Section.

A. The remaining portion of the excess remaining after allocation and distribution to the parish governing authority shall make available out of its allocated funds a sufficient amount for the operation and maintenance of the food stamp offices and the service office for veterans established under R.S. 29:261. In the parish of St. Tammany, the parish governing authority shall make available out of its allocated funds five thousand dollars for the St. Tammany Humane Society. In the event of any decrease in the state's appropriated portion of the salaries of the St. Tammany Parish Registrar of Voters Office, the parish governing authority shall make available out of its allocated funds a sufficient amount to replace such decrease. In the parish of Orleans, the parish governing authority shall make available out of the funds available within the parish of Orleans the sum of fifty dollars for each clerk assigned by the Parish President. Of the funds allocated within the parish of Orleans and thirty percent thereof to the Orleans Parish School Board.

B. For purposes of this Subsection only, “tax recipient bodies” shall mean any bodies other than school districts, incorporated municipalities, and other bodies or organizations not otherwise eligible to participate in the distribution of the excess. In the parish of St. Tammany Parish, the parish governing authority shall make available out of its allocated funds a sufficient amount to reimburse all tax recipient bodies as set forth in Section 9 of this Act, then the city of New Orleans and the parish governing authority shall make available out of its allocated funds a sufficient amount for the operation and maintenance of the food stamp offices and the service office for veterans established under R.S. 29:261. In the parish of Orleans, one hundred percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

C. In the parish of St. Landry, thirty thousand dollars to the parish school board for the operation of two food processing plants and the remainder as specified in paragraph (6). In the parish of Jefferson Davis and one-third percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

D. For purposes of this Subsection only, “tax recipient bodies” shall mean any bodies other than school districts, incorporated municipalities, and other bodies or organizations not otherwise eligible to participate in the distribution of the excess. In the parish of St. Tammany Parish, the parish governing authority shall make available out of its allocated funds a sufficient amount to reimburse all tax recipient bodies as set forth in Section 9 of this Act, then the city of New Orleans and the parish governing authority shall make available out of its allocated funds a sufficient amount for the operation and maintenance of the food stamp offices and the service office for veterans established under R.S. 29:261. In the parish of Orleans, one hundred percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

E. In the parish of St. Landry, thirty thousand dollars to the parish school board for the operation of two food processing plants and the remainder as specified in paragraph (6). In the parish of Jefferson Davis and one-third percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

F. In the parish of St. Landry, thirty thousand dollars to the parish school board for the operation of two food processing plants and the remainder as specified in paragraph (6). In the parish of Jefferson Davis and one-third percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

G. In the parish of Orleans, one hundred percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

H. In the parish of Orleans, one hundred percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

I. In the parish of Orleans, one hundred percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.
as designated in this Paragraph, and a resolution from each municipality in said parish; each of the above bodies in Claiborne Parish may provide the same or a different percentage but not exceed ten percent of its share. In the parish of Webster the tax collector may retain up to an aggregate of ten percent of the excess to be received by the cities of Minden and Springhill and upon passage of resolutions authorizing same by respective governing authorities may retain amounts fixed in the resolution not exceeding ten percent of the excess distributed to any incorporated municipality in Webster Parish and each of the other incorporated municipalities in Webster Parish.

(12) In the parishes of Iberville, Pointe Coupee, and West Baton Rouge, thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the sheriff, and thirty-three and one-third percent thereof of such excess amount to the incorporated municipalities in the parish, in the same amounts as were distributed to each in 1972 under the provisions of Act 4 of the 1972 Extraordinary Session; to the Parish and each of the other incorporated municipalities in Webster Parish.

(13) In the parish of Ouachita, the funds shall be distributed as follows: thirty-three percent thereof to the parish governing authority, thirty percent thereof to the city and parish school boards to be prorated between the city and parish school boards on the basis of public school population, and thirty-seven percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(14) In the parish of Caddo, twenty-five percent thereof to the parish governing authority, thirty-five percent thereof to the parish school board, and forty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(15) In the parish of East Baton Rouge, such excess amount shall be distributed to the East Baton Rouge Parish School Board, the East Baton Rouge City-Parish Government, the town of Zachary, the city of Baker and the East Baton Rouge Parish Recreation Commission in proportion to the ad valorem taxes collected by or reimbursed to each and sales taxes collected by each in the twelve-month period ending June 30, 1974, and every subsequent twelve-month period. However, twenty thousand dollars of such excess funds shall be dedicated to each of the following volunteer fire departments: Pride, Sharon Hills, Central, Brownfield and East Side.

(16) In the parish of Vermilion, thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the sheriff, and thirty percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(17) In the parish of Beauregard, forty percent thereof to the parish governing authority, thirty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(18) In the parish of Morehouse, one-third thereof to the parish school board, one-third thereof to the parish governing authority, and one-third thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.

(19) In the parish of Grant, fifty percent thereof to the sheriff and fifty percent thereof to the parish governing authority, thirty-three and one-third percent thereof of such excess amount to the incorporated municipalities pro rata on a population basis.

(20) In the parish of Lafourche, one hundred percent thereof to the parish governing authority, the first two hundred thousand dollars of which shall be used for existing parish roads.

(21) In the parishes of Caldwell and LaSalle, one-third thereof to the parish school board, one-third thereof to the parish governing authority, one-third thereof to the parish school board, and one-third thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis. Prior to the distribution of any excess funds in LaSalle Parish, one third thereof shall be disbursed to the Hardnett Center, a publicly owned hospital, to be donated to the Medical Scholarship Fund, and five thousand dollars shall be disbursed to the LaSalle Association for the Developmentally Delayed, however, none of these monies are to be used for salaries and provided that this amount is spent to directly assist the students, and the balance of the excess shall be distributed as provided above in this Paragraph.

(22) In the parish of Rapides, the initial fifteen thousand dollars of such excess shall be distributed to the town of Ball, and the remainder of the excess shall be divided as follows: thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the parish school board, and thirty-three and one-third percent thereof to the incorporated municipalities pro rata on a population basis.

(23) In the parish of Vermilion, sixty percent to the sheriff and forty percent to the Vermilion Parish assessor.

(24) In the parish of Red River, the initial distribution shall be two thousand one hundred dollars to the LaSalle Parish Parish Board, and thirty-three and one-third percent thereof and the balance of the excess shall be distributed as provided in Subsections A, B and C of this Section.

(25) In the parish of Assumption, the first twenty thousand dollars of excess shall be distributed to the Assumption Parish Assessor, with the residual balance distributed as provided in Sections A, B, and C of this Section.

E. In the parishes of Allen and Cameron, such excess amounts shall not be expended until the parish or expending authority or agency has received the approval of a majority of the legislative delegation representing the parish, the senators and representatives each having an equal vote, provided that if there is a tie vote, the parish or expending authority or agency shall have one vote in order to break the tie vote.

F. In order to provide flexibility in the use of excess funds, no excess funds shall be distributed to any recipient by the tax collector of the parish of Evangeline as provided in Section 10 of this Act until approval of such distribution of excess funds to each recipient thereof has been granted by the member or members of the House of Representatives and the Senate who represent the parish in the legislature. Such approval shall be requested by the executive officer or the sheriff of the recipient body who shall submit to the respective members of the legislature a written request for such excess funds, such written request to contain the amount of excess funds requested and the purpose for which they will be expended. Upon receipt, but only after the approval of the written request of each member of the legislature who represent the parish, the tax collector of the parish shall make the distribution provided that such distribution is in compliance with the provisions of this Act and particularly other provisions of Section 10 hereof.

Section 11. The parish governing authority shall have the power and authority to expend such excess funds received by it for any governmental purpose or function and may allocate and distribute any portion of such excess funds received by it to its tax recipient bodies, sheriff, other taxing districts, incorporated municipalities, and other public officials.

Section 12. In accordance with the provisions of this Act, the amount to be distributed to each parish and to the city of New Orleans during the Fiscal Year 2017-2018 shall be as follows:

<table>
<thead>
<tr>
<th>PARISH</th>
<th>Total Due FY 2017-2018</th>
<th>Sheriff's Fund</th>
<th>Retirement Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACADIA</td>
<td>$ 1,215,442</td>
<td>$ 144,943</td>
<td>$ 20,869</td>
</tr>
<tr>
<td>ALLEN</td>
<td>506,730</td>
<td>71,840</td>
<td>9,468</td>
</tr>
<tr>
<td>ASCENSION</td>
<td>2,377,168</td>
<td>124,723</td>
<td>19,634</td>
</tr>
<tr>
<td>ASSUMPTION</td>
<td>441,811</td>
<td>84,671</td>
<td>7,953</td>
</tr>
<tr>
<td>AVOYELLES</td>
<td>811,324</td>
<td>122,778</td>
<td>16,105</td>
</tr>
<tr>
<td>BEAUREGARD</td>
<td>817,422</td>
<td>112,774</td>
<td>16,105</td>
</tr>
<tr>
<td>BIENVILLE</td>
<td>235,655</td>
<td>57,936</td>
<td>8,073</td>
</tr>
<tr>
<td>BOSSIER</td>
<td>2,408,662</td>
<td>165,746</td>
<td>45,466</td>
</tr>
<tr>
<td>CADDI</td>
<td>4,671,826</td>
<td>533,692</td>
<td>206,800</td>
</tr>
<tr>
<td>CALCASIEU</td>
<td>3,584,714</td>
<td>458,745</td>
<td>152,125</td>
</tr>
<tr>
<td>CALDWELL</td>
<td>216,299</td>
<td>45,981</td>
<td>6,359</td>
</tr>
<tr>
<td>CAMERON</td>
<td>144,553</td>
<td>48,411</td>
<td>7,975</td>
</tr>
<tr>
<td>CATAHOULA</td>
<td>205,473</td>
<td>45,405</td>
<td>6,040</td>
</tr>
<tr>
<td>CLAIBORNE</td>
<td>318,025</td>
<td>52,706</td>
<td>6,400</td>
</tr>
<tr>
<td>CONCORDIA</td>
<td>401,153</td>
<td>70,965</td>
<td>9,687</td>
</tr>
<tr>
<td>DESOTO</td>
<td>556,891</td>
<td>53,175</td>
<td>6,956</td>
</tr>
<tr>
<td>EAST BATON ROUGE</td>
<td>8,469,330</td>
<td>691,953</td>
<td>238,732</td>
</tr>
<tr>
<td>EAST CARROLL</td>
<td>133,399</td>
<td>43,065</td>
<td>6,400</td>
</tr>
<tr>
<td>EVANGELINE</td>
<td>392,746</td>
<td>47,936</td>
<td>6,400</td>
</tr>
<tr>
<td>FRANKLIN</td>
<td>416,213</td>
<td>71,062</td>
<td>15,089</td>
</tr>
<tr>
<td>GRANT</td>
<td>445,062</td>
<td>59,688</td>
<td>7,118</td>
</tr>
<tr>
<td>IBERIA</td>
<td>1,450,515</td>
<td>215,977</td>
<td>36,815</td>
</tr>
<tr>
<td>IBERVILLE</td>
<td>404,764</td>
<td>135,225</td>
<td>16,145</td>
</tr>
<tr>
<td>JACKSON</td>
<td>312,873</td>
<td>63,479</td>
<td>9,867</td>
</tr>
<tr>
<td>JEFFERSON</td>
<td>8,286,548</td>
<td>1,294,062</td>
<td>276,185</td>
</tr>
<tr>
<td>JEFFERSON DAVIS</td>
<td>663,308</td>
<td>97,360</td>
<td>15,283</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td>4,564,631</td>
<td>299,509</td>
<td>56,668</td>
</tr>
<tr>
<td>LAFOURCHE</td>
<td>1,950,642</td>
<td>187,424</td>
<td>39,028</td>
</tr>
<tr>
<td>LASALLE</td>
<td>298,079</td>
<td>53,272</td>
<td>6,956</td>
</tr>
<tr>
<td>LINCOLN</td>
<td>887,340</td>
<td>70,673</td>
<td>18,378</td>
</tr>
<tr>
<td>LINTON</td>
<td>254,022</td>
<td>163,275</td>
<td>23,378</td>
</tr>
<tr>
<td>MADISON</td>
<td>215,899</td>
<td>43,065</td>
<td>7,993</td>
</tr>
<tr>
<td>MOREHOUSE</td>
<td>519,243</td>
<td>97,309</td>
<td>18,079</td>
</tr>
<tr>
<td>NATCHITCHEGS</td>
<td>731,955</td>
<td>104,211</td>
<td>15,448</td>
</tr>
<tr>
<td>ORLEANS</td>
<td>7,098,740</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Section 13. The state treasurer shall distribute one-third of the total amount herein allocated to the parishes from the revenue sharing fund to the parish tax collector, or in Orleans Parish, to the city of New Orleans, not later than the first day of December in each year, one-third thereof not later than the fifteenth day of March in each year and one-third thereof not later than the fifteenth day of May in each year, and each one-third of the total allocation shall be distributed in accordance with the provisions of this Act. The listing shall include such verification for eligibility as may be required by the state treasurer and, notwithstanding the provisions of Section 12 hereof, no revenue sharing funds shall be distributed prior to receipt and acceptance by the state treasurer of such forms as the state treasurer may require, all information necessary to the December distribution. The remaining two distributions on the fifteenth day of March and the fifteenth day of May shall be based on current figures for Fiscal Year 2015-2016. The remaining two distributions on the fifteenth day of March and the fifteenth day of May shall be based on current figures for Fiscal Year 2016-2017, and such distributions shall be adjusted to compensate for the differences resulting in the use of the Fiscal Year 2015-2016 figures for the December distribution.

Section 14. On or before such date as shall be established by the state treasurer, each tax collector, or in Orleans Parish, to the city of New Orleans, and the city treasurer of the city of Monroe annually shall file with the state treasurer, on such forms as the state treasurer may require, all information necessary to the computation of the funds to be distributed within the parishes, including, but not limited to, a listing of all local entities seeking eligible state funds as a tax recipient body under the qualifications set out in Section 1(a), all new millages of such tax recipient bodies as are listed in Section 9(b), and all remaining authorities on the tax rolls which are otherwise ineligible to participate in the distribution of revenue sharing funds as tax recipient bodies. The listing shall include such verification for eligibility as may be required by the state treasurer and, notwithstanding the provisions of Section 12 hereof, no revenue sharing funds shall be distributed prior to receipt and acceptance by the state treasurer of such information and verification. The same authority shall be in the hands of the state treasurer a statement of the amount of revenue sharing funds distributed to each recipient of such funds, including the amount deducted for sheriffs' commissions and for retirement system contributions and shall be clear and correct on such amount distributed to each such recipient which is derived from excess funds and the amount of such distribution which represents reimbursement for tax losses by reasons of the homestead exemption. Such statement shall also include the amount of any revenue sharing funds which remain to be distributed and the recipients to which such remaining funds will be distributed. Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 313

BY REPRESENTATIVES HOFFMANN, TERRY BROWN, CHANEY, JACKSON, LEGER, RICHARD, AND ZERINGUE

AN ACT

To amend and reenact R.S. 22:832(C)(6)(introductory paragraph) and to enact R.S. 22:832(C)(6)(c), relative to the insurance premium tax credit; to provide for membership in the system; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:832(C)(6)(introductory paragraph) is hereby amended and reenacted and R.S. 22:832(C)(6)(c) is hereby enacted to read as follows::

§832. Reduction of tax when certain investments are made in Louisiana...

C. For the purposes of this Part, beginning January 1, 2017, “a qualifying Louisiana investment” is hereby defined as:

* * *

(6) In addition to the investments provided for in Paragraphs (1) through (5) of this Subsection, for purposes of health maintenance organizations subject to the provisions of R.S. 40:94(2), for taxable years beginning on or after January 1, 2017, and before January 1, 2019, “a qualifying Louisiana investment” is hereby defined as:

* * *

(c) Such investments shall be considered as qualifying Louisiana investments only when made by a health maintenance organization that meets all of the following criteria:

(i) Offers fully insured commercial or Medicare Advantage products.

(ii) Is domiciled, licensed, and operating in this state.

(iii) Maintains its primary corporate office and at least seventy percent of its employees in this state.

(iv) Maintains in this state its core business functions which may include utilization review services, claim payment processes, customer service call centers, enrollment services, information technology services, and provider relations.

* * *

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 314

BY REPRESENTATIVE JONES

HOUSE BILL NO. 683

(Substitute for House Bill No. 36 by Representative Jones)

- - - - - - - - - - - - -

HOUSE BILL NO. 683

ACT No. 314

BY REPRESENTATIVE JONES

AN ACT

To amend and reenact R.S. 11:1762(A) and (B) and to enact R.S. 11:1762.1, relative to the reemployment of retirees of the Municipal Employees’ Retirement System of Louisiana; to provide for retirees who return to work; to provide for benefit suspension; to provide for a supplemental benefit; to provide for membership in the system; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 28(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1762(A) and (B) are hereby amended and reenacted and R.S. 11:1762.1 is hereby enacted to read as follows:

§1762. Reemployment Part-time reemployment of retirees

A.(1) Whenever a retiree receiving normal retirement benefits becomes reemployed by an employer such that he does not meet the definition of an employee and his monthly earnings are equal to or less than the difference between his monthly average final compensation and his monthly retirement benefit, his retirement benefits shall continue and he shall not be a member of the system.

(2) Whenever a retiree receiving normal retirement benefits becomes reemployed by an employer such that he does not meet the definition of an employee and his monthly earnings exceed the difference between his monthly average final compensation and his monthly retirement benefit, his retirement benefits shall cease.

B. For a retired first member first reemployed on or after July 1, 2016, during a period of reemployment by an employer without his meeting the definition of an employee, the retiree and his employer shall make contributions to the

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 178
retirement system as provided by this Chapter, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefit in the retirement system. Upon termination of reemployment, employee contributions paid since reemployment shall, upon application, be refunded to the retiree without interest. The retirement system shall retain the employer contributions and interest on contributions made pursuant to this Subsection.

* * *

§1762.1. Full-time reemployment of retirees

A. (1) If a retiree receiving a normal benefit becomes employed by an employer as an employee on or after July 1, 2017, the retired member’s retirement benefit shall be suspended and the retired member shall be a member of the system. Upon his subsequent separation from service, the system shall resume payments of the retired member’s original benefit.

(2) If the retiree worked for more than twelve months, he shall receive a supplemental benefit based on his salary and service earned during reemployment using the payment election elected by the member for his original retirement benefit. If the retiree is reemployed for a period of less than twelve months, he shall not earn a supplemental benefit and the system shall return the employee contributions to the member without interest and retain the contributions paid by the employer.

B. The supplemental benefit when combined with the original benefit shall not exceed the final compensation figure used to compute the supplemental benefit.

C. If a retiree receiving a normal benefit becomes employed by an employer as an employee prior to July 1, 2017, the retired member may elect to have his benefit suspended and be a member of the system pursuant to this Section.

Section 2. This Act shall become effective on June 30, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 315

HOUSE BILL NO. 692
( Substitute for House Bill No. 607 by Representative Jordan )
BY REPRESENTATIVE JORDAN

To amend and reenact R.S. 32:863.1.1, relative to compulsory motor vehicle liability security; to enhance the ability of law enforcement to access driver insurance information; to require law enforcement officers verify compulsory motor vehicle liability security electronically; to require the Department of Public Safety and Corrections promulgate rules and regulations necessary for implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:863.1.1 is hereby amended and reenacted to read as follows:

§863.11. Evidence of compulsory motor vehicle liability security not contained in a motor vehicle; prohibition of citation resulting in a penalty or fee

A. Notwithstanding any other provision of law to the contrary, at the time any law enforcement officer stops a vehicle at an administrative violations checkpoint, or in connection with an alleged violation of the law, or for any other reason, or when a law enforcement officer investigates an accident, the law enforcement officer shall use electronic means immediately available to verify compulsory motor vehicle liability security, including the name or names of the insured, the effective date and the expiration date of the policy, a description of the motor vehicle or vehicles insured under the policy, and the current policy status.

B. If the law enforcement officer is unable to verify electronically that the owner or operator has active motor vehicle liability security covering the vehicle at the time of the traffic stop, the owner or operator of the motor vehicle shall provide evidence of compulsory motor vehicle liability security as required in R.S. 32:863.1.

C. Notwithstanding any other provision of law to the contrary, at the time any law enforcement officer stops a vehicle at an administrative violations checkpoint, or in connection with an alleged violation of the law, or for any other reason, or when a law enforcement officer investigates an accident and the owner or operator fails to have a document that evidences compulsory motor vehicle liability security contained in the motor vehicle, and the law enforcement officer is able to verify electronically that the owner or operator has current motor vehicle liability security covering the vehicle at the time of the traffic stop, the law enforcement officer shall be prohibited from issuing a citation resulting in a penalty, fine, or fee for failure to have a document that evidences proof of compulsory motor vehicle liability security contained in the motor vehicle.

D. The commissioner shall promulgate rules and regulations as necessary to implement the provisions of this Section.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 316

SENATE BILL NO. 6
BY SENATOR JOHN SMITH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 42:883(D), relative to the Office of Group Benefits; to provide relative to the quorum for the Group Benefits Policy and Planning Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:883(D) is hereby amended and reenacted to read as follows:

§883. Officers, oath, meetings, quorum, minutes, reports, compensation

D. Eight members of the board shall constitute a quorum for the transaction of business, and the approval of a number equal to a majority of the voting membership of the board shall be necessary for any action taken by the board.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 317

SENATE BILL NO. 12
BY SENATOR ALARIO
Prefiled pursuant to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

AN ACT

To enact R.S. 49:191(10)(b) and to repeal R.S. 49:191(8)(g), relative to the Department of the Treasury, including provisions to provide for the re-creation of the Department of the Treasury and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of the Treasury and the statutory entities made a part of the department by law shall be re-created effective June 30, 2017, and all statutory authority therefore is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of the Treasury and the statutory entities made a part of the department by law shall be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(10)(b) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(10) July 1, 2022:

* * *

(b) The Department of the Treasury and all statutory entities made a part of the department by law

Section 5. R.S. 49:191(8)(g) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE  PAGE 179  * As it appears in the enrolled bill  Acting Secretary of State  (House Bills) and underlined and boldfaced (Senate Bills) are additions.
ACT No. 318
BY SENATORS MORRELL, APPEL, BARROW, CARTER, LONG, MARTINY AND GARY SMITH AND REPRESENTATIVES HILFERTY, HUNTER, LEGER, STOKES AND TALBOT
AN ACT
To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, and Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, Section 1 of Act No. 76 of the 2006 Regular Session of the Legislature, and Section 1 of Act No. 232 of the 2008 Regular Session of the Legislature, and to enact R.S. 51:1301(D), relative to the Louisiana Tax Free Shopping Program, to extend the program through July 1, 2023, to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1301(D) is hereby enacted to read as follows:

§1301. Purpose: termination

*   *   *

D. Notwithstanding any provision of law to the contrary, the provisions of this Chapter shall be effective through July 1, 2023.

Section 2. Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, and Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, Section 1 of Act No. 76 of the 2006 Regular Session of the Legislature, and Section 1 of Act No. 232 of the 2008 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

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 in Article III, Section 18 of the Constitution of Louisiana and shall be effective through July 1, 2017.

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

ACT No. 319
BY SENATOR COLOMB AND REPRESENTATIVES BAGNERS, BOUIE, GARY CARTER, FALCONED, GLOVER, JACKSON, JAMES, JORDAN, LYONS, MARINO AND PIERRE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 40:966(1), relative to the Uniform Controlled Dangerous Substances Law; to provide exemptions from arrest and prosecution under the Uniform Controlled Dangerous Substances Law to persons and other entities lawfully in possession of medical marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(1) is hereby amended and reenacted to read as follows:

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

I. Immunity from prosecution. (1) Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and who possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, shall not be subject to arrest or prosecution for possession or distribution of marijuana or any of its derivatives in accordance with Department of Agriculture and Forestry rules and regulations.

(ii) A licensee of marijuana for therapeutic use or its subordinate licensed contractor.

(iii) A testing laboratory of marijuana for therapeutic use, authorized to do business.

(iv) A licensed researcher of marijuana for therapeutic use, performing his official duties.

(c) The defendant shall bear the burden of proving that the possession, manufacture, production, transportation, or distribution was in accordance with the state-sponsored medical marijuana program, the Louisiana Board of Pharmacy rules and regulations, or the Department of Agriculture and Forestry rules and regulations, as applicable.

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

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schneider
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill
Be it enacted by the Legislature of Louisiana:

To enact R.S. 17:3351(L), relative to military honor license plates; to provide for issuance of a military honor license plate with an identical number for a motorcycle and a boat trailer to veterans and other military personnel when certain events occur; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 320

SENATE BILL NO. 101
BY SENATOR RISER
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 47:490.1.1, relative to military honor license plates; to provide for issuance of a military honor license plate with an identical number for a motorcycle and a boat trailer to veterans and other military personnel when certain events occur; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 332

SENATE BILL NO. 114
BY SENATOR APPEL
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 47:490.1.1, relative to military honor license plates; to provide for issuance of a military honor license plate with an identical number for a motorcycle and a boat trailer to veterans and other military personnel when certain events occur; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 333

SENATE BILL NO. 106
BY SENATOR BISHOP
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 17:3351(L), relative to postsecondary education; to provide relative to the prevention of unplanned pregnancies among unmarried college students; to require each public postsecondary institution to address the prevention of unplanned pregnancies among unmarried college students as part of freshman orientation; to provide for related discretionary actions and activities; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 321

SENATE BILL NO. 178
BY SENATOR MORRELL
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 47:490.1.1, relative to military honor license plates; to provide for issuance of a military honor license plate with an identical number for a motorcycle and a boat trailer to veterans and other military personnel when certain events occur; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 322

SENATE BILL NO. 114
BY SENATOR APPEL
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 47:490.1.1, relative to military honor license plates; to provide for issuance of a military honor license plate with an identical number for a motorcycle and a boat trailer to veterans and other military personnel when certain events occur; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State

ACT No. 323

SENATE BILL NO. 178
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. 51:2356, to enact R.S. 47:4331(G), 6020(G), 6023(J), 6037(J), and R.S. 51:1807(F); and to repeal Chapter 12 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:1121 through 1129, and Section 3 of Act No. 104 of the 2011 Regular Session of the Legislature as amended by Act No. 104 of the 2015 Regular Session of the Legislature, relative to tax credits and tax incentive programs; to provide for termination dates for tax credit and incentive programs administered by the Louisiana Department of Economic Development; to repeal certain expired tax credits and exemptions; to provide for an effective date; and to provide for related matters.

A true copy:

Tom Schedler
Secretary of State
To amend and reenact R.S. 47:6035(B) and to enact R.S. 47:6035.192, relative to special prestige license plates; "Animal Friendly" prestige license plate; animal population control; Pet Overpopulation Fund to establish a special prestige motor vehicle license plate to be known as the "Animal Friendly" prestige license plate; to provide for the creation, issuance, and design of the "Krewe of NYX" special prestige license plate; to provide relative to the distribution of monies from the "Krewe of NYX" plates; to provide for an effective date; and to provide for related matters.

Section 1. R.S. 47:463.60(B) is hereby amended and reenacted and R.S. 47:463.192 is hereby enacted to read as follows:§463.60. Special prestige license plates; “Animal Friendly” prestige license plate; animal population control; Pet Overpopulation Fund

B. The annual fee for this prestige license plate shall be a royalty fee of twenty-five thirty-five dollars to be distributed as provided in this Section and a handling fee of three dollars and fifty cents to be retained by the department to offset a portion of administrative costs. These charges shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana.

§463.192. Special prestige license plates; "Krewe of NYX"

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Krewe of NYX" plate, provided there is a minimum of one thousand applicants for such plates. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.

The secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

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

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 325
SENATE BILL NO. 239
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 47:463.60(B) and to enact R.S. 47:463.192, relative to special prestige license plates; to provide with respect to the "Animal Friendly" prestige license plate; to provide for an increase of the annual royalty fee; to provide for the creation, issuance, and design of the "Krewe of NYX" special prestige license plate; to provide relative to the distribution of monies from the "Krewe of NYX" plates; to provide for an effective date; and to provide for related matters.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 324
SENATE BILL NO. 239
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 47:6035(A), (B)(2), (C)(1), (D), and (E) as amended by Section 5 of Act 125 of the 2015 Regular Session of the Legislature, relative to the tax credit for conversion of vehicles to alternative fuel usage; to remove the refundability of the credit; to reduce the tax credit rate for conversion of vehicles to alternative fuel usage; and to provide for the calculation of the credit for purchases of new vehicles originally equipped to be propelled by an alternative fuel; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6035(A), (B)(2), (C)(1), (D), and (E) are hereby amended and reenacted to read as follows:§6035. Tax credit for conversion of vehicles to alternative fuel usage

A. The intent of this Section is to provide an incentive to persons or corporations to invest in qualified clean-burning motor vehicle fuel property.

B. As used in this Section, the following words and phrases shall have the meanings ascribed to them in this Subsection unless the context clearly indicates otherwise:

(2) “Cost of qualified clean-burning motor vehicle fuel property” shall mean any of the following:

(a) The retail cost paid by the owner of a motor vehicle for the purchase and installation of a qualified clean-burning motor vehicle fuel property certified by the United States Environmental Protection Agency to modify a motor vehicle which is propelled by gasoline or diesel so that the motor vehicle may be propelled by an alternative fuel, provided the motor vehicle is registered in this state and, in the case of a commercial vehicle, is registered and primarily used in this state for four years after the conversion.

(b) The cost to the owner of a new motor vehicle purchased at retail originally equipped to be propelled by an alternative fuel for the cost of that portion of the motor vehicle which is attributable to the storage of the alternative fuel, the delivery of the alternative fuel to the engine of the motor vehicle, and the exhaust of gases from combustion of the alternative fuel.

(c) The cost of property which is directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles propelled by alternative fuel, including compression equipment, storage tanks, and dispensing units for alternative fuel at the point where the fuel is delivered, provided the property is installed and located in this state and no credit has been previously claimed on the cost of such property.

D. In cases where no previous credit has been claimed pursuant to Subsection A of this Section for the cost of the conversion of vehicles and fueling station infrastructure that is not directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles.

C. The credit provided for in Subsection A of this Section shall be nonrefundable.

D. In cases where no previous credit has been claimed pursuant to Subsection C of this Section for the cost of the conversion of vehicles and fueling station infrastructure that is not directly related to the delivery of an alternative fuel into the fuel tank of motor vehicles.

E. E(1) For purchases of qualified clean-burning motor vehicle fuel property made before January 1, 2018, if the tax credit allowed pursuant to the provisions of this Section exceeds the amount of income taxes due or if the taxpayer owes no state income taxes, any excess of the tax credit over the income tax liability against which the credit can be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of the overpayment from the current collections of the taxes imposed by Chapter 1 of Subtitle B of this Title or the secretary may make a refund of any overpayment shall not be subject to the requirements of R.S. 47:1621(B).

F. (2) For purchases of qualified clean-burning motor vehicle fuel property made on or after January 1, 2018, the tax credit allowed pursuant to the provisions of this Section shall be nonrefundable.
To amend and reenact R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) and to enact R.S. 33:9038.32(F), relative to the Opelousas Downtown Development District; to provide for the governance of the district; to provide for the purpose, authority, rights, powers, and duties of the district and its governing authority, including economic development and taxing authority; to provide for the levying of sales taxes to provide for an election to provide authority to create economic development districts; and to provide for related matters.

Section 1. R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) are hereby amended and reenacted and R.S. 33:9038.32(F) is hereby enacted to read as follows:

§2740.39. Opelousas Downtown Development District

A. There is hereby created a body politic and corporate of the state which shall exist in perpetuity and be known as the Opelousas Downtown Development District, hereinafter referred to as the “district.” The district shall be a political subdivision of the state of Louisiana. The district shall be governed by a board of commissioners consisting of seven members.

B. The district is created for the objectives and purposes of:

1. Economic development; and to provide for related matters.

The district, acting through its board of commissioners, shall have the power to establish an economic development district or development districts generally in this Part, including specifically the power to issue and sell obligations bonds, to issue certificates of indebtedness, to issue bonds and certificate anticipation notes, to issue refunding bonds, and the power of taxation, subject to the limitations hereinafter provided.

C. The district shall be governed by a board of commissioners, hereinafter referred to as the “board,” consisting of seven members. The members shall be appointed as follows:

1. One member appointed by the Opelousas Chamber of Commerce.

2. One person appointed by the parish of St. Landry.

3. One person appointed by the membership of Vision St. Landry.

4. One member appointed from the membership of the Opelousas Economic Development District and reside within the city of Opelousas.

5. One person appointed from the membership of the Opelousas Historic District, or the Opelousas Main Street, Inc.

6. One member appointed from the membership of the Opelousas Chamber of Commerce.

7. One person appointed from the membership of the Opelousas Economic Development District and reside within the city of Opelousas.

D. The city’s Community Development Director shall serve as interim Downtown Development Director until January 2006 for the city of Opelousas Downtown Development District; to provide for the governance of the district; to provide for the purpose, authority, rights, powers, and duties of the district and its governing authority, including economic development and taxing authority; to provide for the levying of sales taxes to provide for an election to provide authority to create economic development districts; and to provide for related matters.

E. The board of commissioners of the Opelousas Downtown Development District may establish by resolution an economic development district or development districts generally in this Part, and shall have all of the powers and authority granted to economic development districts generally in this Part, including specifically the power to levy taxes in the manner provided by R.S. 33:9038.39.

THE ADVOCATE
Section 2. The boundaries of the district shall forever be referenced by original parcel numbers as of the effective date of this Act.

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

Approved by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 327

SENATE BILL NO. 256
(Substitute of Senate Bill No. 126 by Senator Thompson)
BY SENATOR THOMPSON

AN ACT
To enact Part V of Chapter 7 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:921 through 928, relative to produce safety; to provide relative to the authority of the Louisiana Department of Agriculture and Forestry and the Louisiana Department of Health regarding the provisions of the FDA Food Safety Modernization Act; to provide for the authority of the commissioner of agriculture and forestry; to authorize the commissioner to adopt rules; to provide for the registration and regulation of covered produce farms; to provide for criminal and civil penalties; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 7 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:921 through 928, is hereby enacted to read as follows:

PART V. PRODUCE SAFETY

§921. Definitions
As used in this Part, the following words, terms, and phrases shall have the meanings ascribed to them as follows:

(1) "Commissioner" means the Louisiana commissioner of agriculture and forestry.
(2) "Covered produce farm" means any farm engaged in the growing, harvesting, packing, or holding of produce for human consumption which is subject to the requirements of the FDA Food Safety Modernization Act, but shall not include farms that have twenty-five thousand dollars or less of gross income from sales of produce in a year.
(3) "Department" means the Louisiana Department of Agriculture and Forestry.
(4) "Produce" means any food that is defined as such within the meaning of the FDA Food Safety Modernization Act and is a raw agricultural commodity, including raw agricultural commodities that are grown domestically or imported or offered for sale in Louisiana.

§922. Federal and state cooperation; designated authority
A. The department is hereby designated as the state agency responsible for cooperating with the secretary of the United States Department of Health and Human Services regarding provisions of the FDA Food Safety Modernization Act that fall within the department's authority granted by this Part.
B. The department shall work with the secretary of the United States Department of Health and Human Services to develop a program to ensure the safety of agricultural produce in Louisiana.
C. The commissioner may accept advisory assistance from the secretary of the United States Department of Health and Human Services in developing the program authorized by this Part, technical and laboratory assistance and training, including necessary curriculum, instructional materials, and equipment, and financial assistance or other aid for administration of the program authorized by this Part.
D. The commissioner shall represent the state in all communications and negotiations with the secretary of the United States Department of Health and Human Services regarding the implementation of this Part and the provisions of the FDA Food Safety Modernization Act that fall within the department's authority granted by this Part.

§923. Authority; enforcement
A. The commissioner is authorized to and may adopt rules and regulations in accordance with the Administrative Procedure Act to do the following:
(1) Enforce standards for growing, harvesting, packing, and holding of produce for human consumption and administer the provisions of this Part.
(2) Enter the premises of any covered produce farm during reasonable hours to inspect the growing, harvesting, packing, and holding of produce.
(3) Investigate the organization, business, conduct, practices, and management of any covered produce farm engaged in intrastate commerce.
(4) Inspect or copy any covered produce farm record related to the growing, harvesting, packing, or holding of produce.
(5) Issue stop orders prohibiting the growing, harvesting, packing, or holding of produce.

B. No person shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department, an inspector of the department, or any employee of the department in the performance of his duties pursuant to this Part.
C. The provisions of this Section do not limit the commissioner's authority to respond to an emergency in order to prevent a public health hazard, including communication with applicable state and federal agencies.

§924. Records; registration; reports
Any person, firm, or corporation owning or operating a covered produce farm in the state shall:
(1) Register with the department on an annual basis no later than July first of each year.
(2) Update their registration with the department within ninety days of any changes in activity on the covered produce farm.
(3) Maintain all records required by the rules adopted pursuant to this Part and make those records available to the department upon request.
(4) To willfully remove out of the state's jurisdiction, or mutilate, alter, or by any other means falsify any documentary evidence required pursuant to this Part.
(5) To willfully fail to register with the commissioner or to his authorized agents for the purpose of inspection and making copies, any documentary evidence required pursuant to this Part.

D. The department shall not impose a fine pursuant to the provisions of this Section if the federal government has imposed a fine for the same violation pursuant to provisions of the FDA Food Safety Modernization Act.

§926. Civil penalties
A. Any person who violates a provision of this Part or a regulation adopted pursuant to this Part of this Act shall be subject to a civil penalty of not more than five hundred dollars:
(1) To willfully make, or cause to be made, any false entry or statement of fact.
(2) To willfully make, or cause to be made, any false entry in any account, record, or memorandum required pursuant to this Part.
(3) To willfully neglect or fail to make full, true, and factual entries in any accounts, records, or memoranda required pursuant to this Part.
(4) To willfully remove out of the state's jurisdiction, or mutilate, alter, or by any other means falsify any documentary evidence required pursuant to this Part.

E. The department shall not impose a fine pursuant to the provisions of this Section if the federal government has imposed a fine for the same violation pursuant to provisions of the FDA Food Safety Modernization Act.

F. The Louisiana Department of Health is hereby designated as the state agency responsible for cooperating with the secretary of the United States Department of Health and Human Services regarding provisions of the FDA Food Safety Modernization Act that fall within its authority granted in Title 40 of the Louisiana Revised Statutes of 1950.

§927. Louisiana Department of Health; authority
A. Nothing in this Part shall be construed as eliminating or diminishing the authority of the Louisiana Department of Health to regulate food as provided in Title 40 of the Louisiana Revised Statutes of 1950.

§928. Enforcement powers
A. The provisions of this Part shall remain in effect only as long as the federal funds required to implement the provisions of the FDA Food Safety Modernization Act referenced in this Part are provided.

B. The provisions of this Part shall be null and void upon the date of repeal of 21 C.F.R. Part 112.

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 22, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 328

SENATE BILL NO. 257
(Substitute of Senate Bill No. 205 by Senator Morrell)
BY SENATOR MORRELL

AN ACT
To amend and reenact R.S. 3:1473(5), 1474(B) and (D), 1479(D), and 1481(A)(2) and (3) and to enact R.S. 3:1477(B)(6) and (C)(6), relative to Louisiana State Board of Home Inspectors; to provide definitions; to provide for board membership and membership terms; to provide relative to fees collected by the board; to provide for qualifications of home inspectors; to provide for insurance requirements for home inspectors; to provide certain terms and conditions relative to home inspectors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in square brackets are additions; words underscored in lowercase are deletions from existing law; words in boldface in lowercase are additions; words in boldface in uppercase are additions; words in italics are additions from existing law.
Section 1. R.S. 37:1473(5), 1474(B) and (D), 1479(D), and 1481(A)(2) and (3) are hereby amended and reenacted and R.S. 37:1477(B)(b) and (C)(6) are hereby enacted to read as follows:

§1473. Definitions

As used in this Chapter, the following words shall have the following meanings unless the context clearly indicates otherwise:

(5) “Home inspector” means any person who, in accordance with the provisions of this Chapter, holds himself out as a home inspector to the general public or engages in the business of performing home inspections on resale residential buildings for compensation and who examines any component of a building, through visual means and through normal user controls, without the use of mathematical sciences.

§1474. Louisiana State Board of Home Inspectors; creation; qualifications; domicile; terms of office; confirmation; oath of office; compensation

B. The board shall be composed of one member from each congressional district and one at-large member appointed by the governor from a list of names submitted by the board of directors of the American Society of Home Inspectors, the Louisiana Realtors Association, and the Louisiana Homebuilders Association, the Louisiana Mortgage Lenders Association. Each member of the board shall be a United States citizen and a resident of the state, and shall have been actively engaged in the home inspection business on a full-time basis for one year preceding the appointment. The initial board members shall be required to obtain a license in accordance with the provisions of this Chapter. Thereafter, each member of the board shall be a licensed home inspector.

D(1) Initially, one member of the board shall be appointed for a two-year term, three members for four-year terms, and three members for six-year terms. No person shall be appointed for more than one full six-year term. These members On and after August 1, 2017, all members shall be appointed for six years. Any Except as provided in Paragraph (2) of this Subsection for the at-large member, any vacancy on the board caused by death, resignation, or disability of a member shall be filled for the unexpired term by appointment by the governor from the congressional district where the vacancy occurred.

(2) On and after August 1, 2017, the board member from the Third Congressional District who was appointed to the board on July 27, 2012, is designated as the at-large member. Any vacancy of the at-large member caused by death, resignation, or disability shall be filled for the unexpired term by appointment by the governor.

§1477. Qualifications for licensure; application; fees

B. The board may charge and collect fees not in excess of the following:

(8) Credit card service fees not to exceed the amount charged to the board by the financial institution.

C. An applicant for licensure as a home inspector shall meet the following requirements:

(6) Submission of a criminal background request form to the office of state police.

§1479. License issuance and renewal; appearance on documents

D. The term “licensed home inspector” or “L.H.I.” along with the license number of the inspector shall appear on all advertising, correspondence, reports, and documents incidental to a home inspection.

§1481. Insurance requirements

A(1)

(2) The board shall, by rule, establish or approve an association or associations for the purposes of availing licensees to the benefits of group insurance rates. The board shall establish the terms and conditions of errors and omissions insurance coverage, including but not limited to the permissible deductibles, limits of liability, and permissible exclusions, exemptions. However, licensees shall have the option of obtaining errors and omissions insurance independently that complies with the coverage requirements established by the board. Such terms and conditions shall be established by rule in accordance with the Administrative Procedure Act.

(3) Each licensee shall be notified of the required terms and conditions of coverage for the annual policy at least thirty days prior to the annual renewal date. Each licensee who chooses not to participate in the group insurance program administered by the board shall file with the board a certificate of coverage showing compliance with the required terms and conditions of coverage by the annual license renewal date.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 329
HOUSE BILL NO. 49
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 30:1363.3(B)(1), relative to the Mineral and Energy Operation Fund; to provide for revenues to be credited to the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1363.3(B)(1) is hereby amended and reenacted to read as follows:

§1363. Mineral and Energy Operation Fund

B. 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 with the full faith and credit of the state which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

(1) An amount equal to one million six hundred thousand dollars received by the state through the office of mineral resources from non-judicial settlements, including but not limited to settlements of disputes of royalty audit findings, and court-awarded judgments and settlements. For Fiscal Years 2017-2018 through 2020-2021, an additional amount equal to nine hundred thousand dollars received by the state through the office of mineral resources from non-judicial settlements, including but not limited to settlements of disputes of royalty audit findings, and court-awarded judgments and settlements.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 330
HOUSE BILL NO. 56
BY REPRESENTATIVE PRICE
AN ACT

To amend and reenact R.S. 47:338.164(A), relative to the sales tax levied by the West Ascension Parish Hospital Service District; to decrease the maximum rate of such tax, subject to voter approval; to provide for effectiveness; and to provide for related matters.

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

Section 1. R.S. 47:338.164(A) is hereby amended and reenacted to read as follows:

§338.164. West Ascension Parish Hospital Service District; sales tax levy authorized

A. The West Ascension Parish Hospital Service District of Ascension Parish, Louisiana, the “district”, is hereby authorized to levy and collect a sales and use tax not exceeding one-half one-fourth of one percent within the boundaries of the district which boundaries include all the territory contained within the parish of Ascension, west of the centerline of the Mississippi River.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 331
HOUSE BILL NO. 73
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 13:5807.2(C), relative to the collection and use tax it levies only if a proposition authorizing the reduction has been submitted to the voters of the district and a majority of the voters who vote on the proposition vote in favor of the reduction. The governing authority of the district shall submit the proposition to the voters no later than the congressional primary election in 2018.

Section 2. The governing authority of the West Ascension Parish Hospital Service District shall, pursuant to this Act, reduce the rate of the sales and use tax it levies only if a proposition authorizing the reduction has been submitted to the voters of the district and a majority of the voters who vote on the proposition vote in favor of the reduction. The governing authority of the district shall submit the proposition to the voters no later than the congressional primary election in 2018.

Section 3. This Act shall become effective on July 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State
Section 1. R.S. 13:5807.2(C) is hereby amended and reenacted to read as follows:

§5807.2. Fees and costs; Hammond city marshal
A. Any member of the system who is a commissioned member of the office of state police who has at least twenty years of active service and who retires under the provisions of this Section shall be entitled to purchase his firearm at fair market value, upon retirement, subject to the approval of the deputy secretary of public safety services of the department. If the qualifying immediate family member is unable to purchase his firearm upon his death, such immediate family member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

B. Unless the deceased officer has designated a specific immediate family member as the beneficiary to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in the following order of precedence:

(a) The surviving spouse of the deceased officer.
(b) A child of the deceased officer.
(c) A parent of the deceased officer.

If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

§2235. Retirement; purchase of firearm
A. Any municipal police officer who retires with at least twenty years of active service and who is in good standing with the Municipal Police Employees’ Retirement System shall be entitled to purchase his firearm at fair market value upon retirement, subject to approval by the chief of police. If the qualifying municipal police officer was unable to purchase his firearm upon his death, the immediate family member listed in Subsection B of this Section has the right of first refusal to purchase the firearm unless the immediate family member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

B. If the deceased officer has designated a specific immediate family member as the beneficiary to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in the following order of precedence:

(a) The surviving spouse of the deceased officer.
(b) A child of the deceased officer.
(c) A parent of the deceased officer.

If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

§1665.4. Duty firearm of law enforcement officer killed in line of duty
A. An immediate family member listed in Subsection B of this Section is entitled to purchase a law enforcement officer’s duty firearm upon death; to provide for certain criteria; and to provide for related matters.

B. (1) Any sheriff or deputy sheriff who retires with at least sixteen years of active service and who is in good standing with the sheriff's office shall be entitled to purchase his firearm at fair market value upon retirement, subject to approval by the sheriff. If the qualifying immediate family member was unable to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in the following order of precedence:

(1) The surviving spouse of the deceased sheriff or deputy sheriff.
(2) A child of the deceased sheriff or deputy sheriff. If more than one child seeks to purchase the firearm, the oldest child who seeks to purchase the firearm precedes all other children who seek to purchase the firearm in the right of first refusal.
(3) A parent of the deceased sheriff or deputy sheriff.

(2) If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT NO. 332

BY REPRESENTATIVE MIGUEZ AND SENATOR THOMPSON
AN ACT
To amend and reenact R.S. 11:1307(B), 2185, and 2235 and to enact R.S. 40:1665.4, relative to law enforcement officers; to authorize an immediate family member of a qualified law enforcement officer to purchase his duty firearm upon death; to provide for certain criteria; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1307(B), 2185, and 2235 are hereby amended and reenacted to read as follows:

§1307. Persons eligible to retire on basis of service and age; retirement benefits

*   *   *

B. (1) Any member of the system who is a commissioned member of the office of state police who has at least twenty years of active service and who retires under the provisions of this Section shall be entitled to purchase his firearm at fair market value, upon retirement, subject to the approval of the deputy secretary of public safety services of the department. If the qualifying immediate family member is unable to purchase his firearm prior to his death, an immediate family member listed in Paragraph (2) of this Subsection has the right of first refusal to purchase the firearm unless the immediate family member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

(2) Unless the deceased officer has designated a specific immediate family member as the beneficiary to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in the following order of precedence:

(a) The surviving spouse of the deceased officer.
(b) A child of the deceased officer.
(d) A sibling of the deceased officer. If more than one sibling seeks to purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes all other siblings who seek to purchase the firearm in the right of first refusal.

(3) If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

§2185. Retirement; purchase of firearm
A. Any sheriff or deputy sheriff who retires with at least sixteen years of active service and who is in good standing with the Louisiana Sheriffs’ Pension and Relief Fund shall be entitled to purchase his firearm at fair market value upon retirement, subject to approval by the sheriff. If the qualifying sheriff or deputy sheriff was unable to purchase his firearm prior to his death, the immediate family member listed in Subsection B of this Section has the right of first refusal to purchase the firearm unless the immediate family member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

B. Unless the deceased sheriff or deputy sheriff has designated a specific immediate family member as the beneficiary to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in the following order of precedence:

(1) The surviving spouse of the deceased sheriff or deputy sheriff.
(2) A child of the deceased sheriff or deputy sheriff. If more than one child seeks to purchase the firearm, the oldest child who seeks to purchase the firearm precedes all other children who seek to purchase the firearm in the right of first refusal.
(3) A parent of the deceased sheriff or deputy sheriff.

(4) If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302.56, 322.49, and 332.55 are hereby enacted to read as follows:

§322.49. Disposition of certain collections in Orleans Parish

Notwithstanding the provisions of R.S. 47:322.38, the avails of the tax imposed by R.S. 47:321 from the sales of services as defined in R.S. 47:301(14) (introductory paragraph) and (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 491(A), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading), 497.3, 498, 499, 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8, 499.9, 499.10, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and 3991(E)(5)/(a), relative to school employees, to provide for technical changes with respect to the terms “school bus driver” and “school bus operator” in Title 17 of the Louisiana Revised Statutes of 1950; to remove exceptions related to hiring persons with certain criminal history; and to provide for related matters.

ACT No. 335

HOUSE BILL NO. 224

BY REPRESENTATIVE HALL

AN ACT

To amend and reenact R.S. 17:15(A)(1)(a), 16(G), 158(J), 158.6(A) and (B)(1), 160(Section heading), 164.1(A)(1), 168, 416, 416.1(B)(2)(b)(introductory paragraph) and (D)(2), 421.4, 422.6(B), 432.1(A), 439(B), 491(A), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading), 497.3, 498, 499, 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8, 499.9, 499.10, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and 3991(E)(5)/(a), relative to school employees, to provide for technical changes with respect to the terms “school bus driver” and “school bus operator” in Title 17 of the Louisiana Revised Statutes of 1950; to remove exceptions related to hiring persons with certain criminal history; and to provide for related matters.

ACT No. 333

HOUSE BILL NO. 224

BY REPRESENTATIVE MORENO

AN ACT

To enact R.S. 47:302.56, 322.49, and 332.55, relative to the disposition of certain sales and use tax collections in Orleans Parish; to establish the New Orleans Quality of Life Fund as a special fund in the state treasury; to provide for the deposit of monies into the fund; to provide for the use of such monies; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302.56, 322.49, and 332.55 are hereby enacted to read as follows:

§302.56. Disposition of certain collections in Orleans Parish

The provisions of Chapter II of the tax imposed by R.S. 47:301(14) (introductory paragraph) and (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading), 497.3, 498, 499, 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8, 499.9, 499.10, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and 3991(E)(5)/(a), relative to school employees, to provide for technical changes with respect to the terms “school bus driver” and “school bus operator” in Title 17 of the Louisiana Revised Statutes of 1950; to remove exceptions related to hiring persons with certain criminal history; and to provide for related matters.

§322.49. Disposition of certain collections in Orleans Parish

Notwithstanding the provisions of R.S. 47:322.38, the avails of the tax imposed by R.S. 47:321 from the sales of services as defined in R.S. 47:301(14) (introductory paragraph) and (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading), 497.3, 498, 499, 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8, 499.9, 499.10, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and 3991(E)(5)/(a), relative to school employees, to provide for technical changes with respect to the terms “school bus driver” and “school bus operator” in Title 17 of the Louisiana Revised Statutes of 1950; to remove exceptions related to hiring persons with certain criminal history; and to provide for related matters.
available by designating that area for loading and unloading students during designated school zone hours.

(3) Prohibit a bus driver or operator from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a bus driver or operator may load and unload a student while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road.

(3) Prohibit a bus driver or operator from loading or unloading a student in a location on a divided highway such that a student, in order to walk between the bus and his home or school, would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus. * * * §158.6. School Bus Purchase Program; creation; purpose; administration.

A. It is the purpose of this Section to assist city and parish school systems, approved non-public nonpublic schools, and contract school bus driver operators in purchasing new school buses by making low interest low-interest loans available and thereby protecting the safety and welfare of the school children of this state by assuring they are riding in safe vehicles. This purpose is hereby declared to be a public purpose.

B.(1) There is hereby established in the Department of Education the School Bus Purchase Program solely for the purpose of making loans to city and parish school boards, approved non-public nonpublic schools, and contract school bus driver operators for the purchase of new school buses. * * *

§160. School bus driver operators under eighteen years of age prohibited; penalty

§164.1. Additional regulations; crossing control device required; compliance.

A.(1) In addition to any regulations adopted by the State Board of Elementary and Secondary Education pursuant to the provisions of R.S. 17:164 relative to the construction, design, equipment, and operation of school buses used in the transportation of students, the board shall also adopt rules and regulations in accordance with the Administrative Procedure Act requiring that every bus used in the transportation of students and acquired after January 1, 1996, shall be equipped with a crossing control device actuated by the crossing operator and operated in conjunction with the stop arm. The crossing control device shall pivot out from the right side of the front bumper to prevent persons from walking directly in front of the bus.

§168. Cities or parishes with 300,000 or more population; extra duties of school bus operators.

No city or parish school board in cities or parishes with a population of 300,000 or more shall require any person employed as a school bus driver or school bus operator to perform the duties of any other job unless the driver or operator consents thereto and the board agrees to pay such driver or operator additional compensation for performing any duties not within the scope of his employment as a school bus operator or school bus driver.

§416. Discipline of students; suspension; expulsion

A. * * *

(4) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall include but not be limited to the following provisions:

(a) * * *

(i) The form for reporting a transportation-related incident shall provide for the following information:

(aa) Bus number and name of driver operator.

(ee) A menu of check-off items to indicate the nature of the incident, including fighting or bullying at the bus stop, fighting or bullying on the bus, smoking on the bus, leaving the bus without permission, boarding the bus at the incorrect stop, showing disrespect toward the driver or operator, engaging in an immoral or vicious act, throwing objects within the bus or out of bus windows or doors, refusing to occupy an assigned seat, using profane language, showing willful disobedience, defacing the bus, carrying objects or implements which can be used as weapons, or committing some other undesignated violation.

(hh) A statement to be signed and dated by the bus driver operator or other school employee, if applicable, that the named pupil is causing a discipline problem, that disciplinary action against the pupil is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action. * * *

§416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability

B. Bullying Policy.

(2) The governing authority of each public elementary and secondary school shall: * * *

(b) Create a program to provide a minimum of four hours of training for new employees who have contact with students and two hours of training each year for all school employees who have contact with students, including bus driver operators, with respect to bullying. The training shall specifically include the following: * * *

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(2) Reporting. * * *

(e) School personnel. Any teacher, counselor, bus driver operator, or other school employee, whether full-time, part-time, or on a part-time basis, and any parent chaperoning or supervising a school function or activity, who witnesses bullying or who learns of bullying from a student pursuant to Subparagraph (b) of this Paragraph, shall report the incident to a school official. A verbal report shall be submitted by the school employee or the parent on the same day as the employee or parent witnessed or otherwise learned of the bullying incident, and a written report shall be filed no later than two days thereafter. * * *

§421.4. Salary increases, noninstructional school personnel

A. The salary increase funded by Act No. 12 of the 1991 Regular Session of the Legislature for noninstructional school employees, including teacher aides and paraprofessionals, school bus drivers operators, food service workers, including school lunch employees provided a pay increase pursuant to Act No. 713 of the 1972 Regular Session of the Legislature, school nurses, clerical, custodial, and maintenance personnel, and any other employees or personnel, shall be fully funded by the state. Such funds shall be made available to the respective school boards. For purposes of this Subsection, noninstructional school personnel shall mean teacher aides and paraprofessionals, school bus drivers operators, food service workers, school nurses, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, or the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, and the Special School District who are not required to hold a teacher’s certificate as a condition of employment, shall continue to be paid to such employees from year to year. The state shall annually shall provide sufficient funds for this purpose and shall make such funds available to the employing school boards.

B. Any increase in the expenditures of a city or parish school board or of the State Board of Elementary and Secondary Education resulting from a state-mandated increase in the salaries of non-instructional school personnel shall be fully funded by the state. Such funds shall be made available to the respective school boards. For purposes of this Subsection, noninstructional school personnel shall mean teacher aides and paraprofessionals, school bus drivers operators, food service workers, school nurses, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, or the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, or of the Special School District who is not required to hold a teacher’s certificate as a condition of employment. * * *

§422.6. Hourly wages and salaries for school employees; reduction limitations; definition

B. For purposes of this Section, the term “school employee” shall mean, without limitation, teacher aide, paraprofessional, school bus driver operator, food service worker, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, of the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, or of the Special School District who is not required to hold a teacher’s certificate as a condition of employment. * * *

§432.1. Outstanding school support employee award; definition; selection; recognition

A. For purposes of this Section, “school support employee” shall mean, without limitation, teacher aide, paraprofessional, school bus driver operator, food service worker, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, of the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, or of the Special School District who is not required to hold a teacher’s certificate as a condition of employment. * * *

§439. Limitation of liability; statements or actions; exceptions

B. As used in this Section, the terms “school employee” means any school employee who has direct contact with students in the course and scope of the school employee’s duties as defined by the school board by which the school employee is employed, and includes but is not limited to school-based administrators, classroom teachers, coaches, librarians, counselors,
§491. Definitions
A. As used in this Subpart, the term “school bus operator” means any employee of any city, parish, or other local public school board whose duty it is to transport students in any board school bus or activity bus to and from any school or activity sponsored or approved by the state Department of Education or to and from any school-related activity. Such employee shall be certified to have participated in any school bus drivers operators instructional program or in-service training provided by the state Department of Education as provided in R.S. 17:497.4, shall have attained the age of twenty-one years, and shall be certified to have passed any physical examination required by the department. It shall be unlawful for anyone not certified as provided in this Subsection to transport school students to and from such school.

§493.1. Filling route vacancies
D. Notwithstanding any provision of this Section to the contrary, whenever a school bus operator owning his own bus retires, a route shall be offered first to any person meeting the requirements of the school board who is willing to acquire the bus of the retiring operator by a method which guarantees that the drivers operator receives full appraised value for his bus using regularly accepted appraisal methods to determine fair market value. The provisions of this Subsection shall be applicable only when the bus owned by the retiring operator has been manufactured within a period of five years immediately prior to the operator’s retirement and the operator is retiring due to a documented physical disability.

§495. Establishment of minimum salary schedules
The Louisiana State Board of State Board of Elementary and Secondary Education is hereby authorized and directed to establish and maintain a minimum salary schedule for paid school bus operators in the public schools of the State of Louisiana and to maintain a minimum rate of compensation to be paid for the operation of school buses in the public school system of the state of Louisiana.

§496. Minimum salaries
A. Beginning July 1, 1962, all school bus drivers operators in the public schools of the State of Louisiana driving buses fourteen feet or longer in length shall receive minimum salaries on a nine-month basis of six thousand nine hundred sixty-five dollars and sixty cents. The minimum compensation herein provided shall be reduced proportionately; provided, however, that no school bus operator or driver in the public school system of the State of Louisiana shall receive or be paid less during 1963-64 nor during any subsequent year while this schedule is in effect than the amount paid to or received by him during the 1963-64 school year for nine months’ work, except as to student drivers operators, and also except where the length of the route of any such drivers operators in 1963-64 or any subsequent year is less than the length of the route of such drivers operators during 1963-64, in which event the reduction in total compensation shall not exceed the reduction in the amount to be reimbursed the school board, out of state funds, for the operation of said route brought about by the reduction in the length of the route.

§500.2. School bus operators: extended sick leave
A. (2) As used in this Section, the following terms shall have the following meanings:
(c) “Medical necessity” means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a physician, of a school bus driver or an immediate family member.

D. (2) Any violation of this prohibition may require the school bus operator to return to the employer all compensation paid during any week of extended leave in which the school bus driver operates worked more than twenty hours and to reimburse the employer all related employment costs attributable to such period as calculated by the employer, without any restoration of such days.

§1250. "Employee" defined
The term “employee” as used in R.S. 17:2801 through 2828 means an employee of any parish or city school board of the State of Louisiana who is not a teacher or whose employment does not require the holding of a teacher’s certificate or who is not employed as a bus driver operator.

§2831. Salaries and wages
No teacher, school bus driver operator, school lunch worker, janitor or other school personnel shall be employed by any educational cooperative established pursuant to R.S. 17:2801 through 2828 at a salary or wage which is either less than or in excess of any minimum salary schedule or law heretofore adopted by the legislature to govern the salaries or wages of any school teachers, school bus drivers operators, school lunch workers, janitors, or other school personnel.

§3974. Prohibitions; persons convicted of felony offenses
B. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be hired by a charter school as a teacher, substitute teacher, bus driver operator, substitute bus driver operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation
E. A charter school shall not:
(5)(a) Hire a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, bus driver operator, substitute bus driver operator, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or
disciplined authority over school children unless approved in writing by a district judge of the parish and the district attorney. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

 Approved by the Governor, June 22, 2017.

 A true copy:
    Tom Schedler
    Secretary of State

 ACT No. 336

 HOUSE BILL NO. 300

 BY REPRESENTATIVES DAVIS, FOIL, AND
 STOKES AND SENATOR MORRELL

 Amended

 To amend and reenact R.S. 47:6015(C)(2), (D), (E)(1), and (J), relative to the research and development tax credit program; to provide for definitions; to provide for credit rates; to provide for transferability of credits; to extend the term of the credit; to provide for applicability; to provide for an effective date; and to provide for related matters.

 Be it enacted by the Legislature of Louisiana:

 Section 1. R.S. 47:6015(C)(2), (D), (E)(1), and (J) are hereby amended and reenacted to read as follows:

 §6015. Research and development tax credit

 C. * * * * * * * * * * * *

 (2) The amount of the credit authorized in this Section shall be equal to either:

 (a) Eighty percent of the difference, if any, of the Louisiana qualified research expenses for the taxable year minus the base amount, if the taxpayer is an entity that employs fifty or more persons.

 (b) Twenty percent of the difference, if any, of the Louisiana qualified research expenses for the taxable year minus the base amount, if the taxpayer is an entity that employs less than fifty persons.

 (c) Thirty percent of the difference, if any, of the Louisiana qualified research expenses for the taxable year minus the base amount, if the taxpayer is an entity that employs less than fifty persons.

 D.(1) A taxpayer who receives a Phase I or II grant from the federal Small Business Technology Transfer Program or a federal Small Business Innovation Research Grant as created by the Small Business Innovation Development Act of 1982 (P.L. 97-219), reauthorized by the Small Business Research and Development Enhancement Act (P.L. 102-564), and reauthorized again by the Small Business Reauthorization Act of 2000 (P.L. 106-554), shall be allowed a tax credit in an amount equal to forty percent of the award received during the tax year.

 (2) In addition to the credit utilization allowed by Paragraph (C)(3) of this Section, research and development tax credits for tax years 2018 and later that are based on participation in the Small Business Technology Transfer Program or the Small Business Innovation Research Grant program and that were not previously claimed by any taxpayer against his income or incorporation franchise tax may be transferred or sold to another Louisiana taxpayer, subject to the following conditions:

 (a) A single transfer or sale may involve one or more transferees. A transferee of the tax credits may transfer or sell such tax credits subject to the conditions of this Paragraph.

 (b) Transferees 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. Notification of the 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 certificate number, the tax credit certificate number of any transferee, the price paid by the transferee to the transferor, and any other information required by the Department of Revenue.

 (c) Failure to comply with this Paragraph shall result in the disallowance of the tax credit until the taxpayers are in full compliance.

 (d) The transfer or sale of this credit does not extend the time in which the credit can be used. The carryforward period for a credit that is transferred or sold begins on the date on which the credit was earned.

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

 (1) “Base amount” shall mean seventy percent of the average annual qualified research expenses within Louisiana during the three years preceding the taxable year.

 (2) If the taxpayer is an entity that employs fifteen or more persons, the base amount shall be eighty percent of the average annual qualified research expenses within Louisiana during the three years preceding the taxable year.

 ACT No. 337

 HOUSE BILL NO. 309

 BY REPRESENTATIVE MORENO

 AN ACT

 To amend and reenact R.S. 15:622, R.S. 46:1842, 1843, and 1844(A)(2)(b), (L), (M)(1) and (2), and (O) and to enact R.S. 46:1845, relative to the rights of crime victims; to provide for definitions; to provide for relative to applicability; to provide relative to the right to privacy; to provide procedures and requirements; to provide definitions; and to provide for related matters.

 Be it enacted by the Legislature of Louisiana:

 Section 1. R.S. 15:622, 46:1842, 1843, and 1844(A)(2)(b), (L), (M)(1) and (2), and (O) are hereby amended and reenacted as follows:

 §1842. Definitions

 In this Chapter:

 (1) “Crime” means an act defined as a felony, misdemeanor, or delinquency under state law.

 (2) “Crime lab” means a laboratory that conducts a forensic analysis of physical evidence in criminal matters.

 (3) “Crime victim who is a minor” means a person under the age of eighteen against whom any of the following offenses have been committed:

 (a) Any homicide or any felony offense defined or enumerated in R.S. 14:2(B).

 (b) Any sexual sex offense or human trafficking-related offense as defined or enumerated in R.S. 14:63(W).

 (c) The offenses of vehicular negligent injunng and first degree vehicular negligent injunng.

 (4) “Critical stage” means any judicial proceeding at which there is a danger to the health, safety, or welfare of the charged offense or a lesser offense, or a sentence imposed pursuant thereto.

 (5) “Designated family member” means a family member or legal guardian of the victim who is a minor, a homicide victim, or a victim who is unable to exercise his rights hereunder because of a serious disability. The designated family member shall be selected by a majority of the victim's family members, and shall be afforded all of the rights accruing to victims under this Chapter. A substitution of the designated family member may be made upon agreement by the majority of the victim's family members. In specific cases, the court or the district attorney may allow more than one designated family member.

 (6) “Forensic medical examination” has the same meaning as provided in R.S. 13:622.

 (7) “Healthcare provider” has the same meaning as provided in R.S. 46:1216.

 (8) “Inmate” means a person convicted of a felony.

 (9) Judicial agency means the district court and officers thereof, including the judge, the prosecutor, the clerk of court, the Crime Victims Reparations Board, the Department of Public Safety and Corrections, and the division of probation and parole.

 (10) “Judicial proceeding” means any contradictory proceeding held in open court.

 (11) “Law enforcement agency” means the sheriff, constable, or police force as defined by law, and the Department of Public Safety and Corrections.

 (12) “Registration” means the completion of a form which is filed with the law enforcement agency investigating the offense of which the person is a victim, as specified in R.S. 46:1844(T), which shall include an address, email address, and telephone number at which the victim or designated family member may be notified. Such forms shall be promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in accordance with R.S. 46:1844(B).
(13) “Sexual assault advocate” has the same meaning as provided in R.S. 46:2183.

(14) “Sexual assault collection kit” has the same meaning as provided in R.S. 46:2184.

(15) “Victim” means a person against whom any of the following offenses have been committed:
   (a) Any homicide, or any felony offense defined or enumerated in R.S. 14:2.
   (b) Any sexual offense or human trafficking-related offense as defined or enumerated in R.S. 46:1843(W).
   (c) The offenses of vehicular negligent injury and first degree vehicular negligent injuring.
   (d) Any offense against the person as defined in the Criminal Code committed against a family or household member as defined in R.S. 46:2153(D) or dating partner as defined in R.S. 46:2151(B).

(16) “Victim notice and registration form” means a form promulgated by the Louisiana Commission on Crime & Law Enforcement and Administration of Criminal Justice in accordance with R.S. 46:1844(R) and distributed by a judicial or law enforcement agency on which a victim or witness or a family member of a victim or witness may indicate a request that he be afforded the confidentiality provided in this Chapter or other criminal statutes relative to a crime of which he or a family member was a victim or witness.

(17) “Victim of sexual assault” means any natural person who presents as a victim of sexual assault as defined in R.S. 46:2184, or the family member of such person if the victim is under eighteen years of age, incompetent, or deceased, provided that in no instance does the term include a family member identified as the perpetrator.

(18) “Victim’s family” includes a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when the person is in a more direct family relation to the offense. A “family member” is the defendant or any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, or any other person whose action or proceeding has yet been commenced.

§1843. Eligibility of victims

Except as provided in R.S. 46:1845, a victim has the rights and is eligible for the services under this Chapter only if the victim reported the crime to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting.

§1844. Basic rights for victim and witness

A. Services and information concerning services available to victims and witnesses of a crime.

B. Return of property to victim or family of victim. All judicial and law enforcement agencies shall expeditiously return any stolen or other personal property to victims or victims’ families when no longer needed as evidence, at no cost to victims or their families.

C. Victims’ right to seek restitution.

(1) If the defendant is found guilty, the court or the committee on parole board shall require the defendant to pay restitution to the appropriate party in an amount and manner determined by the court. In addition, the court, the committee on parole board, or any other entity may require the defendant to perform community service work in an amount and according to a schedule determined by the court.

(2) One of the conditions of work release shall be a requirement that an inmate pay from his earnings a restitution ordered by the court or the committee on parole board. Even if no restitution has been ordered, the sheriff or director of the program shall have the right to require payment of restitution as a condition of work release.

O. Notification of pardon or parole. The Board of Pardons or the board of Parole committee on parole, respectively, shall notify the victim or the victim’s family and all persons who file a victim registration and notification form and the appropriate district attorney that a hearing has been set for the parole or pardon of the convicted individual. The victim or victim’s family shall have the right to make written and oral statements as to the impact of the crime at any hearing before either the board or committee and to rebut any statements or evidence introduced by the inmate or defendant. The victim or victim’s family, a victim advocacy group, and the victim’s attorney or his representative may also appear before either the board or committee in person or by means of telephone communication from the office of the local district attorney.

§1845. Additional rights for victims of sexual assault: notification of rights

A. The rights provided to victims of sexual assault contained in this Section shall apply to a victim who seeks the assistance of either a law enforcement official or a healthcare provider. A victim of sexual assault retains all the rights of these provisions regardless of whether the victim receives a forensic medical examination or whether a sexual assault counseling session is administered.

(2) Notwithstanding any other provision of law to the contrary, nothing in this Section shall be construed to negate or impair any provision of law relative to the mandatory reporting of crimes against children under the age of eighteen.

B. A victim of sexual assault has the right to be notified of and to request the presence of a sexual assault advocate during the administration of a forensic medical examination or a scheduled interview by a law enforcement official or a representative of a non-profit victim service organization including but not limited to rape crisis centers, sexual assault centers, domestic violence advocacy groups, alcohol abuse or substance abuse assistance groups, and centers providing emotional support to the victim, shall be present to the victim or the family is requesting restitution.

C. All law enforcement and judicial agencies shall provide a private setting for conducting all interviews of a victim of sexual assault. “Private setting” shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations cannot be heard from outside the room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, a victim advocate designated by the sheriff’s office or a representative from a not-for-profit victim service organization including but not limited to rape crisis centers, sexual assault centers, domestic violence advocacy groups, and alcohol abuse or substance abuse assistance groups, and centers providing emotional support to the victim, shall be present unless the victim requests the exclusion of such person from the interview, and when appropriate, the parent or parents of the victim.

(3) The victim of sexual assault and the victim’s family may refuse any request for the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. If the victim of sexual assault is a minor, the parent or guardian of the victim may refuse to permit the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. Before the interview, the victim of sexual assault may be subpoenaed to testify on behalf of the defendant at any pretrial hearing, and the defendant shall show good cause at a contradictory hearing with the district attorney why the subpoena should be issued. Willful disregard of the rights of victims and witnesses as provided in this Paragraph may be punishable as contempt of court.

D. The failure to comply with the provisions of this Section shall not affect the admissibility of any evidence in a civil or criminal proceeding nor shall any sentence, plea, conviction, or other final disposition be invalidated due to the failure to comply with the provisions of this Section. Nothing in this Section shall be construed as creating a cause of action for compensation or damages for the appointment of counsel for a victim, or for any cause of action for compensation or damages for the appointment of a sexual assault advocate. Nothing in this Section shall preclude filing a writ of mandamus as provided in the Code of Civil Procedure to compel the performance of a ministerial duty required by law.

Section 2. R.S. 15:260 is hereby amended and reenacted to read as follows:

§260. Production of certain records of a victim under age eighteen, conditions

A. If the defendant is charged with a violation of R.S. 14:93.2 or any provision of Subpart B of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part V of Subpart C of Part II, Subpart B of Part IV, or Subpart A(1) or A(4) of Part V of relevant Title 14 of the Louisiana Revised Statutes of 1950, and the victim was under the age of eighteen at the time of the offense, R.S. 14:93.2.3, or sex offense or human trafficking-related offense as defined in or enumerated in R.S. 46:1844(W), a subpoena or court order compelling the production of medical, psychological, school, or other records pertaining to the victim shall not be issued upon request of the defendant unless the subpoena or court order identifies the records sought with particularity and is reasonably limited as to subject matter, and the court finds, after a contradictory hearing with the state, that the requested records are likely to be relevant and admissible at trial and are not sought for the purpose of harassing the victim.

B. Any records obtained by the defendant or his attorney without full compliance with the provisions of this Section shall be inadmissible in any criminal proceeding.

C. Any law enforcement official or a representative of a non-profit victim service organization, including but not limited to rape crisis centers, sexual assault centers, domestic violence advocacy groups, and alcohol abuse or substance abuse assistance groups, and centers providing emotional support to the victim, shall provide written notice to the victim, or counsel for the victim if applicable, of the contradictory hearing required by the provisions of this Section.

D. Willful violation of the provisions of this Section may be punishable as contempt of court.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

* As it appears in the enrolled bill

CODING: Words in **italics** are additions; words in *boldfaced* type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
ACT No. 338

HOUSE BILL NO. 313
BY REPRESENTATIVE STOKES
AN ACT

To amend and reenact R.S. 47:6006(C)(2)(introductory paragraph), (b)(ii), (iii), and (iv) and to enact R.S. 47:6006(C)(2)(a)(iv), relative to income taxes; to provide with respect to local sales and use tax credit for local taxes paid on inventory; to provide for certain definitions; to provide for eligibility of taxpayers claiming the tax credit; to provide for limitations; to provide for applicability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6006(C)(2)(introductory paragraph), (b)(ii), (iii), and (iv) and (4) are hereby amended and reenacted and R.S. 47:6006(C)(2)(a)(iv) is hereby enacted to read as follows:

§6006. Sales and purchases of platinum, gold, or silver bullion, that is valued solely upon its precious metal content, whether in coin or ingot form, or numismatic coins sold at a national, statewide, or multi-parish numismatic trade show.

AA. Notwithstanding any other provision of this Section to the contrary, except Paragraph (29) of this Subsection, beginning July 1, 2016, the following specific exclusions and exemptions shall be allowable for purposes of the tax levied pursuant to the provisions of this Section:

(29) Beginning October 1, 2017:
(a) Sales and purchases of platinum, gold, or silver bullion, that is valued solely upon its precious metal content, whether in coin or ingot form as provided in R.S. 47:301(16)(b)(ii)(aa).
(b) Numismatic coins that have a sales price of no more than one thousand dollars.
(c) Numismatic coins sold at a national, statewide, or multi-parish numismatic trade show as provided in R.S. 47:301(16)(b)(ii)(cc).

§302. 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 exclusions or exemptions 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:

(66) Beginning July 1, 2016, in addition to those exclusions and exemptions provided for in Paragraphs (1) through (65) of this Subsection, the following exclusions and exemptions shall be allowable for purposes of the tax levied pursuant to the provisions of this Section:

(67) Beginning October 1, 2017:
(a) Sales and purchases of platinum, gold, or silver bullion, that is valued solely upon its precious metal content, whether in coin or ingot form as provided in R.S. 47:301(16)(b)(ii)(aa).
(b) Numismatic coins that have a sales price of no more than one thousand dollars as provided in R.S. 47:301(16)(b)(ii)(bb).
(c) Numismatic coins sold at a national, statewide, or multi-parish numismatic trade show as provided in R.S. 47:301(16)(b)(ii)(cc).

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
To enact R.S. 17:436.1(L) and 3996(B)(13), relative to the administration of medication at public schools; to except sunscreen from requirements and restrictions pertaining to the administration of medication to public school students; to authorize a student to possess and self-apply sunscreen; to authorize a public school employee to volunteer to apply sunscreen to a student under certain circumstances; to provide a limitation of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(L) and 3996(B)(13) are hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions; exceptions

L. (1) Notwithstanding Subsection A of this Section, the definition of “medication” shall not include sunscreen.

(2) For purposes of this Subsection, “sunscreen” means a compound topically applied to prevent sunburn.

(3) A student may possess and self-apply sunscreen at school, on a school bus, or at a school-sponsored function or activity without parental consent or the authorization of a physician.

(4) If a student is unable to self-apply sunscreen, a school employee may volunteer to apply the sunscreen to a student. A school employee may apply sunscreen to a student only if his parent or legal guardian has provided written consent for this application, and neither a school employee nor his employer shall be held liable for any adverse reaction relating to the employee’s application of the sunscreen or his cessation of such application.

§3996. Charter schools; exemptions; requirements

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

(13) Administration of medication and exceptions thereto, R.S. 17:436.1.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 342

BY REPRESENTATIVE DUSTIN MILLER

AN ACT

To amend and reenact R.S. 47:297(H)(2)(a), (b), and (c) and to enact R.S. 47:297(H)(4) through (7), relative to income tax credits for certain healthcare professionals; to provide for the income tax credit for certain medical professionals in medically underserved areas; to provide for eligibility; to provide for the administration of the credit; to authorize the promulgation of rules and regulations; to limit the annual amount of the tax credits certified and granted; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297(H)(2)(a), (b), and (c) and (3) and (3) are hereby amended and reenacted and R.S. 47:297(H)(4) through (7) are hereby enacted to read as follows:

§297. Reduction to tax due

H.

(2) The taxpayer shall:

(a) Be a certified medical doctor (M.D.) primary care health professional who is a physician possessing an unrestricted license from this state to practice medicine, be a dentist licensed by this state to practice dentistry, or a primary care nurse practitioner who is licensed by this state.

(b) If a certified medical doctor, physician or nurse practitioner, establish and maintain, after July 1, 1991, the primary office of his practice within twenty miles of a community hospital not owned predominantly by other physicians, and both the office and the hospital shall be located more than twenty miles from the nearest incorporated city, with a population in excess of thirty thousand persons, provided that the medical doctor shall have relocated from outside of the service area of the community hospital or an area which is both:

(i) A primary care high needs geographic health professional shortage area (HPSA) as designated by the U.S. Department of Health and Human Services’ Health Resources and Services Administration’s Bureau of Health Workforce, Division of Policy and Shortage Designation (DPSD) as per Section 332 of the Public Health Service Act.

(ii) A rural area as defined in rules promulgated by the Louisiana Department of Health.

(c) If a dentist, establish and maintain, after July 1, 2002, the primary office of his practice within a parish or other geographic area in the state an area which is designated as a Dental Health Professional Shortage Area (HPSA) by the U.S. Department of Health and Human Services’ Bureau of Primary Health Care, Health Resources and Services Administration’s Bureau of Health Workforce, Division of Policy and Shortage Designation (DPSD) as per Section 332 of the Public Health Service Act and a rural area as defined in rules promulgated by the Louisiana Department of Health. Subject to the limits of Paragraph (3) of this Subsection, the provisions of this Subsection will continue to be available to the dentist if the Dental HPSA designation is withdrawn after the practice is established at that location.

(3) The provisions of this Subsection shall be available to a physician, primary care nurse practitioner, or dentist for only one relocation and only for a maximum of five years. In the event that the physician, primary care nurse practitioner, or dentist ceases to comply with these provisions within the three-year period, all taxes reduced hereunder shall be subject to recapture pursuant to rules promulgated by the department.

(4) The Louisiana Department of Health shall be responsible for receiving and evaluating applications for the credit and certifying the qualifications and eligibility of taxpayers for the credit. The tax credit shall be earned when the taxpayer's eligibility is certified by the Louisiana Department of Health. However, in the event the taxpayer does not maintain the requirements of this Section any amounts certified are subject to disallowance or recapture.

No taxpayer shall receive the credit provided pursuant to this Subsection for more than five years. The Department of Revenue, in consultation with the Louisiana Department of Health, shall promulgate rules and regulations in accordance with the Administrative Procedure Act as are necessary for the performance of these functions in keeping with the purpose for which the credit is enacted. The rules shall include provisions for an application process through which the Louisiana Department of Health may certify the eligibility of a primary care health professional for receipt of the tax credit and the qualification of a primary care health professional to claim the credit against state tax liability.

(5) The total amount of tax credits certified by the Louisiana Department of Health and granted by the Department of Revenue in any calendar year shall not exceed one million five hundred thousand dollars. The rules and regulations promulgated pursuant to the provisions of this Section shall establish the method of allocating available tax credits to primary care health professionals including but not limited to a first-come, first-served system, reservation of tax credits for a specific time period, or other method which the departments may find beneficial.

(6) No credit shall be certified pursuant to the provisions of this Subsection for applications received by the Louisiana Department of Health on or after January 1, 2021.

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