To enact R.S. 32:402.1(B), relative to driver education; to authorize an alternative instruction method that does not require students to be present in a traditional classroom setting.

Section 1. R.S. 32:402.1(B) is hereby enacted to read as follows:

§402.1. Driver education; required

(a) The alternative method includes testing and security measures that are established by the department.

(b) No portion of the thirty-hour classroom instruction of the driver education course for persons under the age of eighteen shall be provided by an alternative method of instruction that does not require students to be present in a traditional classroom setting.

(c) The Department of Public Safety and Corrections, public safety services, may establish rules and regulations as determined necessary to define requirements and to provide for related matters.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 344

HOUSE BILL NO. 446
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact R.S. 47:1508(B)(8) and (11), relative to the confidentiality of tax records; to provide for the confidentiality of certain taxpayer information; to provide for the disclosure of information relative to tobacco settlement enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1508(B)(8) and (11) are hereby amended and reenacted to read as follows:

$1508. Confidential character Confidentiality of tax records

A. Nothing herein contained shall be construed to prevent:

B. The attorney general, commissioner, or secretary permitted by this Paragraph to disclose the name and address of any taxpayer who has filed an income or corporation franchise tax return, but he shall not disclose any tax data whatsoever with respect to any taxpayer, and such information shall be made available to any taxpayer upon his request.

(11) The secretary from disclosing to any person upon request the name and address of any registered wholesale tobacco dealer who holds a license or permit to operate within this state, but the secretary shall not disclose any tax data whatsoever with respect to the wholesaler, except for information provided to the tobacco settlement enforcement unit of the Louisiana Department of Justice for the enforcement of Parts XIII and XIII-A of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950 or to the Louisiana Office of Alcohol and Tobacco Control for the enforcement of Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950. Such disclosure shall include any and all data with respect to dealers, including but not limited to any wholesaler or retailer, as well as manufacturer, sales entity affiliate, importer, or manufacturer.

Secretary of State

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D. Tax credits. (1) The total amount of tax credits granted by the department in any calendar year shall not exceed three million six hundred thousand dollars. The department shall by rule establish the method of allocating available tax credits to investors including but not limited to a first-come, first-served system, reservation system, and other method which the department, in its discretion, may find beneficial to the program. If the department does not grant the entire three million six hundred thousand dollars in tax credits in any calendar year, the amount of residual unused tax credits may be carried forward to subsequent calendar years and may be granted in any year without regard to the three million six hundred thousand dollar per year limitation. After the approval of an investor pool, the department shall issue a letter identifying the amount of tax credits that are available to that pool; however, no tax credit shall be granted to an investor until the investment has been made in the Louisiana Entrepreneurial Business.

(2)(a) An investor may apply for and, if qualified, be granted a credit on any income or corporation franchise tax liability owed to the state by the taxpayer seeking to claim the credit in the amount approved by the secretary of the department. The amount of the tax credit shall be based upon the amount of money invested by the investor in the Louisiana Entrepreneurial Business, which investment shall not exceed seven hundred twenty thousand dollars per year per business and one million four hundred forty thousand dollars total per business. Except as otherwise provided in Subparagraph (b) of this Paragraph, the credit shall be allowed against the income tax for the taxable period in which the credit is earned and the franchise tax for the taxable period following the period in which the credit is earned. The credit approved by the department shall be granted at the rate of twenty-five percent of the amount of the investment with the credit divided in equal portions for three years.

(b) After certifying the eligibility of the Louisiana Entrepreneurial Business and the amount of the investment, the department shall issue a tax credit certificate, a copy of which is to be attached to the tax return of the angel investor. The tax credit available in the first year shall occur twenty-four months from the date the department certifies the amount of money invested by the investor in an eligible Louisiana Entrepreneurial Business.

(3) An investor may apply for and, if qualified, be granted a credit on any income or corporation franchise tax liability owed to the state by the taxpayer seeking to claim the credit in the amount approved by the secretary of the department. The amount of the tax credit shall be based upon the amount of money invested by the investor in the Louisiana Entrepreneurial Business, which investment shall not exceed seven hundred twenty thousand dollars per year per business and one million four hundred forty thousand dollars total per business. Except as otherwise provided in Subparagraph (b) of this Paragraph, the credit shall be allowed against the income tax for the taxable period in which the credit is earned and the franchise tax for the taxable period following the period in which the credit is earned. The credit approved by the department shall be granted at the rate of twenty-five percent of the amount of the investment with the credit divided in equal portions for three years.

(5)(a) If at the close of any calendar year in the five-year period beginning with the first year in which a tax credit certificate was issued to an investor, the Louisiana Entrepreneurial Business no longer domiciled in Louisiana, the tax credit shall be recaptured from the investor unless the investor makes an application to the department for a lump sum benefit for the transfer of the business.

(b) If at the close of any calendar year in the three-year period beginning with the first year a tax credit certificate was issued to an investor, the transferor transfers the equity in the Louisiana Entrepreneurial Business to another organization, the tax credit shall be recaptured from the investor unless the transfer results from any of the following circumstances:

(i) The liquidation of the business issuing the equity;

(ii) The merger, consolidation, or other acquisition of such business or all or substantially all of the assets of the business with or by a party not affiliated with the business;

(iii) The death of the investor;

(iv) The transfer of the equity in the Louisiana Entrepreneurial Business by the investor is to an entity, trust, or other organization under the control of the investor to an organization that acquires in good faith the equity of the organization and who receives either nominal or no remuneration for his services.

F. Transferrability of the credit. Any Angel Investor Tax Credits not previously claimed by any taxpayer against its tax may be transferred or sold to another Louisiana taxpayer, subject to the following conditions:

(2) 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. The notification shall include the transferee’s tax credit balance prior to transfer, a copy of any tax credit certificate issued by the secretary of the Department of Economic Development, the transferor’s remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, the price paid by the transferee to acquire the tax credits, and any other information required by the department. Any information submitted by a transferee or transferee shall be treated by the department and the Department of Revenue as proprietary to the entity or person reporting such information and is not available to the public. However, this shall not preclude the publication of summary data that includes no fewer than three transactions.

Section 3. The provisions of Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature as amended by Act No. 29 of the 2016 First Extraordinary Session of the Legislature amending R.S. 47:6020(D)(1) and (2) and Section 3 of Act No. 414 of the 2011 Regular Session of the Legislature are hereby repealed in their entirety.

Section 4. Sections 1, 4, and 5 of this Act shall become effective on July 1, 2017.

Section 5. Sections 2 and 3 of this Act shall become effective on July 1, 2017.

Approved by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State
(a) Diagnosed as leukemia, lymphoma, or multiple myeloma or any other type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer.

(b) Diagnosed as originating in the bladder, breast, colon, liver, lungs, pancreas, reproductive tract, skin, kidney, testicle, or gastrointestinal tract.

(c) In the event that a volunteer member is diagnosed with heart or lung disease, stroke, or a type of cancer meeting the requirements of Subsection D of this Section, all of the following criteria shall apply in determination of the eligibility of the volunteer member for receiving the benefits provided to the group policy described in Subsection C of this Section:

(1) The volunteer member shall have completed five or more years of service with the fire company.

(2) In the event a volunteer member is determined to be eligible to receive a benefit pursuant to this Section, the option to enroll for this benefit shall be offered to the volunteer member for no less than ninety days from the date his membership ceased as a volunteer member with the fire company.

(3) Any eligible volunteer member who enrolls to receive the benefit shall be entitled to receive the benefit through the age of seventy with coverage terminating when the volunteer member attains the age of seventy-one.

(4) The state fire marshal shall deliver to each fire company a printed or electronic notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which a claim must be filed. The fire company shall post such notice in a conspicuous place at its facilities.

(5) A fire company shall provide to the state fire marshal, upon request and within a reasonable time period, any documents, materials, or other information necessary to administer the provisions of this Section.

(6) A fire company may not establish any rules or regulations necessary to administer the provisions of this Section in accordance with the Administrative Procedure Act, R.S. 49:950, et seq.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schdedler
Secretary of State

ACT NO. 347

HOUSE BILL NO. 470

BY REPRESENTATIVE FALCONER

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Tammany Parish; to provide for related matters.

THE ADVOCATE

* As it appears in the enrolled bill

THE ADVOCATE

* As it appears in the enrolled bill

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THE ADVOCATE

* As it appears in the enrolled bill
The department shall promulgate, in accordance with the Administrative Procedure Act, all rules and regulations necessary to carry out the provisions of this Article.

Art. 616.1. Correction of central registry entries; procedure
A. When a report alleging abuse or neglect is recorded as justified by the department in the state central registry but when no petition is or was subsequently filed alleging that the child is in need of care, the individual who is the subject of the finding may file a written motion seeking correction of that entry and all related department records in the court exercising juvenile jurisdiction in the parish in which the finding was made.

F. The provisions of this Article shall apply only to those reports determined by the department to be justified prior to the effective date of Children's Code Article 616.1.

Art. 616.1. Appeal and review; correction of central registry entries; procedure
A. When a report alleging abuse or neglect is determined to be justified by the department, the individual who is or was the subject of the determination may make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with the procedures set forth in Title 67 of the Louisiana Administrative Code.

B. The department shall promulgate, in accordance with the Administrative Procedure Act, all rules and regulations necessary to implement the provisions of this Article.

Section 3. R.S. 15:1110.2(A) through (C) are hereby amended and reenacted to read as follows:
§1110.2. Disclosure requirements; penalties Employment prohibition; previous finding of abuse or neglect
A. Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility whose duties include the investigation of child abuse or neglect is prohibited from being employed by the facility if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect.

B. All such completed state central registry disclosure forms shall be maintained in accordance with the department's licensing regulations. Any state central registry disclosure form that is maintained in a juvenile detention facility licensing file shall be confidential and subject to the provisions of R.S. 46:51.2 and any other laws or rules of the department.

When a report alleging abuse or neglect is determined by the department to be justified prior to the effective date of the rules promulgated pursuant to Paragraph (3) of this Subsection.

F. The provisions of this Article shall apply only to those reports determined by the department to be justified prior to the effective date of Children's Code Article 616.1.

The search shall be limited to those names recorded in the state repository and central registry, determined by the types of information that are confidential. The department shall promulgate procedures promulgated by the department.

SECRETARY OF STATE

ACT No. 348

HOUSE BILL NO. 486

BY REPRESENTATIVE JOHNSON

AN ACT

To amend and reenact Children's Code Articles 611(A)(1)(b), 616(A) through (D), 616.1(A), R.S. 15:1110.2(A) through (C), R.S.46:51.2(A)(1)(b), (2), and (3), (E)(2), (F)(1), and (H), and 1414.1A through (C), and to enact Children's Code Articles 616(E), (H), and (I), 616.1(F), and 616.1.1, and to repeal R.S. 15:1110.2(D) and (E) and R.S. 46:51.2(A)(4) through (11) and (13) and 1414.1D and (E), relative to the state central registry maintained by the Department of Children and Family Services; to require a state repository; to provide for central registry information; to authorize a fee for registry searches; to provide for the right to appeal in certain situations; to provide for employment prohibitions; to provide for an exemption relative to the division of administrative law; to provide for an effective date; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section I. Children's Code Articles 611(A)(1)(b), 616(A) through (D), 616.1(A), are hereby amended and reenacted and Children's Code Articles 616(E), (H), and (I), 616.1(F), and 616.1.1 are hereby enacted to read as follows:

Art. 611. Immunity from civil or criminal liability
A. (1) No cause of action shall exist against any:

(b) Caseworker who in good faith conducts an investigation, makes an investigative judgment or disposition, or releases or uses information contained in the state repository or central registry for the purpose of protecting a child.

Art. 616. Central State repository; central registry; screening court-appointed special advocates volunteers; confidentiality
A. The department shall maintain a central registry state repository of all reports of abuse and neglect. The purpose of this central registry state repository is to provide information of past reports of child abuse or neglect of children to assist in the proper evaluation of current reports of abuse or neglect which may include a pattern of incidents.

B. Within the state repository, the department shall maintain a state central registry of certain justified reports of abuse and neglect as set forth in Chapter II of Title 46; Rules promulgated by the department. The name of an individual who was placed on the state central registry as a perpetrator of abuse or neglect prior to the effective date of Children's Code Article 616.1 shall not be removed from the state central registry subsequent to the effective date of the rules promulgated pursuant to Paragraph (3) of this Subsection.

C. Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility licensed by the department who knowingly falsifies the information on the state central registry disclosure form shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both. The department shall promulgate, in accordance with the Administrative Procedure Act, all rules and regulations necessary to implement the provisions of this Section.

D. Criminal history and central registry information
A. (1) No person shall be hired by the department whose duties include the supervision of the department until that individual's administrative appeals are exhausted. The department shall promulgate, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the department.

The department has conducted a search of the state central registry of justified abuse or neglect, hereafter referred to as "central registry". Reports and has determined that the individual's name is not recorded therein, or if an individual's name is recorded on the central registry, a risk evaluation panel has determined in writing that the individual does not pose a risk to children. The department shall promulgate rules regarding the maintenance of the central registry, and the search and release of information in the state repository and central registry, as determined by the types of dispositions made pursuant to Article 615.

D. Upon the written request of the court during its evaluation of an individual applying to work as a court-appointed special advocate and with the consent of the applicant, the department shall search the central registry and report to the court any justified report of abuse or neglect alleging that the applicant is a perpetrator.

H. The department may charge a fee, that shall not exceed twenty-five dollars, to conduct a search of the state central registry of justified abuse or neglect reports to determine whether an individual's name is recorded therein. A search shall be allowed only when specifically authorized.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in struck through are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(3) The department shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, necessary to implement Paragraphs (1) and (2) of this Subsection. The provisions of this Subsection shall include but need not be limited to determining financial eligibility and other criteria for risk evaluation requests and establishing criteria for risk evaluation determinations. Any such determination by the risk evaluation panel shall be kept on file at all times by the department:

E. * * *

(2) This information may be requested only about a person who has, or has applied or volunteered for, a position in the organization which includes supervisory or disciplinary authority over children, or who lives in a registered family child day care home.

F. Any responsible officer or official, as the department may determine, of the following organizations or the department may request the specified criminal history information:

(1) A child caring institution, child-placing agency, maternity home, group home, or day care center; or residential home as defined in R.S. 40:1403; or a juvenile detention facility; or a family child day care home registered under the Child Care Registration Law, R.S. 46:1441 et seq.

H. (1) The department shall execute a survey to assess the impact and cost of conducting national criminal history record checks and all arrest records checks on potential owners, operators, employees, and volunteers of a child care or child residential facility a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department and develop a statewide implementation plan prior to requesting that funds be appropriated for conducting the searches. The department shall maintain the results of the survey searches, anticipated costs, and implementation plan to the legislature for their consideration in appropriation decisions. The department shall implement the plan to conduct national criminal history record checks on potential owners, operators, employees, or volunteers of child care or child residential facility a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department only upon the appropriation of funds by the legislature for such purpose.

(2) Upon appropriation of funds by the legislature and implementation of the plan in accordance with Paragraph (1) of this Subsection, the Bureau of Criminal Identification and Information shall make available to the department, all criminal history record information as defined in R.S. 15:376 relative to the prospective owner, operator, employee, or volunteer of child care or child residential facility a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department.

(3) Upon appropriation of funds by the legislature and implementation of the plan in accordance with Paragraph (1) of this Subsection, the Bureau of Criminal Identification and Information shall facilitate national criminal history record checks on potential owners, operators, employees, or volunteers of child care or child residential facility a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department, by the department receiving and forwarding fingerprint cards to the Federal Bureau of Investigation. The department is authorized to receive and screen the results of the state and national criminal history record checks in order to assess the criminal history of a potential owner, operator, employee, or volunteer of child care or child residential facility a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department. The department shall maintain the confidentiality of criminal history information received in accordance with applicable federal or state law.

§1414.1. Disclosure requirements; penalties

State central registry

A. Any owner, operator, current or prospective employee, or volunteer of a specialized provider requesting licensure or licensed by the Department of Children and Family Services shall report annually and at any time upon the request of the department on the state central registry disclosure form promulgated by the department whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect. The report shall be submitted by the specialized provider if that individual’s name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

B. For each current or prospective employee or volunteer of a specialized provider licensed by the department shall submit the state central registry disclosure form to the owner or operator of the specialized provider, who shall maintain the documents in accordance with current department licensing requirements. Any centralized state central registry information maintained by a specialized provider licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:586(C) pertaining to the investigations of abuse and neglect. If the individual’s name is or was entered on the state central registry, that individual may make a formal written request to the department for an administrative law judge to conduct a hearing and to review the appeal of the justified determination, in accordance with Children’s Code Article 616.1.1 and the procedures promulgated by the department.

C. Any owner, operator, current or prospective employee, or volunteer of a specialized provider licensed by the department who knowingly falsifies the information on the state central registry disclosure form shall be guilty of a misdemeanor offense and shall be fined not more than five hundred dollars, or imprisoned for not more than ninety days, or both. The department shall promulgate, in accordance with the Administrative Procedure Act, rules and regulations necessary to implement the provisions of this Section.

Section 5. R.S. 49:992(D)(9) is hereby amended and reenacted to read as follows:

§992. Applicability; exemptions; attorney fees; court costs

D. * * *

(9) Adjudicated filings pursuant to R.S. 46:51.2, involving a risk evaluation panel decision, with the Department of Children and Family Services shall be exempt from the provisions of this Chapter.

Section 6. R.S. 15:1110.2(D) and (E) and R.S. 46:51.2(A)(4) through (11) and (13) and (E)(1)(d) and 1414.1(D) and (E) are hereby repealed in their entirety.

Section 7. This Act shall become effective upon promulgation and publication by the Department and Children of Family Services of the final rules to implement the provisions of this Act.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 349

HOUSE BILL NO. 492

BY REPRESENTATIVES MAGEE, HOFFMANN, AND STOKES

AN ACT

To amend and reenact R.S. 40:1253.2(A)(introductory paragraph) and (3) and (g), 1253.3(B), and 1253.4(A) and R.S. 46:460.31(introductory paragraph) and (4) and 460.51(A) and (h) and to enact R.S. 40:1253.2(A)(3)(h), R.S. 46:460.51(13), and Subpart D of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:460.81 through 460.89, relative to the Louisiana Medicaid program; to provide for duties of the Louisiana Department of Health in administering the Medicaid managed care program; to correct references to the name of such program; to establish a process for review of healthcare provider claims submitted to Medicaid managed care organizations; to provide for reviews of claim payment determinations which are adverse to healthcare providers; to provide for appeals of determinations rendered through such review process; to establish a panel for selection of independent reviewers; to provide reporting requirements; to provide for penalties; to provide for administrative rulemaking; to provide for exclusions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1253.2(A)(introductory paragraph) and (3)(f) and (g), 1253.3(B), and 1253.4(A) are hereby amended and reenacted and R.S. 40:1253.2(A)(3)(h) is hereby enacted to read as follows:

§1253.2. Medicaid managed care program; reporting

A. The Louisiana Department of Health shall submit an annual report concerning the Louisiana Medicaid Bayou Health managed care program and, if not included within the Bayou Health program, any managed care program providing benefits to Medicaid enrollees to the Senate and House committees on health and welfare. The department shall submit the report shall be submitted by March thirtieth every year, and the applicable reporting period shall be for the previous state fiscal year except for the measures that require reporting of health outcomes which shall be reported for the calendar year prior to the current state fiscal year. The report shall include:

* * *

(3) The following information related to healthcare services provided by healthcare providers to Medicaid enrollees enrolled in each of the managed care organizations:

* * *

(f)(i) The total number of independent reviews conducted pursuant to R.S. 46:460.81 et seq, delineated by claim type for each managed care organization.

(ii) The total number and percentage of adverse determinations overturned as a result of an independent review conducted pursuant to R.S. 46:460.81 et seq, delineated by claim type for each managed care organization.

(g) The following information concerning pharmacy benefits delineated by each managed care organization and by month:

(i) Total number of prescription claims.

(ii) Total number of prescription claims subject to prior authorization.

(iii) Total number of prescription claims denied.

(iv) Total number of prescription claims subject to step therapy or fail first protocols.

(h) The report shall include the following information concerning Medicaid drug rebates and manufacturer discounts delineated by each managed care organization and the prescription benefit manager contract or owned by the managed care organization and by month:

(i) Total dollar amount of the Medicaid drug rebates and manufacturer discounts collected and used.
(ii) Total dollar amount of Medicaid drug rebates and manufacturer discounts collected and remitted to the Louisiana Department of Health.

§1253.3. Louisiana Behavioral Health Partnership; reporting

The following procedure shall govern the process for independent review of an adverse determination taken against a provider by a managed care organization.

(a) The date on which the managed care organization transmits remittance advice or other notice electronically, or the date of postmark if the remittance advice or other notice is provided in a nonelectronic format.

(b) Sixty days from the date the claim was submitted to the managed care organization.

(c) The date on which the managed care organization receives monies remitted for a previous claim payment.

(d) Pursuant to the reconsideration request, if the managed care organization reverses the adverse determination, the claim shall be paid within sixty days of receipt of the request for reconsideration.

(e) The date on which the managed care organization has received the claim.

(f) The date on which the claim was submitted to the department.

Section 2. R.S. 46:460.31(introductory paragraph) and (4) and 460.51(5) and (8) are hereby amended and reenacted and R.S. 46:460.51(13) and Subpart D of Part XIII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:460.81 through 460.89, are hereby engrafted to read as follows:

§460.31. Definitions

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

(4) “Prepaid coordinated care network” means a private entity that contracts with the department to provide Medicaid benefits and services to enrollees of the Medicaid coordinated managed care program known as “Bayou Health” in exchange for a monthly prepaid capitated amount per member.

§460.51. Definitions

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

(5) “Health care provider” or “provider” means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners or other individual health care practitioner licensed, certified, or registered to perform specified health care services consistent with state law, person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution that provides health care or professional services to individuals enrolled in the Medicaid program.

(8) “Prepaid Coordinated Care Network” means a private entity that contracts with the department to provide Medicaid benefits and services to Louisiana Medicaid Bayou Health Program managed care program enrollees in exchange for a monthly prepaid capitated amount per member.

(13) “Adverse determination” means any of the following relative to a claim by a provider for payment for a health care service rendered by the provider to an enrollee of the Medicaid managed care organization:

(a) A decision by a managed care organization that denies a claim in whole or in part.

(b) A decision by a managed care organization that only partially pays a claim.

(c) A decision by a managed care organization that results in recoupment of the payment of a claim.

SUBPART D. MEDICAID MANAGED CARE INDEPENDENT CLAIMS REVIEW PROCESS

§460.91. Right of providers to independent review; applicability

A. If a provider’s claim is subject to an adverse determination evidenced in a remittance advice or other written or electronic notice from a managed care organization, then the provider shall have a right to an independent review of the adverse action taken by the managed care organization. Such independent review shall be governed by the provisions of this Subpart and any applicable rules and regulations promulgated by the department pursuant to the Administrative Procedure Act. The provisions of this Subpart shall not otherwise prohibit or limit any alternative legal or contractual dispute resolution mechanism available to a provider to contest the partial or total denial of a claim for payment of a health care service rendered by a provider to an enrollee of a Medicaid managed care organization, to the extent such dispute resolution mechanism is available to a provider prior to submittal of a reconsideration request. The provisions of this Subpart apply to all independent review processes executed between a provider and a managed care organization which seeks to limit or otherwise impede the appeal process as set forth in this Subpart shall be null, void, and deemed to be contrary to the public policy of this state.
(3) Continuously review the number and outcome of requests for reconsideration and independent reviews on an aggregated basis. The panel shall not be provided patient-identifying information for any reason, nor shall it retain any information that identifies an individual provider unless a provider who submits ten or more requests for independent review along with the percentage of adverse determinations that are overturned.

§460.78 Independent review selection process

Each managed care organization shall utilize only independent reviewers who are selected in accordance with R.S. 46:460.85, and shall comply with the provisions of this Subpart in the resolution of disputed adverse determinations.

§460.87 Penalties

A managed care organization found by the secretary to be in violation of any provision of this Subpart may be subject to a penalty of up to twenty-five thousand dollars per violation. In addition, if a managed care organization is subject to more than one independent review annually and the independent reviewer determined that a managed care organization failed to timely pay a claim or portion of the claim, then the managed care organization is subject to a penalty of up to twenty-five thousand dollars.

The department shall promulgate all rules and regulations in accordance with the Administrative Procedure Act as may be necessary to effectuate and implement the provisions of this Subpart.

ACT No. 350

HOUSe BILl No. 495

BY REPRESENTATIVE JIM MORRIS

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Bossier Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration and the secretary of the Louisiana Department of Health, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Arc of Acadiana:

A tract of land containing 55 acres of developed property within 91.402 acres, more or less, on the right-of-way line of the KCS Railroad Main Line with the centerline of Mack’s Bayou; thence traversing said centerline of Mack’s Bayou; thence traversing said centerline of Shed Road; run North 36° 03’ 56” East, along said centerline of Shed Road having a 60 foot dedication, a distance of 2,010.29 feet to a point being the centerline intersection with the future Interstate 220; run thence South 85° 49’ 26” West, along said centerline of future Interstate 220, a distance of 42.99 feet to the intersection with the West right-of-way line of Shed Road; run thence North 36° 03’ 56” West, along said West right-of-way line of Shed Road, a distance of 295.21 feet to the point of beginning of the tract herein described; continue thence North 36° 03’ 56” East, along said West right-of-way line of Shed Road, a distance of 315.41 feet; run thence North 62° 11’ 40” East, a distance of 436.61 feet; run thence North 85° 49’ 26” East, a distance of 200 feet; run thence North 56° 27” 20” East, a distance of 327.67 feet; run thence North 77° 45’ 56” East, a distance of 209.73 feet; run thence South 12° 14’ 04” East, a distance of 10 feet to the centerline of Mack’s Bayou; thence traversing said centerline of Mack’s Bayou; thence traversing said centerline of Shed Road, a distance of 303.33 feet; run thence North 22° 53’ 40” West, a distance of 105.95 feet; run thence North 70° 23’ 37” West, a distance of 240.74 feet; run thence South 38° 26’ 51” West, a distance of...
of 101.42 feet; run thence South 79° 39' 30" West, a distance of 400.04 feet; run thence South 73° 59' 55" West, a distance of 311.42 feet; run thence South 89° 30' 14" West, a distance of 201.82 feet; run thence South 82° 41' 02" West, a distance of 200.09 feet; run thence South 65° 32' 31" West, a distance of 222.52 feet; run thence South 54° 42' 50" West, a distance of 527.16 feet; run thence South 71° 33' 30" West, a distance of 201.44 feet; run thence South 56° 31' 20" West, a distance of 263.52 feet; run thence South 39° 55' 17" West, a distance of 293.86 feet; run thence South 61° 11' 40" West, a distance of 291.54 feet; run thence South 73° 19' 56" West, a distance of 265 feet; run thence South 74° 10' 40" West, a distance of 162.05 feet; run thence South 50° 49' 27" West, a distance of 107.59 feet; run thence South 30° 20' 21" West, a distance of 586.93 feet; run thence South 61° 11' 40" West, a distance of 117.06 feet to the intersection with the North right-of-way line of the future Interstate 220, said North right-of-way line being in a curve to the east having the following data: Delta = 2° 34' 37"', Tangent = 510.41 feet and Radius = 22, 693.31 feet; run thence easterly, along said curve a distance of 1,020.66 feet; run thence North 85° 49' 26" East, a distance of 1,067.33 feet to the point of beginning, all as set forth on Exhibit ‘A’ attached hereto and made a part hereof being a survey plat dated July 15, 1970, revised August 4, 1970, by Demopolus and Ferguson, Inc., Consulting Engineers.

Section 2. The commissioner of administration and the secretary of the Louisiana Department of Health are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in such agreements entered into and documents executed by and between the commissioner of administration, the secretary of the Louisiana Department of Health, and the Arc of Acadia, in exchange of consideration proportionate to the appraised value of the property. A condition of the conveyance of property authorized by this Act shall be that in the event the Arc of Acadia decides to sell, convey, or transfer the property described in Section 1 of this Act the state shall have a right of first refusal to purchase the property.

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. 351

HOUSE BILL NO. 531

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 17:240(A) and (B), relative to tobacco products on school property; to provide for definitions; to repeal the authorization for designated smoking areas on school property; to prohibit the tobacco product or any other lighted tobacco product .

Section 1. R.S. 17:240(A) and (B) are hereby amended and reenacted to read as follows:

(2) "Prohibition shall not be applicable to any tobacco product that has been approved purpose.

(3) Smoking shall be prohibited on any school bus or school vehicle transporting students attending any elementary or secondary school.

(4) The provisions of this Subsection shall not apply to any school property that is rented, leased, or otherwise made available for use for non-educational purposes.

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. 352

HOUSE BILL NO. 555

BY REPRESENTATIVE JACKSON AND SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 47:287.71(B)(6), relative to corporate income tax; to provide for a deduction for dividends by certain regulated entities; to provide for applicability; to provide for effectiveness; and to provide for related matters.

Section 1. R.S. 47:287.71(B)(6) is hereby amended and reenacted to read as follows:

(6)(b) Amounts received as dividend income by any member of a regulated group of entities. For purposes of this Subparagraph, the following terms shall have the meanings ascribed to them:

(a) "Legal entities" shall include, but is not limited to, corporations, limited liability companies, partnerships, or any other form of business organization.

(b) "Regulated group of entities" shall mean a group comprised of a parent entity and any other legal entities in which the parent entity directly or indirectly owns at least fifty percent of either the vote or the value of the stock, membership interest, partnership interest, or other ownership interest and in which either one of the following applies:

(a) One or more of the members of the group is regulated by the Louisiana Public Service Commission as a telecommunications service provider and at least one of the members of the group has at any time been party to a contract entered into under the authority of Chapter 1 of Subtitle V of this Title.

(b) One or more of the members of the group is regulated by the Louisiana Public Service Commission as an electric utility.

Section 2. This Act shall become effective on January 1, 2018, and shall apply to all taxable periods beginning on and after January 1, 2018.

Approved by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 353

HOUSE BILL NO. 584

BY REPRESENTATIVE LEGER AND SENATORS ALARIO, BARROW, BISHOP, BOUDREAUX, CARTER, FANNIN, GATTI, JOHNS, LAFLEUR, LONG, MERRILL, PETERSON, TARVER, AND THOMPSON

AN ACT

To enact R.S. 17:407.30 and 3090, relative to special treasury funds; to establish the Louisiana Early Childhood Education Fund as a special...
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.30 and 3090 are hereby enacted to read as follows:

§407.30. Louisiana Early Childhood Education Fund
A. There is hereby created in the state treasury a special fund to be known as the "Louisiana Early Childhood Education Fund, hereinafter in this Section referred to as the "fund".
B. Any appropriations, public or private grants, gifts, or donations received by the state or the Department of Education for the purposes of this Section, other than federal funds for the Child Care and Development Fund Program, shall be credited to the fund.
C. Monies in the fund shall be invested by the state treasurer in a manner specified by the board of the fund.
D. The fund shall be administered by the State Board of Elementary and Secondary Education. Monies in the fund shall be awarded to local entities upon application by the board for the purpose of funding early childhood care and education programs. The board may determine the rate at which monies may be awarded and the terms and conditions of such awards.
E. If a local entity provides funding for the purpose of providing early childhood care and education, the board may award additional funding in accordance with the Child Care Assistance Program in the jurisdiction of the local entity. Any such award shall not exceed fifty percent of the monies from the fund.
F. The department shall actively solicit and use resources to fund the Child Care Assistance Program.
G. The State Board of Elementary and Secondary Education shall promulgate rules and regulations to administer the distribution of monies from the fund to the Child Care Assistance Program.
H. The legislature hereby finds that due to the number of special funds in the state treasury that dedicate state revenue, the legislature should take such action as is necessary to eliminate such special funds and the dedication of state revenues to such special funds.

Be it enacted by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 355
HOUSE BILL NO. 590
BY REPRESENTATIVES HILPERTY AND DAVIS
AN ACT
To amend and reenact R.S. 49:308.5 and to enact R.S. 24:653(N), relative to the review of special treasury funds; to provide for the submission of a plan to review special treasury funds; to provide for the review of and recommendation on certain special treasury funds; to provide for exceptions; to provide for a dedicated fund review subcommittee of the Legislative Committee on the Budget; to provide for a method of funding, the legislature should take such action as is necessary to eliminate such special funds and the dedication of state revenues to such special funds.

Be it enacted by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 354
HOUSE BILL NO. 589
BY REPRESENTATIVES BAGNERIS
AN ACT
To enact R.S. 33:4885, relative to local governing authorities; to authorize local governing authorities to regulate the accumulation of waste tires on private property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4885 is hereby enacted to read as follows:

§3090. Achieving a Better Life Experience in Louisiana Fund
A. There shall be established as a special fund in the state treasury the "Achieving a Better Life Experience in Louisiana Fund, hereinafter referred to as the "ABLE Fund". The assets of the Louisiana Tuition Trust Authority, and all other receipts of the authority from any other source which the authority determines appropriate, shall be deposited in the ABLE Fund. Any claim for redemption or withdrawal pursuant to a Louisiana ABLE account owner's agreement shall be solely against the assets of the Louisiana Tuition Trust Authority.
B. The monies in the ABLE Fund shall be used solely as provided in this Chapter.
C. All unexpended and unencumbered monies in ABLE program accounts at the end of a fiscal year shall remain in such fund account and be available in the next fiscal year.
D. The monies in the ABLE Fund shall be invested by the state treasurer in accordance with state law and as provided for by program rules, regulations, and guidelines, and interest earned on the investment of these monies shall be credited to the respective fund accounts, following compliance with the requirements of Article VII, Section 9(E) of the constitution relative to the "ABLE Fund". The assets in the ABLE Fund shall be owned, invested, and managed by account owners and interest earned thereon is not public money and therefore is not subject to the requirements of Article VII, Section 9(E) of the constitution.

Be it enacted by the Governor, June 22, 2017.

A true copy:
Tom Schedler
Secretary of State

THE ADVOCATE
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percent of the special dedicated funds in law as of the date of the submission of the plan. The Joint Legislative Committee on the Budget shall review the plan and may add special funds to the plan submitted by the division of administration and the submitter agency or entity. The plan and schedule shall be submitted to the Joint Legislative Committee on the Budget for review and approval. The plan may be adjusted annually as needed.

(b) Each plan and schedule shall provide for the review of no more than two consecutive plans. The Joint Legislative Committee on the Budget, hereinafter referred to as “the subcommittee”, shall conduct a review of the special funds and dedications as specified in each such plan and schedule resulting in a recommendation for each specified fund in the plan. The subcommittee shall meet only on a day in which the Joint Legislative Committee on the Budget is scheduled to convene.

(3) No later than fifteen days after the approval of the plan by the Joint Legislative Committee on the Budget, the subcommittee shall cause to be posted on the website of the Louisiana Legislature, notification of a hearing schedule which shall include a date for presentation and discussion of each specified special fund in the approved plan. Additionally, the Joint Legislative Committee on the Budget shall notify the commissioner of administration and the treasurer of the hearing schedule. The commissioner of administration and the treasurer shall provide information at any hearing that the subcommittee holds on any special fund specified in the plan in the previous five fiscal years of the hearing schedule.

(4) No later than thirty days after the approval of the plan, the treasurer shall submit to the subcommittee a summary of the terms, sources, conditions, and uses of the special fund as required by law and a five-year history of the following:

(i) Sources and amounts of revenue into the fund.
(ii) Amounts appropriated or allocated from the fund and the recipients of each appropriation or allocation.
(iii) Investments and earnings of the fund.
(iv) Annual balance in the fund.
(b) The treasurer or his staff shall be in attendance and available to provide information at any hearing on a special fund received by the agency or entity.

(3) (a) No later than thirty days after the approval of the plan, the head of each agency or entity receiving an appropriation or allocation from the special dedicated fund within the previous five years shall submit to the subcommittee the following:

(i) Five-year history of the amount of the appropriation or allocation of the fund to the agency or entity.
(ii) Detailed use of the fund in each of the previous five years in which the agency or entity received an appropriation or deduction from the fund, including the total amount of funding for each activity financed with the fund and the amount of financing for the activity from the fund.
(iii) Outcomes or other relevant performance information for any activity received from the fund within the previous five years.
(iv) If dedication is a fee, the cost of providing the service offset by the fee.
(v) The head of the agency or entity, or his staff, shall be in attendance and available to provide information at any hearing on a special fund received by the agency or entity.
(vi) The subcommittee shall allow public comment on each special fund included in the plan.
(vii) The subcommittee may request any other information which the subcommittee believes is necessary in conducting the review of the special funds.

(4) Following the review of each special fund as required in this Section, members of the subcommittee shall offer motions as are necessary to amend or adopt the special fund and the amount of financing for the activity from the fund.

(b) The subcommittee shall report the findings and recommendations to the Joint Legislative Committee on the Budget for review. The Joint Legislative Committee on the Budget may recommend modifications to the report submitted by the subcommittee, however, such modifications shall be noted in the report along with any original findings or recommendations of the subcommittee.

(6) No later than February 15, 2016, and every two years thereafter, the committee shall report the findings and recommendations of each biennial review to the governor, the presiding officer of each house of the legislature for electronic distribution to each member of the legislature, the governor, the treasurer, and the commissioner of administration.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strikethrough type are deletions from existing law; words underscored and boldfaced type are additions.
years. Prior to proceeding to use outcome-based performance contracting, the authority through its executive director shall submit a proposed project along with the reason to use outcome-based performance contracting to the House Committee on Natural Resources and Environment for review.

D. When used in this Section, the following words and phrases shall have the meanings ascribed to them unless the context indicates a different meaning:

(1) “Outcome-based performance contract” means a delivery method by which the owner contracts with an entity for results-based, specific agreed-upon outcomes, goals, or outputs, with payment provided by an owner upon successful and timely performance, or the achievement of specific outcomes based on defined performance targets. For purposes of this Subparagraph, “substantial portion” shall mean sixty percent or more than seventy-five percent of the total project cost.

(2) A process through which performance indicators can be assessed by the owner to determine whether performance targets have been met.

(c) A schedule and calculation of consequences for contractors based on performance to include payments that would be earned if performance targets are met or the imposition of penalties or other payment adjustments if performance targets are not met.

(3) “Outcome-based performance contractor” means a person, sole proprietorship, partnership, corporation, joint venture, or other legal entity, properly licensed and registered, who is contractually responsible to the owner for acquiring, designing, permitting, constructing, and monitoring, or any combination thereof, the integrated coastal protection project to be delivered.

(d) “Owner” means the Coastal Protection and Restoration Authority.

(e) “Licensed design professional” means an engineer, architect, or landscape architect who has received a professional license from a Louisiana registration board as required by state law.

(f) The entity’s methods are authorized to do and doing business under the laws of this state, that meets one of the following criteria:

(a) Maintains its principal place of business in the state.

(b) Employs a minimum of two employees who are residents of the state.

(c) The entity has the meaning provided for in R.S. 49:214.2.2.

E. The authority shall not consider any unsolicited proposals for an outcome-based performance contract. However, nothing in this Subsection shall prohibit a private company from bringing to the authority suggestions for new projects or alterations to solicited proposals. Any award of a contract shall be based on the qualifications review committee’s evaluation of the responses to the RFP.

F. The authority may develop and adopt any guidelines, rules, or regulations necessary to effectuate the provisions of this Section in accordance with the Administrative Procedure Act.

G. Any financing of integrated coastal protection projects pursuant to this Section may be in such amounts and upon such terms and conditions as may be agreed upon by the owner and the outcome-based performance contractor. Additionally, the authority, with the approval of the board, may authorize any any and all financial resources, or earnings apportioned to the authority and derived from any integrated coastal protection programs, projects, or activities as described in this Section shall be deposited in and credited to the Coastal Protection and Restoration Fund in accordance with R.S. 49:214.5.4(F).

H. If necessary and upon request from the outcome-based performance contractor, the authority may exercise any statutorily created power for the purpose of acquiring lands or estates or interests in such, including but not limited to the submission of agreements and access agreements, to the extent that the authority finds that such action serves the public purpose of this Section.

I. An outcome-based performance contractor shall employ or have as a partner, member, coventurer, or subconsultant, persons or a firm with persons who are duly licensed and registered to provide the services required to complete the project and to do business in the state. The standard professional engineer and land surveyor requirements provided for in R.S. 37:681 et seq., and the rules and regulations of the Louisiana Professional Engineering and Land Surveying Board, shall apply to the component providing design services, qualifications as provided for in R.S. 37:2150 et seq., and the current rules and regulations of the State Licensing Board for Contractors shall apply to the component providing construction services utilized by the outcome-based performance contract. The authority may, based upon the applicable categories for the specific project to be delivered and as specified by the authority. All registrations and licenses for each component shall be obtained prior to the award of the project to the selected outcome-based performance contractor.

J(k). The authority shall solicit a request for statement of interest and qualifications for preparation of a qualifications review committee.

(1) The authority shall solicit a request for statement of interest and qualifications for preparation of a qualifications review committee.

(2) The RSQ shall include the following:

(a) Submittal criteria, deadlines, and requirements for proposal package.

(b) Scoring methodology and selection grading criteria.

(c) Elements of qualification and experience for key proposed management and staffing.

(d) Statements of qualification and experience of the financing members of the team.
M. The authority shall cancel any solicitation and decline to award any contract if a determination is made that it is in the best interest of the state.
N. There shall be no challenge by any legal process to the choice of the successful outcome-based performance contractor except for fraud, bias or arbitrary and capricious selection by the authority.
O. The provisions of this Section shall supersede and control to the extent of any conflict with any other provisions of any law including but not limited to the requirements of R.S. 38:2181 through 2320 and R.S. 39:1551 through 1755.

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 Schedler
Secretary of State

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ACT No. 357

HOUSE BILL NO. 618

BY REPRESENTATIVE GAROFALO

AN ACT
To amend and reenact R.S. 39:99.27(1), (4), (5), (10), (18), 99.30(A)(introductory paragraph) and (1), 99.38(A), (B), and (C), 99.41, and 99.42 and to enact R.S. 99.27(19) through (28), 99.43, and 99.44, relative to the Louisiana Coastal Protection and Restoration Financing Corporation; to authorize the financing, purchasing, owning, and managing payments from the Deepwater Horizon natural resource damage act and the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act; to provide for terms and conditions associated with the financing, purchasing, owning, and managing; to direct the Louisiana State Law Institute to redesignate section numbers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:99.27(1), (4), (5), (10), (18), 99.30(A)(introductory paragraph) and (1), 99.38(A), (B), and (C), 99.41, and 99.42 are hereby amended and reenacted and R.S. 39:99.27(19) through (28), 99.43, and 99.44 are hereby enacted to read as follows:

§99.27. Definitions

As used in this Subpart:

(1) “Agreement” means the agreement or agreements, as authorized under this Subpart, between the state of Louisiana, as the seller, and the corporation, as the purchaser, of the Offshore Royalty revenue assets. The sale by the state of the Offshore Royalty revenue assets pursuant to any such agreement shall be a true sale and absolute transfer and not a borrowing, nor a pledge or other security interest for any borrowing.

(2) “Bonds” means Offshore Royalty Revenue bonds and refunding bonds, notes, and other evidences of indebtedness issued by the corporation pursuant to this Subpart.

(3) “Closing date” means the date of delivery of the first issue of Offshore Royalty Revenue bonds.

(4) “Income” means the Offshore Royalty Revenue payments and all fees, charges, payments, and other income and receipts paid or payable to the corporation or a trustee or other party for the account of the corporation or the holders.

(5) “Interest” means interest on such bonds.

(6) “Joint Legislative Committee on the Budget” means the Joint Legislative Committee on the Budget as constituted by R.S. 22:179.

(7) “JLC” means the Joint Legislative Committee on the Budget.

(8) “JULS” means the Joint Legislative Committee on the Budget.

(9) “Mortgage” means mortgage on the Obligations of the Corporation.

(10) “Net proceeds” means the net proceeds, after financing costs, of the first issue of such bonds.

(11) “Obligations of the Corporation” means all obligations of the Corporation, as evidenced by bonds or notes, and all assets of the Corporation.

(12) “Offshore Royalty Revenue” means the Offshore Royalty revenue bonds of each issue.

(13) “Offshore Royalty Revenue assets” means all rights, title, and interest in and to the Offshore Royalty revenue bonds of each issue.

(14) “Offshore Royalty Revenue notes” means all notes issued by the Corporation, of which the holder has the right to receive, as the same shall become due, the net proceeds, after financing costs, of the first issue of such bonds.

(15) “Obligation” means the payment of principal of and interest on such bonds.

(16) “Pledge” means the pledge of the Obligations of the Corporation.

(17) “Principal” means principal on such bonds.

(18) “State allocation” means all monies to be received by the state of Louisiana as a result of the Gulf of Mexico Energy Security Act of 2006, R.S. 39:99.34 and the other provisions hereof, with all the powers of a private individual and not for pecuniary or personal reasons not related to the taxpayers' interest, or for the purpose of promoting, advancing, or furthering any other purpose or object for which such monies were provided by Congress or the state, including but not limited to the Deepwater Horizon oil spill as set forth in the RESTORE Act and the consent decree.

(19) “State allocation” means any other obligation of the state to pay a portion of the purchase price to the state of Louisiana to purchase the DWH NRD assets.

(20) “DWH NRD assets” means all rights, title, and interest in and to the net proceeds, after financing costs, of the first issue of the DWH NRD bonds of each issue.

(21) “DWH NRD bonds” means all bonds issued by the Corporation, related to the Deepwater Horizon oil spill as set forth in the RESTORE Act and the consent decree.

(22) “RESTORE Act” means the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

(23) “RESTORE assets” means all rights, title, and interest in and to the portion of the state allocation or civil penalties related to the Deepwater Horizon oil spill as set forth in the RESTORE Act and the consent decree.

(24) “RESTORE payments” means the monies paid or payable for civil penalties pursuant to the RESTORE Act and the consent decree, to the corporation, and the agreement as in effect from time to time.

(25) “RESTORE assets” means all monies constituting the state of Louisiana’s allocable share of natural resource damages pursuant to the consent decree.

(26) “RESTORE payments” means the monies paid or payable for civil penalties pursuant to the RESTORE Act and the consent decree, to the corporation, and the agreement as in effect from time to time.

(27) “RESTORE revenue” means all monies constituting the state of Louisiana’s allocable share of civil penalties related to the Deepwater Horizon oil spill as set forth in the RESTORE Act and the consent decree.

§99.28. Issuance of Offshore Royalty revenue bonds of the corporation

A. In order to provide current assets and funds for the Coastal Protection and Restoration Fund pursuant to this Subpart for the benefit of the state, the board is hereby authorized and empowered to provide by resolution, at one time or from time to time, for the issuance of Offshore Royalty revenue bonds of the corporation in such amount or amounts as the board shall determine, subject to the approval of the State Bond Commission and the Joint Legislative Committee on the Budget. Such bonds shall be payable solely from funds of the corporation, including, without limitation, all or any combination of the following sources: (i) Offshore Royalty Revenue assets, (ii) the proceeds of the sales of any such bonds, (iii) earnings on funds of the corporation or the indenture trustee, (iv) income, and (v) such other funds as may become available, as shall be provided by the resolution of the board authorizing any such bonds.

B. The Offshore Royalty revenue bonds of the corporation shall be in coupon form, registered in such name or names as the board shall provide, and shall be payable at or prior to maturity, and shall mature at such time or times, as the board shall determine, subject to the approval of the State Bond Commission and the Joint Legislative Committee on the Budget. The board shall determine the form of the bonds, including any interest coupons to be attached thereon, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds may be issued in coupon or in registered form or both, as the board may determine, and such bonds may be registered in the name of any beneficial owner, and such bonds may be secured by a pledge of the DWH NRD assets as to principal alone and as to both principal and interest and for the reconversion of any bonds registered as to both principal and interest into coupon bonds. The board may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine to be in the best interests of the corporation, subject to approval of the State Bond Commission and the Joint Legislative Committee on the Budget. The proceeds of such bonds shall be disbursement for the purposes for which such bonds were issued under such restrictions, if any, as the laws of the state shall prescribe.

§99.29. Purposes and powers

A. The corporation’s purposes are, and it shall have the authority and powers, to carry out the financing, purchasing, owning, and managing of the Obligations of the Corporation, including the Obligations of the Corporation, the DWH NRD assets, the RESTORE assets, and the RESTORE payments. The corporation may make loans, guarantees, and other insurance, loan, and credit arrangements, and may issue bonds

§99.30. Issuance of Offshore Royalty revenue bonds of the corporation

A. In order to provide current assets and funds for the Coastal Protection and Restoration Fund pursuant to this Subpart for the benefit of the state, the board is hereby authorized and empowered to provide by resolution, at one time or from time to time, for the issuance of Offshore Royalty revenue bonds of the corporation in such amount or amounts as the board shall determine, subject to the approval of the State Bond Commission and the Joint Legislative Committee on the Budget. Such bonds shall be payable solely from funds of the corporation, including, without limitation, all or any combination of the following sources: (i) Offshore Royalty Revenue assets, (ii) the proceeds of the sales of any such bonds, (iii) earnings on funds of the corporation or the indenture trustee, (iv) income, and (v) such other funds as may become available, as shall be provided by the resolution of the board authorizing any such bonds.
of Louisiana and the resolution authorizing the issuance of such bond or the trust indenture may provide. The corporation may also provide for temporary bonds and for the replacement of any bond that shall become mutilated or destroyed or lost, or any other proceedings or the happening of any other conditions or things that are specified and required by this Subpart.

2. The Offshore royalty revenue bonds of the corporation shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The corporation, after authorizing the issuance of bonds, may publish or cause to be published in a newspaper of general circulation in the parish in which the corporation is domiciled, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in the state may contest the legality of the resolution, any provisions of the bond to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

§99.41. Bonds exempt from taxation

DWH NRD revenue bonds, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation of Louisiana and the resolution authorizing the issuance of such bond or the trust indenture may provide. The corporation, after authorizing the issuance of bonds, shall publish or cause to be published in a newspaper of general circulation in the parish in which the corporation is domiciled, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in the state may contest the legality of the resolution, any provisions of the bond to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

(1) The State Bond Commission, subject to approval of the Joint Legislative Committee on the Budget and subject to approval by a majority vote of the Joint Legislative Committee on the Budget and subject to approval by a majority vote of the Joint Legislative Committee on the Budget and subject to approval by a majority vote of the Joint Legislative Committee on the Budget and subject to approval by a majority vote of the Joint Legislative Committee on the Budget, the proceeds of such bonds shall be disbursed for the purposes for which such bonds were issued under such restrictions and conditions, and things that are specified and required by this Subpart.

DWH NRD bonds issued under the provisions of this Subpart shall not be invalid because of any irregularity or defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder. The corporation, after authorizing the issuance of bonds by resolution, shall publish once in a newspaper of general circulation in the parish in which the corporation is domiciled, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in the state may contest the legality of the resolution, any provisions of the bond to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

(3) Neither the members of the board, its staff, nor any other person or persons executing the bonds shall be subject to any personal liability or responsibility by reason of the issuance thereof, and shall have the indemnification rights provided in R.S. 13:5108.1 with respect to such issuance.

D. Pledge and agreement

The state covenants and agrees with the corporation, and the holders of the bonds in which the corporation has included such pledge and agreement, that the state will do the following:

(1) Irrevocably direct the necessary parties as provided for in the consent decree to transfer all conveyed DWH NRD payments directly to the corporation or its assignee.

(2) Enforce the corporation’s rights to receive the DWH NRD payments to the full extent permitted by the law.

(3) Protect the corporation from any law in any manner that would materially impair the rights of the holders.

(4) Not limit or alter the rights of the corporation to fulfill the terms of its agreements with such holders.

(5) Not in any way impair the rights and remedies of such holders or the security for such bonds until such bonds, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged.

(6) Provide for the payment of DWH NRD payments to the Coastal Protection and Restoration Fund, or to the Coastwide Estuarine Reserve Program.

All proceeds and monies received by the state, whether received as purchase price for Offshore Royalty Revenue assets sold or as the residual interests or in any other way pursuant to this Subpart, shall be deposited in and credited to the Coastal Protection and Restoration Fund.

A. Sale of DWH NRD assets

(1) The State Bond Commission, subject to approval of the Joint Legislative Committee on the Budget and subject to approval by a majority vote of the legislature if the legislature is in session and by mail ballot during the interim, is authorized to sell and convey to the corporation, from time to time, a portion of the state allocation, up to one hundred percent thereof, together with any other funds as may become available, as shall be provided by the legislature. The proceeds of such sales shall be incontestable in the hands of a bona fide purchaser or holder. The corporation, after authorizing the issuance of bonds by resolution, shall publish once in a newspaper of general circulation in the parish in which the corporation is domiciled, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in the state may contest the legality of the resolution, any provisions of the bond to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

(2) Any sale of DWH NRD assets hereunder shall be treated as a true sale and absolute conveyance and transfer of the property, and all of the rights, title, and interest in and to such property, so conveyed and transferred, shall not as a pledge or any other security interest or lien for borrowing. The characterization of such a sale as an absolute transfer by the parties and herein shall not be negated or adversely affected if less than all of the state allocation is conveyed and transferred, nor by the state’s acquisition of residual interests or a subordinate interest in the DWH NRD assets, nor by any characterization of the corporation or its consents or proceedings relating to the purchase, or the happening of any other conditions or things than the proceedings, conditions, and things that are specified and required by this Subpart.

(3) On and after the effective date of each sale of DWH NRD assets, the state of Louisiana shall have no right, title, or interest in or to the DWH NRD assets sold and conveyed, and the DWH NRD payments shall be properly accounted for and credited to the Funds for the benefit of the state. The state shall have no right, title, or interest in or to the DWH NRD assets sold and conveyed, and disbursed by the corporation or the indenture trustee and not the state or the state treasury. On or before the closing date and the effective date of any subsequent sale, the state, through the attorney general, shall notify the necessary parties as provided for in the consent decree that the DWH NRD assets have been sold and conveyed to the corporation, irrevocably instruct such necessary parties as provided for in the consent decree that, subsequent to the closing date or other effective date, the DWH NRD payments are to be paid directly to the corporation or to the indenture trustee or other designee for the benefit of the state. The state covenants and agrees with the corporation that it shall take such actions necessary and appropriate to effectuate such notice and instruction.

C. Issuance of DWH NRD bonds of the corporation

(1) In order to provide current assets and funds for the Coastal Protection and Restoration Fund pursuant to this Subpart for the benefit of the state, the board is hereby authorized and empowered to provide by resolution, at one time or from time to time, for the issuance of DWH NRD bonds of the corporation in such amount or amounts as the board shall determine, subject to the approval of the State Bond Commission and the Joint Legislative Committee on the Budget. The proceeds of such bonds shall be incontestable in the hands of a bona fide purchaser or holder. The corporation, after authorizing the issuance of bonds, shall publish once in a newspaper of general circulation in the parish in which the corporation is domiciled, a notice of intention to issue the bonds. The notice shall include a description of the bonds and the security therefor. Within thirty days after the publication, any person in the state may contest the legality of the resolution, any provisions of the bond to be issued pursuant to it, the provisions securing the bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. If no action or proceeding is instituted within the thirty days, no person may contest the validity of the bonds, the provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such matters.

(3) Such bonds shall be payable solely from funds of the corporation, including without limitation, all or any combination of the following sources:

(i) DWH NRD assets

(ii) Proceeds of the sales of any such bonds

(iii) Earnings on funds of the corporation or the indenture trustee.

(iv) Income.

(v) Such other funds as may become available, as shall be provided by the resolution of the board authorizing any such bonds.
time, a portion of the state allocation, up to one hundred percent thereof from and after such date, and, in particular, to execute and deliver an agreement on the closing date. The agreement shall provide, among other such matters, for purchase of any such bonds, and transfer the RESTORE assets sold, up to one hundred percent of the state allocation from and after such date, shall consist of the net proceeds, after financing costs, of the first issue of RESTORE bonds and the residual interests to be conveyed and transferred semianually pursuant to the provisions of this Subpart.

(2) Any sale of RESTORE assets hereunder shall be treated as a true sale and absolute conveyance and transfer of the property, and all of the rights, title, interest in and to such property, so conveyed and transferred, and not as a pledge or any other security interest or lien for borrowing. The characterization of such a sale as an absolute transfer by the parties and herein shall not be negated or adversely affected if less than all of the state allocation is conveyed and transferred, nor by the state's acquisition of or interest in, or control of, or a state or controlling body, nor by any characterization of the corporation or its bonds for purposes of accounting, taxation, or securities regulation, nor by any other factor whatsoever.

B. Ownership of RESTORE assets and RESTORE payments

On and after the effective date of each sale of RESTORE assets, the state of Louisiana shall have no right, title, or interest in or to the RESTORE assets sold and conveyed; and, subject to compliance with the RESTORE Act and other applicable state or federal laws, the RESTORE payments shall be property of the corporation and not of the state, and shall be owned, received, held, and disbursed by the corporation or the indenture trustee and not the state or the state treasury. On or before the closing date and the effective date of any subsequent sale, the state, through the attorney general, shall execute and deliver to the corporation, irrevocably, the necessary instruments provided for in the consent decree that subsequent to the closing date or other effective date and in compliance with the consent decree, the state shall: (1) deliver the RESTORE assets and the RESTORE payments directly to the corporation or its designee. The state covenants and agrees with the corporation, and the holders of the bonds in which the corporation has included such pledge and agreement, that the state will:

(1) Irrevocably direct the necessary parties as provided for in the consent decree to transfer all conveyed RESTORE assets and the consent decree to transfer all conveyed RESTORE payments directly to the corporation or its assignee.

(2) Enforce the corporation's rights to receive the RESTORE payments to the full extent permitted by the law.

(3) Not amend state law in any manner that would materially impair the rights of the holders.

(4) Not limit or alter the rights of the corporation to fulfill the terms of its agreements with such holders.

(5) Not in any way impair the rights and remedies of such holders or the security for such bonds until such bonds, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged.

§99.45. Bonds exempt from taxation

The bonds, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the state of Louisiana and by any other political subdivision of the state. §99.44. §99.43. Bond and other proceeds received by the state

Approved by the Governor, June 22, 2017.

A true copy:

Secretary of State

ACT No. 358

BY REPRESENTATIVES SCHEINNAYDER, BAGLEY, BERTHELOT, BILLIOT, TERRY BROWN, CARPENTER, CHANEY, COX, CROMER, DREW, FANN, GRAHAM, HARRIS, HAVARD, HORTON, HOWARD, IVY, JAMES, LYONS, POPE, REYNOLDS, SEABOUGH, STOKES, THIBAUT, AND ZERINGUE

AN ACT

To amend and reenact R.S. 47:254(2)(a), (9)(b), and (10); and to enact R.S. 47:53.5, 111(A)(11), and 287.71(B)(8), relative to state income tax; to provide for the determination of wages for purposes of calculating withholding tax; to exclude certain remuneration from the calculation of wages; to provide for the classification of gross income; to exclude certain income from computation of net income; to provide for the determination of Louisiana net income; to exclude certain income from the calculation of Louisiana net income; to exclude certain income derived from activities conducted during certain disaster periods from state income tax; to provide for the promulgation of rules; 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. 47:242 and 293(10) are hereby amended and reenacted and R.S. 47:335, 111(A)(11), and 287.71(8)(b) are hereby enacted to read as follows: §47:242. Exclusions from gross income; compensation for disaster services; out-of-state employees; and nonresident businesses (1) There shall be excluded from the gross income of a nonresident business that performs disaster or emergency-related work within the state during a declared state disaster or emergency period all income received for disaster or emergency-related work conducted in this state during the disaster period. The nonresident business shall not be considered to have established a level of presence that would require the business to register, file, or remit the taxes imposed by Chapter 1 of Subtitle II of this Title to this state after the disaster period. (2) There shall be excluded from the gross income of an out-of-state employee, compensation for personal services rendered by a nonresident individual who is an out-of-state employee during a declared state disaster or emergency. The out-of-state employee shall not be considered to have established a level of presence in the state that would require the employee or the employee’s employer to file and pay income taxes, to be subject to tax withholdings, or to be required to file and pay any other state or local tax or fee during the disaster period. The out-of-state employee and the employee’s employer shall also be exempt from any related state or local employer withholding and remittance obligations. B. For purposes of this Section, the following terms shall have the following meanings: (1) “Critical infrastructure” means equipment and property that is owned or used by communications provider or cable operator or for communications networks, electric generation, electric transmission and distribution systems, natural gas and natural gas liquids gathering, processing, and storage, transmission and distribution systems, and water pipelines and related support property that serve multiple persons, including buildings, offices, structures, lines, poles, and pipes. (2) “Declared state disaster or emergency” means any of the following disaster or emergency events: (a) A disaster or emergency declared by executive order or proclamation by the governor pursuant to Chapter 6 of Title 29 of the Louisiana Revised Statutes of 1950. (b) There shall be excluded from the gross income of an out-of-state employee, compensation for personal services rendered by a nonresident individual who is an out-of-state employee during a declared state disaster or emergency for which a federal declaration has been issued by the president. (c) An event within the state for which a good-faith response is required and for which a registered business notifies the governor or appropriate local official of the event and the governor or appropriate local official declares a state emergency under Chapter 6 of Title 29 of the Louisiana Revised Statutes of 1950. (3) “Disaster or emergency-related work” means repairing, renovating, installing, building, rendering services, or other business activities that related to critical infrastructure that has been damaged, impaired, or destroyed by the declared state disaster or emergency. (4) “Disaster period” means a period that begins within ten days of the first day of the governor’s declaration, the president’s declaration or designation, or declaration by any other authorized state official or appropriate local government agency, as set forth in the Section, which ever occurs first, and that extends for a period of sixty calendar days after the end of the declared disaster or emergency period, or any longer period authorized by the designated state official, agency, or local government. (5) “Nonresident business” means a business entity whose services are requested by a registered business in the state or by a state or local government for purposes of performing disaster or emergency-related work in the state and that prior to the declared state of emergency, the nonresident business was not doing business in the state, did not have any employees, agents, or independent contractors in this state, was not transacting business in this state, and has not filed and is not required to file any state or local tax return in this state. (b) For purposes of this Paragraph, “nonresident business” shall include a business entity that is affiliated with a registered business in this state solely through common ownership. (6) “Out-of-state employee” means a nonresident individual who does not provide services or activities in this state, except for disaster or emergency-related work rendered during a declared state disaster or emergency. (7) “Registered business in the state” means a business entity that is registered to do business in the state and was registered prior to a declared state of emergency. (8) Both nonresident businesses and out-of-state employees shall be required to pay transaction taxes and fees including but not limited to taxes on motor fuels, hotel occupancy taxes, car rental taxes, fees, or other sales and use taxes on purchases or services made in the state during the disaster period, unless these taxes are otherwise exempted during the disaster period. (9) The secretary of the Department of Revenue, any registered business in the state that requests any nonresident business to perform disaster or emergency-related work shall provide written notice to the secretary of the Department of Revenue within the disaster period. The written notice shall include the following: (a) The name, address, and federal tax identification number of the nonresident business. (b) The date of the request to the nonresident business to perform disaster or emergency-related work. (c) The date and declaration number of the declared state disaster or emergency. A. General description of the disaster or emergency-related work required. B. Any nonresident business or out-of-state employee that remains in the state after the disaster period shall be subject to the state’s normal standards for establishing presence, residency, or doing business in the state and shall be subject to and responsible for any business or employee tax requirements that ensue. C. The secretary of the Department of Revenue may promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary to implement the provisions of this Section including, but not limited to rules to develop and issue forms or establish online processes.

§111. Definitions For purposes of this Subpart the term “wages” means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid: (11) for services performed by a nonresident individual during a declared state disaster or emergency as defined in R.S. 47:53.5.

$242. Segregation of items of gross income All items of gross income, not otherwise exempted in this Chapter, shall be segregated into two general classes. (l) The class of gross income to be designated as “allocable income” shall include only the following: (a) rents and royalties from immovable or corporeal movable property. (b) profits from sales or exchanges of property (including such items as stocks, bonds, notes, land, machinery, mineral rights) not made in the regular course of business; (c) interest income; (d) dividends from corporate stock; (e) royalties or similar revenue from the use of patents, trade marks, copyrights, process patents, or other like property rights; (f) income from estates, trusts, and partnerships; (g) salaries, wages, or other compensation received by a nonresident individual for personal services. However, salaries, wages, or other compensation received by a nonresident individual for personal services shall not be considered allocable income if received by a nonresident corporation for disaster emergency-related work rendered during a declared state disaster or emergency as defined in R.S. 47:53.5 shall not be considered an item of gross income to be designated as allocable income. (h) Income from construction, repair, or other similar services. However, income from construction, repair, or other similar services received by a nonresident corporation for disaster emergency-related work rendered during a declared state disaster or emergency as defined in R.S. 47:53.5 shall not be considered an item of gross income to be designated as allocable income. (i) The class of income to be designated as “apportionable income” shall include all items of gross income which are not properly includible in allocable income as defined in this Section. However, salaries, wages, or other compensation received by a nonresident individual for personal services received during a declared state disaster or emergency as defined in R.S. 47:53.5 shall not be considered an item of gross income to be designated as allocable income. (j) The class of income to be designated as “appor tionable income” shall include all items of gross income which are not properly includible in allocable income as defined in this Section. However, salaries, wages, or other compensation received by a nonresident individual for personal services received during a declared state disaster or emergency as defined in R.S. 47:53.5 shall not be considered an item of gross income to be designated as allocable income.

$287.71. Modifications to federal gross income computations A. There shall be subtracted from gross income determined under federal law, unless already excluded therefrom, the following items: (8) Income received by a nonresident business for disaster or emergency-related work rendered during a declared state disaster or emergency as defined in R.S. 47:53.5. (9) Income received by a nonresident business for disaster or emergency-related work rendered during a declared state disaster or emergency as defined in R.S. 47:53.5.

§293. Definitions (10) “Tax table income”, for nonresident individuals, means the amount of Louisiana income, as provided in this Part, allocated and apportioned under the provisions of R.S. 47:241 through 247, plus the total amount of the personal exemptions and deductions already included in the tax tables promulgated by the secretary under authority of R.S. 47:229, less the proportionate amount of the federal income tax liability, excess federal itemized personal deductions, the temporary teacher deduction, the recreation volunteer and volunteer firefighter deduction, the construction code retrofitting deduction, any gratuitous grant, loan, or other benefit directly or indirectly provided to a taxpayer by a hurricane recovery entity if such benefit was included in federal adjusted gross income, the exclusion provided for in R.S. 47:297.3 for S Bank shareholders, the deduction for expenses disallowed by I.R.C. Section 830C, salaries wages or other compensation received for disaster relief services provided to an out-of-state employee by an out-of-state employer to file and pay income taxes, to be subject to tax withholdings, or to be required to file and pay any other state or local tax or fee during the disaster period.

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* As it appears in the enrolled bill CODING: Words in strke through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
or emergency-related work rendered during a declared state disaster or emergency, the deduction for net capital gains, and personal exemptions and deductions provided for in R.S. 47:294. The proportionate amount is to be determined by the ratio of Louisiana income to federal adjusted gross income. When federal adjusted gross income is less than Louisiana income, the ratio shall be one hundred percent.

Section 2. The provisions of this Act shall be applicable to all tax years beginning on and after January 1, 2018.

Section 3. This Act shall become effective on July 1, 2017.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 359

HOUSE BILL NO. 678
(Substitute for House Bill No. 479 by Representative Horton)

BY REPRESENTATIVE HORTON

AN ACT

To amend and reenact Children's Code Articles 437(A), 603(24), and 610(G), to enact Children's Code Article 603(19) and Subpart E of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1086.11, and to repeal Act No. 396 of the 2007 Regular Session of the Legislature, relative to prenatal neglect and the reporting thereof; to provide for definitions; to provide for notification procedures; to provide for limitation of liability; to provide for referral for mediation; to provide for promulgation of rules by the Department of Children and Family Services; to provide for enforceability; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 437(A), 603(24), and 610(G) are hereby amended and repealed and Children's Code Article 603(19) is hereby enacted to read as follows:

Art. 437. Referral for mediation

A. At any time the court may order the referral for mediation in any proceeding authorized by this Code, except domestic abuse assistance proceedings brought pursuant to Chapter 8, Title XV, and the informal family services plan procedure of Chapter 5, Title VII.

Art. 603. Definitions

As used in this Title:

(19) “Newborn” means a child who is not more than thirty days old, determined within a reasonable degree of medical certainty by an examining physician.

(24) “Prenatal neglect” means the unlawful use by a mother during pregnancy of exposure to chronic or severe use of alcohol or unlawful use of any controlled dangerous substance, as defined by R.S. 40:961 et seq., or in a manner not legally prescribed, which results in symptoms of withdrawal in the infant newborn or the presence of a controlled substance or a metabolic thereof in the infant's body, blood, urine, or meconium that is not the result of medical treatment, or observable and harmful effects in his physical appearance or functioning.

Art. 610. Reporting procedure: report to the legislature

G.(1) If a physician has cause to believe that a mother of an infant unlawfully used during pregnancy a newborn was exposed in utero to an unlawfully used controlled dangerous substance, as defined by R.S. 40:961 et seq., the physician shall order a toxicology test upon the infant newborn without the consent of the mother or the newborn’s parents or guardian, to determine whether there is evidence of prenatal neglect. If the test results are positive, the physician shall report the results issue a report, as soon as possible, in accordance with this Article. If the test results are negative, all identifying information shall be obliterated if the record is retained, unless the parent approves the inclusion of identifying information. Positive test results shall not be admissible in a criminal prosecution.

(2) If there are symptoms of withdrawal in the newborn or other observable and harmful effects in his physical appearance or functioning that a physician has cause to believe are due to the chronic or severe use of alcohol by the mother during pregnancy or are the effects of fetal alcohol spectrum disorder, the physician shall issue a report in accordance with this Article.

Section 2. Subpart E of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1086.11, is hereby enacted to read as follows:

SUBPART E. NEONATAL ABSTINENCE SYNDROME

§1086.11. Physician notification

A. If a newborn exhibits symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes are due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner by the mother during pregnancy, the physician shall make a notification to the Department of Children and Family Services on a form developed by the department. Such notification shall not constitute a report of child abuse or prenatal neglect, nor shall it require prosecution for any illegal act.

B. The Department of Children and Family Services shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subpart. Such rules shall include, at minimum, all of the following:

(1) The manner in which the notification shall be made to the department.

(2) The form and minimum required contents of the notification.

(3) The plan to monitor the statewide system regarding the availability and delivery of appropriate services for newborns and affected families and caretakers.

C. A physician who in good faith makes a notification to the Department of Children and Family Services in compliance with this Section shall have no civil or criminal liability for damage or injury arising from that notification, unless the damage or injury was caused by the physician’s willful or wanton misconduct or gross negligence.

Section 3. Act No. 396 of the 2007 Regular Session of the Legislature is hereby repealed in its entirety.

Section 4. The provisions of this Act shall not become enforceable until the date of adoption by the Department of Children and Family Services of the administrative rules and regulations necessary to fully carry out the requirements of the department provided in this Act. The provisions of this Act shall be enforceable on and after that date.

Approved by the Governor, June 22, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 360

HOUSE BILL NO. 691
(Proposed Substitute House Bill No. 479 by Representative Hodges)

BY REPRESENTATIVE HODGES AND SENATOR BARROW

AN ACT

To amend and reenact R.S. 38:90.2(A), 90.4(A)(1)(introductory paragraph) and (B)(1), and 90.5(A) and to enact R.S. 38:90.2(C), relative to the Statewide Flood Control Commission; to provide for the Floodplain Evaluation and Management Commission of the flood information database; to provide for procedures for failing to perform required actions; to require the submission of an application by a duly authorized municipal, parish, or other governing authority after a declaration of disaster; to require submission of the final revision of the flood control database to the Joint Legislative Committee on Transportation, Highways and Public Works prior to the start of the 2022 Regular Session of the Legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:90.2(A), 90.4(A)(1)(introductory paragraph) and (B)(1), and 90.5(A) are hereby amended and reenacted and R.S. 38:90.2(C) is hereby enacted to read as follows:

§90.2. Revision of flood information database database by the Floodplain Evaluation and Management Commission

A. At least once in every four years, beginning with fiscal year 2018-19, the Louisiana Geological Survey shall review and revise the statewide flood information database. The data base will be developed for the purpose of the systematic evaluation of drainage and flooding problems in the state.

B. Provided that sufficient funds are specifically appropriated to the office, no later than March 1, 2022, and at least once every five years thereafter, the Floodplain Evaluation and Management Commission, consisting of the Department of Transportation and Development, the Coastal Protection and Restoration Authority, the office of community development, the Governor's Office of Homeland Security and Emergency Preparedness, a member from the House Committee on Transportation, Highways and Public Works, a member from the Senate Committee on Transportation, Highways and Public Works, and the secretary of the Department of Wildlife and Fisheries or his designee shall review and revise the statewide flood information database. The secretary of the Department of Transportation and Development and the designee shall serve as chairman of the commission.

C. The database will be developed for the purpose of the systematic evaluation of drainage and flooding problems in the state. The commission shall review the development proposals in each area to ensure that no development in one parish or municipality will have a negative or detrimental effect in any of the other parish or municipality. In addition to the commission, the requirement that maintenance in any basin area across parish or municipal boundaries, including the clearing and de-snagging of the Amite and Comite Rivers, are performed according to any contractual obligations and state law.

D. If the Floodplain Evaluation and Management Commission fails to perform the review and revision of the statewide flood information database as required in Subsection A of this Section, the commission shall submit a written report to the committee prior to the beginning of the next regular
The cash management review board is hereby created to be composed of the state treasurer, the legislative auditor, and the commissioner of administration, the chairman of the Senate Committee on Finance, and the chairman of the House Committee on Appropriations, or their designees.

§372. Powers; policies; reports

G. The review board is hereby empowered to review all state agency requests for the establishment of escrow funds in the state treasury, and if warranted, to approve the requests in writing. The monthly reports required by the provisions of R.S. 49:320.2(c) for all state agencies with escrow funds in the state treasury shall be submitted to the review board, which shall compile the agency reports into one report and forward it to the Cash Management Review Board and to the Joint Legislative Committee on the Budget.

H. The legislative auditor shall review each state agency’s compliance with the review board’s approved cash management policies and procedures. Any noncompliance shall be reported to the Legislative Audit Advisory Council and to the cash management review board.

SECTION 2. R.S. 49:320.2 is hereby deleted to read as follows:

§320.2. Classification of revenues; escrow funds; reports of escrow funds and agency accounts

A. The division of administration, office of statewide reporting and accounting policy, shall develop a policy manual for the classification of state revenues which shall define the revenues being classified, and the procedures necessary to provide uniformity in the classification of revenues as statutory dedications, fees, and self-generated revenue, state general fund, interagency transfers, federal funds, or other appropriate categories. The manual shall be sent to the statewide elected officials for their comments prior to submission to the Joint Legislative Committee on the Budget. The manual shall provide a description of all monies that may be deposited into an escrow fund, including monies required to be deposited into a dedicated account, or monies whose ownership is restricted by law. The manual shall describe the procedures necessary to provide a description of all monies that should not be held in an escrow fund, including any state monies. The manual shall contain policies relative to the creation of an agency account for the deposit of fees and self-generated revenues. Prior to the beginning of each fiscal year, the office of the Cash Management Review Board shall submit the proposed manual to the Joint Legislative Committee on the Budget for review and approval.

B. No state money shall be held in an escrow fund unless the state agency initiating the establishment of the escrow fund submits the Cash Management Review Board shall submit the following reports:

(1) There is a specific appropriation in the current fiscal year authorizing the withdrawal or transfer of the monies.

(2) There is no specific appropriation authorizing the withdrawal or transfer of the monies.

C. The Cash Management Review Board has authorized the establishment of the escrow fund in writing, and notice of the establishment of the escrow fund is given in writing to the commissioner of administration and to the Joint Legislative Committee on the Budget.

D. The state agency which requested the establishment of the escrow fund, and agencies which as of January 1, 2017, have established an escrow fund, shall submit a monthly report to the state treasurer who shall compile the agency reports into one report and submit it to the Cash Management Review Board and the Joint Legislative Committee on the Budget setting forth the date of the establishment of the fund, the beginning balance, any additional deposits during the period, the date and the amount of the deposit to the fund, the date and the amount of any withdrawal from the fund, the balance in the fund as of the date of the report, and any other information requested by the Cash Management Review Board or the Joint Legislative Committee on the Budget. The report shall also include any journal vouchers or other transfer requests of any classified monies back into the escrow fund.

E. State agencies which as of January 1, 2017, have an agency account established in the state treasury, shall give a quarterly report to the state treasurer, regarding fees and self-generated revenues which have been deposited, transferred, or withdrawn from the account. The state treasurer shall compile the agency reports into one report and shall submit the quarterly report to the Cash Management Review Board and the Joint Legislative Committee on the Budget. The report shall set forth:

(a) The beginning balance of fees and self-generated revenues in the agency account.

(b) The date and amount of deposits of fees and self-generated revenues to the agency account during the reporting period.

(c) Any other information requested by the Cash Management Review Board or the Joint Legislative Committee on the Budget.
A true copy: Effective upon approval.

Louisiana. If vetoed by the governor and subsequently approved by the legislature, Sections 3 through 5 of this Act shall become effective upon the day following such approval.

Approved by the Governor, June 23, 2017.

A true copy

Secretary of State

ACT No. 362

HOUSE BILL NO. 506

BY REPRESENTATIVES JEFFERSON AND JACKSON

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Children’s Code Articles 412(A), (D)(9), (10), (11), and (12), (E), (G)(4), (H), (I), (J), and (K), 414(A), 728(B), 736.1, 737(A)(4), 738(B) and (C), 742(B), 917, 918, 919, 920(A) and (B), 921, 922, and 923(E). R.S. 14:2(B), 14:222, 44:4.1(B)(3), and 44:4.1(B)(39), to enact Children’s Code Articles 412(L) and (M), 737(D), 740(A)(6), 782(A)(7), Chapter 15-A of Title VII of the Children’s Code, to be comprised of Articles 792 and 793, and Children’s Code Articles 901(G), 903(B)(7) and (G), 922(B), 924, 925, and 929, to amend Children’s Code Article 738(D), and provide comments to Children’s Code Articles 733, 733.1, 735, 736, and 758, relative to juvenile records and proceedings; to provide for the disclosure of juvenile records for sentencing purposes; to provide comments; to provide for the confidentiality of records; to provide for the record relating to a removal of a child when a child is taken into custody; to provide guidelines to the court in a juvenile disposition proceeding; to provide for the publicizing of the court and agency records; to provide for the waiver of costs and fees; to provide forms; to provide for the removal of records from the state police database; to provide comments in the Public Records Law to certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 412(A), (D)(9), (10), (11), and (12), (E), (G)(4), (H), (I), (J), and (K), 414(A), 728(B), 736.1, 737(A)(4), 738(B) and (C), 742(B), 917, 918, 919, 920(A) and (B), 921, 922, and 923(E) are hereby amended and reenacted and Children’s Code Articles 412(L) and (M), 737(D), 740(A)(6), 782(A)(7), Chapter 15-A of Title VII of the Children’s Code, comprised of Articles 792 and 793, and Children’s Code Articles 901(G), 903(B)(7) and (G), 922(B), 924, 925, and 929 are hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

A. Records and reports concerning all matters or proceedings before the juvenile court, except traffic violations, are confidential and shall not be disclosed except as expressly authorized by this Code. Any person authorized to review or receive confidential information shall preserve its confidentiality in the absence of express authorization for sharing with others unless a court order authorizes them to share with others.

D. When such information is relevant and necessary to the performance of their respective duties and enhances services to the child or his family, the court may authorize the release of records, reports, or certain information contained therein, limited to the specific purpose for which the court authorizes release, to appropriate individuals representing who represent any of the following when they are providing services to the child whose records are disclosed during the pendency of the matter about which the records are disclosed:

(9) A person familiar with the applicable disclosure provisions and agrees not to disclose any information to unauthorized persons.

L. Juvenile records or information from juvenile records disclosed pursuant to this Article shall be marked “UNLAWFUL DISSEMINATION OF THIS INFORMATION IS PUNISHABLE AS A CONSTRUCTIVE CONTEMPT OF COURT PERSUANT TO LOUISIANA CHILDREN’S CODE ARTICLE 1509(E)”.

M. Records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

Art. 728. Definitions

As used in this Title:

*   *   *
“(2) “Child” means a person under eighteen years of age who, prior to juvenile proceedings under this Title, has not been judicially emancipated or emancipated by marriage.  *

The definition of the term “child” has been amended to remove the reference to “juvenile” proceedings, which generally connote juvenile delinquency. Article 792 provides that Families in Need of Services matters are neither juvenile delinquency nor criminal in nature.  *

Art. 736.1. Immunity
Any law enforcement officer acting in good faith upon the request of a parent or guardian, exercising due care in the taking into custody a runaway child, or providing assistance thereto, pursuant to the provisions of this Title shall have immunity from any civil liability that otherwise might be incurred or imposed because of the report, taking into custody, or assistance provided. The limitation of liability provided by this Article shall not extend to acts constituting negligence, or a violation of the law, or a violation of the confidentiality provisions of this Code, including those contained in Article 412.  *

Comments - 2017
All records and reports regarding Families in Need of Services proceedings are confidential, and any violation of this confidentiality may subject the violator to penalties. See Children's Code Article 412.

Art. 737. Place of prehearing placement upon a taking into custody
A. When taken into custody, the child shall be placed in the least restrictive prehearing placement consistent with the child’s need for protection or control, in the following order of priority:  *

(4) A secure detention facility, until a hearing is held within twenty-four hours after the child’s entry into custody in accordance with Article 739, if the child can be detained separately from children who have been adjudicated delinquent and are not both of the following apply:

(a) The child is runaway. Non-secure placement is not available to meet the child’s need for protection or control.
(b) The child is ungovernable. There are reasonable grounds to believe that the child is a runaway, ungovernable, or otherwise at substantial risk of fleeing the area at the next scheduled hearing if released to the custody of a parent or guardian.
(c) The child has previously failed to appear at a scheduled juvenile court hearing.  *

D. Any records and reports related to placement of a child into custody under any of the provisions of this Title shall be confidential and shall not be disclosed unless specifically authorized by provisions of this Code, including Article 412.  *

Comments - 2017
The provisions of Paragraph D are consistent with Article 793, which provides that all records and reports regarding Families in Need of Services proceedings are confidential. Any violation of this confidentiality may subject the violator to penalties. See Children's Code Article 412.

Art. 738. Release from custody  *

B. If the court finds that these conditions are insufficient to assure the presence of the child at later proceedings, the court may require the posting of bail in accordance with Title VIII.  *

C. If the court finds that release under neither Paragraph A nor B of this Article is appropriate, it may authorize the continued custody of the child pending the holding of a continued custody hearing within the time limitations established in Article 739.

D. An appropriate representative of the arresting agency that took the child into custody shall be responsible for transporting the child to the shelter care facility or secure detention facility as determined by the court through its order or judgment of disposition.  *

Art. 740. Advice of rights
A. At the continued custody hearing, the court shall advise the parents and the child, in terms understandable by the child, of:  *

(6) The nature of Families in Need of Services proceedings as set forth in Article 792 and the confidentiality of Families in Need of Services records as set forth in Article 793.  *

G.(1) The court shall provide to the child, in plain language, the following information:
(a) Information regarding the rights and procedures of expungement and sealing of juvenile records.
(b) Information regarding expungement, including instructions to the child that when his records are expunged he is not required to disclose that these proceedings, and records relative thereto are not, nor should they be treated as, juvenile delinquency or criminal proceedings and records. See Children's Code Articles 792 and 793.  *

Art. 792. Nature of proceedings
Families in Need of Services proceedings are civil in nature, and actions taken pursuant to this Title, including taking into custody and detention, shall not be considered juvenile delinquency or criminal matters.  *

Comments - 2017
This Article does not change the law. This Article simply clarifies the nature of Families in Need of Services proceedings as distinct from juvenile delinquency or criminal proceedings. The taking into custody of a child based on grounds of Families in Need of Services is not an arrest, except for the purpose of determining its validity under the Constitution of the United States or the Constitution of Louisiana.

Art. 793. Records
A. The confidentiality of Family in Need of Services records, including the existence of such records, shall be preserved and shall not be disclosed by any record custodian without the consent of the child or order of the court in accordance with Article 412.

B. Records and reports concerning any Families in Need of Services matter shall not be identified, maintained, or otherwise handled by the court or by any other agency or person as a juvenile delinquency or criminal matter.  *

Comments - 2017
This Article does not change the law. This Article provides for the confidentiality of Families in Need of Services records as distinct from delinquency or criminal records. Except upon order of the court or consent of the child, neither the existence nor content of Families in Need of Services records shall ever be disclosed.

Art. 901. Disposition guidelines; generally  *

G. The court shall notify the child in writing of the expungement and sealing procedures set forth in Article 917 et seq.  *

Art. 903. Judgment of disposition  *

B. The court shall enter into the record a written judgment of disposition specifying all of the following:  *

(7) An order of expungement to be made executory at the end of the disposition unless, at the end of the disposition, a person or agency files an objection using the form provided in Art. 925 on any of the following grounds:
(a) The adjudication was for murder, manslaughter, an offense requiring registration as a sex offender under R.S. 15:542, kidnapping, or armed robbery.
(b) The child has a criminal court felony conviction or a criminal court conviction for a misdemeanor involving a firearm against a person.
(c) The child has an outstanding indictment or bill of information for a felony charge or a charge of a misdemeanor involving a firearm against a person.  *

Art. 917. Expungement and sealing generally  *

As it appears in the enrolled bill
CODING: Words in strike-through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
A person seventeen years of age or older may move for expungement of records of juvenile criminal conduct pursuant to this Chapter. This Chapter provides for an exclusive procedure by which records and reports of proceedings under Title VIII of this Code may be expunged and sealed.

Art. 918. Grounds
A. Records concerning conduct or conditions and reports of a delinquency adjudication that did not result in adjudication and records concerning delinquency adjudications for R.S. 14:82, 83.3, 83.4, 89, or 89.2 may be expunged and sealed at any time.
B. Records concerning conduct or conditions that resulted in a misdemeanor adjudication may be expunged only if two or more years have elapsed since the person satisfied the most recent judgment against him or her.
C. Records and reports of a matter that resulted in a finding of Families In Need of Services or an adjudication for any charge other than murder, manslaughter, an offense requiring registration as a sex offender under R.S. 14:46.3, or an arrest for a violation of R.S. 14:46.3(D) for which a warrant was arrested may be expunged and sealed only if the court exercising juvenile jurisdiction has ceased to exercise jurisdiction in accordance with Article 313.
D. The adjudication was for murder, manslaughter, any sexual crime, kidnapping, or armed robbery.
E. Five or more years have elapsed since the person satisfied the most recent judgment against him or her.
F. The person seeking expungement and sealing has no outstanding pending indictment or bill of information charging him or her with a crime.
G. The person seeking expungement and sealing has no outstanding pending indictment or bill of information for an offense for which he or she is not eligible for expungement under any other provisions of this Chapter.
H. Records concerning conduct or conditions that resulted in a felony delinquency adjudication may be expunged and sealed if five or more years have elapsed since the person satisfied the most recent judgment against him or her.
I. Persons who have been adjudicated delinquent for violations of R.S. 14:82, 83.3, 83.4, 89, or 89.2 may be expunged and sealed only if all of the following circumstances exist:
   1. Five or more years have elapsed since the person satisfied the most recent judgment against him or her.
   2. The applicant has not been convicted of a crime since the most recent judgment.
   3. The applicant has no outstanding indictment or bill of information charging him or her with a crime.
   4. The person seeking expungement and sealing has no outstanding pending indictment or bill of information for an offense for which he or she is not eligible for expungement under any other provisions of this Chapter.
J. The adjudication was for any purpose.
K. If the court finds that the grounds established a basis for expungement and sealing of juvenile court records and reports, the court may order the expungement and sealing of all reports, minutes, statements, pleadings, exhibits, and all other documents.

Art. 921. Order of expungement and sealing; agency records
A. An order for the expungement and sealing of juvenile records and reports shall be in writing and the form provided in Article 925 and shall require that both of the following occur:
   1. The records and reports of a delinquency adjudication or a juvenile placement may be destroyed.
   2. The records and reports of a delinquency adjudication may be expunged and sealed.
B. Records concerning conduct or conditions that resulted in a delinquency adjudication may be expunged and sealed only if two or more years have elapsed since the person satisfied the most recent judgment against him or her.
C. Records and reports of a matter that resulted in a finding of Families In Need of Services or an adjudication for any charge other than murder, manslaughter, an offense requiring registration as a sex offender under R.S. 14:46.3, or an arrest for a violation of R.S. 14:46.3(D) for which a warrant was arrested may be expunged and sealed only if the court exercising juvenile jurisdiction has ceased to exercise jurisdiction in accordance with Article 313.
D. The adjudication was for murder, manslaughter, any sexual crime, kidnapping, or armed robbery.
E. Five or more years have elapsed since the person satisfied the most recent judgment against him or her.
F. The person seeking expungement and sealing has no outstanding pending indictment or bill of information charging him or her.
G. The person seeking expungement and sealing has no outstanding pending indictment or bill of information for an offense for which he or she is not eligible for expungement under any other provisions of this Chapter.
H. Records concerning conduct or conditions that resulted in a felony delinquency adjudication may be expunged and sealed if five or more years have elapsed since the person satisfied the most recent judgment against him or her.
I. Persons who have been adjudicated delinquent for violations of R.S. 14:82, 83.3, 83.4, 89, or 89.2 may be expunged and sealed only if all of the following circumstances exist:
   1. Five or more years have elapsed since the person satisfied the most recent judgment against him or her.
   2. The applicant has not been convicted of a crime since the most recent judgment.
   3. The applicant has no outstanding indictment or bill of information charging him or her with a crime.
   4. The person seeking expungement and sealing has no outstanding pending indictment or bill of information for an offense for which he or she is not eligible for expungement under any other provisions of this Chapter.
J. The adjudication was for any purpose.
K. If the court finds that the grounds established a basis for expungement and sealing of juvenile court records and reports, the court may order the expungement and sealing of all reports, minutes, statements, pleadings, exhibits, and all other documents.

Art. 922. Expungement and sealing order; effect
A. Except for the limited purposes stated in Articles 920 and 921, upon an order of expungement and sealing, the conduct and conditions records and reports expunged and sealed and the underlying conduct and conditions shall not be made available to any person. No person whose juvenile records and reports have been expunged and sealed shall be required to disclose to any person that he was arrested or adjudicated or that the records and reports of arrest or adjudication have been expunged and sealed.
B. A child that is the subject of an expunged record or the child's parent shall not be found guilty of perjury or otherwise giving false statements by reason of the child's failure to recite or acknowledge his expunged record.
C. If the court finds that the adjudication was for any purpose, the court may order the expungement of the child's juvenile record and reports.
D. A copy of the judgment ordering destruction or sealing shall be served in the manner provided for service of the motion on both the district attorney and the head of the public agency whose reports or records are to be destroyed expunged and sealed.
E. If the motion is granted, the court shall order the expungement and sealing of all records and reports, including but not limited to the record of arrest and order of disposition of the juvenile delinquency matter, the child may be ordered to testify regarding his expunged record.

Art. 923. Expungement and sealing of adjudications involving human trafficking victims
A. The court may order the expungement of all reports and records concerning the conduct and conditions records and reports expunged and sealed and the underlying conduct and conditions shall not be made available to any person. No person whose juvenile records and reports have been expunged and sealed shall be required to disclose to any person that he was arrested or adjudicated or that the records and reports of arrest or adjudication have been expunged and sealed.
B. A child that is the subject of an expunged record or the child's parent shall not be found guilty of perjury or otherwise giving false statements by reason of the child's failure to recite or acknowledge his expunged record.
C. If the court finds that the adjudication was for any purpose, the court may order the expungement of the child's juvenile record and reports.
D. A copy of the judgment ordering destruction or sealing shall be served in the manner provided for service of the motion on both the district attorney and the head of the public agency whose reports or records are to be destroyed expunged and sealed.
E. If the motion is granted, the court shall order the expungement and sealing of all records and reports, including but not limited to the record of arrest and order of disposition of the juvenile delinquency matter, the child may be ordered to testify regarding his expunged record.

Art. 925. Expungement and sealing; forms
A. An order for the expungement and sealing of juvenile records and reports must be in writing and the form provided in Article 925 and shall require that both of the following occur:
   1. The records and reports of a delinquency adjudication or a juvenile placement may be destroyed.
   2. The records and reports of a delinquency adjudication may be expunged and sealed.
B. The motion for expungement and sealing must be in writing and must be substantially in the form provided in Article 925 and shall state facts that constitute grounds for expungement and sealing under Article 918.
C. The motion for expungement and sealing shall be filed with the court possessing the records and reports and the court shall be served in the manner provided for service of the motion on both the district attorney and the head of the agency whose reports or records are to be destroyed expunged and sealed, including but not limited to the record of arrest and order of disposition of the juvenile delinquency matter, the child may be ordered to testify regarding his expunged record.

Art. 926. Expungement and sealing; forms
A. The motion must be served personally or by domiciliary service, or by certified United States mail or electronic means, on the district attorney, the clerk of the court whose records and reports are sought to be expunged and sealed, and the head of any agency whose records and reports are sought to be expunged and sealed, including but not limited to the Federal Bureau of Investigation, the Louisiana Bureau of Criminal Identification and Information, the Department of Public Safety and Corrections, Office of Juvenile Justice, and local law enforcement agencies.
B. The motion must be served personally or by domiciliary service, or by certified United States mail or electronic means, on the district attorney, the clerk of the court whose records and reports are sought to be expunged and sealed, and the head of any agency whose records and reports are sought to be expunged and sealed, including but not limited to the Federal Bureau of Investigation, the Louisiana Bureau of Criminal Identification and Information, the Department of Public Safety and Corrections, Office of Juvenile Justice, and local law enforcement agencies.
C. If the court finds that the grounds established a basis for expungement and sealing of juvenile court records and reports, the court may order the expungement and sealing of all records and reports relating to the conduct or conditions referred to in the motion for expungement and sealing, including but not limited to pleadings, exhibits, reports, minutes, and correspondence, and all other documents.
OFFENSE(S) CHARGED

<table>
<thead>
<tr>
<th>Item #</th>
<th>Offense(s) Charged</th>
<th>Date of Arrest(s)</th>
<th>Arresting Agencies</th>
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DATE OF ARREST(S)

______ day of _________________, 20____ at _________ in Section ________.

NOTE: A separate page shall be completed for EACH of the charges for which expungement and sealing is sought. Failure to provide ALL of the requested information may result in dismissal of the motion for insufficiency.

SEX: ( ) Male  ( ) Female  Social Security Number: __________

Race/Ethnicity: ____________________ Date of Birth: __________

Address: Street: ____________________ Apt. #: _______

City/State/Zip: ____________________

Please add any additional necessary agencies below.

REQUESTED TO THE COURT TO EXPUNGEMENT AND SEAL ALL RECORDS AND REPORTS, INCLUDING BUT NOT LIMITED TO PLEADINGS, EXHIBITS, REPORTS, MINUTE ENTRIES, CORRESPONDENCE, AND ALL OTHER DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE ABOVE-NAMED ENTITIES, TO FILE A SWORN AFFIDAVIT OF RESPONSE FORM ACCORDING TO ARTICLE 926. AFFIDAVIT OF RESPONSE FORM

ITEM # S

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<th>Item #</th>
<th>Offense Charged</th>
<th>Date of Arrest(s)</th>
<th>Arresting Agencies</th>
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IT IS ORDERED that each agency and law enforcement office serve, and having any records or reports of the conduct or condition file a sworn affidavit with the clerk of court to the effect that the records and reports have been expunged and sealed and that no notation or references have been retained in any central depository which could or might lead to the inference that any report or record was on file with the agency or law enforcement office served, which affidavit shall be filed with the clerk of court within ______ days after service of this order.

Signed at ________________, Louisiana this ______ day of _______________ 20__.

JUDGE
§579. Rules and regulations
The bureau shall issue rules and regulations, consistent with United States Department of Justice requirements, the constitution of Louisiana, the Louisiana Code of Criminal Procedure, the Louisiana Children’s Code, and the Louisiana Revised Statutes of 1950, governing the maintenance of privacy and security of criminal history records and records of juvenile criminal conduct; governing access to and use of records maintained by the central repository; governing restrictions to access and use by authorized agencies or individuals of any state owned or operated system of communications utilized for transmitting criminal history record information to or from the bureau; and governing the purging of any information maintained by the bureau as permitted by law. Records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

§593. Prohibition against destruction of records
Notwithstanding the provisions of Code of Criminal Procedure Articles 893 and 894 of the Code of Criminal Procedure and R.S. 40:983, and except in accordance with the provisions set forth in R.S. 44:4.1(B)(39) of Title XXXIV of the Code of Criminal Procedure or Children’s Code Articles 917 through 926, no judge or other official shall order the expungement, sealing, alteration, or destruction of any report or record of the bureau or of any agency subject to reporting requirements of the bureau.

§614. Removal of records

B. The state police shall remove all reports and records and identifiable information in the central repository or any database or data bank pertaining to the person and destroy all samples from the person upon receipt of a written request for the removal of the report and record and a certified court order of expungement and sealing properly obtained pursuant to the provisions of R.S. 44:4.1(B)(39) of Title XXXIV of the Code of Criminal Procedure or Children’s Code Articles 917 through 926.

Section 4. R.S. 44:4.1(B)(39) is hereby amended and reenacted to read as follows:

§4163. Ex parte motion for legislative continuance or extension of time; and to provide for related matters.

(39) Children’s Code Articles 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 735, 793, 888, 891, 893, 920, 921, 922, 1007, 1016, 1017, 1107, 1115, 1168, 1167, 1212, 1215, 1229, 1225, 1232, 1273, 1283, 1283.10, 1416, 1453, 1566.

Section 5. Children’s Code Article 738(D) is hereby repealed in its entirety.

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schleder
Secretary of State

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ACT No. 363

HOUSE BILL NO. 560
BY REPRESENTATIVE HUNTER

AN ACT
To amend and reenact R.S. 13:4163(E)(1)(b) and (I) and to enact R.S. 13:4163(E)(1)(c), relative to legislative continuances; to provide for the filing of a motion for legislative continuance by electronic means; to provide relative to the required documents to be filed; to provide relative to the delays for filing the motion, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4163(E)(1)(b) and (I) are hereby amended and reenacted and R.S. 13:4163(E)(1)(c) is hereby enacted to read as follows:

§4163. Ex parte motion for legislative continuance or extension of time; legislators or employees engaged in legislative or constitutional convention activities

E.(1)

(b) If the grounds for a legislative continuance or extension are founded upon any provision of Subparagraph (C)(1)(c) of this Section or upon the
issuance of a call for an extraordinary session of the legislature, the motion for legislative continuance or extension shall be timely if filed no later than five calendar days prior to the hearing or proceeding to be continued or no later than two days following the issuance of the notice of the meeting or of the call for the extraordinary legislative session, which ever occurs last. A copy of the affidavit of the clerk of the House of Representatives or the secretary of the Senate certifying the issuance and date of the issuance of the notice or of the call shall be attached to the motion.

(c) The provisions of this Paragraph shall not be applied so as to impede the peremptory nature of this Section.

I.(1) For sufficient cause shown, the court may consider a motion for legislative continuance or extension at any time prior to the hearing or proceeding.

(2) The motion for a legislative continuance may be filed by electronic means, such as facsimile transmission or electronic mail, or any other means authorized by law, provided that the mover shall provide all opposing counsel or parties with a copy of the motion, simultaneously with the transmission of the motion to the court.

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 23, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 364

HOUSE BILL NO. 616
BY REPRESENTATIVE THOMAS

AN ACT

To enact R.S. 17:24.4(F)(6) and (7), relative to student assessments; to limit the amount of time public school students spend on standards-based assessments; to provide that such limitations shall not affect accommodations provided to certain students; to require review by public school governing authorities relative to certain other assessments; to exclude certain tests from such required review; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.4(F)(6) and (7) are hereby enacted to read as follows:

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

* * *

F.

* * *

(6) The amount of time public school students spend taking standards-based assessments per school year shall not exceed two percent of the minimum number of instructional minutes per year as required in R.S. 17:154.1(A) (1). This time limitation shall not affect in any way the accommodations provided to a student with an exceptionalty as defined in R.S. 17:1942 or a student who has been determined to be eligible for services under Section 1950. Nor shall this time limitation apply to college entrance and college credit exams, Advanced Placement exams, International Baccalaureate exams, and industry-based credential exams.

(7) Each public school governing authority shall review all benchmarks and interim assessments on a regular basis to ensure that all of the following are met:

(i) The benchmarks and assessments are aligned with the appropriate state content standards.

(ii) The results of the assessments have an identified use related to improving instruction.

(iii) The results of the assessments are made available to a parent upon request of the parent.

(iv) The time associated with the administration of the assessments is minimized in order to maximize instructional time throughout the school year.

* * *

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 365

HOUSE BILL NO. 20
BY REPRESENTATIVES PRICE, BACALA, BERTHELOT, BOUIE, BROADWATER, HALL, LEGER, AND SMITH

AN ACT

To enact R.S. 17:154.1(A)(6), relative to minimum requirements for instructional time for students in public schools; to provide for applicability of such requirements under certain circumstances; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:154.1(A)(6) is hereby enacted to read as follows:

§154.1. Length of school day and year; requirements

A. * * *

(6)(a) Effective for the 2016-2017 school year and thereafter, the provisions of Paragraph (1) of this Subsection shall not apply to any city, parish, or other public school that cannot meet those requirements because the school temporarily shared facilities with another school due to damages caused by a natural disaster or emergency that was declared by the governor pursuant to R.S. 29:724 and that was certified by the state superintendent of education and approved by the State Board of Elementary and Secondary Education as provided in Subparagraph (b) of this Paragraph. The state board may require that the school provide a minimum number of daily instructional minutes that is less than the requirements set forth in Paragraph (1) of this Subsection and provide other requirements it deems necessary to support student learning.

(b) Such certification by the superintendent and approval by the board shall be in accordance with criteria established pursuant to rules and regulations adopted by the board for such purpose in accordance with the Administrative Procedure Act. Such rules and regulations shall include but not be limited to a requirement that any such school not be able to meet the requirements of Paragraph (1) of this Subsection shall submit to the state superintendent of education for approval, in accordance with time lines established by the state board, documented information explaining why the school could not meet such requirements, any efforts made by the school toward meeting the requirements, and a revised school calendar for the affected school year.

* * *

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

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 366

HOUSE BILL NO. 33
BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 11:183 and 186(A) and (C), relative to the boards of trustees of the state and statewide retirement systems; to provide relative to trustee eligibility; to provide relative to legislative staff’s attendance at executive sessions of the boards of trustees of the state and statewide retirement systems; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:183 and 186(A) and (C) are hereby amended and reenacted to read as follows:

§183. Board members subject to Code of Governmental Ethics

A. Any member of a state or statewide retirement system board of trustees who does not hold an office by virtue of an election conducted pursuant to the Louisiana Election Code shall be deemed a public employee for purposes of compliance with Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

B. For elections or appointments made on or after July 1, 2017, no person who has been found in violation of the Code of Governmental Ethics for actions involving the misuse of public funds shall be eligible to serve as trustee.

* * *

§186. Authorization for staff to attend executive sessions

A. As ex officio members of each of the state and statewide retirement system boards, the Chair of the House Committee on Retirement and the chairman of the Senate Committee on Retirement may independently authorize staff to attend any executive session of any board meeting or committee meeting of any state or statewide retirement system board or committee.

* * *
C. Legislative staff authorized to attend executive session pursuant to this
Section Any information or communication which, pursuant to the provisions
of this Section, is provided to or presented in the presence of authorized staff shall be subject to the attorney-client privilege, which apply to the legislative staff as members of the board, including the attorney-client privilege, as they relate to any information or communication that is provided to or presented in the presence of such legislative staff in executive session.

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 367

BY REPRESENTATIVE FOIL

To amend and reenact R.S. 12:1-401(C)(introductory paragraph) and (1) and (F), 1-403(B)(2), 204(B)(introductory paragraph) and (1), 236(C)(1)(a), 308(A)(1), 1306(A)(3)(introductory paragraph) and (a) and (F), 1308(A)(2)(b), 1350(A)(1)(c) and (B)(2) and R.S. 51:215(A)(1), to enact R.S. 12:1308.3(C)(b)(c), and to repeal R.S. 12:315 and 1356, relative to regulations by the secretary of state with respect to filings of business entities; to provide relative to corporations, partnerships, and certain limited liability companies; to provide technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1-401(C)(introductory paragraph) and (1) and (F), 1-403(B)(2), 204(B)(introductory paragraph) and (1), 236(C)(1)(a), 308(A)(1), 1306(A)(3)(introductory paragraph) and (a) and (F), 1308(A)(2)(b), and 1350(A)(1)(c) and (B)(2) are hereby amended and reenacted and R.S. 12:1308.3(C)(b)(c) is hereby enacted to read as follows:

§1-401. Corporate name

C. A corporation may apply to the secretary of state for authorization to use a name in its filings with the secretary of state that is not distinguishable from one or more of the names described in Subsection B of this Section. The secretary of state shall authorize the use of the name applied for if either of the following occur:

(1) The other registrant consents to the use in writing and submits an understanding in a form satisfactory to the secretary of state the document required by law to change its name to a name that is distinguishable from the name of the applying corporation; effective no later than the time that the applying corporation will begin to use the registrant’s former name.

(2) At least one registered agent who shall be one of the following:

(i) An individual who is a resident of this state, or a domestic corporation, domestic limited liability company, foreign corporation, or foreign limited liability company authorized to transact business in this state, which is authorized by its articles or certificate of incorporation or organization to act as the agent of a corporation for service of process, and which has on file with the secretary of state of this state a certificate of incorporation or organization setting forth the names of at least two individuals at its address in this state, each of whom is authorized to receive any process served upon it as such agent.

§308. Registered agent, registered office and principal business establishment, keeping of records by foreign corporation A. Each foreign corporation authorized to transact business in this state shall have and continuously maintain in this state:

(1) At least one registered agent, which agent may be either any of the following:

(a) An individual resident in this state whose business office is identical with the corporation’s registered office,
(b) An individual attorney or a partnership which is authorized to practice law in this state,
(c) A domestic corporation, or a domestic limited liability company, foreign corporation, or foreign limited liability company authorized to transact business in this state, which has a business office identical with such agent’s office and to provide for related matters.

(2) An individual resident in this state whose business office is identical with the corporation’s registered office;

(3) Shall be distinguishable from the name of any corporation, partnership, or limited liability company organized or qualified to do business in this state, any name which is reserved under R.S. 12:1307 or R.S. 12:1306(A), or any trade name registered with the secretary of state, unless any of the following Paragraphs apply:

(a) The corporation or other limited liability company is about to change its name to one that is distinguishable from the name of the applying corporation; effective no later than the time that the applying corporation will begin to use the registrant’s former name.

(b) A foreign corporation registers its corporate name, or its corporate name with any addition authorized by R.S. 12:303(A)(3), by delivering to the secretary of state for filing an application which does both of the following:

(1) The other corporation is about to change its name; or to cease doing business, or is being liquidated; or, if a foreign corporation, is about to withdraw from doing business in this state, and the written consent of the other corporation to the adoption of its name, or a nondistinguishable name, has been given and is delivered to the secretary of state; and the other registrant consents to the use of the name in writing and submits the document required by law to change its name to one that is distinguishable from the name of the applying corporation, effective no later than the time that the applying corporation will begin to use the registrant’s former name.

(2) The other corporation is about to withdraw from doing business in this state, and the written consent of the other corporation to the adoption of its name, or a nondistinguishable name, has been given and is delivered to the secretary of state; and the other registrant consents to the use of the name in writing and submits the document required by law to change its name to one that is distinguishable from the name of the applying corporation, effective no later than the time that the applying corporation will begin to use the registrant’s former name.

§236. Registered office and agent

C.(1)(a) Every corporation shall continuously maintain in this state at least one registered agent, which agent may be either any of the following:

(i) An individual who is a resident of this state,

(ii) A partnership which is authorized to practice law in this state, or a domestic corporation, domestic limited liability company, foreign corporation, or foreign limited liability company authorized to transact business in this state, which is authorized by its articles or certificate of incorporation or organization to act as the agent of a corporation for service of process, and which has on file with the secretary of state of this state a certificate of incorporation or organization setting forth the names of at least two individuals at its address in this state, each of whom is authorized to receive any process served upon it as such agent.

§306. Name

A. The name of each limited liability company as set forth in its articles of organization:

(1) Shall be distinguishable from the name of any corporation, partnership, or limited liability company organized under the laws of this state, any foreign corporation, partnership, or limited liability company registered or qualified to do business in this state, any name which is reserved under R.S. 12:1307 or R.S. 12:1306(A), or any trade name registered with the secretary of state, unless any of the following Paragraphs apply:

(2) The corporation or other limited liability company is about to change its name to one that is distinguishable from the name of the applying corporation; effective no later than the time that the applying corporation will begin to use the registrant’s former name.

(3) Shall be distinguishable from the name of any corporation, partnership, or limited liability company organized under the laws of this state, any foreign corporation, partnership, or limited liability company registered or qualified to do business in this state, any name which is reserved under R.S. 12:1307 or R.S. 12:1306(A), or any trade name registered with the secretary of state, unless any of the following Paragraphs apply:

(4) The other corporation is about to change its name; or to cease doing business, or is being liquidated; or, if a foreign corporation, is about to withdraw from doing business in this state, and the written consent of the other corporation to the adoption of its name, or a nondistinguishable name, has been given and is delivered to the secretary of state; and the other registrant consents to the use of the name in writing and submits the document required by law to change its name to one that is distinguishable from the name of the applying corporation, effective no later than the time that the applying corporation will begin to use the registrant’s former name.

(5) The other corporation is about to withdraw from doing business in this state, and the written consent of the other corporation to the adoption of its name, or a nondistinguishable name, has been given and is delivered to the secretary of state; and the other registrant consents to the use of the name in writing and submits the document required by law to change its name to one that is distinguishable from the name of the applying corporation, effective no later than the time that the applying corporation will begin to use the registrant’s former name.

THE ADVOCATE

PAGE 217

* As it appears in the enrolled bill

CODING: Words in * italics are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
$1308.3. Conversion of state of organization
C. The domestic or foreign limited liability company seeking conversion shall file with the secretary of state a written request for conversion of the state of organization. Such request shall contain all of the following:

(8) If the limited liability company is converting its state of organization from another state to this state:

(c) A copy of its articles of organization which are in compliance with the requirements of R.S. 12:1305, when the written request for conversion is filed with the secretary of state.

§1350. Registered agent; registered office and principal business establishment; keeping of records by foreign limited liability company
A. Each foreign limited liability company authorized to transact business in this state shall have and continue to maintain in this state:

(1) At least one registered agent, which agent shall be one of the following:

(c) A domestic corporation, domestic limited liability company, or foreign corporation, or foreign limited liability company authorized to transact business in this state, which has a business office identical to such registered office, and which is authorized by its articles or certificate of incorporation or organization to act as an agent of a limited liability company for service of process, and which has on file with the secretary of state a certificate setting forth the names of at least two individuals at its address in this state, each of whom is authorized to receive any process served on it as such agent.

B. If its registered agent is an individual or a corporation, the address of its principal business establishment and the address of the business office of its registered agent, as changed, shall be identical.

Section 2. R.S. 51:215(A)(1) is hereby amended and reenacted to read as follows:
§215. Certificate of registration
A.(1) Upon compliance by the applicant with the requirements of this Subpart, if the secretary of state finds that the trade name is distinguishable from or not the same as a trademark or service mark already in use in this state, or that the trademark or service mark is distinguishable from or not the same as a trade name, limited liability company name, partnership name, or corporate name already in use in this state, or that the trademark or service mark is distinguishable from or not the same as a trade name, limited liability company name, partnership name, or corporate name already in use in this state which is registered in the same class, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant.

Section 3. R.S. 12:315 and 1356 are hereby repealed in their entirety. Approved by the Governor, June 23, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 368

HOUSE BILL NO. 304
BY REPRESENTATIVE HILFERTY
AN ACT
To amend and reenact R.S. 17:1607, the heading of Title 28 of the Louisiana Revised Statutes of 1950, the heading of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:11, 12, 13(introductory paragraph), (1), and (3) through (5), 14, 15(A)(introductory paragraph), (3), (9), and (B), the heading of Part II of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:21(A) and (B), 21.1, 22(B)(introductory paragraph) and (C)(1), 22.5, 22.7(A), 22.9, 23, 25, 25.1(A), (C)(1)(A)(introductory paragraph) and (v), (b), (c), (2)(a)(iv), and (B), 25.2, the heading of Part I of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:50(1), (3), (4), (6), 51(C), 51.1(A)(1), 52(A) through (C), (G)(2)(a), and (H)(2), 52.2, 52.3, 52.4(A) through (C), 53(A), (B), (1) and (2) (b) and (d)(introductory paragraph), (G)(2) and (6), (J), (K)(1), and (L)(1) and (3), 53(1)(A)(introductory paragraph) and (1), (E), (C)(3), and (F), 54(A) and (D)(1)(introductory paragraph) and (a) and (3), 55(B), (E)(1) and (3) through (5), (F), (G), (I), (J), 56(A)(1)(a) and (2)(b), (B), (C), and (G), 59(A), (C), and (D), 62, 64(F), 67(I) and (3), 69(A)(1), 70(A), (B)(introductory paragraph) and (1), 71, 73, 74, 75, 79(A)(1), (E), and 77 through 79, 81(1), 82, 83, 84(A)(1), 85(A)(1), 86(A)(1), 91 through (C) and (E) through (H), 96(1)(A), (B), and (D) through (F), 97 through 100, 101 through 145, 146(A), 147, the heading of Part VI of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:171(C)(4)(a) and (D)(5), 171.(introduction paragraph) and (5) through (8), 172 through 181, 215.3(A) and (B), 215.4(A), the heading of Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:221(1) through (6), (8), (9), and (11) through (13), 222 through 225, 227(A), (C), and (E), 228, 229(A) and (C), 230(A)(introductory paragraph) and (2)(a) and (d)(1), (B), and (C), 232, 233, 234(introductory paragraph) and (2), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:475, 476, 477(C) and (3)(a)(introductory paragraph) and (b), 478(A), the heading of Chapter 11 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:771, 772(A)(1) and (2)(c) and (B), the heading of Chapter 15 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:841(1), 91(1), 913(A)(2) and (3), 915A(A)(3), and 931(B)(2), R.S. 36:253(B) and 259(C)(10) and (16), R.S. 40:1237, 1(A)(9)(a) ii) (introductory paragraph) and 2142(A), Code of Criminal Procedure Articles 648(A)(1) and (B)(1), 657, 657.1(A)(4), and 672(A), Child Welfare Laws Article 79, and Children’s Code Article 1404(9), to enact R.S. 28:233 through (39), and to repeal R.S. 28:2(11), 22.4, 22.10, 52.1, 95, 100.1, 182, Chapter 6 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:501 through 506, and Chapter 7 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:561, relative to mental health and behavioral health laws; to revise terminology and definitions of terms relating to mental health and behavioral health; to provide for the administration of state psychiatric hospitals; to make technical changes and corrections in laws pertaining to mental health and behavioral health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:1607 is hereby amended and reenacted to read as follows: §1607. Medical scholarship; recipient to serve as physician at the forensic unit of East Louisiana State Hospital Eastern Louisiana Mental Health System
A. Upon the recommendation of the director of the forensic unit of the East Louisiana State Hospital Eastern Louisiana Mental Health System at Jackson and subsequent approval by the medical school of the Louisiana State University Agricultural and Mechanical College, the board of supervisors of the Louisiana State University Agricultural and Mechanical College shall award annually a four-year four-year scholarship to the medical school of the Louisiana State University Agricultural and Mechanical College. The recipient of any such scholarship may attend the medical school without the necessity of paying tuition, matriculation, registration, laboratory, athletic, medical or other special fees, and may receive a stipend from the board of supervisors. No person shall be awarded any such scholarship unless such person agrees to serve as a physician at the...
Section 2. The heading of Title 28 of the Louisiana Revised Statutes of 1950, the heading of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:1 (1), (7), (9), (10), (14), (17), (20), (21), (26), (29), and (32) and (a) and (b), the heading of Part II of Title 1 Chapter 28 of the Louisiana Revised Statutes of 1950, R.S. 28:21(A) and (B), 21.1, 22(B) (introduction paragraph) and (C)(1), 22.5, 22.7(A), 22.9, 23, 23.1(A), (C)(1)(a) (introduction paragraph) and (v), (b), (c), (2)(a)(iv), and (D), 25.2, the heading of Part III of Chapter 28 of the Louisiana Revised Statutes of 1950, R.S. 28:50(1), (3), (4), (6), (5)(C), (51)(A) (1), (52)(A) through (C), (G)(2)(a), and (H)(2), 52.2, 52.3, 52.4(A) through (C), 53(A), (B)(1) and (2)(a) and (d) (introduction paragraph) (G)(2)/a (6), (J), (K)(1), and (L)(1) and (3), 53.2(A) (introduction paragraph) and (1), (B), (C), (3), (F), 54(A) and (D)(1) (introduction paragraph) and (a) and (3), 55(B), (E)(1) and (3) through (5), (F), (G), (I), (J), 59(A)(1) and (2) (b), (B), (C), and (G), 59(A), (C), (D), 62, 63(F), 67(T) and (B), 69(A)(1), 70(A), (B) (introduction paragraph) and (1), (C)(1), (E)(1), (F)(1), and (G), 71 through 75, 71(A), (B), (C), (D), (E), and (F), 72(A), 73, 91 through 93, 94(A), (1) through (5), (F), (G), (I), and (J), 96 through 96(E), (G), (H), and (E)(2), 56(A)(1)(a) and (2)(b), (B), (C), and (G), 59(A), (C), (D), 71(1), 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, the heading of Part VI Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:1710(C)(1) and (2), (3), (5), (6), (7), (B), (C), (D), (E), (F), (G), 180, 181, 182, 183, 184, 185(A), 200 through 202, 215.2(B) (introduction paragraph) and (2), 215.3(A) and (B), 215.4(A), the heading of Part X of Chapter 1 Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:221(1) through (6), (8), (9), and (11) through (13), 282 through 225, 227(A), (C), and (E), 228, 229(A) and (C), 230(A) (introduction paragraph) and (2)(a) and (d) (B), and (C), 232, 232(3), 234(introduction paragraph) and (2), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:475, 476, 477(1) and (3)(a) (introduction paragraph) and (b), 478(A); the heading of Chapter 11 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:771, 772(A)(1) and (2) (c) and (B), the heading of Chapter 15 of Title 28 of the Louisiana Revised Statutes of 1950, R.S. 28:841(A), 911(1), 913(A)(2) and (3), 915(A)(3), and 913(B) (2) are hereby amended and reenacted and R.S. 28:233 through 39 are hereby enacted to read as follows:

**TITLE 28, MENTAL BEHAVIORAL HEALTH**

**CHAPTER I, MENTAL BEHAVIORAL HEALTH LAW**

**PART I, SHORT TITLE, INTERPRETATIONS, AND DEFINITIONS**

Section 1. This Chapter may be cited as the Mental Behavioral Health Law.

* * *

Section 2. Definitions

(1) "Physician" means any person who is licensed to practice medicine in the state of Louisiana.

(2) "Professional" means a person who is licensed to practice law or medicine in the state of Louisiana.

(3) "Licensed residential treatment facilities" means a treatment facility for the treatment of substance-related or addictive disorders and for children and to ensure ensuring that these the legal rights of those persons are protected.

(4) "Patient" means any person detained and taken care of as a person who is mentally ill or person who is suffering from substance abuse or addictive disorder.

(5) "Person with a mental illness" means any person who is suffering from a substance-related or addictive disorder which has substantial adverse effects on his ability to function and who requires care and treatment. It does not refer to a person with, solely, an intellectual disability; or who suffers solely from epilepsy; alcohol or drug abuse or a substance-related or addictive disorder.

(6) "Petitioner" means a written civil complaint filed by a person of legal age alleging that a person is mentally ill or is suffering from substance abuse or addictive disorder and for whom an application for commitment to a treatment facility has been filed.

(7) "Director" or "superintendent" means an administrator or the person charged with the administration and the award amount.

(8) "Mental health advocacy service" means a service established by a health treatment facility.

(9) "Mental health unit" means a unit of a public health treatment facility.

(10) "Mental health unit" means a unit of a public health treatment facility.

(11) "Mental health in-patient facility" means a public or private mental health treatment facility.

(12) "Mental health unit" means a unit of a public health treatment facility.

(13) "Mental health in-patient facility" means a public or private mental health treatment facility.

(14) "Mental health in-patient facility" means a public or private mental health treatment facility.

(15) "Mental health in-patient facility" means a public or private mental health treatment facility.

(16) "Mental health in-patient facility" means a public or private mental health treatment facility.

(17) "Mental health in-patient facility" means a public or private mental health treatment facility.

(18) "Mental health in-patient facility" means a public or private mental health treatment facility.

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(29) "Mental health in-patient facility" means a public or private mental health treatment facility.

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(32) "Mental health in-patient facility" means a public or private mental health treatment facility.

(33) "Mental health in-patient facility" means a public or private mental health treatment facility.

(34) "Mental health in-patient facility" means a public or private mental health treatment facility.

(35) "Mental health in-patient facility" means a public or private mental health treatment facility.
development and manifestations. An addictive disorder is characterized by behaviors that include one or more of the following:

(i) Impaired control over drug use.
(ii) Continued use despite harm.
(iii) Cravings.
(iv) Addictive disorders include mood-altering behaviors or activities or process addictions. Examples of process addictions include, without limitation, gambling, spending, shopping, eating, and sexual activity.
(v) “Behavioral health” is a term used to refer to both mental health and substance use.
(vi) “Client” refers to a recipient of services who has been charged with or convicted of a crime and who requires special protection and restraint in a forensic treatment facility.
(vii) “Legal guardian” means a person judicially or statutorily designated with the duty and authority to make decisions in matters having a permanent effect on the personal and legal development of the individual on whose behalf the guardianship is established.
(viii) “Local governing entity” means an integrated human services delivery system with local accountability and management and which provides behavioral health and developmental disabilities services through local human services districts and authorities.
(ix) “State psychiatric hospital” means a public, state-owned and operated inpatient facility for the treatment of mental illness and substance-related or addictive disorders.
(x) “Substance-related disorders” encompass disorders relating to the use of drugs in any of the following classes, which are not fully distinct:

A. Tobacco.
B. Caffeine.
C. Hallucinogens, with separate categories for phencyclidine or similar acting arylcyclohexylamines and for other hallucinogens.
D. Inhalants.
E. Caffeine.
F. Opioids.
G. Sedatives, hypnotics, and anxiolytics.
H. Stimulants, including amphetamine-type substances and cocaine.
I. Alcohol.
J. Other or unknown substances.

§2. Application of Chapter: costs

The provisions of this Chapter apply to persons who are suffering from mental illness or substance abuse substance-related or addictive disorders. Nothing in this Chapter referring to costs shall be construed to defer or preclude the use of funds of a person in a state mental institution psychiatric hospital or state treatment facility, nor shall his release thereafter.

PART I. MENTAL AND BEHAVIORAL HEALTH SERVICES PRESERVATION ACT

§11. Short title

This Part shall be known and may be cited as the “Mental and Behavioral Health Services Preservation Act”.

§12. Legislative declaration of intent

It is the intent of the legislature to preserve vital state funding for mental and behavioral health services to ensure delivery of and access to quality care for those in need of such services throughout the state. Many citizens in the state have limited access to mental and behavioral health services because of the massive cuts, both federal and state, to mental and behavioral health funding. The legislature also finds that the provision of high-quality mental and behavioral health services, regardless of setting, is of overriding importance. The state wholly supports efforts to assist individuals and organizations in providing mental, substance-related or addictive disorders, or both in their efforts to participate in society. As such, the Department of Health and Hospitals referred to hereafter in this Part as the “department”, should streamline the delivery of mental and behavioral health services through the prudent allocation of existing resources. The Louisiana Department of Health and Hospitals will improve the safety and health of individuals, families, and communities by providing leadership and establishing and participating in partnerships for the continuation of mental and behavioral health services throughout the state, including cooperative agreements, mergers, joint ventures, and consolidations among mental and behavioral health care facilities. Consumer and advocate participation in the process can only aid in the delivery of services to those most in need. To improve the quality of services available and promote treatment, which often involves the rehabilitation, recovery, and reintegration of persons suffering from mental illness, substance-related or addictive disorders, or both, the state should secure adequate funding for mental and behavioral health services and require state departments to exercise fiscal responsibility in the allocation of these resources.

§13. Management of mental and behavioral health resources

In the operational management of the office of behavioral health, the department may guarantee the efficient and effective use and retention of the state’s mental and behavioral health resources to adequately provide for the peace, health, safety, and general welfare of the public, by ensuring the following:

1. Accountability of efficient and effective services through state-of-the-art quality and performance measures and statewide standards for monitoring quality of service and performance and reporting of quality of service and performance information. These processes may be designed so as to maximize the use of available resources for direct care of people with mental illness or a substance-related or addictive disorder and to assure uniform data collection across the state.

2. Coordination of integration of services offered by department and mental and behavioral health communities, including the office of behavioral health and their respective contract providers, involved in the delivery of mental and behavioral health treatment, along with local systems and groups, public and private, such as state mental psychiatric hospitals, public health and correctional facilities, parish authority, public school, and regional support networks, aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental and behavioral health services to adults and children throughout the state.

3. Implementation of a system of reimbursement by the Medicaid Assistance Program to reimburse hospitals and other institutions of mental health services that, to the extent possible, allocates funding in the areas of the state based on needs, population, and acuity level as determined by the Louisiana Department of Health department. The above-mentioned system of reimbursement provided for in this Paragraph may be subject to approval by the Centers for Medicare and Medicaid Services.

4. Recognition of the respective regions of the department local governing entities of the state as the a focal point of all mental and behavioral health planning activities, including budget submissions, grant applications, contracts, and other arrangements that can be effected at the state and local level.

§14. Funding priorities: cost-effectiveness

A. The department may ensure that all current and future funds are expended in the most cost-effective manner and services are provided in accordance with recommended best practices subject to state oversight to ensure accountability to taxpayers and the public. The department may engage in negotiating expedited expedited excess service plans for mental and behavioral health services and determine the best use of such funds to achieve positive policy outcomes in the mental and behavioral health community.

B. This effort may involve the use of innovative methods of expanding the reach of current funding and securing increased local, regional, state, federal, or private source funding in the future. The department may develop methods for estimating the need for mental and behavioral health services in certain regions of the state, with special attention to underfunded and inaccessible programs, and allocate state funds or resources according to that need.

§15. Innovative mental and behavioral health services; programs

A. The department may develop goals, objectives, and priorities for the creation of innovative programs which promote and improve the mental and behavioral health of the citizens of the state by making treatment and support services available to those persons who are most in need and least able to pay. These programs may achieve the following:

1. Promote interagency collaboration by improving the integration and effectiveness of state agencies responsible for mental and behavioral health care.

B. The department may collaborate with mental and behavioral health authorities, local governing entities, local citizens, and family members in the planning, designing, and implementation of innovative mental and behavioral health service programs and priorities in their respective regions throughout the state.

PART II. INSTITUTIONS FACILITIES AND PLACES FOR MENTAL BEHAVIORAL HEALTH PATIENTS OR CLIENTS

§21. State psychiatric hospitals for persons with mental illness and addictive disorders

A. The state psychiatric hospitals for persons with mental illness and addictive disorders shall be referred to hereafter in this Part as “state psychiatric hospital”. The department may establish psychiatric hospitals as satellite facilities to these hospitals from funds presently allocated or to be allocated to these institutions by the legislature.

* As it appears in the enrolled bill

(CODING: Words in strike through type are deletions from existing law; words underscored (House Bill) and underlined and boldface (Senate Bills) are additions.)
$21.1. Alcoholism Substance-related and addictive disorders; treatment in state supported psychiatric hospitals
A. The Louisiana Department of Health is authorized to accept as indigent patients persons suffering from alcoholism co-occurring substance-related or addictive disorders and to give such patients the care and treatment required to restore them in mind and body.
B. The purpose of this Section is to recognize alcoholism substance-related and addictive disorders as a sickness or disease and to place those suffering from it in the same position relative to obtaining care as persons suffering from other diseases.

$22. Crisis response system

B. Each human service district, authority, local governing entity, or region of the Louisiana Department of Health shall develop a plan to do all of the following:
(1) The local provider of mental health, substance-related or addictive disorders, and developmental disability services.

§22.5. Community mental health centers behavioral health clinics; behavioral health services providers

The community mental health centers located in Lafayette, Pineville, Lake Charles, Baton Rouge, New Orleans, Crowley, Shreveport, and Monroe for the care, treatment, and rehabilitation at the community level of persons with mental illness and persons who are mentally defective as defined in R.S. 28:2 are created and continued as units of the department under its supervision. Community mental health centers must be established by the department or two or more of them may be merged and consolidated into a mental health center by the department.

A. Community behavioral health clinics are facilities operating as behavioral health services providers as defined in R.S. 40:2153 and licensed by the department pursuant to the provisions of R.S. 40:2153 et seq. Community behavioral health clinics may be operated or contracted by local governing entities and may be a component of the crisis response plan.

B. Community behavioral health clinics are differentiated from community mental health centers, which are certified by the federal government and defined by 42 CFR 410.2 as entities that provide certain services as described in the Public Health Service Act and meet federal criteria for operation and reimbursement.

§22.7. Geriatric hospitals and units

A. The department may establish and administer geriatric hospitals or units to receive and care for persons who are elderly or infirm who have been discharged by a hospital for persons with who have a mental illness and for other persons who are elderly or infirm and in need of nursing and medical care. Such hospitals or units may be established on sites designated by the department, provided that no such geriatric hospital or unit may be established on any site located more than five air miles from the administrative office of East Louisiana State Hospital Eastern Louisiana Mental Health System or more than one air mile from the administrative office of Central Louisiana State Hospital. Persons admitted to such geriatric hospitals or units or their responsible relatives shall pay the cost of their maintenance and care.

§22.9. Rosenblum Mental Health Center

The name of the Hammond Mental Health Center is changed to the Rosenblum Mental Health Center and under such name it shall continue to serve as an outpatient center for the care, treatment, and rehabilitation of persons with who have a mental illness and persons who are mentally defective with intellectual or developmental disabilities at the region level.

§23. Psychiatric inpatient units in state general hospitals

The department may establish psychiatric inpatient units in state-owned or state-contracted general hospitals for the emergency and temporary care of cases of acute mental illness.

§25. Provisions for close confinement of certain mental patients who have a mental illness

A. At institutions that it may designate, the department may provide facilities for the care and confinement of mental patients who have mental illness and who require close confinement in the interest of themselves and of the public.

B. The department shall designate places of confinement for patients of dangerous tendencies and for those clients charged with or convicted of a crime on parole or persons who require special protection and restraint.

§25.1. Establishment of Feliciana Forensic Facility

The department shall establish psychiatric inpatient units in New Orleans, Baton Rouge, Shreveport, and Alexandria

A. The forensic unit at East Louisiana State Hospital Eastern Louisiana Mental Health System is hereby declared to be a separate and distinct facility from East Louisiana State Hospital and hereafter shall be known as the Feliciana Forensic Facility.

C.1.(a) The superintendent director or administrator of any such facility shall admit only those persons:

(v) Judicially committed to and transferred from any state hospital for persons with who have a mental illness and who are inebriate substance-related or addictive disorder.
(b) A transfer from any other state hospital shall be had only after the director or administrator of the transferring facility, in concurrence with two or more psychiatrists, has determined and certified in writing to such forensic facility that the patient to be transferred is dangerous to others and that the transferring facility cannot adequately protect its staff and patients from such person.

(c) The decision to transfer shall not be made until after the person who is proposed to be transferred has had an opportunity to be heard regarding his actions upon which the proposed transfer is based by the director or administrator and two concurring psychiatrists.

(2)(a) The administrator of the Feliciana Forensic Facility shall refuse admission to any person if:

B. The administrator shall not grant any patient a pass or furlough for release from the facility except upon the recommendation of the patient's treating psychiatrist and with prior approval of the committing court. The administrator may impose conditions on a pass or furlough. Any pass or furlough granted shall be for a fixed period of time.

PART III. EXAMINATION, ADMISSION, COMMITMENT, AND TREATMENT OF PERSONS SUFFERING FROM MENTAL ILLNESS AND SUBSTANCE ABUSE SUBSTANCE-RELATED OR ADDICTIVE DISORDERS

§50. Declaration of policy

The underlying policy of this Chapter is as follows:

(1) That persons with who have a mental illness and persons suffering from substance abuse a substance-related or addictive disorder be encouraged to seek voluntary treatment.

(2) That continuity of care for persons with who have a mental illness and persons suffering from substance abuse a substance-related or addictive disorder be provided.

(3) That mental health and substance abuse substance-related and addictive disorder treatment services be delivered as near to the place of residence of the person receiving such services as is reasonably possible and medically appropriate.

(4) That no person solely as a result of mental illness, or alcoholism substance-related or addictive disorder, or incapacitation by alcohol shall be confined in any jail, prison, correctional facility, or criminal detention center. This shall not apply to persons arrested, charged, or convicted under Title 14 of the Louisiana Revised Statutes of 1950.

§51. Procedures for admission

C. The Louisiana Department of Health, through its hospitals, mental behavioral health clinics, and similar institutions, shall have the duty to assist facilities may direct petitioners and other persons in the preparation of to appropriate resources and regulations for confinement, requests for protective custody orders, and requests for emergency certificates, upon request of such persons.

§51.1. Treatment facility; staff membership and institutional privileges; certain health care healthcare provider

A.1) Notwithstanding any provision of the law to the contrary, the governing body of a treatment facility, as defined in R.S. 28:2, may grant staff membership, specifically delineated institutional privileges, or both, to any duly licensed, certified, or registered healthcare provider in accordance with the needs and bylaws of the treatment facility including but not limited to a physician, psychiatrist, psychologist, medical psychologist, or psychiatric mental health nurse practitioner, as defined in R.S. 28:2.
§52. Voluntary admissions; general provisions

A. Any person who is mentally ill has a mental illness or person who is suffering from substance abuse a substance-related or addictive disorder may apply for voluntary admission to a treatment facility. This application may be made by a physician to the treatment facility or the facilities of the State. The application shall be made in writing and shall contain a statement of the facts and the basis for the application. The director or administrator of the treatment facility may admit the person on either a formal or informal basis, as hereinafter provided.

B. Admitting physicians are encouraged to admit persons who have a substance-related or addictive disorder to the treatment facilities of the State on a voluntary basis whenever medically feasible.

C. No director or administrator of a treatment facility shall prohibit any person who is mentally ill or person who is suffering from substance abuse a substance-related or addictive disorder from applying for conversion of involuntary or emergency admission status to voluntary admission status. Any patient on an involuntary admission status shall have the right to apply for a writ of habeas corpus in order to have his admission status changed to voluntary status.

D. A person admitted pursuant to this Section may object to his admission at any time. If the person informs a staff member of his desire to object to his admission, a staff member shall assist him in preparing and submitting a valid written objection to the director or administrator of the treatment facility. Upon receipt of a valid objection, the director or administrator shall release the person within seventy-two hours unless proceedings are initiated pursuant to R.S. 28:53 or R.S. 28:54, or be discharged.

E. In no case shall a patient remain on noncontested status longer than three months. Within that time, the patient must be converted to either a formal or informal voluntary status, or be involuntarily hospitalized pursuant to R.S. 28:53 or R.S. 28:54, or be discharged.

§52.4. Admission by relative or legal guardian for substance-related or addictive disorder treatment

A. A person suffering from substance abuse a substance-related or addictive disorder may be admitted and detained at a public or private hospital or a treatment facility as a noncontested admission status whenever medically necessary.

B. At the time of admission of the person, the physician, legal guardian, or the major child of the person if that child has attained the age of eighteen years has admitted the person or caused him to be admitted pursuant to the provisions of R.S. 28:53.

C. As soon as practicable, but in no event more than twelve hours after admission to the hospital or in-patient treatment facility, a physician shall examine the patient and either execute an emergency certificate in accordance with R.S. 28:53(B) or order the patient discharged. If an emergency certificate is executed, the physician or the director or administrator of the hospital or in-patient treatment facility shall immediately notify the coroner, and the coroner or his deputy shall conduct an independent examination of the person within twenty-four hours. If the person executes a second emergency certificate, the person may be detained for treatment for a medically necessary period not to exceed twenty-eight days from the date of his admission. Otherwise, he shall be discharged.

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

A. 1. A person who is mentally ill has a mental illness or person who is suffering from substance abuse a substance-related or addictive disorder who has been encouraged to seek treatment but is unwilling to be evaluated on a voluntary basis.

B. A patient admitted under the provisions of this Section shall not be detained in the treatment facility for longer than seventy-two hours after making a valid written request for discharge to the director or administrator of the treatment facility unless an emergency certificate is executed pursuant to R.S. 28:53, or unless judicial commitment is instituted pursuant to R.S. 28:54, after making a valid written request for discharge to the director of the treatment facility.

C. 1. A person who is mentally ill has a mental illness or person who is suffering from substance abuse a substance-related or addictive disorder who does not have the capacity to make a knowing and voluntary consent to a voluntary admission status and who does not object to his admission to a treatment facility may be admitted to a treatment facility as a noncontested admission. Such person shall be subject to the same rules and regulations as a person admitted on a voluntary admission status and his treatment shall be governed by the provisions of R.S. 28:52(H).

2. A no contested admission may be made by a physician to a treatment facility and be approved and treated as a no contested admission. The diagnosis and evaluation shall include complete medical, social, and psychological studies and, when medically indicated, any other scientific study which may be necessary in order to make decisions relative to the treatment needs of the patient. In the absence of specified medical reasons, the diagnostic studies shall be completed in fourteen days. Alternative community-based services shall be thoroughly considered.

3. Following a review of the diagnostic evaluation study, the director or administrator of the treatment facility shall determine if the person is to remain on noncontested status, is to be discharged, is to be converted to formal or informal voluntary status, or is to be involuntarily hospitalized pursuant to the provisions of this Section. The term "noncontested admission" shall not be interpreted to prohibit the director of a treatment facility from transferring the patient to another treatment facility when it is medically indicated.

D. A person admitted pursuant to this Section may object to his admission at any time. If the person informs a staff member of his desire to object to his admission, a staff member shall assist him in preparing and submitting a valid written objection to the director or administrator of the treatment facility. Upon receipt of a valid objection, the director or administrator shall release the person within seventy-two hours unless proceedings are initiated pursuant to R.S. 28:53 or R.S. 28:54, or be discharged.

E. In no case shall a patient remain on noncontested status longer than three months. Within that time, the patient must be converted to either a formal or informal voluntary status, or be involuntarily hospitalized pursuant to R.S. 28:53 or R.S. 28:54, or be discharged.
(2) The certificate shall state: * * *

(b) The objective findings of the physician, the psychiatric mental health nurse practitioner, or psychologist relative to the physical or mental condition of the person, leading to the conclusion that the person is dangerous to self or others or is gravely disabled as a result of substance abuse a substance-related or addictive disorder or mental illness.

(d) The determination of whether the person examined is in need of immediate care and treatment in a treatment facility because the patient is either any of the following: * * *

G. * * *

(2) Within seventy-two hours of admission, the person shall be independently examined by the coroner, or a judge of a court of competent jurisdiction, if the actual examining physician is not on duty or is unavailable. * * *

(6) When a person is confined in a treatment facility other than a state mental institution, a psychiatric hospital, the examining coroner in the parish where the patient is confined shall be entitled to the usual fee paid for this service to the coroner of the parish in which the patient is domiciled or residing. When a person is confined in a state mental institution psychiatric hospital in a parish other than his parish of domicile or residence, the examining coroner may charge the person a fee for the examination and the transportation of the person in accordance with the fee schedule established by the department for this purpose. In any case, the fee shall be paid and accurate records of such payments kept by the governing authority of the parish in which the patient is domiciled or residing from parish funds designated for the purpose of paying the fee. * * *

J. (1) Upon the request of a credible person of legal age who is financially unable to afford a private physician or who cannot immediately obtain an examination by a physician, the parish coroner may render, or the coroner or a judge of a court of competent jurisdiction may cause to be rendered by a physician, an actual examination of a person alleged to be mentally ill or suffering from a substance-related or addictive disorder, and in need of immediate medical treatment because the patient is dangerous to himself or others or is gravely disabled. The actual examination of the person by a psychiatrist may be conducted by telemedicine utilizing video conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (B)(4) of this Section is acting in the course of his official duty and cannot be transported to a treatment facility because the person is in a hospital in a parish other than his parish of domicile or residence, the person is unavailable or is inappropriate for a consultation with the primary physician or primary care provider; the date and time of the consultation and a summary of the comments of the primary physician or primary care provider was attempted.

L.(1) A peace officer or a peace officer accompanied by an emergency medical service trained technician may take a person into protective custody and transport him to a treatment facility for a medical evaluation when, as a result of his personal observation, the peace officer or emergency medical service technician has reasonable grounds to believe the person is mentally ill, suffering from substance abuse or substance-related or addictive disorder, or intoxicated and engages in behavior which, in the reasonable judgment of the physician who is observing the patient during the emergency, is a danger to himself or others orGRAVELY DISABLED. For purposes of this Paragraph "psychiatric or behavioral health emergency" occurs when a patient, as a result of mental illness, substance abuse a substance-related or addictive disorder, or intoxication engages in behavior which, in the clinical judgment of the physician, places the patient or others at significant risk of being a danger to self or others. The emergency medical service technician may use whatever means or facilities are necessary to transport the patient to the treatment facility. The administration of medication may be continued until the emergency subsides, but in no event shall it exceed forty-eight hours, except on weekends or holidays when it may be extended for an additional twenty-four hours. * * *

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(3) A description of the acts or threats which have led to the belief that the person is mentally ill has a mental illness or is suffering from substance abuse a substance-related or addictive disorder and is in need of immediate hospitalization to protect the person or others from physical harm. 

F. Any person who is found guilty of executing a statement that another person is mentally ill has a mental illness or is suffering from substance abuse a substance-related or addictive disorder and in need of immediate hospitalization to protect the person or others from physical harm, or that the affiant knows or should know is false may be imprisoned, with or without hard labor, for not more than one year, or fined not more than one thousand dollars.

§54. Judicial commitment; procedure

A. Any person of legal age may file with the court a petition which asserts his belief that a person is suffering from mental illness which contributes or causes the person to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse a substance-related or addictive disorder which contributes or causes that person to be a danger to himself or others or to be gravely disabled, and may thereby request a hearing. The petition may be filed in the judicial district in which the respondent is confined, or if not confined, in the judicial district where he resides or may be found. The hearing shall not be transferred to another district except for good cause shown. A petitioner who is unable to afford an attorney may seek the assistance of any legal aid society or similar agency if available.

D.(1) As soon as practical after the filing of the petition, the court shall review the petition and supporting documents, and determine whether there exists probable cause to believe that the respondent is suffering from mental illness which contributes or causes the person to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse a substance-related or addictive disorder which contributes or causes him to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse a substance-related or addictive disorder which contributes or causes that person to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse a substance-related or addictive disorder which contributes or causes that person to be a danger to himself or others or to be gravely disabled.

§61. (a) A patient confined to a treatment facility by judicial commitment may receive medication and treatment without his consent, but no major physical or surgical procedure may be performed without the written authority of a court of competent jurisdiction after a hearing. With regard to the administration of medicine, if the patient objects to being medicated, prior to making a final decision, the treating physician shall make a reasonable effort to consult with the primary physician or the primary care provider outside of the facility that has previously treated the patient for his mental behavioral health condition. The treating physician shall, prior to the administration of such medication, record in the patient’s file either the date and time of the consultation and a summary of the contents of the consultation or a certificate of a court of competent jurisdiction after a hearing. (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, any licensed physician may administer medication to a patient without his consent and against his wishes in situations which, in the reasonable judgment of the physician who is observing the patient during the emergency, constitutes a psychiatric or behavioral health emergency. For purposes of this Paragraph, a “psychiatric or behavioral health emergency” occurs when a patient, as a result of mental illness, substance abuse a substance-related or addictive disorder, or intoxication engages in behavior which, in the clinical judgment of the physician, places the patient or others at significant and imminent risk of damage to life or limb. The emergency administration of medication may be continued until the emergency subsides, but in no event shall it exceed forty-eight hours, except on weekends or holidays when it may be extended for an additional twenty-four hours.

§55. Judicial hearings

B. The court shall provide the respondent a reasonable opportunity to select his own counsel. In the event the respondent does not select counsel and is unable to pay for counsel, or in the event counsel selected by the respondent refuses to represent said the respondent or is not available for such representation within the time period provided by the mental health advocacy service. Reasonable compensation of appointed counsel shall be established by the court and may be ordered paid by the respondent or the petitioner in the discretion of the court if either of counsel found financially capable. If it is determined by the court that the costs shall not be borne by the respondent or the petitioner, then compensation to the attorney shall be paid from funds appropriated to the judiciary.

E.(1) If the court finds by clear and convincing evidence that the respondent is dangerous to self or others or is gravely disabled, as a result of substance abuse a substance-related or addictive disorder or mental illness, it shall render a judgment committed to the treatment facility. After considering the circumstances, including any preference of the respondent or his family, the court shall determine whether the respondent should be committed to a treatment facility which is medically suitable and least restrictive of the rights of the respondent. If the court determines that the treatment facility is unavailable, the court shall commit the respondent to the Louisiana Department of Health for placement in a state treatment facility until such time as an opening is available for transfer to the treatment center facility determined by the court, unless the respondent waives the time delay of such transfer. Within fifteen days following an alternative placement, the department shall submit a report to the court stating the reasons for such placement and seeking court approval of the placement.

(3) Unless prohibited by the respondent, the department shall notify the respondent's family of his placement at and or transfer to a state treatment facility.

(4) The director or administrator shall notify the court in writing when a patient has been discharged or conditionally discharged.

(5) The court order shall order a suitable person to convey such person to the treatment facility and deliver respondent, together with a copy of the judgment and certificates, to the director or administrator. In appointing a person to execute the order, the court should give preference to a legal guardian, near relative, or friend of the respondent.

F. Notice of any action taken by the court shall be given to the respondent and his attorney as well as to the director or administrator of the designated treatment facility, as the case may be, as the court concludes would be appropriate under the circumstances.

G. Each court shall keep a record of the cases relating to persons with who have a mental illness coming before it under this Title and the disposition thereof. Each court shall keep a record of the cases in which certificates of physicians required by this Section, or a microfilm duplicate of such records. All records maintained in the courts under the provisions of this Section shall be sealed and available only to the responsible or his attorney, unless the court, after hearing and with notice to the respondent, determines such records should be disclosed to a petitioner for cause shown.

I.(a) A patient confined to a treatment facility by judicial commitment may receive medication and treatment without his consent, but no major physical or surgical procedure may be performed without the written authority of a court of competent jurisdiction after a hearing. With regard to the administration of medicine, if the patient objects to being medicated, prior to making a final decision, the treating physician shall make a reasonable effort to consult with the primary physician or the primary care provider outside of the facility that has previously treated the patient for his mental behavioral health condition. The treating physician shall, prior to the administration of such medication, record in the patient’s file either the date and time of the consultation and a summary of the contents of the consultation, or a certificate of physicians required by this Section, or a microfilm duplicate of such records. All records maintained in the courts under the provisions of this Section shall be sealed and available only to the responsible or his attorney, unless the court, after hearing and with notice to the respondent, determines such records should be disclosed to a petitioner for cause shown.

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* As it appears in the enrolled bill

CODING: Words in normal type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
J. No director or administrator of a treatment facility shall prohibit any person who is mentally ill from having the right to apply for a writ of habeas corpus to have his admission status changed to voluntary admission status. Any patient on an involuntary admission status shall have the right to apply for a writ of habeas corpus to have his admission status changed to voluntary admission status.

§56. Judicial commitment; review; appeals

A. (a) Except as provided in Subparagraph (b) of this Paragraph, all judicial commitments except those for alcoholism, alcohol use disorder and except those individuals committed pursuant to Code of Criminal Procedure Article 648(B) whose cases shall continue to be reviewed annually. The director or administrator of the treatment facility to which the person has been judicially committed shall issue reports to the court and to counsel of record at these intervals setting forth the patient's response to treatment, his current condition, and the reasons why continued involuntary treatment is necessary to improve the patient's condition or to prevent it from deteriorating. These reports shall be treated by the court as confidential and shall not be available for public examination, nor shall they be subject to discovery in any proceedings other than those initiated pursuant to this Title.

(b) All judicial commitments shall be reviewed by the court issuing the order for commitment every ninety days, except those for alcoholism, alcohol use disorder shall be for a period not to exceed one hundred eighty days. The period of commitment shall expire at the end of the judicial commitment period, and the patient, if not converted to a voluntary status, shall be discharged unless a petition for judicial commitment has been filed prior to the expiration of the commitment period. If the court finds by clear and convincing evidence that the patient is dangerous to himself or others or that his continued presence as a result of mental illness is necessary, it shall render a judgment for his commitment for an additional period. Except as provided in Subparagraph (b) of this Paragraph, each additional judicial commitment shall expire at the end of one hundred eighty days.

§57. Mental Health Advocacy Service; creation; board of trustees; organization; powers; duties

F(1) Any attorney representing a person with or who has a mental illness or a respondent as defined herein in R.S. 28:2 shall have ready access to view and copy all mental health and developmental disability records pertaining to his client, unless the client objects. If the patient or respondent later retains a private attorney to represent him, the mental health advocacy service shall destroy all copies of records pertaining to his case.

(2) Any attorney representing a person with or who has a mental illness or a respondent as defined herein in R.S. 28:2 shall have the opportunity to cross examine the officer of behavioral health, district or regional manager of the Louisiana Department of Health, office of behavioral health, or his designee, in the proceedings. A health facility shall not be legally responsible to any person for the subsequent acts or behavior of a patient discharged in good faith.

G. (1) A person who is judicially committed may be conditionally discharged for a period of up to one hundred twenty days by the director or administrator or by the court. The patient may be required to report for outpatient treatment as a condition of his release. The terms and conditions of the conditional discharge shall be specifically set forth in writing and signed by the patient. A copy of the conditional discharge shall be given to the patient and explained to him before he is discharged.

(2) If the patient is conditionally discharged by the director or administrator, a copy of the conditional discharge shall be sent to the court which judicially committed him. If the patient is conditionally discharged by the court, a copy of the conditional discharge shall be sent to the facility to which the patient has been committed.

(3) If a patient does not comply with the terms and conditions of his conditional discharge, he is subject to any of the procedures for involuntary treatment, including but not limited to the issuance of an order for custody and the execution of an emergency certificate. A conditionally discharged patient who is confined pursuant to any of these involuntary procedures shall have all rights of an involuntary patient, including the right to demand a probable cause hearing, the right to periodic reports and review, and a hearing pursuant to Subsections A and B of this Section.

(4) An extension of a conditional discharge may be granted upon application by the director or administrator of the treatment facility to the court and notice to the respondent's counsel of record. The court may grant the extension of the conditional discharge for a period of up to one hundred twenty days. No further extension may be made without a contradictory hearing. The burden of proof is on the director or administrator of the treatment facility to show why continued treatment is necessary.

A. Any person acquitted of a crime or misdemeanor by reason of insanity or mental defect may be committed to the proper institution in accordance with Code of Criminal Procedure Arts. 634 et seq.

C. Any person serving a sentence who becomes mentally ill develops a mental illness may be committed to the proper institution in the manner provided for judicial commitment by the district court of the place of incarceration or commitment; provided, however, that the director or administrator of the place of incarceration or with the sheriff of that parish. The period of commitment shall be credited against the sentence imposed by the court.

The department shall designate institutions treatment facilities for the care of mental patients clients who have a mental illness committed in accordance with this Section.

§62. Commitment to United States veterans and public health service hospitals

A. The judge of the civil district court may commit to a United States veterans hospital or United States public health service hospital any eligible incompetent veteran or other person who is in need of institutional inpatient psychiatric care.

B. Prior to commitment, the superintendent director or administrator of the hospital shall have indicated his willingness to accept the patient and the ability to care for him. Upon admission, the patient is subject to the rules and regulations of the hospital and its officials are vested with the same powers exercised by superintendents directors or administrators of state mental psychiatric hospitals with reference to the retention of custody of the committed patient.

In the commitment of patients unless pursuant to the provisions of this Section, the court shall notify the patient of the proceedings and shall give him an opportunity to appear and defend himself.

§64. Mental Health Advocacy Service; creation; board of trustees; organization; powers; duties

A. The judge of the civil district court may commit to a United States veterans hospital or United States public health service hospital any eligible incompetent veteran or other person who is in need of institutional inpatient psychiatric care.

B. Prior to commitment, the superintendent director or administrator of the hospital shall have indicated his willingness to accept the patient and the ability to care for him. Upon admission, the patient is subject to the rules and regulations of the hospital and its officials are vested with the same powers exercised by superintendents directors or administrators of state mental psychiatric hospitals with reference to the retention of custody of the committed patient.

In the commitment of patients unless pursuant to the provisions of this Section, the court shall notify the patient of the proceedings and shall give him an opportunity to appear and defend himself.

§67. Petition to the court

A petition for an order authorizing involuntary outpatient treatment may be filed in the judicial district in the parish in which the patient is present or reasonably believed to be present. A petition to obtain an order authorizing involuntary outpatient treatment may be initiated by one of the following persons:

(1) The director or administrator of a hospital in which the patient is hospitalized.

(2) The director of the human service district local governing entity, or his designee, or the manager of the regional office of the Louisiana Department of Health, office of behavioral health, or his designee, in the parish in which the patient is present or reasonably believed to be present.

B. The court shall assign a time and place for a hearing, which may be conducted before any judge in the judicial district, within five days, and shall cause reasonable notice to be served upon the respondent, respondent's attorney, the petitioner and the director of the human service district or the regional manager of the Louisiana Department of Health, office of behavioral health, local governing entity in the parish where the petition is filed. The notice shall inform the respondent that he has a right to present, a right to counsel, which may be appointed, if he is indigent or otherwise qualified, has the right to counsel appointed to represent him by the Mental Health Advocacy Service, and a right to cross examine witnesses. Continuances shall be granted only for good cause shown.

§69. Procedure

A. Upon the filing of the petition authorized by R.S. 28:67, the court shall assign a time and place for a hearing, which may be conducted before any judge in the judicial district, within five days, and shall cause reasonable notice of and a copy of the petition to be served upon the respondent, respondent's attorney, the petitioner and the director of the human service district or the regional manager of the Louisiana Department of Health, office of behavioral health, local governing entity in the parish where the petition is filed. The notice shall inform the respondent that he has a right to present, a right to counsel, which may be appointed, if he is indigent or otherwise qualified, has the right to counsel appointed to represent him by the Mental Health Advocacy Service, and a right to cross examine witnesses. Continuances shall be granted only for good cause shown.

§70. Written treatment plan for involuntary outpatient treatment

A. The court shall not order involuntary outpatient treatment unless a treatment plan is developed by a treatment team which shall include a case manager, clinical social worker, and licensed physician, psychiatrist, psychiatric mental health nurse practitioner, or psychologist appointed by the appropriate director of the human service district or regional manager of the Louisiana Department of Health, office of behavioral health, local governing entity develops and provides to the court a written treatment plan on behalf of the patient. The written treatment plan shall be developed by a treatment team which shall include a case manager, clinical social worker, and licensed physician, psychiatrist, psychiatric mental health nurse practitioner, or psychologist and other specialized service providers as deemed appropriate by the director or regional manager as
well as the patient and upon his request, an individual significant to him and concerned with his welfare. The written treatment plan shall include appropriate services to provide care coordination. Such services shall include inpatient psychiatric care, assertive community treatment teams. The written treatment plan shall also include appropriate categories of services, as set forth in Subsection E of this Section, which such team recommends the patient should receive. If the written treatment plan includes inpatient psychiatric care, it shall state the need for the hospital or psychiatric hospital, an administrator or administrator of the psychiatric hospital shall apply for court approval prior to another. Any patient who has a mental illness who no longer resides in a psychiatric hospital if he believes that the patient has been involuntarily committed to another if applicable eligibility criteria are met. Moreover, the superintendent of an institution administers a psychiatric hospital shall be committed in accordance with the provisions of this Chapter.

§91. Transfer to mental institution psychiatric hospital
A. The judge shall designate or request the superintendent administrator to provide an attendant to conduct transfer the patient to the institution psychiatric hospital and may authorize the employment of assistants if necessary.

§92. Transfer of patients from military establishments
A. Any resident and rightful charge upon the state who becomes mentally ill while in military service and is returned to the state because of need of institutional care, shall be directly transferred from the military establishment to a state psychiatric hospital, provided arrangements to receive him are made in advance with the superintendent hospital administrator.

§93. Transfer of veterans to United States veterans hospitals
A. Any veteran eligible for treatment in a United States veterans hospital within the state may be transferred to a United States veterans hospital.

B. The transfer shall be by order of the committing court or by order of the superintendent director or administrator of the mental psychiatric hospital and shall be effective immediately upon the order.

§94. Transfer of patients between institutions psychiatric hospitals
A. (1) Except as otherwise provided in this Subsection, the department may transfer any patient between psychiatric hospitals to another if applicable eligibility criteria are met. Moreover, the superintendent of an institution administrator of a psychiatric hospital may request the department to transfer a patient when he believes that a transfer is necessary.

B. Any patient may be transferred to or from a private mental institution psychiatric hospital only upon the joint application of the superintendent director or administrator of that institution hospital and of the legal or natural guardian or the person liable for the support of the patient. However, no private mental institution psychiatric hospital shall be obligated to retain a patient because of the refusal to sign the application by the legal guardian or the person liable for support.

§95. Discharge by the superintendent administrator or treating physician
A. Except as otherwise provided in this Section, the superintendent administrator or treating physician may discharge any patient committed to the institution psychiatric hospital if he believes that the patient has served his period of commitment and that no further treatment is required.

B. The superintendent administrator or treating physician shall have the authority to arrange for the discharge of any patient committed to the institution psychiatric hospital upon the patient being discharged from the institution psychiatric hospital, if the patient meets the criteria for involuntary outpatient treatment, and no less than thirty days. If it is found that the patient shall remain at the hospital, he shall, after discharge from military service, be committed in accordance with the provisions of this Chapter.

§96. Discharge by the superintendent administrator or treating physician
A. A patient client committed in accordance with the provisions of Article 287 645 of the Code of Criminal Procedure shall be discharged only in the manner provided in that Article.

B. E. A patient who has been notified and given an opportunity to state his reasons why the patient should be retained for further care and treatment.

§72. Application for additional periods of treatment
A. The court order for outpatient treatment shall expire at the end of the specified period unless a petition or motion for an extension has been filed. If the director or regional manager determines that a patient requires further involuntary outpatient treatment, he shall file a petition or motion for continued treatment prior to the expiration of the initial involuntary outpatient treatment ordered by the court. If a patient has been ordered to receive outpatient treatment for consecutive six-month to one-year periods, the period of any subsequent order may exceed one year but shall not exceed two years.

§73. Application to stay, vacate, or modify
A. If the written treatment plan includes a substance-related or addictive disorder counseling and treatment, it may include a provision requiring testing for either alcohol or illegal substances provided the clinical basis for recommending such plan provides sufficient facts for the court to find all or any of the following:

(1) The patient has a history of alcohol or substance abuse, a substance-related or addictive disorder that is clinically related to the mental illness.

(2) Services may include, but are not limited to, the following:

(f) Alcohol or substance abuse Substance-related or addictive disorder treatment.

§71. Disposition
B. If the court finds by clear and convincing evidence that the patient meets the criteria for involuntary outpatient treatment, and no less restrictive alternative is feasible, the court shall order that the patient receive involuntary outpatient treatment for an initial period not to exceed one year. The court shall state reasons why the proposed treatment plan is the least restrictive treatment available and feasible for the patient. The order shall state the categories of involuntary outpatient treatment as set forth in R.S. 28:70, which the patient is to receive, and the court may not order treatment that has not been recommended by the physician, psychiatric nurse, or psychologist, in consultation with the treatment team and included in the written treatment plan. The plan shall be certified by the director of the human service district or the regional manager of the Louisiana Department of Health, office of behavioral health, local governing entity responsible for services in the district where the petition is filed, as offering services which are available through their offices. The court shall not order an outpatient commitment unless the director or regional manager so certifies.

C. If the court finds by clear and convincing evidence that the patient meets the criteria for involuntary outpatient treatment, and a written proposed treatment plan has not been submitted, the court shall order the director of the human service district or the regional manager of the Louisiana Department of Health, office of behavioral health, local governing entity to provide a plan and testimony within five days of the date of the order.

E. If the petitioner is the director or administrator of a hospital that operates an involuntary outpatient treatment program, the court order shall direct the hospital to provide all categories of involuntary outpatient treatment if the hospital has been notified and given an opportunity to state his reasons why the patient should remain at the hospital, he shall, after discharge from military service, be committed in accordance with the provisions of this Chapter.

F. The director or regional manager shall have the authority to order or modify any patient who is approved by the court.

G. A mental defective or person who is approved by the court.
§96.1. Discharge by the superintendent, director, or administrator of a private mental psychiatric hospital or institution.

A. The superintendent, director, or administrator, or head of a private mental psychiatric hospital or institution provided in this Section the superintendent, director, or administrator, or head of a private mental psychiatric hospital may discharge any patient committed to his institution hospital only on the certificate of either two physicians, or one physician and one psychologist, medical psychologist, or psychiatric mental health nurse practitioner stating that the patient has sufficiently recovered and that no harm will result from his discharge.

B. A patient committed in accordance with the provisions of Article 648 of the Code of Criminal Procedure shall be discharged only in the manner provided in that Article.

D. A patient whose discharge from a private mental psychiatric hospital is opposed by a legal guardian, relative, or other interested person shall be removed from the state at the expense of the offending person or public carrier.

§100. Leaves of absence for patients.

A. The superintendent, director, or administrator, or head of a private mental psychiatric hospital or institution may permit patients to board out with responsible persons to whom they are committed. Any patient who boards out shall pay the usual fees and costs of care in a private hospital.

B. A patient on leave may be returned at any time by the superintendent, director, or administrator, or head of a private mental psychiatric hospital or institution.

C. The superintendent, director, or administrator, or head of a private mental psychiatric hospital or institution may authorize employees of the hospital to retain and guard the patient and may permit the patient to board out with responsible persons, to whom the patient is committed.

D. Agents of the institution state psychiatric hospital shall visit frequently visit every boarding patient. If it is determined that the patient is not being cared for properly, the superintendent, director, or administrator, or head of a private mental psychiatric hospital may require the person applying to board a patient to give bond with security for the proper care of the patient.

§102. Return State psychiatric hospitals; return of escaped patients.

Any escaping patient from a state psychiatric hospital shall be returned at the expense of the institution state psychiatric hospital from which he escaped, and returned without authorization, unless his discharge is granted before his return.

§103. Deportation of nonresident patients.

A. The department may order the examination and the discharge of any patient, except those committed in accordance with R.S. 28:59 and Title XXI relating to insanity proceedings of the Code of Criminal Procedure, if a result of the examination it believes that the patient should no longer be detained. When a discharge in accordance with this Section is contemplated, the department shall give notice to the superintendent, director, or administrator of the patient who is being deported, and the facility shall make arrangements to transport the patient to the nonresident mental psychiatric hospital where it is to be committed.

B. No person or public carrier shall knowingly import a non-resident nonresident mental psychiatric patient into this state for the purpose of having him committed.

C. Any person who violates the provisions of this Section shall be fined or imprisoned for sixty days, or both, and the patient shall not be removed from the state at the expense of the offending person or public carrier.

§105. Extradition of escaped patients.

The extradition of escaped patients shall be in accordance with the Uniform Act for the Extradition of Persons of Unsound Mind.

A. For purposes of this Section, the following definitions relative to extradition of escaped patients apply:

1. "Executive authority" means the governor of a state or other executive of a territory, district, and possession of the United States, or his appointed designee.

2. "Flight" and "fled" shall mean any departure from the jurisdiction of the court where the proceedings provided for in this Section may have been instituted or be pending.

3. "State" shall include any state, territory, district, and insular and other possession of the United States.

B. (1) Whenever the executive authority of any state other than Louisiana demands the return of an escaped nonresident patient and produces a certified copy of the decree or other judicial process and proceedings for involuntary commitment with an affidavit showing the person to be an escaper, it shall be the duty of the executive authority of Louisiana to apprehend and secure the escaper.

(2) The executive authority of Louisiana shall give immediate notice of the apprehension of the escaper to the executive authority making such demand, and the executive authority of the state making such demand shall be entitled to receive the escaper, and shall cause the escaper to be delivered to such agent. If no agent appears within forty days from the time of apprehension, the escaper may be discharged.

C. All costs and expenses incurred in apprehending, securing, maintaining and transporting the escaper shall be paid by the state making the demand for the return of the escaper. Any agent so appointed who receives the escaper into his custody shall be empowered to transmit him to the state from which he has fled.

PART V. FEES AND COSTS

§141. Costs of commitment and examination.

A. If financially able, the patient or his legally responsible relative legal guardian shall pay the costs of commitment, including examination fees, expenses incurred in calling witnesses, fees of counsel for the patient, and producing the patient, or the parish in which the proceeding, otherwise the parish of domicile in the case of a resident or the division in the case of a non-resident shall pay these costs.

B. Fees for services rendered by coroners or other experts in the commission of the patient shall be paid in accordance with the provisions contained in Article 650 of the Code of Criminal Procedure and the special laws relating to the fees of coroners and assisting physicians in interdiction proceedings. Except for emergency commitments which do not result in court commitment and voluntary admissions, the coroner of the parish of domicile in the case of a resident or director of the division in the case of a non-resident shall pay these costs.

§142. Costs of transportation.

A. If financially able, the patient or his legally responsible relative legal guardian shall pay all the costs incident to transporting the patient to the state psychiatric hospital; otherwise, the department, in the case of a non-resident, or the parish in which the hearing was held, in the case of a resident, shall pay these costs. If a patient’s domicile is in a parish other
than that in which the hearing was held, the former parish shall reimburse the latter for these costs.

B. Fees for transporting patients shall be in accordance with the special laws establishing fees for transporting prisoners.

§143. Costs of maintenance and boarding out daily care

A. The superintendent director or administrator of each mental institution state psychiatric hospital shall include the costs of maintenance and boarding out daily care of patients as an expense of the institution state psychiatric hospital and shall prepare budgets in accordance with the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950.

B. If financially able, the patient or his legally responsible relative legal guardian shall reimburse the institution state psychiatric hospital for all or a part of the cost of his maintenance or boarding out daily care.

§144. Investigation and assessment of charges

The department shall develop procedures to determine the ability of a patient or his legally responsible relative legal guardian to pay all or a part of the costs of the patient’s care and shall adopt a policy including rules and regulations for the assessment of charges in accordance with the ability to pay.

§145. Costs of transfer

The person requesting the transfer shall pay the costs of transferring a patient between institutions hospitals. The department shall pay the costs of transfers made at its request.

§146. Expenses incident to discharge, removal, or funeral

A. If financially able, the patient or his legally responsible relative legal guardian shall pay the costs of the patient’s funeral or his discharge and removal, including traveling expenses to his home; otherwise the institution state psychiatric hospital shall pay these costs. If discharge is ordered by the department and the institution has no pay state psychiatric hospital patient, the institution shall order his discharge. When the transfer is ordered by the department and the institution has no pay state psychiatric hospital patient, the institution shall order his discharge. When the facility determines the need to restrict visitation of new patients he shall be fined not more than five hundred dollars, or imprisoned for not more than one year, or both.

B. If a patient dies who has funds on deposit to his credit, the executor or administrator of the estate of the patient, the patient’s minister, or the patient’s next of kin shall collect the proceeds of the deposit and shall distribute such proceeds to the estate of the patient.

§147. Method of collection

The department may demand and receive any sums assessed as costs against a patient or his legally responsible relative legal guardian, and in the case of nonpayment, may sue to enforce collection.

PART VI. RIGHTS OF PERSONS SUFFERING FROM MENTAL ILLNESS AND SUBSTANCE ABUSE Subsection: Substance-Related or Addictive Disorders

§171. Enumerations of rights guaranteed

A. No person shall hold himself out to be a counselor with a specific specialty to provide mental health or substance abuse substance-related or addictive disorder treatment services, or attempt to provide counseling services in this state, and receive fees either from the patient or a third party, unless he is authorized to practice in the specific specialty area by the appropriate state or regulatory authority.

§200. Promotion of a community-based system of care

It is hereby declared to be a function of the Louisiana Department of Health to promote the establishment and administration of a community-based system of care, including but not limited to community behavioral health centers clinics for persons who have a mental illness, persons with developmental disabilities, or both conditions as contemplated by the provisions of R.S. 40:2013. Behavioral health centers used herein shall include guidance centers.
§202. Lease of land, buildings, and equipment
The department may lease to responsible local organizations or to the governing bodies of local public agencies any state-owned land, but such lease shall not be for a period of fifteen years or more. The state-owned property is not to be leased to a single person or entity, but rather shall provide aid to the individual to ensure that the treatment protocol is being met and to access available behavioral health resources in the community for persons who satisfy all of the following criteria:

(1) Provide a home-based support system, which shall not provide any behavioral health treatment but rather shall provide aid to the individual to ensure that the treatment protocol is being met and to access available behavioral health resources in the community for persons who satisfy all of the following criteria:

(2) Establish a community resource center that is accessible by telephone or internet to provide twenty-four-hour support for persons suffering from a mental health or substance abuse condition or illness or substance-related or addictive disorder by providing educational and outreach materials about the resources for behavioral health patients which are available in the community, including the location, transportation, and methods for accessing these resources.

§215.2. Coroner's Strategic Initiative for a Health Information and Intervention Program; powers and duties
Subject to the availability of adequate funding, a CSI/HIP may perform any of the following functions:

(1) Provide a home-based support system, which shall not provide any behavioral health treatment but rather shall provide aid to the individual to ensure that the treatment protocol is being met and to access available behavioral health resources in the community for persons who satisfy all of the following criteria:

(2) Establish a community resource center that is accessible by telephone or internet to provide twenty-four-hour support for persons suffering from a mental health or substance abuse condition or illness or substance-related or addictive disorder by providing educational and outreach materials about the resources for behavioral health patients which are available in the community, including the location, transportation, and methods for accessing these resources.

§215.3. Treatment facilities; dissemination of information

A. For Notwithstanding R.S. 28:2, for the purposes of this Section, “treatment facility” shall mean any healthcare facility which provides services or treatment to a person who is suffering from a mental health or substance abuse condition or illness or substance-related or addictive disorder except for a nursing home as defined in R.S. 40:2009.2.

B. A treatment facility shall provide to all individuals in the parish suffering from a mental health condition illness or substance-related or addictive disorder upon discharge or release an information and consent form which details the information, programs, and services which can be provided by the CSI/HIP to individuals suffering from mental health conditions illness and substance-related or addictive disorders and includes a voluntary consent form for the individual to complete if the individual desires to have the facility notify the CSI/HIP on behalf of the individual that the individual would like to be contacted by the CSI/HIP to receive additional information about the program.

§215.4. Consent
A. Prior to personnel of the coroner’s office or CSI/HIP providing any home-based supports or services to an individual, the personnel of the coroner’s office or of the CSI/HIP shall provide to the individual in writing a full disclosure of all services to be provided, frequency of home visits, and notice that the individual may withdraw his consent in writing at any time. In addition, the individual shall also consent in writing to the list of persons, if any, with whom the personnel of the coroner or the CSI/HIP may discuss his mental behavioral health condition.

PART X. ADVANCE DIRECTIVES FOR MENTAL BEHAVIORAL HEALTH TREATMENT

§221. Definitions
As used in this Part:

(1) “Advance directive for mental behavioral health treatment” or “advance directive” means a written document voluntarily executed by a principal in accordance with the requirements of this Part and includes a declaration or the appointment of a representative or both.

(2) “Declaration for mental behavioral health treatment” or “declaration” means a written document executed by a principal, in accordance with the requirements of this Part, setting forth preferences or instructions regarding mental behavioral health treatment in the event the principal determines to be incapable and mental behavioral health treatment is necessary.

(3) “Director” or “superintendent” or “administrator” means a person in charge of a treatment facility or his deputy.

(4) “Incapable” means that, due to any infirmity, the principal is currently unable to make or communicate reasoned decisions regarding the principal’s mental behavioral health treatment.

(5) “Mental Behavioral health treatment” shall have the same meaning as provided in R.S. 28:223 and includes but is not limited to electroconvulsive therapy, means treatment of mental illness with psychotropic medication, admission to and retention in a facility, and outpatient services. However, “mental behavioral health treatment” shall not include admission to or retention in a mental health treatment facility for a period in excess of fifteen days.

(6) “Outpatient services” means treatment for a mental or emotional illness or a substance-related or addictive disorder that is obtained on an outpatient basis.

(7) “Principal” means an individual who has executed an advance directive for mental behavioral health treatment.

(8) “Provider” means a mental behavioral health treatment provider.

(9) “Representative” means a competent adult validly appointed under R.S. 28:223 to make mental behavioral health treatment decisions for a principal and also means an alternative representative.

The representative must be a physician who has primary responsibility for the mental behavioral health treatment of the principal.

(10) “Treatment facility” shall have the same meaning as provided in R.S. 28:222.

(11) “Treat” means treatment for a mental behavioral health treatment; period of validity

A. An adult who is not incapable may make an advance directive for mental behavioral health treatment. The preferences or instructions may include refusal of or refusal of mental behavioral health treatment.

B. An advance directive for mental behavioral health treatment shall continue in effect for a period of five years or until revoked, whichever occurs first. The authority of a named representative and any alternative representative in the advance directive for mental behavioral health treatment shall continue in effect as long as the advance directive appointing the representative is in effect or until the representative has withdrawn.

C. If an advance directive for mental behavioral health treatment has been delivered to the principal’s treating physician or other provider and the principal has been determined to be incapable pursuant to R.S. 28:226, at the expiration of five years after its execution, it shall remain effective until the principal is no longer incapable.

§223. Designation of representative for decisions about mental behavioral health treatment

An advance directive for mental behavioral health treatment may designate a competent adult to act as a representative to make decisions about mental behavioral health treatment. An alternative representative may act as provided in R.S. 28:234 to make decisions about mental behavioral health treatment.

The witnesses shall attest that the principal is known to them, signed the advance directive in their presence, and does not appear to be unable or unwilling to act at any time. A representative who has accepted the appointment in writing may make decisions about mental behavioral health treatment on behalf of the principal only when the principal is determined to be incapable pursuant to R.S. 28:226. The decisions shall be consistent with any desires the principal has expressed in the declaration.

§224. Execution of advance directive; witnesses; mental status psychiatric examination

An advance directive for mental behavioral health treatment shall be valid only if it is signed by the principal and two competent witnesses and accompanied by a written mental status psychiatric examination performed by a physician or psychologist attesting to the principal's ability to make reasoned decisions concerning his mental behavioral health treatment.

The witnesses shall attest that the principal is known to them, signed the advance directive in their presence, and does not appear to be unable or unwilling to act at any time. A representative who has accepted the appointment in writing may make decisions about mental behavioral health treatment on behalf of the principal only when the principal is determined to be incapable pursuant to R.S. 28:226. The decisions shall be consistent with any desires the principal has expressed in the declaration.

§225. Operation of advance directive; physician or provider to act in accordance with advance directive

A. An advance directive shall become operative when it is delivered to the principal’s treating physician or other mental behavioral health treatment provider and shall remain valid until revoked or expired.

B. The treating physician or provider shall act in accordance with an operative advance directive when the principal has been found to be incapable pursuant to R.S. 28:226. Notwithstanding the operating the advance directive, the treating physician or provider shall endeavor to communicate with the principal regarding his proposed mental behavioral health treatment and continue to obtain the principal’s informed consent to all mental behavioral health treatment decisions if the principal is capable of providing informed consent or refusal.

§227. Scope of authority of representative; powers and duties; limitation on liability

A. The representative shall not have the authority to make mental behavioral health treatment decisions unless the principal is determined to be incapable as provided in R.S. 28:226.

C. Except to the extent the right is limited by the advance directive or any state or federal law, a representative shall have the same right as the principal to receive information regarding both proposed and administered mental behavioral health treatment and to receive, review, and consent to disclosure or use of medical records relating to that treatment. This representative’s right of access to the principal’s mental behavioral health treatment information shall not waive any evidentiary privilege.
E. A representative shall not be subject to criminal prosecution, civil liability, or professional disciplinary action for any action taken in good faith pursuant to an advance directive for mental behavioral health treatment.

§228. Prohibitions and exceptions. - An individual shall not be required to execute or refrain from executing an advance directive

An individual shall not be required to execute or refrain from executing an advance directive for mental behavioral health treatment as a criterion for inclusion in a treatment facility. To the extent that an advance directive for reasonable medical practice, the availability of treatments requested, and applicable law. If the physician or other provider is unable or unwilling at any time to carry out preferences or instructions contained in an advance directive for mental behavioral health treatment or the decisions of the representative, the physician or provider may withdraw from providing treatment to the principal.

C. For the purposes of this Section, “physician” means the treating physician or any other physician proposing or administering mental behavioral health treatment to the principal.

§230. Disregarding advance directives: circumstances

A. The physician or provider may subject a principal determined to be incapable pursuant to R.S. 28:226 to mental behavioral health treatment in a manner contrary to the principal’s wishes as expressed in an advance directive for mental behavioral health treatment only:

(2) When the treating physician determines that psychotropic medication is essential and after compliance with the following procedures:

(a) When a principal’s advance directive for behavioral health treatment or his representative refuses medication that the treating physician believes is medically essential, the director or administrator of the treatment facility shall conduct an administrative review to determine whether the principal should be forcibly medicated contrary to his wishes.

(d) A principal may be medicated contrary to the wishes expressed in his advance directive if, based on a review of the advance directive and the reasons stated therein, the patient’s medical chart, a personal examination of the patient, the wishes of the principal’s representative, if any, and the recommendations of the treating physician, the director determines that the medication is medically essential. The director shall consider the following criteria in making that decision:

(i) The patient is mentally ill, has a mental illness and is dangerous to himself or others or gravely disabled without the medication.

B. An advance directive shall not limit the authority provided in R.S. 28:2 et seq. to take a principal into protective custody or to involuntary admit or commit a principal to a treatment facility.

C. An advance directive shall not authorize admission to or retention in a mental health treatment facility for a period in excess of fifteen days.

§232. Limitations on liability of physician or provider

A. A physician or provider who administers or does not administer mental behavior health treatment contrary to and in good faith reliance upon the validity of an advance directive for mental behavioral health treatment shall not be subject to criminal prosecution, civil liability, or professional disciplinary action resulting from a subsequent finding of an advance directive’s invalidity.

§233. Individuals prohibited from serving as representative

The following individuals shall be prohibited from serving as a representative:

(2) An owner, operator, or employee of a health care treatment facility in which the principal is a patient, client, or resident if the owner, operator, or employee is unrelated to the principal by blood, marriage, or adoption.

§234. Individuals prohibited from serving as witnesses to advance directive for mental behavioral health treatment:

The following individuals shall be prohibited from serving as a witness to the signing of an advance directive for mental behavioral health treatment:

(2) An owner, operator, or relative of an owner or operator of a mental behavioral health treatment facility in which the principal is a patient or resident.

CHAPTER 5. GROUP HOME FOR PERSONS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES ACT

§475. Short title

This Chapter shall be known and may be cited as the “Group Home for Persons with Mental Illness or Developmental Disabilities Act.”
applicable federal and state laws. The department shall provide by rule for the implementation of such copayment not later than March 15, 1987.

Compliance with the provisions of this Section, excluding the operation and management of any inpatient facility under the jurisdiction of the department, shall be the responsibility of and shall be performed by the Metropolitan Human Services District for the parishes of Orleans, St. Bernard, and Plaquemines only. The department shall not be responsible for and shall not perform these services and programs in said those parishes.

E. The services and programs as described in Subsections A and B of this Section, excluding the operation and management of any inpatient facility under the jurisdiction of the department, shall be the responsibility of and shall be performed by the South Central Louisiana Human Services District for the parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne only. The department shall not be responsible for and shall not perform these services and programs in said those parishes. The department shall continue to be responsible for and shall perform these services and programs in said those parishes.

F. The services and programs as described in Subsections A and B of this Section, excluding the operation and management of any inpatient facility under the jurisdiction of the department, shall be the responsibility of and shall be performed by the Northeast Delta Human Services Authority for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll only. The department shall not be responsible for and shall not perform these services and programs in said those parishes provided that if funds are not appropriated by the legislature for the district to provide these services and programs in said those parishes, the department shall continue to be responsible for and shall perform these services and programs in said those parishes.

§722. Funding of regional addictive disorder services

A. Funding for regional substance-related and addictive disorder services as defined in Subsection B of this Section shall be allocated to each region according to a formula developed by the assistant secretary of the office of behavioral health, promulgated in accordance with the Administrative Procedure Act, and evaluated each year to determine necessary changes.

(2) The formula developed by the office shall weigh certain elements in determining the formula. The elements and their assigned weights are as follows:

(c) The estimated number of adults in a region needing treatment for substance-related and addictive disorders shall be assigned a weight of twenty percent.

B. “Regional substance-related and addictive disorder services” shall include all treatment and prevention/education prevention or education services provided in each region.

CHAPTER 15. COMPULSIVE AND PROBLEM GAMBLING DISORDERS

§841. Office of behavioral health; functions related to compulsive and problem gambling disorders

A. The office of behavioral health of the Louisiana Department of Health shall establish a program to provide information and referral services related to compulsive or problem gambling disorders. The program may include treatment services and shall include provision of a twenty-four hour, toll-free telephone service, operated by persons with knowledge of programs and services available to assist persons suffering from compulsive or problem gambling disorders.

§911. Definitions

As used in this Chapter and unless the context clearly requires otherwise:

(1) “Behavioral health services” means community-based mental health and substance-related and addictive disorders services.

§913. Governing board; membership; appointment; terms; compensation

A. (1) The parish appointees shall be persons with professional experience or parents, consumers, or advocates in the fields of substance-related and addictive disorders, developmental disabilities, mental health, or public health.

(b) The governing authority of each parish may submit three names to the governor for consideration as one of the governor’s three appointees.

§915. Districts; functions, powers, and duties

A. Pursuant to a contract with the department, all human services districts shall

(3) Perform community-based functions for the care, diagnosis, training, treatment, and education related to substance-related and addictive disorders, including but not limited to alcohol, drug, or gambling.

§931. Definitions; purposes

B. The purposes of an intervention and stabilization unit include, without limitation, all of the following:

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
(2) To diminish the need in a community for recurrent crisis services for persons suffering from mental illness, substance abuse, a substance-related or addictive disorder, or both conditions simultaneously.

Section 3. R.S. 36:258(C) and 259(C) are hereby amended and reenacted to read as follows:

$258. Offices; purposes and functions

C. The consolidation of the administration of the offices for mental illness and of addictive disorders into the office of behavioral health will offer less redundancy and greater benefits to Louisiana citizens in need of these services. The office of behavioral health shall perform the functions of the state which provide services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care of mental and emotional illness in Louisiana and shall perform functions related to the health of the population. It shall perform the functions of the state relating to the care, training, treatment and education of those suffering from substance-related or addictive disorders and the prevention of substance-related and addictive disorders and administer the substance-related and addictive disorders programs in the state. It shall administer the Louisiana Department of Health's residential and outpatient care facilities. Any state office which is now responsible for persons who are mentally ill with mental illness, persons suffering from substance-related or addictive disorders, and persons suffering from co-occurring mental illness and substance-related or addictive disorders.

$259. Transfer of agencies and functions to Louisiana Department of Health

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in Part II of Chapter 22 of this Title:

(1) East Louisiana State Hospital
(2) Southern Regional Hospital
(3) Western Regional Hospital
(4)看下文...
ACT No. 370

HOUSE BILL NO. 395
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To amend and reenact R.S. 28:54(A) and (C), 55(A) through (D) and (E)(1) and (2), 56(C) and (G)(4), 59(A) through (C), 454.6(A) introductory paragraph, (B), (D), and (E)(4) and (6); and to enacting new R.S. 454.6(A)(2), (4), (5), and (6) to create a mental health treatment; to make technical corrections; to provide for judicial commitment; to provide for commitment of prisoners; to establish an effective date; and to provide for related matters.

Section 1. R.S. 28:54(A) and (C), 55(A) through (D) and (E)(1) and (2), 56(C) and (G)(4), 59(A) through (C), 454.6(A) introductory paragraph, (B), (D), and (E)(4) and (6) and (B) are hereby amended and reenacted and R.S. 28:454.6(A)(7) is hereby reenacted to read as follows:

§54. Judicial commitment; procedure

A. Any person of legal age may file with the court a petition which asserts his belief that a person is suffering from mental illness which contributes or causes that person to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse or mental illness which contributes or causes that person to be a danger to himself or others or to be gravely disabled and may thereby request a hearing. The petition may be filed in the judicial district in which the respondent is confined, or if not confined, in the judicial district where he resides or may be found. The hearing shall not be transferred to another district except for good cause shown. A petitioner who is unable to afford an attorney may seek the assistance of any legal aid society or similar agency if available.

C(1) Upon the filing of the petition, the court shall assign a time, not later than eighteen calendar days thereafter, shall assign and a place for a hearing upon the petition, and shall cause reasonable notice thereof to be given to the respondent, his counsel appointed by the court, the Mental Health Advocacy Service and request the assignment of an attorney who will be paid counsel at any time. However, all respondents must be represented by counsel as early as possible in every proceeding. If attorneys are available, the court shall appoint counsel to represent him by the Mental Health Advocacy Service , and the petitioner, and the Louisiana Department of Health, bureau of legal services . The court may overrule any objections made as to notice being delivered less than ten days prior to the hearing, if there is good cause shown as to why the notice was delivered untimely.

§55. Judicial hearings

A. At the appointed time, the court shall conduct a hearing on the petition for judicial commitment. Before the hearing, the respondent may move for a change of venue to the parish of his domicile, which motion shall be granted or denied by the court upon a request of the respondent.

B. The court shall provide the respondent a reasonable opportunity to select his own counsel. In the event the respondent does not select counsel and is unable to pay for counsel, or in the event counsel selected by the respondent refuses to represent him, the court may order the respondent to pay counsel appointed by the court.

C. The respondent shall have the right to privately retained retain and pay counsel at any time. However, all respondents must be represented by counsel as early as possible in every proceeding. If attorneys are available, the court shall appoint counsel to represent him by the Mental Health Advocacy Service and request the assignment of an attorney who will be appointed.

D. An attorney appointed to represent a person by a court pursuant to Code of Criminal Procedure Article 648(B)(3) after a continuing duty toward that person, shall be discharged from that duty when the same is terminated.

§56. Judicial commitment; review; appeals

C. Notwithstanding an order of judicial commitment, the director of the treatment facility to which the individual is committed is encouraged to explore treatment measures that are medically appropriate and less restrictive. The director may at any time convert an order of commitment to a less restrictive order of confinement. The director shall not be legally responsible to any person for any action in that regard. The director may discharge any patient if in the treatment facility to show why continued treatment is inappropriate. The director shall not be legally responsible to any person for the subsequent acts or behavior of a patient discharged in good faith.

G. An extension of a conditional discharge may be granted upon application by the department or by the director of the treatment facility to the court and notification to respondent's counsel of record. The court may grant the extension of the conditional discharge for a period of up to one hundred twenty days. No further extension may be made without a contradictory hearing. The burden of proof is on the department or the director of the treatment facility to show why continued treatment continuation of the conditional discharge is necessary.

§59. Commitment of prisoners

A. Any person acquittced of a crime or acquitted of a crime or misdemeanour found not guilty by reason of insanity committed pursuant to Title 28, shall be committed to the proper institution in accordance with Code of Criminal Procedure Arts. 654 et seq.

B. Any person who is determined to lack the capacity to proceed, who will not attain the capacity to proceed with his trial in the foreseeable future, and who is not a danger to himself or others, shall be discharged from that duty when the same is terminated.

D. On the day appointed, the hearing shall take precedence over all other matters, except pending cases of the same type and shall be held in the same. The court shall conduct the hearing in as formal a manner as is possible under the circumstances and shall admit evidence according to the usual rules of evidence. Witnesses and evidence tending to show that the person who is the subject of the petition is a proper subject for judicial commitment shall be admitted. The respondent has a right to be present unless the court finds that he knowingly, voluntarily, and intelligently waives his presence. The respondent or his counsel shall have the right to present evidence and cross-examine cross-examine witnesses who may testify at the hearing. If the department is not the petitioner, the department or the director of the treatment facility, shall cross-examine the examining physicians, the court shall order such physicians to appear in person or by deposition. The court shall cause a recording of the testimony of the hearing to be made which shall be treated as a transcript of the event or trial. A copy of such transcript shall be furnished without charge, to any appellant whom the court finds unable to pay for the same. The cost of such the transcript shall be paid from funds appropriated to the judicial department.

§74. The court order shall order a suitable person to convey such person to the treatment facility and deliver respondent, together with a copy of the judgment and certificates, with the respondent, to the director. In appointing a person to execute the order, the court shall give preference to a near relative or friend of the respondent.

§75. Judicial commitment; procedure

B. Any person who is determined to lack the capacity to proceed, who will not attain the capacity to proceed with his trial in the foreseeable future, and who is not a danger to himself or others, shall be discharged from that duty when the same is terminated.

D. On the day appointed, the hearing shall take precedence over all other matters, except pending cases of the same type and shall be held in the same. The court shall conduct the hearing in as formal a manner as is possible under the circumstances and shall admit evidence according to the usual rules of evidence. Witnesses and evidence tending to show that the person who is the subject of the petition is a proper subject for judicial commitment shall be admitted. The respondent has a right to be present unless the court finds that he knowingly, voluntarily, and intelligently waives his presence. The respondent or his counsel shall have the right to present evidence and cross-examine cross-examine witnesses who may testify at the hearing. If the department is not the petitioner, the department or the director of the treatment facility, shall cross-examine the examining physicians, the court shall order such physicians to appear in person or by deposition. The court shall cause a recording of the testimony of the hearing to be made which shall be treated as a transcript of the event or trial. A copy of such transcript shall be furnished without charge, to any appellant whom the court finds unable to pay for the same. The cost of such the transcript shall be paid from funds appropriated to the judicial department.

E. If the court finds by clear and convincing evidence that the respondent is dangerous to self or others or is gravely disabled, as a result of substance abuse or mental illness, it shall render a judgment for his commitment. After considering all relevant circumstances, including clinical recommendations and any preference of the respondent or his family, the court shall determine whether the respondent should be committed to a treatment facility which is medically suitable and least restrictive of the respondent's liberty. However, if the placement determined by the court is unavailable, the court shall commit the respondent to the Louisiana Department of Health and Human Services, bureau of state mental health, and in accordance with R.S. 28:52 or 52.2, the director of the treatment facility shall inform the court of any action in that regard. The court may discharge any patient if in the treatment facility to show why continued treatment is inappropriate. The director shall not be legally responsible to any person for the subsequent acts or behavior of a patient discharged in good faith.
In addition to the water quality trading program as an inducement shall conduct the hearing in as formal a manner as is possible under the pending cases of the same type, and shall be a closed hearing. The court shall conduct the hearing in as formal a manner as is possible under the circumstances and shall adhere to the following:

5. If the department is not the petitioner, the department or its counsel may present evidence, call witnesses, and cross-examine any witness testifying at the hearing.

6. If the respondent is present at the hearing and is medicated, the court shall be informed of the medication and its common effects.

7. The court shall cause a recording of the testimony of the hearing to be made, which shall be transcribed only in the event of an appeal from the judgment.

B. If the court finds by clear and convincing evidence that the respondent has a developmental disability and is either dangerous to himself or dangerous to others, it may render a judgment for his commitment. Courts committing persons to the custody of the department shall not make such commitments to specific private or public facilities but shall only commit such individuals to the department. If the department is not the petitioner, the parties shall first consult with the department or its counsel before entering into a judgment stipulating to a commitment of the respondent to the department.

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 23, 2017.

A true copy.

Tom Schedler
Secretary of State

ACT No. 372
HOUSE BILL NO. 423
BY REPRESENTATIVE LEOPOLD
AN ACT

To amend and reenact R.S. 30:2074(B)(9)(a), (b), and (c) and to repeal R.S. 30:2074(B)(9)(d) and (e), relative to the Upper Audubon Security District in Orleans Parish; to provide relative to the governing board of the district; to provide relative to the parcel fee levied within the district; to provide relative to the amount, expiration, and renewal of such fee; and to provide for related matters.

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

Section 1. R.S. 33:9091.12(D)(1)(a) and (F)(4) are hereby amended and reenacted to read as follows:

§9091.12. Upper Audubon Security District

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

(a) The president of the Upper Audubon Association or his designee;

F. Parcel fee.

(4)(a) A fee shall be imposed only after the question of its imposition has been approved by a majority of registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code at the same time as a regularly scheduled primary or general election in the city of New Orleans. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized by this Subsection and approved by the voters. No other election shall be required except as provided by this Paragraph.

(b) The fee shall expire at the time provided in the proposition authorizing the fee, not to exceed six years from its initial imposition, but the fee may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as the mayoral primary or regularly scheduled election in the city of New Orleans. If renewed, the term of the imposition of the fee shall be provided in the proposition authorizing such renewal, not to exceed eight years.

Section 2. R.S. 33:9091.12(F)(2) and (4)(b) are hereby amended and reenacted to read as follows:

§9091.12. Upper Audubon Security District

F. Parcel fee.

(2) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land not to exceed five hundred dollars per year for each parcel.
Section 3. Section 2 of this Act shall become effective on January 1, 2019; however, the board of commissioners of the Upper Audubon Security District may call an election for the purpose of submitting the question of the imposition of the fee authorized by Section 2 of this Act to the voters prior to January 1, 2019.

Section 4. Sections 1 and 3 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of the State of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, Sections 1 and 3 of this Act shall become effective on the day following such approval. Approved by the Governor, June 23, 2017.

A true copy:
Tom Schedler
Secretary of State

HOUaMB NO. 483
BY REPRESENTATIVES JACKSON, BAGNERIS, BILLIOT, BOUIE, TERRY BROWN, COX, GISCLAIR, JIMMY HARRIS, HUNTER, JEFFERSON, JONES, NORTON, BOULIN, LEBAN, LOUIE, MA, ROLLE, PIERRE, POPE, RICHARD, SMITH, AND STAGNITI AND SENATORS PEACOCK AND THOMPSON

HOUSE BILL NO. 483

To amend and reenact R.S. 40:1105.10(b) and to enact R.S. 40:5.12, 1105.8.1, and 1105.8.2, relative to maintenance and reporting of data on cancer by the Louisiana Tumor Registry of the Louisiana State University System; to provide authorizations and restrictions concerning reporting of data by the registry; to provide relative to requests for registry data by the office of public health of the Louisiana Department of Health; to provide for cooperation between the registry and the office of public health in certain functions; to provide for state cancer investigation and intervention functions; to establish procedures for processing of data requests submitted to the registry; to provide for duties of the research committee of the registry; to provide for annual reports of cancer data to designated parties; to provide for electronic notifications and reports concerning cancer data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1105.10(B) is hereby amended and reenacted to read as follows:

§1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry data

A. The Louisiana Tumor Registry, referred to hereafter in this Section as the “tumor registry”, shall provide diagnostic, treatment, and follow-up information concerning a patient, if requested, to a physician or medical institution diagnosing or treating the case as authorized pursuant to 45 CFR 164.506.

B. (1) The tumor registry shall collaborate with the National Cancer Institute, the Centers for Disease Control and Prevention, the North American Association of Central Cancer Registries, the Louisiana Cancer Control Program, the National Program for Cancer Registries of the Agency for Research on Cancer, and any other national or international cancer surveillance program it may designate in providing cancer data and participating in cancer studies.

(2) The tumor registry shall cooperate with the office of public health of the Louisiana Department of Health, referred to hereafter in this Section as the “office of public health”, in evaluating programs and investigating cancer concerns and other cancer-related issues through activities including, without limitation, cooperating with the office of public health in conducting research projects, and providing for the use of the tumor registry data in any civil, criminal, administrative, or other proceeding.

(3) Requests by the office of public health for case-specific data shall require annual approval by the institutional review board of the Louisiana State University Health Sciences Center-New Orleans, referred to hereafter in this Section as the “LSUHSC-New Orleans” actually, the office of public health shall comply with all applicable confidentiality standards of the tumor registry.

C. (1) Subject to the limitations of Subsection F of this Section, the tumor registry may release case-specific data to persons or organizations for the purposes of cancer prevention, control, and research in accordance with Paragraph (2) of this Subsection. However, no such data shall include information collected for special studies or other research projects. The tumor registry shall have and shall reserve the right to prioritize its responses to data requests.

(2) Requests from persons or organizations for case-specific tumor registry incidence data, including data linkages, shall be submitted in writing and shall be reviewed and approved by the tumor registry research committee following stated policies and procedures of the registry. These policies shall require, without limitation, all of the following:

(a) Approval from the LSUHSC-New Orleans institutional review board and compliance with the LSUHSC-New Orleans HIPAA research policy.

(b) The research committee’s institutional review board and compliance with that institution’s HIPAA research policy.

(c) Execution of the tumor registry’s form entitled “Agreement to Maintain Confidentiality of Data”, or any successor form, by each investigator who will have access to the data indicating agreement by the investigator to adhere to the tumor registry confidentiality provisions and prohibiting the disclosure of tumor registry data in any civil, criminal, administrative, or other proceeding.

(d) Provision of a copy of the complete protocol for the project.

(e) Approval of all requirements provided in the document entitled “Louisiana Tumor Registry: Researchers’ Requests for Data”, or any successor document.

(f) Prior to contacting a patient or his next of kin, notification to the patient or next of kin shall be required.

(g) Destruction or return of data once the research is completed.

(3) If a request for data submitted in accordance with the provisions of this Subsection is denied by the LSUHSC-New Orleans institutional review board, the institutional review board shall provide to the requestor notice in writing of the reason for the denial via electronic mail or by written mail.

D. (1) The director of the tumor registry or his designee shall coordinate the research committee of the tumor registry. The research committee shall include, without limitation, the following members:

(i) The LSUHSC-New Orleans.

(ii) The Louisiana Cancer and Lung Trust Fund Board.

(iii) The Louisiana Cancer Research Center.

A qualified representative selected from the following entities:

(a) The cancer investigators, if any.

(b) The Louisiana Tumor Registry.

(c) The Louisiana Cancer Control Program.

(d) The research committee of the registry.

(e) The LSUHSC-New Orleans institutional review board.

(f) The LSUHSC-New Orleans human resources department.

(g) The LSUHSC-New Orleans HIPAA compliance officer.

(2) The research committee shall verify that the researchers are able to execute the proposal, in terms of both financial support and professional qualifications that the study has scientific and ethical merit, and that the researchers will obtain appropriate consent.

(3) In determining the order of processing requests for data, the tumor registry shall give priority to requests for data from the public health for use in responding to concerns about threats to the public health.

(4) Subject to the provisions of the Public Records Law, R.S. 44:1 et seq., the LSUHSC-New Orleans shall enter into the interagency agreements for aggregate data other than those provided for in Paragraph (1) of this Subsection in the order of receipt.

(5) The tumor registry shall respond to any public request in a timely manner, as resources permit. If the request meets the applicable requirements of R.S. 44:1 et seq., the LSUHSC-New Orleans shall have the responsibility to provide all applicable data.

(6) The tumor registry shall have and shall reserve the right to prioritize its responses to data requests.

(7) The tumor registry may assess a charge to a requestor of data for actual costs of compiling and providing the data, and may require payment before proceeding to fulfill the data request.

THE ADVOCATE

* As it appears in the enrolled bill
(4) The tumor registry shall not be required in any instance to perform original work to create data not currently in existence.

(5)(c) The tumor registry shall not release data in cases in which such data would disclose the identity of any person to whom the data relate and thus violate the requirements of the Health Insurance Portability and Accountability Act relating to uses and disclosure of protected health information (45 CFR 164.514). In such situations, the tumor registry may combine more years of cancer data together at the census tract level or suppress the data according to the suppression rule of the United States Cancer Statistics program.

(2) In considering for approval or denial a request for aggregate data, the research committee of the tumor registry shall determine whether the request complies with applicable state and federal laws relating to privacy of health information. If the research committee finds that disclosure of data in response to the request would violate any such law, then the committee shall collaborate with the requestor to revise the request in order to preclude such violation.

(3) In collaborating with a requestor as provided in Paragraph (2) of this Subsection, the research committee shall employ methods for de-identifying case-specific data as defined by the Centers for Disease Control and Prevention and any other de-identification or statistical methods for disclosure protection.

(4) The research committee of the tumor registry shall not deny any request for aggregate data for any reason that is unrelated to compliance with state or federal privacy laws.

Q. The tumor registry shall annually prepare a statistical report concerning cancer rates and counts which includes data at the census tract level, and shall submit the report to the office of the president for inclusion with the annual cancer report required by R.S. 40:1105.10. The tumor registry shall also provide the statistical report as required by this Subsection to the Louisiana State University Health Sciences Center at New Orleans, the Louisiana State University Health Sciences Center at Shreveport, the Louisiana Cancer and Lung Trust Fund Board, and each participating hospital.

§1105.8.2. Cancer data; electronic notifications and reports

The Louisiana Tumor Registry shall develop and publish on its website a mechanism by which individuals may elect to receive in electronic format notifications and reports issued by the tumor registry.

§1105.10. Annual cancer report

A. The report office of the president shall cause the report to be submitted by March 41 thirty-first of each year to the governor, the speaker of the House of Representatives, the president of the Senate, and the House and Senate Committees committees on Health and Welfare, health and welfare, and the governing body of each parish in the state of Louisiana.

Approved by the Governor, June 23, 2017.

A true copy.

Tom Schedler
Secretary of State

ACT No. 374

SENATE BILL NO. 1

BY SENATORS THOMPSON, ALARIO, APPEL, BARROW, BISHOP, CARTER, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTO, JOHNSTON, MILKOVICH, MURRELL, GARY SMITH, JOHN SMITH, TARVER, WARD AND WHITE AND REPRESENTATIVES BAGNERIS, CHANEY, LANCE HARRIS, HOFFMANN AND JONES

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

As an ACT

To amend and reenact R.S. 11:102(D)(3)(a), R.S. 17:374(A)(2)(g), 419.2(A), 1815(A) and (C)(4), the heading of Part II of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, 1962(2), 1963(A), 1964(A)(15), 1968.1(A)(1) and (B)(1), 1970.1, 1970.3(A), and 1970.9(A) and (E) are hereby amended and reenacted to read as follows:

§102. Employer contributions; determination; state systems

A. * * *

D. * * *

(3) The provisions of this Paragraph and Paragraphs (4) through (9) of this Subsection shall be effective for the fiscal year 2013, and beginning Fiscal Year 2012-2013. For purposes of this Subsection, “plan” or “plans” shall mean a group within the system characterized by the following employee classification:

(a) Employees of an institution of postsecondary education, the Board of Regents, or a postsecondary education management board who are not employed for the sole purpose of providing instruction or administrative services at the primary or secondary level, including at any lab school and the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts.

§1815. Louisiana Hall of Fame for the Arts; Northwestern State University; creation

A. There is hereby created the Louisiana Hall of Fame for the Arts which shall be located at the A. A. Fredericks Center for Creative and Performing Arts at Northwestern State University at Natchitoches and which shall be under the joint sponsorship of Northwestern State University and the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts. The Hall of fame is established to honor and provide suitable recognition to native and resident Louisianians who have demonstrated meritorious development and achievement statewide, national, and international acclaim in the creative and performing arts, namely, dance, music, theater/film, and visual arts.

C. The election board of the hall of fame shall be composed of nine members, all representative of the arts named above, who shall be appointed by the governor for terms of five years, except that in making his initial appointments, the governor shall appoint one member to serve for a term of one year, two for two years, three for three years, four for four years, and two for five years. The board shall include representation from the following:

(4) A representative of the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts and a representative of Northwestern State University, who shall serve as cochairpersons of the board.

§1863. Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts; creation; location; governance; relationship with educational boards and state superintendent

A.(1) There is hereby created the Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts which shall be a residential institution located on the campus of Northwestern State University at Natchitoches. The school shall open and formally begin operation with the fall semester of 1983. The school shall be funded by the state from monies appropriated therefor; and, full-time students at the school shall attend school for services at the primary or secondary level, including at any lab school and the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts.

Section 2. R.S. 17:374(A)(2)(g), 419.2(A), 1815(A) and (C)(4), the heading of Part II of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, 1962(2), 1963(A), 1964(A)(15), 1968.1(A)(1) and (B)(1), 1970.1, 1970.3(A), and 1970.9(A) and (E) are hereby amended and reenacted to read as follows:

§1962. Definitions

As used in this Part, the following words, terms and phrases shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

(2) “School” means the Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts.

§1963. Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts; creation; location; governance; relationship with educational boards and state superintendent

A.(1) There is hereby created the Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts which shall be a residential institution located on the campus of Northwestern State University at Natchitoches. The school shall open and formally begin operation with the fall semester of 1983. The school shall be funded by the state from monies appropriated therefor; and, full-time students at the school shall attend school for services at the primary or secondary level, including at any lab school and the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts; however, the school may continue to use “Louisiana School of Math, Science, and the Arts” for all practical purposes as determined by the board.

§1964. Board of directors; creation; membership; terms; powers; duties, and functions; voting; compensation
§1968.1. Funding; inclusion in the minimum foundation program formula; other appropriated state funds
A. The board of directors of the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts annually shall prepare and adopt a recommended formula to adequately fund the educational programs at the school. The formula shall have as its goal to provide state funding for the school which shall not be less than the average funding on a per-student basis at peer institutions in other states having similar programs and enrollments and may provide for achieving its goal over a multiyear period. The recommended formula shall be submitted to the division of administration as the total budget request for the school.

B. For the purposes of this Section, the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts shall be considered a public secondary school and, as such, shall be included by the State Board of Elementary and Secondary Education in the formula required by Article VIII, Section 13 of the Constitution of Louisiana used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools.

§1970.1. Legislative intent
It is the intent of the legislature to establish a college-based residential school for certain high school students with the express purpose of providing a more challenging educational experience and a more enriched creative environment for the children of this state who have a demonstrated talent for and interest in pursuing the creative and performing arts and of developing such children to their full potential. This school will serve only as a magnet school for the arts, and not as a magnet school for mathematics nor the sciences. There shall be no duplication of programs already offered by the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts in Natchitoches. Beyond a demonstration of minimum competencies expected of all equivalent high school students in Louisiana, admission criteria at the Louis Armstrong High School for the Arts shall not be based upon competitive academic testing, but exclusively upon auditions, or submission of creative writing and art.

§1970.3. Louis Armstrong High School for the Arts; creation; location; governance; relationship with the University of Southwestern Louisiana at Lafayette
A. There is hereby created the Louis Armstrong High School for the Arts which shall be a residential institution located on a satellite campus of the University of Southwestern Louisiana at Lafayette at a location in Vermilion Parish. The school may open and begin operation in the fall semester of 1999 only if all capital construction needs for the first ten years have been met or funding for such construction has been secured. The school may be funded by the state from monies appropriated for this purpose. Full-time students at the school may have the same state support, and pay the same fees and tuition, as the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts in Natchitoches.

§1970.9. Funding formula
A. The school board of the Louis Armstrong High School for the Arts annually shall prepare and adopt a recommended formula to adequately fund the educational programs at the school. The formula shall be identical to that adopted by the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts in Natchitoches.

E. The amount of funding for any budget request submitted as provided in this Section shall be determined by the legislature.

Q. The Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts and its board of directors (R.S. 17:1961 et seq.) is placed within the Louisiana Board of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

Section 4. R.S. 39:98.3(C)(2) and 467(B)(2) are hereby amended and reenacted to read as follows:
§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund C. Appropriations from the Education Excellence Fund shall be restricted as follows:

(2) Appropriations shall be made each year to the Louisiana School for the Visually Impaired, the Louisiana Special Education Center in Alexandria, the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts, the New Orleans Center for Creative Arts and the Louis Armstrong High School for the Arts, after such schools are operational, to provide for a payment to each school of seventy-five thousand dollars plus an allocation for each pupil equal to the average statewide per pupil amount provided by the state to each city, parish, and local school system pursuant to Paragraphs (4) and (5) of this Subsection.

§467. Sales of services and tangible personal property at a publicly owned domed stadium facility or baseball facility; sales and use tax; exemptions
B.

(2) Disposition of state tax proceeds. Of the monies remaining after satisfaction of the requirements of Article VII, Section 9(5)(C) of the Constitution of Louisiana concerning Bond Security and Redemption Fund, and R.S. 47:318(A) concerning support of economic development, an amount equal to thirty percent of the proceeds of the tax imposed under R.S. 47:321 on sales occurring for or at the state-owned domed facility described in Subparagraph (A)(9)(a) of this Section shall be allocated one-half to the Jimmy D. Long, Sr. Louisiana School of for Math, Science, and the Arts, and one-half to the New Orleans Center for Creative Arts. All monies remaining thereafter shall be deposited into the state general fund. For purposes of this allocation, on the last day of November of each year the secretary of the Department of Revenue shall provide to the chairperson of the Joint Legislative Committee on the Budget and the commissioner of administration an official estimate of the amount of state revenues received within the previous twelve months which were derived from the tax imposed pursuant to R.S. 47:321 from sales occurring for or at the state-owned domed facility described in Subparagraph (A)(5)(a) of this Section. The estimate shall be utilized by the commissioner of administration in the preparation of the following year’s executive budget in which a recommendation shall be made to appropriate such amounts as may be necessary to provide for this allocation.

Section 5. Nothing in this Act shall require the school to make changes to the stationery, diplomas, transcripts, logo, insignia, licensed or branded merchandise, promotional and fundraising items, or other related items or products, including class rings and mascot, as all as determined by the board.

Section 6. 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 23, 2017.

Tom Schedler
Tom Schedler
Secretary of State

ACT No. 375

SENATE BILL NO. 25

BY SENATOR MORRELL

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:297(D) and (D)(1) and to repeal R.S. 47:297(D)(2) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature, relative to tax credits; to provide relative to reduction to tax due; to sunset the tax credit for educational expenses; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 47:297(D) and (D)(1) are hereby amended and reenacted to read as follows:
§297. Reduction to tax due...
As used in this Chapter, the following terms and phrases shall have the following meaning, unless the context requires otherwise:

(1) “Department” means the Department of Public Safety and Corrections, office of juvenile justice Children and Family Services.

(2) “Safe house” means a residential facility or a shelter care facility operated by an authorized agency, including a nonprofit agency, with experience in providing services to sexually exploited children and approved by the department to provide shelter for sexually exploited children.

(3) “Sexually exploited child” means any person under the age of eighteen who has been subject to sexual exploitation because the person either:

(a) Is a victim of trafficking of children for sexual purposes under R.S. 14:46.3.

(b) A victim of child sex trafficking under 18 U.S.C. 1591.

Art. 725.2. Safe house for sexually exploited children

A. (1) The department shall identify and maintain a current listing of safe houses which are licensed residential homes that specialize in the provision of services to sexually exploited children, regardless of whether those facilities receive any government or taxpayer funding. This listing shall be made available to courts, prosecutors, and other stakeholders involved in proceedings pertaining to an exploited child.

(2) The department may, to the extent funds are available, operate or contract with an appropriate governmental agency with experience working with sexually exploited children to operate one or more safe houses in a geographically appropriate area of the state.

(3) Each safe house shall provide safe and secure housing and specialized services for sexually exploited children.

(4) In this article the department shall be construed to mean any agency from applying for and accepting grants, gifts, and bequests for funds from private individuals, foundations, and the federal government for the purpose of creating or carrying out the duties of a safe house for sexually exploited children.

B. Each safe house operating under a contract listed with the department to provide services to sexually exploited children pursuant to the provisions of this Article shall submit to the department an annual report on their operations including information on the services offered, geographic areas served, number of children served, and individual status updates on each child served. This information shall not include the name, address, or other identifying information of the child served. The department shall compile the data from all the reports submitted by each safe house pursuant to the provisions of this section and shall provide this information in an annual report to the legislature on or before the first day of February each year.

Art. 725.3. Statewide protocol; applicability of child in need of care procedure

(1) The department shall develop a statewide protocol for helping to plan and deliver services to sexually exploited children and shall work with court intake officers to ensure that all state, federal, and community-based resources for sexually exploited children are known and available to children who have been granted diversion under Article 839.

(a) A child or the parent of a child who is a victim of human trafficking is a child in need of care, and unless otherwise specified in this Chapter, the provisions of Title VI of this Code shall govern, when applicable.

Art. 725.4. Duties of law enforcement

A. The department shall be responsible for investigating reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker, to determine whether the child is a victim of sexual exploitation.

B. The department shall fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and community-based resources for sexually exploited children are known and available.

C. The department shall maintain a current listing of licensed residential homes that specialize in the provision of services to exploited children. This listing shall be made available to courts, prosecutors, law enforcement, and other stakeholders involved in proceedings pertaining an exploited child.

D. The department shall cooperate with the prosecution of any perpetrator of child exploitation.

E. The department shall develop policies that reflect best practices, it shall consider all protocols developed by the Louisiana Human Trafficking Commission and assist in compiling data requested by the commission when available.

Art. 725.6. Victim confidentiality

In addition to the protections of Article 412, law enforcement officers, investigators, prosecutors, and service providers shall keep confidential all reports and records of sexual exploitation, including the existence of such records. The identity, pictures, and images of the child and his family shall be confidential except to the extent that disclosure is:

(1) Essential for the purposes of investigation or prosecution.

(2) Required by court order.

(3) Necessary to ensure services.

Section 2. R.S. 46:1403.1 is hereby amended and reenacted to read as follows:

R.S. 46:1403.1. Extended stay for completion of educational courses or other programs

A. Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed at a residential home, who may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at his residential home, may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.
To amend and reenact the chapter heading of Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, and R.S. 47:6301(A)(1), the introductory paragraph of 6301(A)(2), 6301(A)(3), (B)(1)(a) and (c)(vii) and (ix) and (2) to enact R.S. 47:6301(B)(1)(c) and (D), and to repeal R.S. 47:6301(B)(1)(c)(xii), and to repeal R.S. 47:6301(A)(2)(a), (b), and (c) and (D), relative to donations to schools tuition organizations; to convert the school tuition organization rebate to a nonrefundable income tax credit; to provide for an effective date; and to provide for the effective date of this amendment and reenactment.

Be it enacted by the Legislature of Louisiana:

Section 1. The chapter heading of Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, and R.S. 47:6301(A)(1), the introductory paragraph of 6301(A)(2), 6301(A)(3), (B)(1)(a) and (c)(vii) and (ix) and (2) are hereby amended and reenacted and R.S. 47:6301(B)(1)(c) and (D) are hereby amended and reenacted and R.S. 47:6301(B)(1)(c)(xii) is hereby enacted to read as follows:

CHAPTER 3. REBATES CREDITS FOR DONATIONS TO SCHOOL TUITION ORGANIZATIONS

§6301. Rebates Credit; donations to school tuition organizations

A.(1) There shall be allowed a rebate nonrefundable income tax credit for donations to a school tuition organization which makes a charitable contribution to a qualified school, the amount of which the donor shall indicate the duration of time which the school tuition organization may retain and carry forward the contribution. The time may be indicated as being in perpetuity or for a stated period of time coinciding with a fiscal year of the state of Louisiana, the maximum of which shall not be less than twelve months or one fiscal year, whichever occurs later. In order to qualify for the rebate credit, the donation shall be made by a taxpayer who files is required to file a Louisiana income tax return. The amount of the rebate credit shall be equal to the actual amount of such charitable contribution used by the school tuition organization to fund scholarships to a qualified student, which shall not include administrative costs.

(a) The credit may be used in addition to any federal tax credit or deduction earned by the same donation. However, the donor shall not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for which the taxpayer has received a tax credit under this Section.

(b) In the event that the tax credit earned pursuant to this Section exceeds the total tax liability of the taxpayer for the taxable year, the amount of the credit not used as an offset against such tax liability in the taxable year may be carried forward as a credit against subsequent income tax liabilities for a period not to exceed three taxable years.

(2) The tax credit may be paid only after the conclusion of the school year and only when all of the requirements have been satisfied.

(3) In order for a donation from a taxpayer to qualify for the rebate credit, the donation shall be used by the school tuition organization to provide scholarships for tuition and fees for students to attend a qualified school in accordance with the provisions of this Section. No more than five percent of the donation shall be used by the school tuition organization for administrative or promotional costs. No scholarship shall be designated, referred to, or in any way named after a private entity nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school. However, this Paragraph shall not prohibit a donation being earmarked for a student with a disability. A student shall be considered to have a disability if such student is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, Traumatic Brain Injury, dyslexia, and related disorders, or autism, and as a result requires special education and related services.

B.(1)(a) For purposes of this Section, the term “school tuition organization” shall mean a tax exempt organization organized under Section 501(c)(3) of the Internal Revenue Code which adheres to the requirements of this Section.

(2) The amount of scholarships awarded by a school tuition organization shall equal the amount of donations the organization receives from taxpayers, minus allowable administrative or promotional costs. No less than ninety-five percent of the monies received by the school tuition organization from donations to be used to provide scholarships to students for attendance at a qualified nonpublic school of their parent’s choice.

A school tuition organization shall carryforward all funds in accordance with the duration of time indicated by the donor pursuant to Section 2 thereof also. In the event that the full amount of donations received by the school tuition organization is not utilized to provide scholarships to students within that period not to exceed three taxable years:

(1) the school tuition organization shall refund the donor the full amount of unexpended funds otherwise available for scholarships, or unexpended funds indefinitely available for administrative costs, and thus the donor does not elect to receive a state tax credit, the donation is barred from participating in the rebate credit authorized under this Section if the school tuition organization fails to comply with the requirements of this Item.

(c) A school tuition organization which provides scholarships to qualified students shall do all of the following:

(i) Perform criminal background checks on all of its employees and board members according to the provisions of R.S. 15:587.1. A person who has been convicted of or has entered a plea of nolo contendere to a crime listed in R.S. 15:587.1 may not be employed by, or be a board member of, a school tuition organization for the three-year period following the date of conviction.

(iv) A school tuition organization shall forward to the Department of Revenue a report of its activities for the current school year and the upcoming school year. An electronic format of this report shall be furnished to the Department of Revenue by the Department of Education on or by the first day of February of each year.

(viii) The report shall contain the total amount of contributions received by the school tuition organization, the total amount of educational scholarships awarded, the total amount expended on administrative costs, the total number and total dollar amount of educational scholarships awarded, the total number and total dollar amount of administrative costs incurred, and the percentage breakdown of donations expended on scholarships and administrative costs during the previous fiscal year.

(ix) The school tuition organization shall annually report to the Department of Education on or by the first day of January, unless granted an extension of no more than thirty days by the Department of Revenue for good cause, a report containing the total number of each contributor, the total amount of donations received during the previous calendar year, and the social security number or Louisiana taxpayer identification number of each contributor. Failure of a school tuition organization to file the report authorized under this Section if the school tuition organization fails to comply with the requirements of this Item.

(x) Shall annually pay out or reserve for scholarships at least seventy-five percent of all funds from donations. In order for a reservation of funds to qualify under this Item, the funds are required to be designated for a specific qualified school or for the next school year or for a particular qualified student. Any donated funds retained by a school tuition organization as of July first that do not qualify under this Item, the funds are required to be designated for a specific qualified school or for the next school year or for a particular qualified student.

(2)(a) For purposes of this Section, a “qualified school” shall mean a nonpublic elementary or secondary school in this state which is approved, provisionally approved, or probationally approved by the Board of Elementary and Secondary Education and which complies with the criteria set forth in R.S. 15:587.1, and the Department of Education on or by the first day of January, unless granted an extension of no more than thirty days by the Department of Revenue, shall be deemed sufficient for purposes of determining eligibility for the rebate credit authorized under this Section if the school tuition organization fails to comply with the requirements of this Item.

(1) The school tuition organization shall annually report to the Department of Revenue a report of its activities for the current school year and the upcoming school year. An electronic format of this report shall be furnished to the Department of Revenue by the Department of Education on or by the first day of February of each year.

(3) The department shall submit a report to the Department of Revenue containing the actual tuition and fee amounts published by the qualifying school, the total amount expended on administrative costs during the previous calendar year, and the social security number or Louisiana taxpayer identification number of each contributor. Failure of a school tuition organization to file the report authorized under this Section if the school tuition organization fails to comply with the requirements of this Item.

(4) Any donations retained by a school tuition organization not in accordance with the provisions of this Section shall be remitted to the Department of Education for deposit into the state general fund.

(5) The department shall submit a report to the Department of Revenue containing the actual tuition and fee amounts published by the qualifying school, the total amount expended on administrative costs during the previous calendar year, and the social security number or Louisiana taxpayer identification number of each contributor. Failure of a school tuition organization to file the report authorized under this Section if the school tuition organization fails to comply with the requirements of this Item.

THE ADVOCATE
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* As it appears in the enrolled bill

CODING: Words in strike through are deletions from existing law; words underscored (House Bills) and italicized and boldfaced (Senate Bills) are additions.
§305.3. Exclusions and exemptions; seeds used in planting of crops

The tax imposed by taxing authorities shall not apply to sale at retail of seeds to a commercial farmer as defined in R.S. 47:301(30) for use in planting of any kind of crops. The secretary shall promulgate rules and regulations designed to carry out the provisions of this Section, and any transaction not strictly in compliance with such rules and regulations shall lose the exemption herein provided in this Section.

§305.8. Exclusions and exemptions; pesticides used for agricultural purposes

The tax imposed by taxing authorities shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) of pesticides used for agricultural purposes, including particularly but not by way of limitation, insecticides, herbicides and fungicides.

§305.37. Exclusions and exemptions; diesel fuel, butane, propane, or other liquefied petroleum gases used for farm purposes

The tax imposed by the state of Louisiana and its political subdivisions whose boundaries are coterminous with those of the state shall not apply to the sale of diesel fuel, butane, propane, or other liquefied petroleum gases used or consumed for farm purposes by a commercial farmer as defined in R.S. 47:301(30). The secretary of the Department of Revenue shall adopt and promulgate rules and regulations necessary to effectuate the exemptions granted by this Section.

§305.63. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.67. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.75. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.87. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.97. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.107. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.117. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.127. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.137. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.147. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.167. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.177. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.197. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.207. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.217. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.227. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.237. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.247. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.257. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.267. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.277. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.287. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.

§305.297. Exemption; commercial farm irrigation equipment

The sales and use tax imposed by the state of Louisiana shall not apply to sale at retail to a commercial farmer as defined in R.S. 47:301(30) for commercial farm irrigation equipment.
Council. Distribution of the monies in the fund shall be based on an outcome-based distribution model. The distribution model shall allocate funds based on short-term, high-demand workforce training completion rates that lead to increased opportunities for relevant industries to hire a larger percentage of qualified local employees.

(2) Funding shall be distributed by the Board of Supervisors of Community and Technical Colleges only upon receipt of certification that a match of at least twenty percent or the amount of funding to be distributed has been guaranteed by a private match to be provided, which may include but is not limited to: cash; in-kind donations of technology, personnel, construction materials, facility modification, or corporate property; internships; scholarships; sponsorship of staff or faculty; or faculty endowment.

(3) The use of the private matching funds shall comply with expressed donor intent. Any private matching funds shall remain with the institution as provided for by the donor.

(4) Any funds distributed to an institution that remain unexpended or unencumbered at the end of the fiscal year shall be available for use in the subsequent fiscal year by the institution pursuant to its implementing plan.

(5) The fund shall detail the type of private match to be provided, which may include but is not limited to: cash; in-kind donations of technology, personnel, construction materials, facility modification, or corporate property; internships; scholarships; sponsorship of staff or faculty; or faculty endowment.

(6) The use of the private matching funds shall comply with expressed donor intent. Any private matching funds shall remain with the institution as provided for by the donor.

(7) Any funds distributed to an institution that remain unexpended or unencumbered at the end of the fiscal year shall be available for use in the subsequent fiscal year by the institution pursuant to its implementing plan.

(8) The provision of this Section shall not affect the allocation of any funds otherwise available to those institutions under state or federal laws.

(9) Notwithstanding the provisions of this Section and pursuant to the provisions of R.S. 23:1514, all federal-appropriated Workforce Innovation and Opportunity Act funding shall be excluded from the Louisiana Educational Workforce Training Fund and shall be exclusively administered by the Louisiana Workforce Commission.

(10) Notwithstanding the provisions of this Section and pursuant to the provisions of R.S. 23:1514, all state-appropriated Incumbent Worker Training Account funds, workers’ compensation funds, and Workforce Innovation Opportunity Act funds shall be excluded from the Louisiana Educational Workforce Training Fund and shall be exclusively administered by the Louisiana Workforce Commission.

H. The Board of Supervisors of Community and Technical Colleges shall not less than sixty days before the legislature convened for each regular session, submit an annual report to the House Committee on Education and the Senate Committee on Education. The report shall include, at a minimum, information on any and all private matches provided for in Subsection D of this Section, training programs funded, the number of students enrolled, the number and type of credentials awarded, and the number and amount of scholarships.

Section 2. This Act shall become effective immediately upon the signature of the governor.