Be it enacted by the Legislature of Louisiana:

Section 1. There are hereby appropriated the amounts shown below, which shall be payable out of the state general fund, to the extent of funds deposited, unless otherwise specified, for the establishment and reestablishment of agency ancillary funds which shall be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

In the conduct of each such business, receipts shall be deposited in the state treasury and disbursements made by the state treasurer to the extent of the amount deposited to the credit of each ancillary fund, for the Fiscal Year 2017-2018. All funds appropriated herein shall be expended in accordance with the public bid laws of the state.

Section 2.A. Except as otherwise provided by law or as herein otherwise provided, any fund equity resulting from prior year operations shall be included as a resource of the fund from which the ancillary fund is directly or indirectly derived.

B. Funds on deposit with the state treasurer at the close of the fiscal year are authorized to be transferred to each fund respectively, as equity for Fiscal Year 2018-2019. All unexpended cash balances as of June 30, 2018, shall be remitted to the state treasurer on or before August 14, 2018. If not reestablished in the subsequent year’s Act, the agency must liquidate all assets and return all advances no later than August 14, 2018.

C. The program descriptions contained in this Act are not part of the law and are attached in law by virtue of their inclusion into this Act.

Section 3. All money from federal, interagency transfers, statutory dedications, or fees and self-generated revenues shall be available for expenditure in the amounts herein appropriated.

Any increase in such revenues shall be available for allotment and expenditure by an agency on approval of an increase in the appropriation by the commissioner of administration and the Joint Legislative Committee on the Budget. Any increase in such revenues for an agency without an appropriation from the respective revenue source shall be incorporated into the agency’s appropriation on approval of the commissioner of administration and the Joint Legislative Committee on the Budget.

Section 4.A. The figures in parentheses following the designation of a budget entity are the total authorized positions and authorized other costs for that entity. The number approved for that agency, as a result of the passage of this Act, may be increased by the commissioner of administration when sufficient documentation is presented and the request is deemed valid. Any request which exceeds five (5) positions, however, shall be approved by the commissioner of administration and the Joint Legislative Committee on the Budget.

B. The budget request of any agency with an appropriation level of thirty million dollars or more shall include within its existing table of organization positions which perform the function of internal auditing, including the position of a chief audit executive. The chief audit executive shall be responsible for ensuring that the internal audit function adheres to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing. The chief audit executive shall maintain organizational independence in accordance with these standards and shall have direct and unrestricted access to the commission, board, secretary, or equivalent head of the agency. The chief audit executive shall certify to the commission, board, secretary, or equivalent head of the agency that the internal audit function conforms to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing.

Section 5. All key and supporting performance objectives and indicators for the departments, agencies, programs, and budget units contained in the Governor’s Executive Budget Supporting Document shall be adjusted by the commissioner of administration to reflect the funds appropriated therein. The commissioner of administration shall report on these adjustments to the Joint Legislative Committee on the Budget by August 15, 2017.

Section 6. The following definition is provided for the terms of this Act: “Working Capital” shall be considered the excess of current assets over current liabilities on an accrual basis.

Section 7. Should any section, subsection, clause, sentence, phrase, or part of the Act for any reason be held, deemed, or construed to be unconstitutional or invalid, such decisions shall not affect the remaining provisions of the Act, and the legislature hereby declares that it would have passed the Act, and each section, subsection, clause, sentence, phrase, or part thereof, irrespective of the fact that one or more of the sections, subsections, clauses, sentences, phrases, or parts thereof, is declared unconstitutional or invalid.

Section 8. Internal Service Funds. These funds account for the financing of goods or services provided by one department or agency to other departments or agencies of the governmental unit, or to other governmental units, on a cost-reimbursement basis. Excess cash funds, excluding cash funds arising from working capital advances, shall be invested by the state treasurer with the interest proceeds there from credited to each account and shall not be transferred to the state general fund.

Section 9. In conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program, or budget unit’s information technology resources and procurement resources, upon completion of this assessment and to the extent optimization of these resources will result in the projected cost savings through staff reductions, realization of operational efficiencies, cost avoidance, and elimination of asset duplication, the commissioner of administration is authorized to transfer the functions, positions, assets, and funds from any other department, agency, program, or budget units related to these optimizations to the Department of Administration. The Section shall not apply to the Department of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General Appropriation Act.

SCHEDULE 21

ANCILLARY APPROPRIATIONS

21-800 OFFICE OF GROUP BENEFITS

EXPENDITURES:

State Group Benefits - Authorized Positions (42) $ 1,465,783,992

Program Description: Provides for the administration of group health and accidental insurance and group life insurance for current and former state employees and other participating groups.
### 21-804 OFFICE OF RISK MANAGEMENT

#### EXPENDITURES:
- **Risk Management - Authorized Positions (38)**
  - Program Description: Provides for the overall executive leadership and management of the office, support services, policy analysis, management direction of the state's self-insurance program; provides funding for the payment of losses on medical, malpractice, property, comprehensive general liability, personal injury, automobile liability, automobile physical damage, bonds, crime, aviation, wet marine boiler and machinery and miscellaneous tort claims; provides funding for the payment of contracts issued for professional legal defense of claims made against the state; provides funding for the reimbursement of the Division of Risk Litigation in the Office of the Attorney General for costs incurred for professional legal defense of claims made against the state.
  - **TOTAL EXPENDITURES**: $202,798,117

#### MEANS OF FINANCE:
- State General Fund by:
  - Interagency Transfers $182,953,805
  - Fees & Self-generated Revenues $17,844,312
  - Statutory Dedications $2,000,000
  - Future Medical Care Fund
  - **TOTAL MEANS OF FINANCING**: $202,798,117

Payable out of the State General Fund by:
- Interagency Transfers from various state agencies
- Fees and Self-generated Revenues to the Risk Management Program for claims payments, in the event that House Bill No. 403 of the 2017 Regular Session of the Legislature is enacted into law
- **TOTAL EXPENDITURES**: $202,798,117

### 21-806 LOUISIANA PROPERTY ASSISTANCE

#### EXPENDITURES:
- **Louisiana Property Assistance - Authorized Positions (39)**
  - Program Description: Provides for the accountability of the state's moveable property through the development and implementation of sound management practices.
  - **TOTAL EXPENDITURES**: $6,269,590

#### MEANS OF FINANCE:
- State General Fund by:
  - Interagency Transfers $1,115,846
  - Fees & Self-generated Revenues $5,153,744
  - **TOTAL MEANS OF FINANCING**: $6,269,590

Payable out of the State General Fund by:
- Interagency Transfers from various state agencies for GPS payments to the Louisiana Property Assistance Program
- **TOTAL EXPENDITURES**: $800,000

### 21-807 LOUISIANA FEDERAL PROPERTY ASSISTANCE AGENCY

#### EXPENDITURES:
- **Federal Property Assistance - Authorized Positions (9)**
  - Program Description: Seeks to assure the fair and equitable distribution of federal property allocated to Louisiana by the General Services Administration to eligible Louisiana donees.
  - **TOTAL EXPENDITURES**: $3,257,151

#### MEANS OF FINANCE:
- State General Fund by:
  - Interagency Transfers $234,342
  - Fees & Self-generated Revenues $3,022,809
  - **TOTAL MEANS OF FINANCING**: $3,257,151
Codings: Words in strike through type are deletions from existing law; words underscored and boldfaced (Senate Bills) are additions.

**Comparative Statement**

In accordance with R.S. 39:51(B), the following represents a comparative statement for each program, department and budget unit. The authorized positions and operating budget for FY 2016-2017 as of December 1, 2016, are compared to the appropriations for FY 2017-2018 as contained in the original bill. The commissioner of administration shall adjust the amounts shown to reflect final appropriations after enactment of this bill.

**21A-ANCIL**

Office of Group Benefits

State Group Benefits

Interagency Transfers

State Group Benefits

Interagency Transfers

Fees & Self-generated Revenues

Program Total: $1,445,276,796 $1,465,783,992

Authorized Positions: 42 42

Authorized Other Charges Positions: 0 0

**21-804**

Office of Risk Management

Risk Management Interagency Transfers

Risk Management Fees & Self-generated Revenues

Risk Management Statutory Dedications

Program Total: $203,047,659 $203,198,117

Authorized Positions: 37 40

Authorized Other Charges Positions: 0 0

**21-806**

Louisiana Property Assistance Agency

Louisiana Property Assistance Interagency Transfers

Louisiana Property Assistance Fees & Self-generated Revenues

Program Total: $6,135,314 $6,269,590

Authorized Positions: 39 39

Authorized Other Charges Positions: 0 0

**21-807**

Federal Property Assistance Agency

Federal Property Assistance Interagency Transfers

Federal Property Assistance Fees & Self-generated Revenues

$234,342 $234,342

$3,022,809 $3,022,809

**21-860**

Clean Water State Revolving Fund

Total MEANS OF FINANCING $34,000,000

Authorized Positions: 42 42

Authorized Other Charges Positions: 0 0

**21-861**

Safe Drinking Water Revolving Loan Fund

Total MEANS OF FINANCING $34,000,000

Authorized Positions: 39 39

Authorized Other Charges Positions: 0 0

**21-800**

Clean Water State Revolving Fund

Total MEANS OF FINANCING $85,000,000

Authorized Positions: 42 42

Authorized Other Charges Positions: 0 0

**Page 244**
<table>
<thead>
<tr>
<th>Program Total: $3,255,319</th>
<th>Program Total: $3,257,151</th>
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<tr>
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<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
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<table>
<thead>
<tr>
<th>Agency Total: $3,255,319</th>
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<td>Authorized Positions: 9</td>
<td>Authorized Positions: 9</td>
</tr>
<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-816 Division of Administrative Law
- **Interagency Transfers**
  - Administration: $7,910,203
  - Fees & Self-generated Revenues: $28,897
- **Program Total**: $7,939,100
- Authorized Positions: 58
- Authorized Other Charges Positions: 0

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<thead>
<tr>
<th>Program Total: $7,939,100</th>
<th>Program Total: $7,733,993</th>
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<tbody>
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</tr>
<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-811 Prison Enterprises
- **Interagency Transfers**
  - Prison Enterprises: $23,674,511
- **Fees & Self-generated Revenues**
- **Program Total**: $34,328,514
- Authorized Positions: 72
- Authorized Other Charges Positions: 0

<table>
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<th>Agency Total: $34,328,514</th>
<th>Agency Total: $35,485,443</th>
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<tbody>
<tr>
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<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-815 Office of Technology Services
- **Interagency Transfers**
  - Office of Production Support Services: $19,833,812
- **Fees & Self-generated Revenues**
- **Program Total**: $19,983,812
- Authorized Positions: 65
- Authorized Other Charges Positions: 0

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Authorized Positions: 65</td>
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</tr>
<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-820 Office of State Procurement
- **Interagency Transfers**
  - Office of State Procurement: $9,496,667
- **Fees & Self-generated Revenues**
- **Program Total**: $10,474,289
- Authorized Positions: 92
- Authorized Other Charges Positions: 0

<table>
<thead>
<tr>
<th>Agency Total: $10,474,289</th>
<th>Agency Total: $10,503,142</th>
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<tbody>
<tr>
<td>Authorized Positions: 92</td>
<td>Authorized Positions: 92</td>
</tr>
<tr>
<td>Authorized Other Charges Positions: 0</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-821 Office of State Capital Management
- **Interagency Transfers**
  - Office of State Human Capital Management: $4,778,698
- **Fees & Self-generated Revenues**
- **Program Total**: $4,778,698
- Authorized Positions: 318
- Authorized Other Charges Positions: 1

<table>
<thead>
<tr>
<th>Agency Total: $4,778,698</th>
<th>Agency Total: $0</th>
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<tbody>
<tr>
<td>Authorized Positions: 318</td>
<td>Authorized Positions: 0</td>
</tr>
<tr>
<td>Authorized Other Charges Positions: 1</td>
<td>Authorized Other Charges Positions: 0</td>
</tr>
</tbody>
</table>

### 21-829 Office of Aircraft Services
- **Interagency Transfers**
  - Office of Telecommunication Management: $1,877,953
- **Fees & Self-generated Revenues**
- **Program Total**: $2,307,168
- Authorized Positions: 3

<table>
<thead>
<tr>
<th>Agency Total: $2,307,168</th>
<th>Agency Total: $2,248,695</th>
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<tbody>
<tr>
<td>Authorized Positions: 3</td>
<td>Authorized Positions: 3</td>
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</table>
The legislative session concluded today with approval of several acts that allocated $187 million to the Louisiana Judiciary. This is the largest supplemental appropriation in the history of the Louisiana Legislature, according to Senate President John Ford. The Senate approved a total of 45 acts dealing with the judiciary. House Speaker Taylor Barras agreed that the number of bills passed was an indication of the importance of the judiciary in Louisiana's governmental system.

**Act No. 58**

This act, Senate Bill No. 625, approved by the Senate, was sent to the Governor. It provides $187 million in supplemental appropriations to the Louisiana Judiciary. The act allocates funds to various court-related programs, including the District Court, the Criminal District Court of Orleans Parish, the Court of Appeal, and the Court of Appeals. The act also includes provisions for the appointment of judges, the provision of legal services to indigent defendants, and the provision of training for judges and court personnel.

**Act No. 68**

This act, House Bill No. 620, approved by the House, provides $187 million in supplemental appropriations to the Louisiana Judiciary. The act allocates funds to various court-related programs, including the District Court, the Criminal District Court of Orleans Parish, the Court of Appeal, and the Court of Appeals. The act also includes provisions for the appointment of judges, the provision of legal services to indigent defendants, and the provision of training for judges and court personnel.

**General Performance Information**

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To promote the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To ensure the public trust.

**Objective:** To facilitate public access to Supreme Court decisions.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To ensure the public trust.

**Objective:** To inform the public of operations and activities.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To ensure the public trust.

**Objective:** To inform the public of operations and activities.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

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**Objective:** To inform the public of operations and activities.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To ensure the public trust.

**Objective:** To inform the public of operations and activities.

**Goal:** To protect the rule of law.

**Objective:** To provide a reasonable opportunity for litigants to seek review in the Supreme Court of decisions made by lower tribunals.

**Goal:** To ensure the public trust.

**Objective:** To inform the public of operations and activities.

**Goal:** To protect the rule of law.
Objective: To ensure the highest professional conduct, integrity, and competence of the bar.

General Performance Information:

<table>
<thead>
<tr>
<th>Year</th>
<th>Average number of hours acquired through continuing education per lawyer</th>
<th>Number of complaints filed against lawyers</th>
<th>Number of complaints resolved or disposed of in calendar year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>14.92</td>
<td>3,040</td>
<td>3,140</td>
</tr>
<tr>
<td>2015</td>
<td>15.12</td>
<td>2,950</td>
<td>3,046</td>
</tr>
<tr>
<td>2016</td>
<td>15.08</td>
<td>2,922</td>
<td>2,673</td>
</tr>
</tbody>
</table>

Payable out of the State General Fund (Direct):

01 Salaries of one (1) Chief Justice and six (6) Associate Justices of the Supreme Court, as provided by R.S. 13:102 $ 1,125,128
02 Salaries and other expenses of the Supreme Court Proper and salary of the Crier of the Supreme Court $ 10,654,654
03 Expenses of Judicial Administrator’s Office and of the Judiciary Commission provided for in Article V, Section 25 of the Constitution of Louisiana and under the provisions of R.S. 13:32 et seq.

A. Expenses of Judicial Administrator’s Office $ 5,278,486

Program Description: The Judicial Administrator’s Office assists the Supreme Court in the administration of the state court system. It staffs the Judicial Council and the Judiciary Commission of Louisiana. Through the Judicial Council, it performs studies and makes recommendations for the creation of new judgeships and for improving the administration of justice. The Judicial Administrator’s Office provides payroll and other fiscal services to the Judiciary, including the administration of a judicial retirement system; support for the Supreme Court and Appellate Court human resource system; technological services to courts; and, manages the Trial Court Case Management Information System. The Judicial Administrator’s Office also manages the ad hoc judiciary system, monitors cases under advisement, provides outreach services to state and local courts, staffs the Committee on Judicial Ethics, and performs numerous legal services for the Supreme Court and the Judiciary.

B. Expenses of Judiciary Commission $ 2,068,854

Program Description: The Judiciary Commission of Louisiana is a constitutional body established under Article V, Section 25 of the Constitution of 1974 to accept, screen, investigate, and prosecute complaints of judicial misconduct. As part of its authority, it may recommend to the Supreme Court the censure, suspension, removal from office, or involuntary retirement of any judge for ethical misconduct.

C. Court Reporters; Statistical Reporting Systems $ 420,020
D. Dues to National Center for State Courts $ 158,650
04 Louisiana Attorney Disciplinary Board, as per Louisiana Supreme Court Rule XIX $ 3,000
05 Compensation and expenses of retired judges assigned under Article V, Section 5(A) of the Constitution of Louisiana, be it more or less estimated at $ 1,416,000
06 Law Library of Louisiana for salaries, services, supplies, maintenance, repairs, and equipment $ 2,060,337

Program Description: The Law Library of Louisiana serves the legal information needs of the state judiciary, and is open to members of the bar and public.

07 Salaries and expenses of transferred judges assigned under Article V, Section 5(A) of the Constitution of Louisiana, be it more or less estimated as $ 146,663
08 Retirement pay for services rendered by justices and judges of all courts, as provided by R.S. 11:1358 and R.S. 13:103 $ 1,365,669
09 Pensions for widows of justices and judges of all courts, as provided by R.S. 11:1371 and R.S. 11:1381, be it more or less estimated at $ 1,469,984
10 Judicial College $ 303,725

Program Description: The Judicial College was established by order of the Supreme Court in 1976 to provide continuing education to Louisiana judges.

11 State contribution to judicial retirement provided for in Article V, Section 23 of the Constitution and R.S. 11:551 et seq., be it more or less estimated at $ 19,013,380
12 Civil commitment matters as required by R.S. 28:54 $ 204,000
13 Paul M. Hebert Law Center for the expenses of storage of appellate court records $ 60,000
14 Funding for statewide operations of the Louisiana Protective Order Registry (R.S. 46:2136.2) under the Case Management Information System $ 1,368,548
15 Information Technology $ 1,104,532
16 Payable out of the State General Fund for the expenses associated with the operation of the Families in Need of Services Program (FINS) $ 2,354,780

Program Description: The mission of the FINS Assistance Program is to assist local FINS processes by developing and implementing a needs-based allocation formula; developing, implementing, and mandating the use of a uniform data system for tracking, managing, and reporting FINS informal cases; developing and mandating the use of programmatic standards; developing, implementing, and reporting performance indicators and measures; requiring and monitoring periodic fiscal reports and financial accountability; and, generally supervising and assisting local FINS processes in other ways.

17 Drug court maintenance and enhancement $ 11,745,514

Program Description: Drug treatment courts, authorized in 1997 by R.S. 13:5301 through R.S. 13:5304, provided integrated substance abuse treatment, sanctions, and incentives with case processing to place low-level, nonviolent drug-involved defendants in community-based, judicially supervised rehabilitation programs. Clients are regularly tested and monitored for compliance with educational, employment, and treatment requirements set by the court.

18 Court Appointed Special Advocates $ 2,965,884

Program Description: The purpose of the CASA Assistance Program is to promote timely placement of children in need of care in permanent, safe and stable homes, in accordance with the provisions of Children’s Code articles 424-426. Services are provided through local CASA programs which recruit, screen, train and supervise community advocates. Upon appointment by the trial judge, qualified advocates serve children by providing independent factual information to the judge, advocating for the best interest of the children, monitoring cases to which they have been assigned, and advising and assisting the judge in the determination of the best interest of the children involved.

TOTAL - GENERAL FUND $ 65,287,808

19 Payable out of the State General Fund from Statutory Dedications, Judges’ Supplemental Compensation Fund, R.S. 13:10.3, be it more or less estimated at $ 6,223,724

Program Description: The Judges’ Supplemental Compensation Fund was established by the Legislature in 1983 to fund salary supplements and salary-related expenses to judges and commissioners. The funding source is a non-refundable filing fee assessed on civil filings as provided in R.S. 13:10.3.

20 Payable out of the State General Fund from Statutory Deductions, Trial Court Case Management Information Fund, for the Case Management Information System, Article 887 (F) of the Code of Criminal Procedure, be it more or less estimated at $ 4,017,201

Program Description: The Case Management Information System (CMIS) was created by the Supreme Court in 1993 to provide a statewide information system for tracking and managing criminal, civil, juvenile, traffic, and appellate cases as well as protective orders. Data is received from courts statewide, transferred to the CMIS repository, and made available to courts and executive branch agencies. Additional information will also be available from the Department of Public Safety & Corrections. CMIS is funded from a court cost assessed on all criminal and traffic convictions as provided under C.Cr.P.887(F).
The five courts of appeal, domiciled in Baton Rouge, Shreveport, Lake Charles, New Orleans, and Gretna, have supervisory jurisdiction over all cases arising within their respective circuits, subject to the general supervisory jurisdiction of the Supreme Court. Each court of appeal also has appellate jurisdiction over all civil matters, all matters appealed from family and juvenile courts, and all criminal cases triable by a jury which arise within its circuit, except for those cases appealable directly to the Supreme Court or to the district courts.

Mission Statement: The mission of the appellate courts of Louisiana is to provide meaningful access to all who seek review under the Courts’ appellate and supervisory jurisdiction granted by the Louisiana Constitution, while protecting and promoting the rule of law, preserving the public trust, and using public resources efficiently.

Goal: To protect the rule of law.

Objective: To provide a reasonable opportunity for multi-judge review of decisions made by lower tribunals.

General Performance Information:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total appeals filed</th>
<th>Total writs filed</th>
<th>Total dispositions rendered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>2,050</td>
<td>4,325</td>
<td>5,741</td>
</tr>
<tr>
<td>2015</td>
<td>2,053</td>
<td>4,048</td>
<td>5,019</td>
</tr>
<tr>
<td>2016</td>
<td>1,783</td>
<td>3,670</td>
<td>4,761</td>
</tr>
</tbody>
</table>

Goal: To promote the rule of law.

Objective: To resolve cases expeditiously.

General Performance Information:

Average number of days from lodging of the appeal to argument:

- Time Standard = no more than 75 days.
  - Median number of days for all cases: 149 (2014), 146 (2015), 138 (2016)

Average number of days from argument to rendering of the opinion:

- Time Standard = no more than 70 days.

Goal: To preserve public trust.

Objective: To facilitate public access to the decisions of the courts of appeal.

General Performance Information:

Percentage of written opinions available to the public within 5 days of decision: 100% (2014), 100% (2015), 100% (2016)

Payable out of the State General Fund:

01 Salaries of five (5) Chief Judges and forty-eight (48) Judges of the Courts of Appeal, R.S. 13:311 $ 7,912,546
02 Salaries and expenses of operation and maintenance of the Court of Appeal, First Circuit $ 10,469,867
03 Salaries and expenses of operation and maintenance of the Court of Appeal, Second Circuit $ 5,868,157

04 Salaries and expenses of operation and maintenance of the Court of Appeal, Third Circuit $ 8,930,244
05 Salaries and expenses of operation and maintenance of the Court of Appeal, Fourth Circuit $ 8,347,759
06 Salaries and expenses of operation and maintenance of the Court of Appeal, Fifth Circuit $ 6,022,679

TOTAL COURTS OF APPEAL $ 47,551,292

Program Description: There are forty-one district courts in Louisiana that have general jurisdiction over all matters within their territorial limits, except in those judicial districts (the 1st, the 19th, and the 24th Judicial Districts) where family and juvenile courts have exclusive jurisdiction over certain types of cases and except in Orleans Parish where there are separate courts exercising civil, criminal, and juvenile jurisdictions, respectively. In certain cases, the forty-one general jurisdiction courts have concurrent jurisdiction with justices of the peace and parish courts. The district courts generally have appellate jurisdiction of criminal cases tried by city, parish, municipal, traffic, and mayors’ courts, except in certain cases. The district courts also have appellate jurisdiction over justices of the peace in parishes where no parish courts exist. The Civil District Court of Orleans Parish has jurisdiction of all civil cases in that parish. The Criminal District Court of Orleans Parish has jurisdiction over all criminal cases in the parish. It also has general supervisory jurisdiction over the municipal and traffic courts in Orleans Parish. The Family Court of East Baton Rouge Parish has exclusive jurisdiction of many domestic cases in the parish. The four juvenile courts located in Caddo, East Baton Rouge, Jefferson, and Orleans parishes have exclusive jurisdiction of juvenile cases in their respective parishes.

Mission Statement: The mission of the trial courts of Louisiana is to provide access to justice, to meet all responsibilities in a timely and expeditious manner, to provide equality, fairness, and integrity in their proceedings, to maintain judicial independence and accountability, and to reach a fair and just result by adherence to the procedural and substantive law, thereby instilling trust and confidence in the public.

Goal: To establish a more open and accessible system of justice.

Objective: To encourage responsible parties to make court facilities safe, accessible, and convenient.

General Performance Information:

Percentage of surveyed district court chief judges indicating actions taken in FY 2015-2016 to assist self-represented litigants: 97.9% (2014), 97.9% (2015), 85.4% (2016)

Percentage of surveyed district court chief judges indicating actions taken in FY 2015-2016 to improve compliance with the Americans with Disabilities Act (ADA): 97.9% (2014), 93.8% (2015), 81.3% (2016)

Objective: To encourage all responsible public bodies and public officers to make the costs of access to the trial court’s proceedings and records - whether measured in terms of money, time, or the procedures that must be followed - reasonable, fair, and affordable.

General Performance Information:

Percentage of surveyed district court chief judges indicating actions taken in FY 2015-2016 to assist self-represented litigants: 97.9% (2014), 97.9% (2015), 85.4% (2016)

Objective: To encourage timely case management and processing.

General Performance Information:

Number of parishes reporting criminal disposition data to CMIS: 64 (2014), 64 (2015), 64 (2016)

Percentage of parishes reporting criminal disposition data to CMIS: 100% (2014), 100% (2015), 100% (2016)

Percentage of surveyed district court chief judges indicating that their courts had taken steps within FY 2015-2016 to reduce delays and improve the timeliness of case processing: 91.7% (2014), 97.9% (2015), 87.5% (2016)

Objective: To enhance jury service.

General Performance Information:

Percentage of surveyed district court chief judges indicating that their court had
taken steps within FY 2015-2016 to make jury service more convenient or effective 93% 100% 90.7%

Goal: To provide due process and equal protection of the law to all who have business before the court; and to demonstrate integrity in all procedures and decisions.

Objective: To recognize new conditions or emerging events and to adjust court operations as necessary.

General Performance Information:

Percentage of surveyed district court chief judges indicating actions taken in FY 2015-2016 to improve employee training and development 95.8% 87.5% 85.4%

Percentage of surveyed district court chief judges indicating actions taken in FY 2015-2016 to install or implement technologies 95.8% 100% 91.7%

Goal: To maintain judicial independence, while observing the principle of comity in its governmental relations and accountability to the public.

Objective: To inform the community of the court’s structure and function.

General Performance Information:

Percentage of surveyed district court chief judges indicating that their courts regularly provided public education and public outreach services in FY 2015-2016 89.6% 97.9% 87.5%

Payable out of the State General Fund:

01 Salaries of one hundred ninety-one (191) District Judges as provided by R.S. 13:691 $ 27,187,586

02 Office and travel expenses of District Judges as provided by R.S. 13:698 and R.S. 13:694, respectively $ 1,285,250

03 Salaries of fourteen (14) Judges of Civil District Court, Orleans Parish, as provided by R.S. 13:691 $ 1,992,807

04 Expenses of Judges of Civil District Court, Parish of Orleans, for salaries of stenographers, clerks, law books, stationery, telephone, and like expenses as provided by R.S. 13:698 $ 80,500

05 Salaries of two (2) Court Reporters of the Twentieth Judicial District Court, including retirement contributions, as provided by R.S. 13:966.1 $ 117,697

06 Clerk of Civil District Court, Orleans Parish, as provided by R.S. 13:1212(A) $ 10,000

07 State share of Group, Workers’ Compensation, General Liability, and Property Insurance Premiums as provided by R.S.42:851 $ 7,471,735

08 Salaries of two (2) commissioners of the Nineteenth Judicial District and one (1) commissioner of the Fifteenth Judicial District as provided by R.S. 13:712 and R.S. 13:715, respectively $ 569,959

09 Office expenses for the Judicial Expense Fund of the Nineteenth Judicial District Court as provided by R.S. 13:711-713 $ 470,893

10 Office expenses for the Judicial Expense Fund of the Fifteenth Judicial District Court as provided by R.S. 13:714-716 $ 304,827

11 Law Clerk, Twentieth Judicial District Court as provided by Act 747 of 1977 $ 51,118

12 For the expenses of the Judicial Expense Fund, Tenth Judicial District Court as provided by R.S. 13:698 and R.S. 13:694, respectively $ 103,500

SUBTOTAL $ 2,665,681

TOTAL DISTRICT COURTS $ 48,881,924

03-8173 OTHER COURTS - SALARIES AND OFFICE EXPENSES AS REQUIRED BY STATUTE

Program Description: The category includes forty-seven city courts, one municipal court (New Orleans), one traffic court (New Orleans), and one parish court (Ascension Parish).

Mission Statement: The mission of the city and parish courts of Louisiana is to provide access to justice, to meet all responsibilities in a timely and expeditious manner, to provide equality, fairness and integrity in their proceedings, to
Objective: To encourage all responsible public bodies and public officers to
make the costs of access to the court's proceedings and records - whether
measured in terms of money, time, or the procedures that must be followed -
reasonable, fair, and affordable.

General Performance Information:

2014 2015 2016
Percentage of surveyed city/parish court chief
judges indicating actions taken in FY 2015-2016 to assist pro se litigants
100% 96.2% 96.2%

Goal: To meet all responsibilities to everyone affected by the court and its
activities in a timely and expeditious manner.

Objective: To encourage timely case management and processing.

General Performance Information:

2014 2015 2016
Percentage of surveyed city/parish court chief
judges indicating that their courts had
taken steps within FY 2015-2016 to reduce
delays and improve the timeliness of case
processing 84.6% 88.5% 92.3%

Goal: To maintain judicial independence, while observing the principle of
comity in its governmental relations and accountability to the public.

Objective: To inform the community of the court's structure and function.

General Performance Information:

2014 2015 2016
Percentage of surveyed city/parish court chief
judges indicating that their courts
regularly provided public education and
court public outreach services in FY 2015-
2016 92.3% 92.3% 88.5%

Objective: To recognize new conditions or emerging events and to adjust
court operations as necessary.

General Performance Information:

2014 2015 2016
Percentage of surveyed city/parish court chief
judges indicating that their courts
had  taken steps within FY 2015-2016 to
install or implement technologies
92.3% 96.2% 90.4%

Payable out of the State General Fund:

01 Salaries of sixty (60) City Court
Judges as provided by R.S. 13:1875 $ 2,757,560

02 Salaries of four (4) Municipal, four (4)
Traffic and one (1) Parish Court
Judges as provided by R.S. 13:2492,
13:2501.1, and 13:2563.5, respectively $ 444,777

TOTAL OTHER COURTS REQUIRED BY STATUTE $ 3,202,337

03-8174 OTHER COURTS - SALARIES AND OFFICE EXPENSES NOT REQUIRED BY STATUTE

Payable out of the State General Fund:

01 Orleans Parish Juvenile Protective
Care Monitoring Program $ 614,938

Program Description: The program tracks and maintains child abuse and
neglect cases in the Orleans Parish Juvenile Court. It also provides assistance in
support of the Families in Need of Services Program.

02 Orleans Parish Juvenile Court Reporters $ 88,244

03 For the expenses of the Judges’
Assistance Program $ 63,238

Program Description: The Judges’ Assistance Program provides counseling and
other assistance to judges with substance abuse problems.

TOTAL OTHER COURTS NOT REQUIRED BY STATUTE $ 766,420

**As it appears in the enrolled bill

THE ADVOCATE

CODING: Words in struck through type are deletions from existing law; words underscored
(House Bills) and underlined and boldfaced (Senate Bills) are additions.

03-8175 NON-JUDICIAL STATE EXPENSES

Payable out of the State General Fund:

01 Legal representation of children
in child protection cases $ 2,070,852

Program Description: As recommended by the Task Force on Legal representation
in Child Protection Cases and at the request of the Division of Administration,
in order to advance the administration of justice, the Supreme Court
administrators funding to provide qualified legal representation for children in
child protection cases as required to fulfill the state's statutory responsibility.

TOTAL NON-JUDICIAL STATE EXPENSES $ 2,070,852

Section 2. The appropriations, and the allocations of such appropriations,
from the State General Fund (Direct) contained in Section 1 of this Act shall
be reduced by a total amount of Sixteen Million Two Hundred Twenty Nine
Thousand Six Hundred Fifty and No/100 ($16,229,650.00) Dollars, pursuant to
a plan adopted by the Judicial Budgetary Control Board or as approved by
the Louisiana Supreme Court.

Section 3.A. The Chief Justice of the Supreme Court, or her duly authorized
and appointed agent, shall warrant the state treasurer for the allocations
herein provided, or for so much thereof as may be necessary. The aforesaid
warrant shall be paid out of the state general fund, and the state treasurer
shall pay said warrant by preference over all other warrants, except
warrants for the salaries of constitutional officers of the state and warrants
for expenses of the legislature, which shall be concurrent with the warrant
provided by this Act.

B. The funds drawn as provided herein shall be deposited in the name of
the judiciary in an approved bank that has been selected by the Supreme
Court and is located in the state.

C. Any funds herein allocated to the judiciary, any portion of the funds
previously appropriated to the judiciary, other revenue of the judiciary or
its agencies, and interest earnings are hereby appropriated and may be
used to defray the expenses of the judiciary; however, all funds remaining
unexpended or unencumbered shall be returnable to the state general fund
on or before September 1, 2018.

D. For Fiscal Year 2017-2018, any surpluses occurring in the appropriations
made in this Act may be transferred from one agency or line-item to another
during the fiscal year in accordance with the rules of the Judicial Budgetary
Control Board, or as approved by the Supreme Court.

E. The adjustment to be made in the salaries of judicial employees and the
number of authorized positions of the judiciary shall be as decided by the
judicial agency affected, subject to the approval of the Judicial Budgetary
Control Board or as approved by the Supreme Court.

F. The program descriptions, general performance information and
indicators, objectives, goals, and mission statements contained in this
Act are not part of the law and are not enacted into law by virtue of their
inclusion in this Act. The missions, goals, and objectives contained in the
Act are derived from performance standards established by Section 10 of
Part G General Administrative Rules of the Supreme Court of Louisiana.

G. The inclusion in this Act of staff salaries and benefits for lower court
or other judicial branch agency employees shall not be deemed to create
or impose any obligation upon the State of Louisiana Judicial Branch,
the Supreme Court of Louisiana, the Judicial Budgetary Control Board,
or the Supreme Court Judicial Administrator’s Office relative to the
administration of pay, retirement or other benefits to any such employees.
Accordingly, the State of Louisiana Judicial Branch, the Supreme Court of
Louisiana, the Judicial Budgetary Control Board, and the Supreme
Court Judicial Administrator’s Office are not to be considered the “employer” or
“employing agency” of lower court or other judicial agency employees whose
staff salaries and other benefits are included in this Act.

Section 4. This Act shall become effective on July 1, 2017; if vetoed by
the governor and subsequently approved by the legislature, this Act shall
become effective on July 1, 2017, or on the day following such approval by the
legislature, whichever is later.

COMPARATIVE STATEMENT

In accordance with R.S. 39:395(D), the following represents a comparative
statement for each Court and program. The operating budget for FY 2016-
2017 is compared to the appropriations for FY 2017-2018 as contained in
the original bill.
A true copy:

No/100 ($28,998,300.00) Dollars is hereby set aside and allocated for the use of the Senate. 

Eight Million Nine Hundred Ninety-Eight Thousand Three Hundred and Eighty-Six Dollars for the use of the Senate.

There shall be paid out of the state general fund an additional two hundred seventy-five dollars per month to the total amount for the salary of his legislative assistants which shall be used to pay mileage and per diem expenses of the members of the legislature and staff of the Senate, and the salary and allowances for the president of the Senate. 

These funds also shall be available to each legislator for the salary of his legislative assistants which shall be used to pay mileage and per diem of the members of the legislature and staff of the Senate, and the salary and allowances for the president of the Senate. 

Seventy-Three Million Four Hundred Thirty-One Thousand Eight Hundred Twenty-Six and No/100 ($73,431,826.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the state general fund and the sum of Twenty-Two Million Three Hundred Seventy-Three Thousand Five Hundred Sixty-Seven and No/100 ($22,373,567.00) Dollars is hereby appropriated out of self-generated funds to defray the expenses of the legislature, including the House of Representatives and the Senate, the legislative auditor, the Legislative Fiscal Office, the Legislative Budgetary Control Council, and the Louisiana State Law Institute.

(2) Notwithstanding the provisions of R.S. 24:517.1 and 517.3, the Legislative Auditor Ancillary Enterprise Fund. Of the funds available in the ancillary enterprise fund, the sum of Twenty-Two Million Three Hundred Seventy-Five Hundred Sixty-Six and No/100 ($22,373,567.00) Dollars is authorized to be used by the legislative auditor, in addition to the amount allocated in Section 3(A) hereof, to pay the expenses of his office, including the salaries and expenses of his employees, the costs of equipment, and all other expenses incurred by that office in connection with the operation thereof during the 2017-2018 Fiscal Year. 

Any portion of the funds herein allocated to the two houses, any portion of the funds previously appropriated or interest earnings on such appropriations and any self-generated revenues that are not required for the expenses of the 2017 Regular Session of the Legislature, including printing and all expenses in connection therewith, are hereby appropriated and may be used to the extent of the amounts deposited to the credit of such fund for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee.
by the co-chairmen of the Legislative Budgetary Control Council.

(D) The legislative auditor shall warrant on the state treasurer for the monies allocated by this Section, and the warrant shall be paid by the state treasurer out of the state general fund. The funds so drawn shall be disbursed only in accordance with budgeted amounts provided herein and such amendments as may be approved by the Legislative Budgetary Control Council.

(E) In addition to any portion of the funds herein allocated in this Section to the legislative auditor, any portion of the funds previously appropriated to the legislative auditor, or other revenue and funds of the legislative auditor, or interest earnings, are hereby appropriated and may be used to defray the expenses of the legislative auditor. The funds so drawn shall be paid to the legislative auditor on the state treasurer, in an amount not to exceed the total balance remaining at the end of the previous fiscal year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 7. The expenses of the legislative fiscal office, including the salaries and expenses of its employees, the cost of equipment, and all other expenses incurred by said office in connection with the operation thereof during the 2017-2018 Fiscal Year. The operations and functions of the Legislative Fiscal Office shall be under the direction and supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant services shall be approved by the Legislative Budgetary Control Council and the Joint Legislative Committee on the Budget.

Section 8. Any portion of the funds herein allocated to the Legislative Fiscal Office, for the actual expenses thereof, and of the expenses of the Legislative Fiscal Office and in particular to pay the expenses thereof, including the salaries and expenses of its employees, the cost of equipment, and all other expenses incurred by said office in connection with the operation thereof during the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 9. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017 Regular Session of the Legislature, including the salaries and expenses of its employees, the cost of equipment, and all other expenses incurred by said office in connection with the operation thereof during the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 10. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year. The operations and functions of the Legislative Fiscal Office shall be under the direction and supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant services shall be approved by the Legislative Budgetary Control Council and the Joint Legislative Committee on the Budget.

Section 11. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 12. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 13. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 14. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 15. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.

Section 16. The expenses of the legislative fiscal offices and of the Senate, the Legislative Fiscal Office, and the Legislative Fiscal Office of the House of Representatives, for the expenses of the 2017-2018 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2018.
certain civil and administrative matters, procedures, and claims; to provide for consistency in terminology and nomenclature, and to provide for related matters. 

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 1421 and 1464 are hereby amended and reenacted to read as follows:

Art. 1421. Discovery methods

A. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical or mental examination;viewport examination, including that it be done in a manner least harmful to the minor and without disclosure to the minor.

B. A minor subject to examination under the provisions of this Article shall have the right to have a parent, tutor, or legal guardian present during the examination. If such person cannot be present, the court shall order the examination to be videotaped at the expense of the party being examined. If such person has not been ordered to be present, the court shall order the examination to be videotaped at the expense of the party being examined. If such person cannot be present, the court shall order the examination to be videotaped at the expense of the party being examined.

C. A minor subject to examination under the provisions of this Article shall have the right to have the examiner produce an additional medical opinion regarding the medical examination of the claimant pursuant to R.S. 23:1123. Upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

D. If a physical examination of the claimant was conducted, the certified medical examiner shall be required to prepare and send to the office of the medical director as provided in R.S. 23:1203.1. If such brochure has previously been mailed to an employer within the calendar year, the office shall not mail such the employer an additional brochure unless the employer specifically requests such it.

E. The report of the examination shall contain the following, when applicable:

(1) A complete history of the claimant, including all previous relevant or similar injuries and diseases;

(2) The complaints of the claimant;

(3) A complete listing of tests and diagnostic procedures conducted during the course of the examination;

(4) The examiner's findings on examination, including but not limited to a description of the examination and any diagnostic tests and X-rays;

(5) A complete listing of tests and diagnostic procedures conducted during the course of the examination;

(6) A written certification personally signed by the examiner that the report is true. The substance of the certification shall be: “I certify that I have caused this report to be prepared, I have examined it, and to the best of my knowledge and belief, all statements contained herein are true, accurate, and correct.”

(7) A certificate of medical director as provided in R.S. 23:1201.3A(1)(A)(1), shall communicate to the claimant information, in plain language, regarding the procedure for requesting an independent additional medical opinion regarding a medical examination in the event a dispute arises as to the condition of the employee or the employee's capacity to work and the procedure for appealing the denial of medical treatment to the medical director as provided in R.S. 23:1203.1. A payor shall not deny medical care, service, or treatment to a claimant unless the payor can document a reasonable and diligent effort in communicating such information. A payor who denies medical care, service, or treatment without making such an effort may be fined an amount not to exceed five hundred dollars or the cost of the medical care, service, or treatment, whichever is more.

§1221. Temporary total disability; permanent total disability; supplemental earnings benefits; permanent partial disability; schedule of payments

Compensation shall be paid under this Chapter in accordance with the following schedule of payments:

(4) Permanent partial disability. In the following cases, compensation shall be solely for anatomical loss of use or amputation and shall be as follows:

(i) In any claim for an injury, it must be established by clear and convincing evidence that the employee suffers an injury and that such resulted from a cause or if it is found to be in the best interest of justice to order such examination to be videotaped, including that it be done in a manner least harmful to the minor and without disclosure to the minor.

(5) The court shall consider the best interests of the minor and may impose conditions on the right to compensation

§1307. Information to injured employee

Upon receipt of notice of injury from the employer or other indication of an injury reportable under R.S. 23:1306, the office shall mail immediately to the injured employee and employer a brochure which sets forth in clear understandable language a summary statement of the rights, benefits, and obligations of employers and employees under this Chapter, together with an explanation of the operation of the office, and shall invite the employer and employee to seek the advice of the office with reference to any question or dispute which the employee has concerning the injury. Such brochure shall specifically state the procedure for requesting an independent additional medical opinion regarding a medical examination in the event a dispute arises as to the condition of the employee or the employee's capacity to work and the procedure for appealing the denial of medical treatment to the medical director as provided in R.S. 23:1203.1. If such brochure has previously been mailed to an employer within the calendar year, the office shall not mail such the employer an additional brochure unless the employer specifically requests such it.

§1317.1. Independent Additional medical opinion regarding medical examinations

A. Any party wishing to request an independent medical opinion regarding a medical examination of the claimant pursuant to R.S. 23:1121 and 1124.1 shall be required to make its request at or prior to the pretrial conference. Requests for independent medical opinion regarding medical examinations made after that time shall be denied except for good cause or if it is found to be in the best interest of justice to order such examination.

B. An examiner performing independent medical opinion exams pursuant to R.S. 23:1123 shall be required to prepare and send to the office a certified report of the examination within thirty days after its occurrence.

C. The report of the examination shall contain the following, when applicable:

(1) A statement of the medical and legal issues the examiner was asked to address.

(2) A detailed summary of the basis of the examiner's opinion, including but not limited to a listing of reports or documents reviewed in formulating that opinion.

(3) The medical treatment and physical rehabilitative procedures which have already been rendered and the treatment, if any, which the examiner recommends, together with reasons for the recommendation.

(4) Any other conclusions required by the scope of the independent medical opinion regarding a medical examination, together with reasons for the conclusion reached.

(5) A curriculum vitae of the examiner.

(6) A written certification personally signed by the examiner that the report is true. The substance of the certification shall be: “I certify that I have caused this report to be prepared, I have examined it, and to the best of my knowledge and belief, all statements contained herein are true, accurate, and correct.”

D. If a physical examination of the claimant was conducted, the certified report shall contain all of the following additional information:

(1) A complete history of the claimant, including all previous relevant or contributory injuries with a detailed description of the present injury.

(2) The complaints of the claimant.

(3) A complete listing of tests and diagnostic procedures conducted during the course of the examination.

(4) The examiner's findings on examination, including but not limited to a description of the examination and any diagnostic tests and X-rays.

(5) E. When the Independent additional medical opinion medical examiner’s report is presented within thirty days as provided in this Section:

(1) The examiner shall be protected from subpoena except for a single trial deposition. However, upon a proper motion for cause, the workers’ compensation judge may order further discovery of the independent medical opinion by a medical examiner as deemed appropriate.

(2) Except to schedule the deposition or further discovery as described above, the Independent additional medical opinion medical examiner shall not be contacted regarding the claimant by any party, attorney, or agent.

F. Objections to the Independent additional medical opinion regarding a medical examination shall be made on form LDOL-WC-1008, and shall be filed in accordance with the following schedule of payments:

* * *
set for hearing before a workers’ compensation judge within thirty days of receipt. No mediation shall be scheduled on disputes arising under this Section.

Section 3. R.S. 39:1952(14)(e) is hereby amended and reenacted to read as follows:

§1952. Definitions

Unless the context requires otherwise, the following words shall have the following meanings:

* * *

(14) “Minority” means a person who is a citizen or permanent resident of the United States residing in Louisiana and who is any of the following:

(a) Hispanic origin person;

(b) Black origin person;

(c) American Indian or Alaska Native origin person;

(d) Native Hawaiian or Other Pacific Islander origin person;

(e) Person with a disability: a person who has a permanent physical impairment which includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, speech organs, skin, and eye impairment, which substantially limits at least one major life activity of an individual, as defined in R.S. 28:4773(a), as verified by two physicians or as certified by the United States Department of Veterans Affairs as meeting the qualifications and approved by the division. The division may require an additional independent medical opinion regarding a medical examination conducted by a physician chosen by the division, at the applicant’s expense, prior to approval of an application. For the purpose of this Subparagraph, “disability” shall not mean mental impairment, temporary impairment, alcohol or drug addiction, sexual or behavioral disorders, or substantially limiting illnesses including human immunodeficiency virus.

* * *

Section 4. R.S. 46:2136(A)(4) is hereby amended and reenacted to read as follows:

§2136. Protective orders; content; modification; service

A. The court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132(3), or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:

* * *

(4)(a) Ordering an additional medical opinion regarding a medical evaluation of the defendant or the abused person, or both, to be conducted by an independent court-appointed evaluator who qualifies as an expert in the field of domestic abuse. The evaluation shall be conducted by a person who has no family, financial, or prior medical relationship with the defendant or abused person, or their attorneys of record.

(b) If the additional medical opinion regarding a medical evaluation is ordered for both the defendant and abused person, two separate evaluators shall be appointed.

(c) After an independent additional medical opinion medical evaluation has been completed and a report issued, the court may order counseling or other medical treatment as deemed appropriate.

* * *

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

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 382

SENATE BILL NO. 148
BY SENATOR CHABERT

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

AN ACT

To enact Chapter 48 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3471 through 3483, relative to waterways; to provide for a priority program for the deepening and dredging of waterways; to establish the Dredging and Deepening Fund; to provide for certain terms, definitions, language, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 48 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3471 through 3483, is hereby enacted to read as follows:

CHAPTER 48. WATERWAY DREDGING AND DEEPENING

PRIORITY PROGRAM

§3471. Definitions

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

(1) “Department” means the Department of Transportation and Development.

(2) “Governmental entity” means the state or any political subdivision and the federal government as a cost share partner.

The office also shall provide to the joint committee annually a supplemental list of projects proposed to be commenced or authorized within the ensuing four years which are in various stages of planning and preparation. The list shall be subject to change by the office until the office finally approves each project.

§3475. Projects undertaken by the office

A. After adoption of the office’s recommendations by the joint committee, the approved list of projects shall be forwarded to the office for implementation.

* As it appears in the enrolled bill
The approved list shall be implemented by the office by the use of funds appropriated, funding obligation authority, or pursuant to the cash management program as provided by R.S. 48:251(D). Funding or funding obligation authority shall be used only in conjunction with the projects approved by the joint committee. Funding obligation authority may be granted or authorized for a project from funds appropriated or obligated for another project or projects within the Waterway Dredging and Deepening Priority Program and shall be used for the same purposes. Such funding obligation authority shall be extinguished for a project at such time as funds are made available for obligation for the project. The office shall not delete, add, or substitute any projects for those approved by the joint committee.

§3477. Allocation, reallocation of funds; deposit to Dredging and Deepening Fund. A. The Dredging and Deepening Fund is hereby created within the state treasury and shall be a source of state funds in addition to capital outlay projects, the general fund, and other sources, provided for any waterway project or project(s) within the Waterway Dredging and Deepening Priority Program provided that such project or projects are required by the legislature and shall be available exclusively for waterway projects. All contracts of a capital improvement program on a selective basis, centralized purchasing and construction based upon engineering plans and inspections. All contracts of a capital improvement program on a selective basis, centralized purchasing and construction based upon engineering plans and inspections.

B. Prior to the commencement of any work, the office shall require the presiding officer of each governmental entity involved in a project to execute an agreement and statement of sponsorship to provide no less than a ten percent local funding obligation authority for the project.

C. A sponsoring authority may make application under the provisions of this Chapter to receive a portion of the funds required to participate in a federal matching program. The state monies allocated for any project not needed for said project may be reallocated for the completion of any other project or projects specified. Any monies not needed for the completion of said projects shall be deposited in and credited to the Dredging and Deepening Fund.

E. The sources of monies deposited into the fund shall be legislative appropriations, federal grants and donations received by the state for the purposes of this Chapter. Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for waterway projects. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Such monies shall be invested by the treasurer in the state general fund in such manner as the monies in the state general fund, and all interest earned shall be credited to the fund following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Matching Program provided that such authority does not impede such project or projects within the Waterway Dredging and Deepening Priority Program as provided by R.S. 48:251(D).

F. Any monies allocated for any project not needed for said project may be reallocated for the completion of any other project or projects specified. Any monies not needed for the completion of said projects shall be deposited in and credited to the Dredging and Deepening Fund.

§3479. Inspection. A. The office shall approve the engineering and construction plans for any proposed projects that are prepared by consultant or contract engineers for any recipient governmental entity. The office may inspect the construction of a project at any time to assure project compliance.

B. The office shall inspect a completed project with the consultant or contract engineer. The engineer shall certify that construction is in accordance with plans and specifications. The office may inspect a completed project at any time to assure that the project is being maintained in accordance with project specifications and agreements.

§3480. System of administration. Each governmental entity shall adopt a system of administration which shall require approval of the office for any expenditures made out of state and local matching funds, and no governmental entity shall expend any funds on an approved project without the approval of the office. Each governmental entity shall establish a system of administration which shall include the development of a capital improvement program on a selective basis, centralized purchasing of equipment and supplies, centralized accounting, and selective maintenance and construction based upon engineering plans and inspections. All contracts for materials, construction, or services shall be advertised and awarded to the lowest responsible bidder in accordance with R.S. 38:2512.

§3481. Audit of distribution to recipient governmental entities. The state monies distributed to the governmental entity and the local matching funds shall be audited by the legislative auditor or a certified public accountant at the time of disbursement pursuant to R.S. 24:516(A). The audit reports shall be distributed to the recipient governmental entity. The office shall provide the legislative auditor with the audit reports. The audits of each recipient governmental entity of the use of the monies shall include an investigation of any failure to comply with the recommendations for planning, design, and construction adopted by the office. The recipient governmental entity shall certify annually to the legislative auditor that the funds made available under this Chapter have been expended in accordance with the standards established by law.

§3483. Disposition of funds. If the legislative auditor determines that any expenditures by the recipient governmental entity have not been made in accordance with this Chapter, he shall promptly report the facts to the Legislative Audit Advisory Council. The council shall make further investigation of the matter as it deems necessary.

§3484. Unemployment insurance tax. Upon the recommendation of the Legislative Audit Advisory Council, unemployment insurance tax shall be paid on the funds made available under this Chapter to the recipient governmental entity.

§3485. Waterway Dredging and Deepening Priority Program; parish or city school board comprehensive pupil progression plans; waivers
A. In any case where there has been a determination made by the council that there has been a misuse by a recipient governmental entity of funds appropriated for the program, the state treasurer shall furnish a copy of the written resolution directing the state treasurer to withhold funds, to the district attorney of the parish or parishes where the misuse of funds occurred. The district attorney shall, within thirty days, advise the chairman of the council as to action he has taken or proposes to take in connection with the misuse of funds cited in the resolution. Where future action is proposed by the district attorney, the council shall set a date for receipt of further advice in the matter. Where such advice is not forthcoming from the district attorney, or where it is evident that suitable action has not been taken, the council shall report the matter to the joint committee and the legislature at its next regular session for whatever action the joint committee and the legislature deems advisable under the circumstances.

Section 2. This Act shall become effective on July 1, 2017.

Approved by the Governor, June 23, 2017.

A true copy:
Tom Shedler
Secretary of State

ACT No. 383

SENATE BILL NO. 170
BY SENATOR BARTON
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 17:24.4(F)(1)(b), relative to the school and district accountability system; to provide relative to the use of student assessments in declared disaster areas for the 2016-2017 school year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:24.4(F)(1)(b) is 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 progression plans; waivers

A. * * * F(1)

(1) Notwithstanding the provisions of Subparagraph (g) of this Paragraph or any other law, the contrary, for the 2016-2017 school year, the board shall examine the results of student assessments and school-level test data and make such allowances in calculating school and district performance scores and letter grades as the board deems necessary and appropriate in a parish located in a gubernatorially or presidentially declared disaster area. A representative
of the board shall present a report relative to such results and allowances made, if any, to the Senate Committee on Education and the House Committee on Education, meeting separately or jointly, not later than March 31, 2018.

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. 384

SENATE BILL NO. 177
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 47:164(D)(2)(b), to provide for employee compensation eligible as a production expense for purposes of the tax credit; to provide for applicable rates of withholding tax; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:164(D)(2)(b) is hereby amended and reenacted to read as follows:

§164. Information at source * * *
D. Withholding of tax at source. * * *

(2) Any motion picture production company, motion picture payroll services company, or other entity making or causing to be made payments as provided in Subparagraph (a) of this Paragraph, to an individual, or to an agent or agency, loan-out company, personal service company, employee leasing company, or other entity is considered to be paying compensation taxable by the state of Louisiana. For purposes of eligibility as a production expenditure, the company or other entity paying shall withhold taxes from those payments, excluding any amount that is otherwise not subject to the withholding requirements imposed pursuant to federal and state laws and regulations, at the highest individual rate of six percent rate determined in accordance with an employee's withholding allowance certificate, L-1, or the highest individual rate in effect at the time if there is no employee withholding allowance certificate, and shall remit these payments to the department quarterly, excluding any amount that would otherwise not be subject to the withholding requirements imposed pursuant to state and federal law and regulations.

* * *

Section 2. This Act shall become effective on July 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 23, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 385

SENATE BILL NO. 182
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 47:6006(B)(2) and (4), relative to tax credits; to provide with respect to refund limitations involving one consolidated federal income tax return; 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. 47:6006(B)(2) and (4) are hereby amended and reenacted to read as follows:

§6006. Tax credits for local inventory taxes paid * * *
B. * * *

(2) Each taxpayer allowed a credit under this Section shall claim the credit on its separately filed income or corporate franchise tax return; however, for purposes of the calculation of the limitations on refundability of excess credit provided for in Subparagraphs (I)(a) through (c) of this Subsection, all taxpayers included in one consolidated federal income tax return filed under the Internal Revenue Code shall be treated as a single taxpayer. The secretary shall promulgate rules to ensure that taxpayers affiliated with or related to any other entity through common ownership by the same interests or as parent or subsidiary included in one consolidated federal income tax return shall be considered one taxpayer for the purpose of the limitations on refunds provided for in Subparagraphs (I)(a) through (c) of this Subsection.

* * *

(4) Notwithstanding any provision in this Section to the contrary, for a manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, and for all related parties, affiliates, subsidiaries, parent companies, or owners of such manufacturer for the inventory held that is related to the business of such manufacturer, if the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit may only be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed five years and shall not be refundable. The secretary shall promulgate rules to ensure that taxpayers affiliated with or related to any other entity through common ownership by the same interests or as parent or subsidiary included in one consolidated federal income tax return shall be considered one taxpayer for the purpose of the limitations on refundability provided for in this Paragraph. This rulemaking authority shall be in addition to the rulemaking authority provided for elsewhere in this Title.

* * *

Section 2.(A) The provisions of Section 1 of this Act shall apply to all claims for credits authorized pursuant to R.S. 47:6006 on any return filed on or after July 1, 2017, regardless of the taxable year to which the return relates.

(B) The provisions of Section 1 of this Act shall not apply to an amended return filed on or after July 1, 2017, provided that credits authorized pursuant to R.S. 47:6006 were properly claimed on an original return filed prior to July 1, 2017.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor; upon expiration of the time for bills to become law without signature by the governor, as provided 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. 386

SENATE BILL NO. 183
BY SENATOR MORRELL
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 51:1787(K), the introductory paragraph of R.S. 51:2452(A), 2453(1), the introductory paragraph of 2453(2), 2453(2)(a), (b), and (c)(ix), (4), and (6), 2455(E)(1), 2457(A)(2)(b), (f), and (5), 2461, and 3121(C)(3)(a)(ii) and to enact R.S. 17:3389(G), R.S. 51:2367(F), 2453(2)(c)(ix), (xii), and (xii), and 2458(11), relative to tax incentives and rebates; to provide for a termination date for the incentive program for university research and development parks; to extend the termination date of certain tax incentive and rebate programs administered by the Department of Economic Development to increase the benefit rate for the Quality Jobs Program; to provide for employer qualifications for the Quality Jobs Program; to increase the direct jobs and gross payroll thresholds for certain employers for the Quality Jobs Program; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3389(G) is hereby enacted to read as follows:

§3389. University research and development parks; tax exemptions * * *

G. No contracts shall be entered into pursuant to the provisions of this Section or after July 1, 2017.

Section 2. R.S. 51:1787(K), 2461, and 3121(C)(3)(a)(ii) are hereby amended and reenacted and R.S. 51:2367(F) is hereby enacted to read as follows:

§1787. Incentives * * *
K. The department shall not accept any advance notification on or after July 1, 2021.

* * *

§2367. Louisiana Mega-Project Energy Assistance Rebate * * *

F. No cooperative endeavor agreements shall be entered into pursuant to the provisions of this Section or after July 1, 2017.

§2461. Application deadline
On and after July 1, 2022, no new advance notifications under this Chapter shall be accepted by the Department of Economic Development. However, an employer which, prior to July 1, 2022, has been approved by the department to receive incentive tax credits or rebates under the program shall continue to receive tax credits or rebates pursuant to the terms of its agreement with the state of Louisiana as long as the employer retains its eligibility.

* * *

THE ADVOCATE
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§3121. Competitive Projects Payroll Incentive Program

C. Applications and contract approval and administration.
   *(a)*
   *(b)*
   *(c)*
   *(d)*
   *(e)*
   *(f)*
   *(g)*
   *(h)*
   *(i)*
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   *(v)*
   *(w)*
   *(x)*
   *(y)*
   *(z)*

Section 3. The introductory paragraph of R.S. 51:2452(A), 2453(1), the introductory paragraph of 2453(2), 2453(2)(a), (b), and (c)(ix), (x), and (6), 2455(E)(1), 2457(A)(2)/2(2), (f), and (5) are hereby amended and reenacted and R.S. 51:2453(2)(x)(xi), (xii), and (xiii) and 2458(1) are hereby enacted to read as follows:

§2452. Intent

A. It is the intent of the Louisiana Legislature that the quality jobs benefits offered pursuant to this Chapter in contracts for which an application is filed with the department after May 1, 2002, should be used primarily as an inducement for businesses to locate or expand existing operations in Louisiana in accordance with Louisiana Vision 2020 and the Department of Economic Development’s focus on Louisiana’s traditional and seed clusters: Advanced Materials; Agriculture, Forest and Food Technology; Durable Goods (Marine, Automotive, Aviation); Entertainment; Information Technology; Biotechnology, Biomedical, and Medical Industries serving rural hospitals; Logistics and Transportation; Oil and Gas and Energy; Headquarter; and Petrochemical and Environmental Technology. A business operation should be considered for quality jobs benefits only if the business meets the provisions of R.S. 51:2453(2). It is further the intent of the Louisiana Legislature that the following should apply to quality jobs benefits provided both before and after that date:

§2453. Definitions

The following words or terms as used in this Chapter shall have the following meaning, unless a different meaning appears from the context:

(a) For new direct jobs created which pay at least fourteen dollars and twenty-one cents an hour inclusive of wages and the value of the health care benefits paid or offered in accordance with Paragraph (2) of this Subparagraph, the benefit rate shall be five percent provided that at least fifty percent of the employees holding new direct jobs accept the health care benefits offered.

(b) For new direct jobs created which pay at least nineteen dollars and sixty-six cents per hour inclusive of wages and the value of the health care benefits paid or offered in accordance with Paragraph (2) of this Subparagraph, the benefit rate shall be six percent provided that at least fifty percent of the employees holding new direct jobs accept the health care benefits offered.

(c) “Employer” shall mean a legal person who executes a contract with the department pursuant to the provisions of this Chapter and who offers, or will offer within ninety days of the effective date of qualifying for the incentive rebates pursuant to the provisions of this Chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which shall meet the minimum requirements of the Department of Economic Development to be in compliance with federally mandated healthcare requirements or, if no federally mandated healthcare requirements exist, shall be determined to have a value of at least one dollar and twenty-five cents per hour.

(d) “Federal health insurance coverage” required to be offered or provided by this Paragraph shall also include coverage for basic hospital care, and coverage for physician care, as well as coverage for health care healthcare, which shall be the same coverage as is provided to the patient base that the medical professionals are able to demonstrate is made up of persons who reside in a distressed region.

(e) To qualify for a contract pursuant to this Chapter, employers must meet one of the following provisions:
   *(i)*
   *(ii)*
   *(iii)*
   *(iv)*
   *(v)*

(f) “Employee” shall mean an individual it employs. The value of health care benefits provided to employees pursuant to this provision shall be deemed as having been paid for purposes of determining a benefit rate, if the employee accepts the plan or coverage offered.

§2455. Incentive rebates

E. In order to qualify to receive such rebate, the employer applying shall be required to:

   *(1)*
   *(2)*
   *(3)*
   *(4)*

THE ADVOCATE

CODING: Words in square brackets are deletions from existing law, words underscored (House Bills) and boldfaced (Senate Bills) are additions.
dollars for the employer’s fiscal year for which the employer is applying for his third annual rebate. Employers with no more than fifty employees shall have an annual gross payroll of not less than five new direct jobs payroll in accordance with R.S. 51:2455(E)(1) which equals or exceeds two hundred and twenty-five thousand dollars for the employer’s fiscal year for which the employer is applying for his third annual rebate. * * * $2457. Filing claim to receive rebate; determination: repayment A. Payroll rebate. * * * (2) The application shall contain a sworn statement by a duly authorized officer of the employer concerning the employment of new direct jobs and the minimum required new direct jobs payroll in accordance with R.S. 51:2455(E)(1) are as follows:

(a) That the employer has offered a basic health benefits plan that is in compliance with federally mandated healthcare requirements or, if no federally mandated healthcare requirements exist, is determined to have a value of not less than one dollar and twenty-five cents per hour in health care benefits for any two hundred and twenty-five thousand dollars of new direct jobs payroll during the period of employment of those health care benefits.

(b) That the employer has offered health insurance coverage for the dependents of full-time employees.

(c) That the employer has offered health insurance coverage for the newly hired employees and the minimum required new direct jobs payroll and the average wage rate (excluding executive level staff wages) and that

(d) That the employer has a written record of having received and provided Quality Jobs information to the listed businesses for the purpose of business expansion on or before May 31, 2017, and the information is listed in the affidavit files its attached documentation before January 1, 2018.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 24, 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 Schuler
Secretary of State

ACT No 387

SENATE BILL NO. 187

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

AN ACT

To enact R.S. 39:2(13.1), (31.1), (36.1), (38.2), (37.1), (37.2), (37.3), (40.1), and 87.7 and to repeal R.S. 39:2(38) and (39), relative to the budget process; to provide for the development of evidence-based budgeting practices that will enable data-driven budget decisions in selected policy areas; to require the development of guidelines for the establishment of a pilot evidence-based budget proposal process for adult mental health programs; to provide for the transmission to and approval of the guidelines by the Joint Legislative Committee on the Budget; to provide for certain terms and definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:2(13.1), (31.1), (36.1), (38.2), (37.1), (37.2), (37.3), (40.1), and 87.7 are hereby enacted to read as follows:

§2. Definitions

As used in this Chapter, except where the context clearly requires otherwise, the words and expressions defined in this Section shall be held to have the meanings here given to them. * * *

(13.1) “Evidence-based program” means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(33.1) “Other programs and activities” means all programs and activities that do not fit the definition of evidence-based, research-based, or promising practices programs.

(36.1) “Performance-based budget” means a budget which relates funding to expected results.

(37.1) “Performance standard” means the expected level of performance associated with a particular performance indicator for a particular period.

(37.2) “Program inventory” means the overall list of all proposed agency programs and activities that meet any definition set out in this Section.

(37.3) “Promising practices” means a practice that presents, based upon preliminary information, potential for becoming a research-based or evidence-based program or practice.

(38) “Performance-based budget” means a budget which relates funding to expected results.

(39) “Research-based program” means a program or practice that has some research demonstrating effectiveness, but that does not meet the standard of evidence-based practices.

(40.1) “Research-based program” means a program or practice that has some research demonstrating effectiveness, but that does not meet the standard of evidence-based practices.

§87.7. Evidence-based budget process

A. Legislative staff and any other staff of agencies of the state that may be necessary and applicable shall develop guidelines to incorporate the provisions of this Section to establish a pilot evidence-based budget proposal process for adult mental health programs administered by the Louisiana Department of Health. The guidelines shall be submitted to the Joint Legislative Committee on the Budget on or before July 1, 2018, for review and approval. The proposal shall include guidelines to utilize program catalogues, program inventory, promising practices, and research-based programs. The guidelines shall include a determination of staffing and costs necessary to implement the provisions of Subsection B of this Section. No later than July 1, 2019, when possible, the Louisiana Department of Health shall use the guidelines for evidence-based budgeting to select programs for the delivery of care for adult mental health.
A true copy:

the Results First Clearinghouse Database, or any other comparable catalogue of effectiveness, and compile them into an agency program inventory. In

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 26, 2017.

A true copy:

Secretary of State

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ACT No. 388

SENATE BILL NO. 189

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

AN ACT

To enact R.S. 42:1111(a)(6), relative to the Code of Governmental Ethics; to provide for compensation of public employees; to provide for benefits of public employees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111(a)(6) is hereby enacted to read as follows:

§1111. Payment from nonpublic sources

(1)(A)(i) *   *   *

(6) Any award or stipend provided to any public school teacher or administrator for his participation in the National Math and Science Initiative, shall be deemed for purposes of this Part as compensation from his governmental entity or, if not signed by the governor, upon expiration of the time for bills to 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:

Secretary of State

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ACT No. 389

HOUSE BILL NO. 26

BY REPRESENTATIVE BARRAS

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Iberia 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 through the office of state lands, notwithstanding any provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, to the state or to any portion of the following described parcel of property to James A. Holleman:

The two hundred acres located in Ward 1 of the Parish of Iberia, Sections 29 and 40, Township 11 South, Range 6 East and Section 58, Township 12 South, Range 6 East.

Section 2. The commissioner of administration through the office of state lands is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as are necessary to properly effectuate any conveyance, transfer, assign, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and James A. Holleman, in exchange of consideration proportionate to the appraised value of 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 26, 2017.

A true copy:

Secretary of State

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ACT No. 390

HOUSE BILL NO. 162

BY REPRESENTATIVE SHADOIN

AN ACT

To amend and reenact R.S. 14:133.6(A) and (C) and to enact R.S. 14:133.6(B)

(3) and (4), relative to the crime of filing a false lien; to amend the crime of filing a false lien; to enact a law enforcement officer or court officer, state officer, or state employee; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:133.6(A) and (C) are hereby amended and reenacted and R.S. 14:133.6(B)(3) and (4) are hereby enacted to read as follows:

§133.6. Filing a false lien against a law enforcement officer, court officer, state officer, or state employee

A. The crime of filing a false lien or encumbrance against a law enforcement officer, court officer, state officer, or state employee is committed when a person knowingly files, attempts to file, or conspires to file, in any public record or in any private record that is generally available to the public, any false lien or encumbrance against the real or personal movable or immovable property of a law enforcement officer, court officer, state officer, or state employee, as retaliation against the officer or employee for the performance of his official duties, knowing or having reason to know that such the lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation.

B. For purposes of this Section, the following definitions shall apply:

(3) “State employee” shall mean any person in the classified or unclassified service of the state of Louisiana.

(4) “State office” shall mean any person holding an elective office or appointive office for the state of Louisiana.

C. (1) Whoever commits the crime of filing a false lien against a law enforcement officer, court officer, state officer, or state employee shall be fined not less than five hundred dollars nor more than the amount of the false lien or encumbrance, imprisoned, with or without hard labor, for not more than two years, or both.

(2) The crime, in addition to any punishment imposed under the provisions of this Section, may order the offender to pay restitution to the law enforcement officer, court officer, state officer, or state employee for any costs incurred as a result of the false lien or encumbrance.

Approved by the Governor, June 26, 2017.

A true copy:

Secretary of State

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ACT No. 391

SENATE BILL NO. 222

BY SENATORS ERDEY, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDEAUX, CARTER, CHABERT, CHAIRT, COLBERT, CORTEZ, DONAHUE, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTIN, MILKOVIICH, MILLIS, MIZELL, MORGAN, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE AND REPRESENTATIVES ABRAHAM, AMEDEE, ANDERS, BACA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BOUIE, BROADWATER, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, CHANEY, CONNICK, COUSSS, COX, CREWS, CROMER, DANABY, DAVIS, DEVILLEGER, DOWT, EDMONDS, EMERSON, FALCONER, FOIL, FRANKLIN, GLISCLAIR, GLOVER, GUINN, HALL, HAVARD, HAZEL, HENSGENS, HILFERTY, HILL, HOFFMANN, HORTON, HOWARD, HUNTER, HUVAL, IVEY, JACKSON, JAMES, JENKINS, JORDAN, NANCY LANDRY, LESB, LEGER, LYNDS, MACK, MAGEE, MARCELLE, MARINO, MCFARLAND, MIGUEZ, GREGORY MILLER, MORENO, JAY MORAIS, JIM MORRIS, NORTON, PIERRE, PRICE, PUGH, PYLANT, REYNOLDS, SCHEMAYDER, SEBAUGH, SIMON, SMITH, STAGN, STEFANSKI, STOKES, THOMAS AND ZERINGUE

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

AN ACT

To amend and reenact R.S. 39:1533(A) and to enact Chapter 7-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1668, relative to disability benefits for certain public employees; to provide benefits for firemen and law enforcement officers who are permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty; and to provide for related matters.

Approved by the Governor, June 24, 2017.

A true copy:

Secretary of State

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Benefit Review Board of the disability, the date of the catastrophic injury for which the disability is a result, the circumstances surrounding the injury, and such other information as may be requested by the Board. (2) Within ten days after the board has reached its decision, it shall notify the officer of its decision by certified mail. If the board denies the claim, the officer shall have one year from the date of denial to file suit against the state through the parish in the board in the parish where the incident that brought about the permanent and total disability occurred. The time limit within which any suit may be commenced shall be calculated as one year from date of receipt of the decision from the board. (3) If the board determines the officer qualifies for the benefit payable under this Section, the board shall notify the state risk manager. (4) No benefit shall be payable pursuant to this Section if any of the following applies: (1) The catastrophic injury was caused by the intentional misconduct of the officer or by the officer’s intention to bring about his death, disability, or injury. (2) The officer was voluntarily intoxicated at the time of his catastrophic injury. (3) The officer was performing his duties in a grossly negligent manner at the time of his catastrophic injury. (4) The officer qualifies for federal or state life, health, accident, accidental death and dismemberment, hospital, surgical, or medical expense programs. (5) The premium, deductibles, and copayments paid pursuant to this Section shall be made by the office of risk management on behalf of the law enforcement officers and firemen’s survivors benefits as provided for in R.S. 40:1665(C) and 1665.2(C). (6) The premiums paid by state agencies under the state’s risk management program shall not apply to any premium due from the officer for insurance covering any sickness or accident maintained by the officer through the officer’s employer at the time of the catastrophic injury. This Subparagraph shall not apply to any premium due from the officer for insurance covering any individual other than the officer. (b) Copayments and deductibles applicable to any insurance policy for which the premiums, deductibles, and copayments paid pursuant to this Paragraph (d)(1) of this Paragraph for healthcare benefits received by the officer. (2) The premiums, deductibles, and copayments paid pursuant to this Paragraph shall be in addition to any other benefit or income available and paid to the injured officer for the disability due to the catastrophic injury. (3) If the officer has commercial health insurance maintained by the officer through the officer’s employer at the time of the catastrophic injury, the premiums paid by the officer or the officer’s employer for such health insurance shall be paid in accordance with the terms of the insurance policy. (4) “Law enforcement officer” means the following: (a) All sheriffs and deputy sheriffs in the state employed on a full-time basis. (b) All state police officers employed on a full-time basis. (c) All university and college police officers at state universities and colleges employed on a full-time basis. A. It is hereby declared to be the public policy of this state, under its police powers, to provide for certain benefits to firemen and law enforcement officers determined to be permanently and totally disabled as the direct and proximate result of a catastrophic injury arising out of and in the course of the performance of their official duties. B. As used in this Section, the following words have the following meanings: (1) “Board” means the Law Enforcement Officers and Firemen’s Survivor Benefit Review Board created and provided for in R.S. 40:1665.3. (2) “Catastrophic injury” means an injury incurred on or after July 1, 2016, caused by an individual having the specific intent to kill the officer who is engaged in the performance of his official duties, the direct and proximate consequences of which, as provided by clear and convincing evidence unaided by any presumption of disability, leaves the officer permanently and totally disabled. (3) “Firemen’s survivors benefits” means the benefits as provided for in R.S. 40:1665(C), R.S. 40:1665.2(C), and R.S. 40:1668, the payment of losses incurred by the Jefferson Parish Human Services Authority in accordance with R.S. 28:896, the payment of losses incurred by the Florida Parishes Human Services Authority in accordance with R.S. 28:856, the payment of losses incurred by the Southeast Louisiana Human Services Authority in accordance with R.S. 28:876, and the funding of the local services, such funds to be administered by the commissioner of administration. (4) “Law enforcement officers and firemen survivor and disability benefits” shall be paid by the office of risk management on behalf of the Law Enforcement Officers and Firemen’s Survivor Benefit Review Board as a result of a specific appropriation received for that purpose. (5) “Permanently and totally disabled” means the officer is unable to engage in any employment or self-employment on a full-time basis, regardless of the nature or character of the employment or self-employment. (6) “SELF-INSURANCE FUND” means a fund to be established by the office of risk management to pay the premiums for insurance covering any sickness or accident as long as the officer is permanently and totally disabled.
B. The council shall consist of twenty-nine members as follows:

1. The commissioner of higher education, or his designee.
2. The secretary of the Department of Economic Development, or his designee.
3. The executive director of the Louisiana Workforce Commission, or his designee.
4. The state superintendent of education, or his designee.
5. The president of the State Board of Elementary and Secondary Education, or his designee.
6. The president of the Louisiana State University System, or his designee.
7. The president of the Southern University System, or his designee.
8. The president of the University of Louisiana System, or his designee.
9. The president of the Louisiana Community and Technical College System, or his designee.
10. The executive director of the Louisiana School Boards Association, or his designee.
11. The executive director of the Louisiana Association of Principals, or his designee.
12. The executive director of the Louisiana Association of Public Charter Schools, or his designee.
13. The president of the Louisiana Science Teachers Association, or his designee.
14. The president of the Louisiana Association of Teachers of Mathematics, or his designee.
15. Two members who are on the faculty of a Louisiana postsecondary education institution and who teach in a STEM discipline, appointed by the commissioner of higher education.
16. The president of the Louisiana Association of Business and Industry, or his designee.
17. Three members with demonstrated interest, experience, and expertise in STEM education, appointed by the governor.
18. Three members representing key industries in the state, appointed by the secretary of the Department of Economic Development.
19. A member of the Louisiana Senate, appointed by the president of the Senate.
20. A member of the Louisiana House of Representatives, appointed by the speaker of the House.
21. The chairman of the Louisiana Workforce Investment Council, or his designee.
22. The president of the Louisiana Association of Independent Colleges and Universities, or his designee.
23. The president of the Louisiana Federation of Teachers, or his designee.
24. The president of the Louisiana Association of Educators, or his designee.
25. Vacancies shall be filled in the manner of appointment.

D. Members shall serve without compensation or reimbursement of expenses, other than what may be afforded by their appointing authority. Legislative members of the council shall receive the same per diem and reimbursement of travel expenses as is provided for legislative committee meetings under the rules of the respective house in which they serve.

E. The council shall be chaired by the commissioner of higher education or his designee. The secretary of the Department of Economic Development, or his designee, shall serve as the initial vice chairman of the council. Thereafter, the vice chairmanship shall alternate on a triennial basis between the state superintendent of education, or his designee, the secretary of the Department of Economic Development, or his designee, and the executive director of the Louisiana Workforce Commission, or his designee. The council may elect such other officers as it deems necessary.

F. The council shall meet monthly and at such other times as called by the chairman. Beginning August 31, 2018, the council shall be required to meet on the last business day of each month. The council shall convene the first meeting of the council not later than September 15, 2017.

G. A majority of the total membership shall constitute a quorum for the transaction of business and all actions taken by the council shall require the affirmative vote of the majority of the members present and voting.

H. As funding allows, the council shall:

1. Create a comprehensive, statewide STEM plan that contains clear objectives to guide the development of STEM education and STEM career opportunities and aligns elementary, secondary, and postsecondary STEM curricula and initiatives.
2. Coordinate all state STEM education-related programs and activities.
3. Create a new STEM culture and promote activities that raise awareness of STEM education and STEM career opportunities.
4. Engage employers and educators by engaging business and industry, employers, professional and community-based organizations, and other stakeholders in STEM education and career and talent programs and activities.
5. Encourage industry and business entities to provide funding, resources, and technical assistance to elementary, secondary, and postsecondary schools to transfer of STEM discipline courses and career opportunities.
6. Connect STEM education resources, initiatives, and programs regionally and throughout the state.
7. Establish an information clearinghouse, to be housed at the Board of Regents, to identify and provide best practice resources for both the secondary and postsecondary educational systems and to review and acquire STEM education-related instructional materials.
8. Empower STEM teachers and provide support for high quality professional development for teachers of STEM subjects.
9. As appropriate, join and participate in a national STEM network and collaborate with other states in STEM education program development.

I. The council may:

1. Establish such subcommittees and workgroups as the council deems necessary and appropriate to carry out its duties and responsibilities.
2. Solicit funds, contributions, and grants from any allowable source to implement the provisions of this Section and to further STEM education in the state.
3. Seek the expertise and services of individuals and entities outside its membership for research, advice, and other needs as required to carry out the council’s mission.

J. The council, through the Board of Regents, shall submit a status report regarding all actions taken to implement the provisions of this Section, including metrics that measure the success of implementing council activities and initiatives and any recommendations for legislation or policy changes, to the Senate Committee on Education and the House Committee on Education by January thirtieth of each year.

§4072. Science, Technology, Engineering, and Mathematics Education Fund

A. The Science, Technology, Engineering, and Mathematics (STEM) Education Fund is hereby created in the state treasury for the purpose of supporting student-focused, project-based, programs and competitions in STEM education, including robotics, coding, and design-build test projects, in grades prekindergarten through college level.

B. (1) The source of monies deposited into the fund shall be legislative appropriations. Monies in the fund shall be subject to appropriation by the legislature and may be available exclusively for programs and initiatives prescribed by the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council.

(2) The treasurer is hereby authorized to establish a separate account within the fund for the deposit of grants and donations received by the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council. If the terms and conditions of the grant or donation or the agreements pertaining thereto require that the monies not be deposited into the treasury, the grant or donation may nevertheless be deposited into the fund. Monies in this separate account shall be returned to the grantor. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, the council may step down to the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

C. The council shall adopt a resolution stating which members or officers are authorized to withdraw money from the fund and the separate account in the fund, which resolution shall be submitted to the state treasury. Monies in the fund and the separate account shall only be used by the council to further their mission.

§4073. Science, technology, engineering, and mathematics; diploma endorsement program

A. The State Board of Elementary and Secondary Education, in consultation with the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council, shall establish a Science, Technology, Engineering, and Mathematics (STEM) diploma endorsement to recognize a high school student who exhibits superior academic achievement in STEM discipline subjects.

B. The State Board of Elementary and Secondary Education shall establish the minimum course, proficiency, and other requirements the board deems necessary and appropriate for a student to earn the STEM diploma endorsement.

C. The State Department of Education and each public school governing authority shall provide information regarding the requirements for STEM diploma endorsement to all students enrolled in grades six through twelve and this information shall be included in the course catalogs.

D. The governing authority of each public high school shall maintain the records needed to identify students who have earned the STEM diploma endorsement and shall note such on the transcript of each student who earns the endorsement.

E. The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.
Section 3. Nothing in this Act shall be construed in a manner as to supersede the constitutionally and statutorily prescribed powers, duties, and responsibilities of the State Board of Elementary and Secondary Education, the Board of Regents, or a postsecondary education management board.

Section 4. This Act shall become effective upon signature by the governor, or, if not signed by the governor, in case of the 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. 393

SENATE BILL NO. 227
BY SENATOR BARROW

AN ACT

To enact R.S. 33:9038.71, relative to cooperative and economic development in East Baton Rouge Parish; to create the Bethany Convention Center Development District as a special taxing district for the development of the Bethany Convention Center in East Baton Rouge Parish; to provide for the levy and collection of taxes within the district; to authorize the district to engage in tax increment financing; to provide for the authorization of the district to engage in tax increment financing; and to provide for related matters.

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

Section 1. R.S. 33:9038.71 is hereby enacted to read as follows:

§9038.71. Bethany Convention Center Development District

A. Creation. There is hereby created in the city of Baker, parish of East Baton Rouge, hereinafter referred to as “Baker”, the Bethany Convention Center Development District, a special taxing district, body politic and corporate of the state, referred to in this Section as the ‘district’. The district shall be a political subdivision of the state and the district is hereby granted all of the powers, rights, privileges, and immunities accorded by law and the Constitution of Louisiana to political subdivisions of the state, subject to the limitations provided in this Section.

B. Boundaries. The district shall be comprised of the following described parcels or tracts of land located in Baker, referred to in this Section as the ‘property’:

PARCEL 1:
A certain lot or parcel of ground, together with all buildings and improvements thereon, situated in that part of the city of Baker known as Ward: 2-2 #44, Lot 5-D, Subdiv: BROWN TRACT, 6.89 ACRES, BEING TRACT D-5 OF THE BROWN TRACT, ORIGINALLY THE WHITESELL PROPERTY IN SEC. 53, T5S, R1E, TOGETHER WITH THE STATE OF LA. DEPT. HOUSING.

PARCEL 2:
A certain lot or parcel of ground, together with all buildings and improvements thereon, situated in that part of the city of Baker known as Ward: 2-2 #53, 54 ACRES, BEING TRACT D-7 AND THE UNDISPOSED PORTION OF THE WILLIAM L. WHITESELL 43 ACRE TRACT IN SEC. 53, T5S, R1E.

PARCEL 3:

PARCEL 4:
A certain lot or parcel of ground, together with all buildings and improvements thereon, situated in that part of the city of Baker known as Ward: 2-2 #51, 52, 53, 54 ACRES RESUB. OF LOT 2 IN SEC. 52, T5S, R1E. 1990. (885-11056), RESUB. 1999. IMPS. 2800-6300.

PARCEL 5:

PARCEL 6:
A certain lot or parcel of ground, together with all buildings and improvements thereon, situated in that part of the city of Baker known as Ward: 2-2 #46, Lot 13, Subdiv: BETHANY BAPTIST CHURCH, PROPERTY LOT 13, CONT. 1,367 ACRES RESUB. OF LOTS Y, D-3 & TRACT D-1-1 OF THE OLD BROWN TRACT, BEING BETHANY BAPTIST CHURCH PROPERTY IN SEC. 53, T5S, R1E, 1986. (647-648-9888). RESUB. 2001-05.
the district pursuant to R.S. 33:9038.39, provided that any such powers exercised by the district shall be subject to the provisions of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 unless such provisions are inconsistent with the provisions of this Section, in which case the provisions of this Section shall control.

(13) To levy sales taxes, or hotel occupancy taxes within the district or any combination of such taxes, above and in addition to any other sales taxes, or hotel occupancy taxes levied without the combination of such taxes, then in effect in the district, insured to be in existence within the district, in an amount as may be determined by the board with the approval of the written consent of the owners of immovable property in the district, all in addition to the powers authorized pursuant to Paragraph (14) hereof. This subsection and pursuant to R.S. 33:9038.39, subject to the limitations and prohibitions of the Louisiana Constitution.

F. Levy of taxes. (1) In order to provide funds for the purposes of the district, the district, acting by and through its board, is hereby authorized to levy and collect the following within the district:

(a) A tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities.

(b) A tax on the sale at retail, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law, as amended.

(2) The aggregate tax rate upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the district authorized pursuant to Subparagraph (1)(a) of this Subsection shall be at least equal to the aggregate rate of all taxes upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities levied and collected within the city-parish of

(3) The aggregate sales tax rate within the district authorized pursuant to Subparagraph (1)(b) of this Subsection shall be at least equal to the aggregate rate of all such sales taxes levied and collected within the city-parish of East Baton Rouge Parish.

(4)(a) The word “hotel” as used in this Section shall mean and include any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for use of transient guests where such establishment consists of two or more guest rooms.

(b) The occupancy tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee of occupancy is paid.

(c) The word “person” as used in this Section shall have the same meaning as contained in R.S. 47:301(8).

(5) The taxes authorized in this Section shall be imposed by ordinance adopted by the district, acting by and through its board, without the need of an election.

(6) The taxes authorized in this Section shall be dedicated by the board, acting by and through its board, as necessary for the welfare of the city and its residents, shall be liberally construed to effect the purposes thereof.

K. Severability. The provisions of this Section are severable. It is intended that if any provision of this Section should be adjudged invalid or unenforceable, then such provision shall be ineffective to the extent of such invalidity or unenforceability without invalidating the remaining provisions of this Section.

L. Liberal construction. The district, however, and any levy of the taxes authorized in this Section, such levy shall not be deemed to supersede or be in lieu of the occupancy tax authorized by R.S. 33:4574.1(1)(A)(6) relating to Visit Baton Rouge regardless of whether such occupancy tax is pledged or dedicated to secure debt or bonds that have been authorized and the proceeds of the avails of the occupancy tax authorized in this Section are dispersed and used for the purposes set forth therein and as further provided in R.S. 33:4574.1(1)(L).

4. Tax financing. (a) The district may issue revenue bonds, in one or more series, to provide an irrevocable pledge and dedication of up to the full amount of the district's hotel occupancy and sales tax increments and other district revenues, leases, gifts, proceeds, rents, or other advantages as authorized by this Section, in an amount as may be determined by the district, to secure any financing of such bond or multiple refinancings of any costs incurred or to be incurred in connection with any project or projects, or parts thereof, within the boundaries of the district. Additionally, without the necessity of issuing revenue bonds, the district may pledge up to the full amount of the district's hotel occupancy and sales tax increments and other district revenues, leases, gifts, proceeds, rents, or other advantages as authorized by this Section to any financing or multiple refinancings of any costs incurred or to be incurred in connection with any project or projects, or parts thereof, within the boundaries of the district in furtherance of the purposes of the district. Such financing need not be limited to any loan or loans, mortgages, the issuance of bonds, or the issuance of certificates of indebtedness. For each of the designated voters elected, pledged or dedicated hotel occupancy taxes and sales and sales taxes collected within the district, a tax increment shall consist of that portion of the aggregate of such tax revenues collected by the district each year which exceeds the amount of such taxes that were collected in the year immediately prior to the year in which the district was established.

5. The pledge or dedication of tax increments authorized by this Section to be provided to the district shall not include tax revenues previously dedicated by the district for a special purpose.

6. No instruments or obligations of the district may be validly executed, issued, sold, and delivered, notwithstanding that one or more of the officers of the board signing such instruments or obligations, or whose facsimile signature or signatures may be on the instruments or obligations, shall have ceased to be such officer of the board at the time such instruments or obligations shall be such officer of the board at the time such instruments or obligations shall be executed, issued, sold, and delivered.

7. Any cost, obligation, or expense incurred for any of the purposes or powers of the district specified in this Section shall be a part of the project costs and may be paid or reimbursed as such out of the proceeds of bonds, tax increments, pledging of tax increments, or any combination thereof as authorized by the board.

8. The authority granted to the district pursuant to the provisions of this Section is consistent with and subject to the limitations provided in R.S. 33:9038.47.

H. Term. The district shall dissolve and cease to exist one year after the date on which all loans, bonds, notes, and other evidences of indebtedness secured, in whole or in part, by district taxes or property are paid in full as to both principal and interest; however, under no event shall the district have an existence of more than thirty years from the date on which the taxes authorized pursuant to this Section are first levied and collected.

I. Contesting ordinance or resolution; time limit. Any ordinance or resolution adopted by the board including but not limited to an ordinance adopted pursuant to Paragraph (F)(5) of this Section, or the pledge of tax increments collected under the authority of this Section to any financing authorized by this Section shall be published at least twice in the official journal of East Baton Rouge Parish. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the debt obligation or the levy is paid in whole or in part, or elected to levy and collect any of the taxes authorized in this Section, such levy shall be paid at the time the rent or fee of occupancy is paid.

J. Legal interpretation. If any portion of a tax levied or tax increment pledged or dedicated pursuant to this Section is held invalid, such invalidity shall not affect the validity of the remaining portion of such tax or tax increment.

K. 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. 394

SENATE BILL NO. 233
BY SENATOR LAPLIEUR
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To enact R.S. 17:10.1(G), relative to the school and district accountability system; to require the State Board of Elementary and Secondary Education to adopt a policy to award points to the school performance score of a school that establishes, maintains, or expands a foreign language immersion program or proceeds to earn or maintain certification of a foreign language immersion program pursuant to R.S. 17:817.32 and for a school that establishes, maintains, or expands any other program the board deems appropriate, the state board shall include a...
component in the school and district accountability system to annually award points to the school’s annual performance score.

(2) The state board shall not prohibit a school from annually earning points in the school and district accountability system for maintaining such a program that meets performance and quality standards established by the state board.

(3) The state board shall promulgate rules and regulations pursuant to the Administrative Procedure Act to implement the provisions of this Subsection.

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. 395

SENATE BILL NO. 241
BY SENATOR JOHNS
AN ACT
To amend and reenact R.S. 47:302(AA)(introductory paragraph) and to enact R.S. 47:302(AA)(29) and 321.1(F)(67), relative to state sales and use tax; to provide for effectiveness and applicability of the exclusion; and to provide for related matters.

F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provision of this Chapter, there shall be no exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section.


$321.1. Imposition of Tax


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

Approved by the Governor, June 23, 2017.

A true copy:
Tom Schedler
Secretary of State

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ACT No. 396

SENATE BILL NO. 248
BY SENATOR MORRELL
AN ACT
To amend and reenact R.S. 47:6034(C)(1)(a)(ii)(aa) and (bb), (4), and (K) and to repeal R.S. 47:6034(C)(1)(a)(ii)(bb) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature, relative to tax credits; to provide for an annual credit cap for the musical and theatrical production income tax credit; to provide for a termination date; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6034(C)(1)(a)(ii)(aa) and (bb), (4), and (K) are hereby amended and reenacted to read as follows:

§6034. Musical and theatrical production income tax credit

C. Income tax credits for state-certified productions and state-certified musical or theatrical facility infrastructure projects:

(1) There is hereby authorized the following types of credits against the state income tax:

(a) (ii)(aa) For state-certified infrastructure projects that receive initial certification on or before January 1, 2014, a base investment credit may be earned for expenditures made in the state on or before January 1, 2015, for the construction, repair, or renovation of a state-certified musical or theatrical facility infrastructure project or for investments made by a company or a financier in such infrastructure project that are, in turn, expended for such construction, repair, or renovation, not to exceed ten million dollars per state-certified infrastructure project, under conditions prescribed in Subitem (cc) of this Item of Subsection H of this Section.

Credit under this Section shall be granted for infrastructure projects per year.

(bb)(I) For state-certified higher education musical or theatrical infrastructure projects that receive initial certification before July 1, 2015, a base investment credit may be earned for expenditures made in the state on or before January 1, 2022, for the construction, repair, or renovation of a new state-certified higher education musical or theatrical facility infrastructure project, or for investments made by a company or a financier in such infrastructure project that are, in turn, expended for such construction, repair, or renovation, not to exceed ten million dollars per state-certified infrastructure project, under conditions prescribed in Subitem (cc) of this Item of Subsection H of this Section.

Approved by the Governor, June 23, 2017.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:551(D)(4) is hereby amended and reenacted to read as follows:

§551. Imposition of tax

D. *   *   *

(4) The local tax as provided in Subsection A of this Section which that is collected in Orleans Parish shall be distributed for road repairs and beautification purposes, as follows:

(а) Seventy-five percent to the New Orleans Regional Black Chamber of Commerce if such entity, or whose funding relies upon the full faith and credit of the state. For the purposes of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, any public entity that has been subject to the restrictions in Subsection A of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

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. 397

BY SENATORS PETERTON, BISHOP AND CARTER AND REPRESENTATIVE BOUIE

To amend and reenumerate R.S. 47:551(D)(4), relative to the automobile rental tax; to provide for the dedication of the local automobile rental tax collected in Orleans Parish; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:551(D)(4) is hereby amended and reenacted to read as follows:

§551. Imposition of tax

D. *   *   *

(4) The local tax as provided in Subsection A of this Section which that is collected in Orleans Parish shall be distributed for road repairs and beautification purposes, as follows:

(а) Seventy-five percent to the New Orleans Regional Black Chamber of Commerce if such entity, or whose funding relies upon the full faith and credit of the state. For the purposes of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

(b) Notwithstanding the provisions of Subparagraph (а) of this Paragraph, any public entity that has been subject to the restrictions in Subsection A of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

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. 399

BY SENATOR FANNIN

To amend and reenumerate R.S. 39:72.1(A) and to enact R.S. 38:2211.1, relative to certain appropriations; to provide that recipients of appropriations be in compliance with audit requirements in order to let contracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:72.1(A) is hereby amended and reenacted to read as follows:

§72.1. Compliance with audit requirements

A. No public entity that, pursuant to R.S. 39:72.1, has been deemed to have failed or refused to comply with the provisions of R.S. 24:513 shall let any public contract under this Part that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state. For the purposes of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

B. Any public entity that has been subject to the restrictions in Subsection A of this Section, upon coming into compliance with the provisions of R.S. 24:513, shall immediately inform the Legislative Audit Advisory Council in writing of their compliance and upon confirmation of compliance by the Legislative Audit Advisory Council shall be immediately released from the restrictions that were imposed.

Section 2. R.S. 39:72.1(A) is hereby amended and reenacted to read as follows:

§72.1. Restrictions on public entities that fail to comply with audit requirements

A. No public entity that, pursuant to R.S. 39:72.1, has been deemed to have failed or refused to comply with the provisions of R.S. 24:513 shall let any public contract under this Part that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state. For the purposes of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

B. Any public entity that has been subject to the restrictions in Subsection A of this Section, upon coming into compliance with the provisions of R.S. 24:513, shall immediately inform the Legislative Audit Advisory Council in writing of their compliance and upon confirmation of compliance by the Legislative Audit Advisory Council shall be immediately released from the restrictions that were imposed.

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.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 380

BY SENATORS WALSWORTH, ALARIO, APPEL, BARROW, BISHOP, BOUDREAX, CARTER, COTREZ, DONAHUE, ERDEY, FANNIN, HEWITT, JOHNS, LAPLFEUR, LAMBERT, LONG, LUNEAU, MARTIN, MILLIKOVICH, MILLS, MIZEILL, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WARD AND WHITE AND REPRESENTATIVES ANDERS, BACALA, BARRAS, BERTHELOT, BILLIOT, BROADWATER, TERRY BROWN, CHANEY, CONNICK, COX, CREWS, EDWARDS, FALCAO, HENRY, HOFFMANN, HUNTER, JACKSON, TERRY LANDRY, MARCELLE, MIGUEZ, GREGORY MILLER, JAY MORRIS, PIERRRE, RICHARD AND TALBOT

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

An ACT

To amend and reenumerate Section 1 of Act No. 23 of the 2010 Regular Session of the Legislature, relative to state highways; to change the designation of a portion of United States Highway 425 between Stokes Bayou (structure number 0260612911) and Louisiana Highway 1242 in the unincorporated community of Chase, in Franklin Parish, is hereby designated as the "Trooper Bobby Smith 'Vision of Courage' Memorial Highway".

Section 2. That portion of United States Highway 165 between Louisiana Highway 134 and a point two and one-half miles south of Louisiana Highway 134 near the town of Sterlington, in Ouachita Parish, is hereby designated as the "Sterlington Police Officer David Elahi Memorial Highway".

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

Approved by the Governor, June 23, 2017.

The credit. No credit shall be granted pursuant to this Section for applications received on or after July 1, 2025.

Section 2. R.S. 17:744(C)(3)(i)(b) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature is hereby repealed.

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

A true copy:

Tom Schedler
Secretary of State

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ACT No. 379

BY SENATE BILL NO. 67

To amend and reenumerate R.S. 39:72.1(A) and to enact R.S. 38:2211.1, relative to certain appropriations; to provide that recipients of appropriations be in compliance with audit requirements in order to let contracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:72.1(A) is hereby amended and reenacted to read as follows:

§72.1. Restrictions on public entities that fail to comply with audit requirements

A. No public entity that, pursuant to R.S. 39:72.1, has been deemed to have failed or refused to comply with the provisions of R.S. 24:513 shall let any public contract under this Part that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state. For the purposes of this Section, the term "state funds" shall also include any federal funds, including grants, that pass through the state.

B. Any public entity that has been subject to the restrictions in Subsection A of this Section, upon coming into compliance with the provisions of R.S. 24:513, shall immediately inform the Legislative Audit Advisory Council in writing of their compliance and upon confirmation of compliance by the Legislative Audit Advisory Council shall be immediately released from the restrictions that were imposed.

Section 2. R.S. 39:72.1(A) is hereby amended and reenacted to read as follows:

§72.1. Compliance with audit requirements

A. (1) Notwithstanding any other provision of law, no funds appropriated in the general appropriations act, the capital outlay act, or other appropriation act, shall be released or provided to any recipient of an appropriation if, when, and for as long as, the recipient fails or refuses to comply with the provisions of R.S. 24:513.

(2) No public entity that has failed or refused to comply with the provisions of R.S. 24:513 shall let any public contract that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state.
Section 3. This Act shall become effective on August 1, 2017.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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**ACT No. 400**

**SENATE BILL NO. 79**

**BY SENATORS LUNEAU AND BARROW**

Approved by the Governor, June 26, 2017.

The provisions of Sections 1, 2, and 3 of this Act shall be allowed as a credit in the amount of one-third of the reduced portion of the credit on the taxpayer's return for the same taxable period.

The credit for state insurance premium tax paid shall be an amount equal to the lesser of eighteen dollars or seven and two-tenths percent of the state premium for health insurance coverage for each dependent of the full-time employee who elects to participate in dependent coverage.

**§297. Reduction to tax due**

B. The tax determined as provided in this Part shall be reduced by the following:

a. A credit for the elderly, a credit for contributions to candidates for public office, a credit for contributions to the Louisiana 401(A) incentive credit, jobs credit, and residential energy credits. The amount of these credits shall be the lesser of eighteen dollars or seven and two-tenths percent of the same credits allowed on the federal income tax return for the same taxable period.

G. There shall be an environmental equipment purchase tax credit to be determined as follows:

f. The credit shall be equal to the lesser of one hundred fifty dollars or the purchase price of the equipment.

**§297.6. Reduction to tax due; rehabilitation of residential structures**

A. There shall be a credit against individual income tax liability due under this Title for the amount of eligible costs and expenses incurred during the rehabilitation of an owner-occupied residential or owner-occupied mixed use structure located in a Local Historic District, a Main Street District, a cultural products overlay district, or a downtown development district, or such owner-occupied mixed use structure that has been listed or is eligible for listing on the National Register, or such structure that has been certified by the State Historic Preservation Office as contributing to the historical significance of the district, or a vacant and blighted owner-occupied residential structure located anywhere in the state that is at least fifty years old. The tax credit authorized pursuant to this Section shall be limited to one credit per structure rehabilitated. The total credit shall not exceed eighteen thousand five hundred dollars per structure. In order to qualify for that credit, the rehabilitation costs for the structure must exceed ten thousand dollars.

(1) The credit is for the rehabilitation of an owner-occupied residential structure which has an original purchase price paid in that taxable year of one hundred thousand dollars or less. The credit shall be two thousand and one hundred fifty dollars for the first taxable year, and an additional credit of one thousand and five hundred dollars shall be allowed for each subsequent taxable year in which the rehabilitation of the structure is completed.

(2) The tax credit shall be determined as follows:

a. The tax credit shall be two thousand and one hundred fifty dollars for the first taxable year in which the rehabilitation of the structure is completed.

b. The tax credit shall be increased by one thousand and five hundred dollars for each subsequent taxable year in which the rehabilitation of the structure is completed.

**§6005. Qualified new recycling manufacturing or process equipment and service contracts**

C.1 Taxpayer who purchases qualified new recycling manufacturing or process equipment or qualified service contracts, or both, as defined in this Section and certified by the secretary of the Department of Environmental Quality to be used or performed exclusively in this state shall be entitled to a credit against any income and corporation franchise taxes imposed by the state in an amount equal to twenty-five percent of the cost of the new recycling manufacturing or process equipment or qualified service contract, or both, less the amount of any other tax credits received for the purchase of such equipment or service contract, or both.

**§6013. Tax credits for donations made to public schools**

A. There shall be allowed a credit against the corporate income tax and the corporation franchise tax for qualified donations made to a public school. The credit shall be an amount equal to twenty-eight and eight-tenths percent of the appraised value of the qualified donation. Any such credit shall be taken as a credit against the corporate income or corporation franchise tax for the taxable year in which the donation is made. The total of all such credits taken in a taxable year shall not exceed the total tax liability for that taxable year.

D. Tax credit

(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 investor.
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 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 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 credits approved by the department shall be granted at the rate of twenty-five and two-tenths percent of the amount of the investment with the credit divided in equal portions for five years.

§6022. Digital interactive media and software tax credit

D. Tax credit; specific projects.

(3) For applications for state-certified productions submitted to the office on or after July 1, 2015, and before July 1, 2017, and subsequently approved by the office and secretary, there are hereby authorized tax credits that shall be earned by a company at the time funds are expended in Louisiana on a state-certified production as follows:

(a) Credits shall be earned at the rate of eighty percent of the base investment. (b) To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, additional tax credits shall be earned at the rate of seven percent of the payroll.

§6034. Musical and theatrical production income tax credit

C. Income tax credits for state-certified productions and state-certified musical or theatrical facility infrastructure projects:

(1) There are hereby authorized the following types of credits against the state income tax;

(i) For credits approved on and after July 1, 2015, and before July 1, 2017, the following shall apply:

(a) Credits shall be earned at the rate of eighteen percent of the base investment.

(ii) For state-certified projects that receive initial certification on or after July 1, 2015, and before July 1, 2017, and except as limited for state-certified infrastructure projects as provided for in this Subparagraph, the base investment credit shall be for the following amounts:

(A) If the total base investment is greater than one hundred thousand dollars and less than or equal to three hundred thousand dollars, a company shall be allowed a tax credit of seventeen percent of the base investment made by that company.

(B) If the total base investment is greater than three hundred thousand dollars and less than or equal to one million dollars, a company shall be allowed a tax credit of fourteen percent of the base investment made by that company.

(c) To the extent that base investment is expended on payroll for Louisiana residents employed in connection with the construction of a state-certified higher education musical or theatrical facility infrastructure project, a company shall be allowed a tax credit of seven percent of the payroll.

(2) A tax credit granted pursuant to this Part shall expire and have no value or effect on tax liability beginning with the twenty-first tax year after the tax year in which it was originally earned, applied for, and granted. An applicant that meets the requirements of R.S. 51:2353 and is approved by the Department of Economic Development may receive a refundable tax credit based on new jobs for the period of time approved which shall be equal to four percent multiplied by the gross payroll of new direct jobs meeting the requirements of R.S. 51:2353(1) and (2) as certified by the Department of Economic Development.

(3) For credits approved on and after July 1, 2017, the following shall apply:

(a) Except as provided in Paragraph (2) of this Subsection, the taxpayer may earn and apply for and, if qualified, be granted a refundable tax credit which may be applied to any income or corporation franchise tax liability owed to the State by the taxpayer seeking to claim the credit equal in value to twenty-nine percent of the amount of money invested by the taxpayer in commercialization costs for one business location meeting the requirements of R.S. 51:2353(1) and (2) as certified by the Department of Economic Development.

(b) Upon approval of such an application, the Department of Economic Development shall notify the Department of Revenue and shall provide it with a copy of the certification. The Department of Revenue may require the qualified employer to submit such additional information as may be necessary to administer the provisions of this Chapter. The approved employer shall file applications for refundable tax credits based on new jobs with the Department of Economic Development to show its continued eligibility for the refundable tax credits. The employer may be audited by the Department of Economic Development to verify such eligibility.

§2399.3. Modernization tax credit

A. For credits approved on and after July 1, 2015, and before July 1, 2017, the following shall apply:

(b) For credits approved on and after July 1, 2015, and before July 1, 2017, and except for the students provided for in Subparagraph (c) of this Paragraph, or the construction of a state-certified musical or theatrical facility infrastructure project, a company shall be allowed an additional tax credit of seven percent of such payroll; however, if the amount paid to any one person exceeds one million dollars, the additional credit shall not include any amount paid to that person that exceeds one million dollars.

(ii) To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified musical or theatrical facility infrastructure project, a company shall be allowed an additional tax credit of seven percent of the payroll.

(ii) For credits approved on and after July 1, 2017, the following shall apply:

(i) The credits granted by the department shall be granted at the rate of four percent of the amount of qualified expenditures incurred by the employer for modernization with the credit divided in equal portions for five years, subject to the limitations provided for in other Paragraphs of this Subsection.

(ii) The total amount of modernization tax credits granted by the Department of Economic Development in any calendar year shall not exceed seven million two hundred thousand dollars irrespective of the year in which claimed. The department shall by rule establish the method of allocating available tax credits and the reservation of tax credits for a specified time period, or other method which the department, in its discretion, may find beneficial to the program. In the event that the total amount of credits granted in any calendar year is less than seven million two hundred thousand dollars, the additional tax credits shall carry forward for use in subsequent years and may be granted in addition to the seven million two hundred thousand dollar limit for each year.

(d) An employer may claim the modernization tax credits in the year in which the project is placed in service, but the employer may not claim modernization...
tax credits until the department signs a project completion form. No project placed in service before July 1, 2011 shall be eligible for the tax credit authorized pursuant to the provision of this Section.

§4(c) After approving modernization tax credits for an employer, the department shall issue a tax credit certificate, a copy of which is to be attached to the tax return of the employer. The tax credit certificate shall contain the employer’s name, address, tax identification number, the amount of tax credits, and information as required by the Department of Revenue. The tax credit certificate, unless rescinded by the department, shall be accepted by the Department of Revenue as proof of the credit.

§6. The Department of Economic Development shall maintain a list of the tax credit certificates issued.

Section 4. Sections 5, 6, and 7 of Act No. 125 of the 2015 Regular Session of the Legislature are hereby repealed in their entirety.

Section 5. Unless otherwise provided by the statute granting the credit, the provisions of Sections 2 and 3 of this Act shall be applicable to tax periods beginning on or after January 1, 2017.

Section 6. In case of any conflict between the provisions of this Act and the Act that originated as House Bill No. 454 of this 2017 Regular Session of the Legislature, the provisions of the Act that originated as House Bill No. 454 shall supersede and control regardless of the order of passage.

Section 7. In case of any conflict between the provisions of this Act and the Act that originated as Senate Bill No. 25 of this 2017 Regular Session of the Legislature, the provisions of the Act that originated as Senate Bill No. 25 shall supersede and control regardless of the order of passage.

Section 8. 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; provided that the Act shall not take effect on or before January 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 401

SENATE BILL NO. 98

BY SENATORS DONAHUE AND THOMPSON

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

AN ACT

To amend and reenact the introductory paragraph of R.S. 39:2(15.1), 24.1(A), (C), and (E)(3), 34(A), 51(A)(2), and 56(A) and to enact R.S. 39:24.1(E)(4) and (5) and 36(A)(7), relative to budgetary procedures; to define expenditures and operational expenses of the relevant department, agency, or authority.

The governor shall cause to be prepared an executive budget for the current fiscal year. The executive budget shall be a performance-based budget for the current fiscal year and the department responsible for preparing the executive budget shall not include recommendations or estimates for presentation to the conference. The executive budget shall not include recommendations or estimates for presentation to the conference.

The conference and the legislative fiscal office shall coordinate and implement procedures for developing the incentive expenditure programs for submission to the Revenue Estimating Conference, the legislative fiscal office, and the division of administration. Such procedures shall include consideration of, but not be limited to:

(a) The statutory guidelines for the incentive expenditure program.
(b) Any application process for the incentive expenditure program.
(c) Estimates of the timeline from any application process through approval of the application and the claims of the tax benefit by a taxpayer.
(d) Historical data on the actual amount of reductions of and payments made from tax collections for the incentive expenditure program.
(e) Projections of tax revenue or budgetary savings to be generated for state or local government as a result of the incentive expenditure.

The participants of the conference shall work in conjunction with the respective agency or agencies to implement all procedures.

§34. Executive budget

A.(1) The governor shall cause to be prepared an executive budget for a complete financial and programmatic plan for the ensuing fiscal year which shall include recommendations for appropriations from the state’s general fund and dedicated funds which shall not exceed the official forecast of the Revenue Estimating Conference. Except as provided by R.S. 39:75(C), the executive budget shall not include recommendations for appropriations from any fund in excess of the official forecast of money available for appropriation from that fund.

(2) The executive budget for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a listing of all incentive expenditure programs by department, including the forecasted amount of each incentive expenditure as adopted for the current fiscal year by the Revenue Estimating Conference.

The incentive expenditure programs shall be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers an incentive expenditure program. Such incentive expenditures shall not be included as, nor counted towards, the operating expenses of the relevant department, agency, or authority.

§36. Contents and format of executive budget; supporting document

The executive budget shall present a complete financial and programmatic plan for the ensuing year, and it shall be configured in a format so as to clearly present and highlight the functions and operations of state government and the financial requirements associated with those functions and operations. The executive budget shall be a performance-based budget and as such may include key objectives and key performance indicators. The commissioner of administration may designate key objectives and key performance indicators to be included in the executive budget. Additionally, the executive budget shall include at a minimum the following:

(7) The executive budget for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a listing of all incentive expenditure programs by department, including the forecasted amount of each incentive expenditure as adopted for the current fiscal year by the Revenue Estimating Conference.

The incentive expenditure programs shall be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers an incentive expenditure program. Such incentive expenditures shall not be included as, nor counted towards, the operating expenses of the relevant department, agency, or authority.
as provided for in R.S. 39:54(A)(2). The General Appropriation Bill and other appropriation bills for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a listing of all incentive expenditure programs by department, including the estimated amount of incentive expenditure as adopted for the current fiscal year by the Revenue Estimating Conference. The incentive expenditure programs shall be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers an incentive expenditure program. Such incentive expenditure programs shall not be included as, nor counted towards, the operating expenses of the relevant department, agency, or authority.

§56. State budget to be prepared by governor
A. After the passage of the appropriation and revenue acts, but not later than October first of each year, the governor shall cause to be prepared a complete state budget for the fiscal year. The budget so prepared shall include all the details of the financial plan for the fiscal year, as to both expenditures and means of financing as presented in the executive budget, with such revision as may be necessary to bring them into conformity with the appropriation and revenue acts and other acts to provide means of financing, and with the legislative provisions in effect, governing administration of the state expenditures and means of financing as presented in the executive budget, which act shall have the meanings here given to them.

B. The budget prepared for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a statement of total incentive expenditure programs and a statement of incentive expenditure programs by department.

Section 2. This Act shall become effective on July 1, 2017, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 26, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 402

SENATE BILL NO. 100
BY SENATOR DONAHE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 39:29(A) and (B) and 32(E)(3) and (7) and to provide for the utilization of the nondiscretionary adjusted standstill budget estimates, which date shall be on the forms and in the manner prescribed in this Section and shall be accompanied by such other data as may be required, together with such additional information as the governor may request.

A. The first column shall represent the budget unit's current-year existing operating budget as of December first.
B. The second column shall represent the nondiscretionary adjusted standstill budget which shall be the budget unit's current-year existing operating budget as of December first, including the cost to provide the mandatory expenditures in the ensuing fiscal year, and the growth in the mandatory statewide adjustments.
C. The third column shall be the continuation budget as provided in this Section.
D. The fourth column shall represent the difference between the nondiscretionary adjusted standstill budget and the continuation budget. The nondiscretionary adjusted standstill budget shall be presented at the same meeting of the Joint Legislative Committee on the Budget as the continuation budget as provided in Paragraph (A)(2) of this Section.

§32. Budget request contents
A. E. A personnel table as defined by this Subsection shall be included with the budget request. The table shall contain information and be in a form as required by the budget office and shall include authorized, estimated, and requested positions organized according to programs or subprograms as follows:

(1) The estimated amount for salaries continuing for the positions estimated for the nondiscretionary adjusted standstill budget and the continuation budget for the next fiscal year.

(2) The estimated amount for salaries continuing for the positions estimated for the nondiscretionary adjusted standstill budget and the continuation budget for the next fiscal year.

(3) The number of positions estimated for the nondiscretionary adjusted standstill budget and the continuation budget for the next fiscal year and the number classified and unclassified.

(4) The estimated amount for salaries continuing for the positions estimated for the nondiscretionary adjusted standstill budget and the continuation budget for the next fiscal year.
D. Beginning January 1, 2020, no contracts shall be entered into for credits pursuant to the provisions of this Section.

Section 2. R.S. 47:227 as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, R.S. 47:239, 6019(A)(1)(a), and 6035(D) are hereby amended and reenacted and R.S. 25:1226.4(D), R.S. 47:34(F), 37(I), 287.748(D), 287.749(E), 287.752(D), 287.755(I), 297(Q), 297.9(D), 6025(E), and 6035(D) are hereby amended to read as follows:

§34. Corporation tax credit

F. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§37. Tax credit for contributions to educational institutions

I. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§227. Offset against tax

Every insurance company shall be entitled to an offset against any tax incurred under this Chapter, in the amount of any taxes, paid on premiums, paid by it during the preceding twelve months, by virtue of any law of this state. Beginning on and after July 1, 2015, the offset shall be equal to seventy percent of the amount of any taxes, based on premiums.

§287.748. Corporation tax credit; re-entrant jobs credit

D. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§287.749. Jobs credit

E. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§287.752. Tax credit for employment of first-time nonviolent offenders

D. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§287.755. Tax credit for contributions to educational institutions

I. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§297. Reduction to tax due

Q. The credits provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§297.2. Reduction to tax due

A. A person who maintains a household which includes one or more dependents who are physically or mentally incapable of caring for themselves may take as a credit against the state income tax imposed by this Part the full amount of a tax credit equal to the applicable percentage of employment-related expenses allowable pursuant to Section 21 of the Internal Revenue Code. Any tax credit otherwise allowed under this Section which is not used by the taxpayer in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year.

§297.9. Reduction to tax due; amounts paid by certain military service members and dependents for certain hunting and fishing licenses

D. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§6019. Tax credit; rehabilitation of historic structures

A.(1)(a) There shall be a credit against income and corporation franchise tax for the amount of eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural district. The amount of the credit shall equal twenty-five percent of the eligible costs and expenses of the rehabilitation incurred prior to January 1, 2018, regardless of the year in which the property is placed in service. The amount of the credit shall equal twenty percent of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2018 and before January 1, 2022, regardless of the year in which the property is placed in service. No credit is authorized pursuant to this Section for expenses incurred on or after January 1, 2022.

§6025. Tax credit for Louisiana Citizens Property Insurance Corporation assessment

E. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

§6035. Tax credit for conversion of vehicles to alternative fuel usage

D. In cases where no previous credit has been claimed pursuant to Subsection C of this Section for the cost of qualified clean burning motor vehicle fuel property in or of a new motor vehicle purchased by a taxpayer with qualified clean burning motor vehicle fuel property, as defined in this Section, and R.S. 25:1226.4(D), if installed by the vehicle's manufacturer and the taxpayer is unable to, or elects not to determine the exact cost which is attributable to such property, the taxpayer may claim a credit against individual or corporate income tax for the taxable period in which the new motor vehicle is purchased equal to seven and two tenths percent of the cost of the motor vehicle or one thousand five hundred dollars, whichever is less, provided the motor vehicle is registered in this state.

I. The credit provided for pursuant to the provisions of this Section shall terminate and shall have no effect beginning January 1, 2020.

Section 3. R.S. 47:227 as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature is hereby repealed.

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

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schleder
Secretary of State

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ACT No. 404

SENATE BILL NO. 207

BY SENATOR ALLAIN AND REPRESENTATIVE BISHOP

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

AN ACT

To amend and reenact R.S. 56:10(B)(1)(g) and to enact R.S. 56:10(B)(16), relative to saltwater fishing licenses; to direct dedicated monies of the Saltwater Fish Research and Conservation Fund to the administration of only certain programs; to limit the use of monies in the fund; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:10(B)(1)(g) is hereby amended and reenacted and R.S. 56:10(B)(16) is hereby enacted to read as follows:

§10. Annual report to governor; estimate of proposed expenditures; particular funds; limitations on purposes for use of monies in particular funds; warrants; vouchers; surplus funds

B.(1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

(g) Between June 1, 2014, and May 31, 2018, pay annually into the Conservation Fund, into a special account designated as the “Saltwater Fish Research and Conservation Fund” an amount equal to the fees collected pursuant to R.S. 56:302.1(C)(1)(c). Such funds shall be used by the office of fisheries for data collection and management and conservation of recreational saltwater fish species.

(16)(a) The monies in the Saltwater Fish Research and Conservation Fund shall be used solely for the administration and conducting of the Louisiana Recreational Creel Survey (LACREEEL) and the Recreational Offshore Landing Permit program (ROLP).

(b) The monies allocated to the programs described in Subparagraph (a) of this Paragraph shall not be used on or for any of the following purposes:

(i) To create any exempted fishery permit program or pilot program as recognized and granted by the United States Department of Commerce through the National Oceanic and Atmospheric Administration – National Marine
To amend and reenact Code of Criminal Procedure Articles 551(B), 553(A) and (C), 831, 832, 833(A) and (C), and 900(A)(introductory paragraph), (B), and (C) and to enact Code of Civil Procedure Articles 556(E), 556.1(F), and 562, relative to presence of the defendant; to provide for an incarcerated defendant's appearance at arraignment, the entry of his plea, and probation violation hearing; to authorize the incarcerated defendant to contest his case by way of simultaneous audio-visual transmission; to provide the procedure and requirements for using simultaneous audio-visual transmission; to provide for a defendant's waiver of certain appearances; to provide relative to the use of electronic signatures; and to provide relative to the use of electronic signatures.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 551(B), 553(A) and (C), 831, 832, 833(A) and (C), and 900(A)(introductory paragraph), (B), and (C) are hereby amended and reenacted and Code of Criminal Procedure Articles 556(E), 556.1(F), and 562 are hereby enacted to read as follows:

Art. 551. Arraignment of defendant

B. Nothing in this Article shall prohibit the court, by local rule, or the defense counsel from providing for a defendant's appearance at his arraignment by simultaneous audio-visual transmission. The court may, by local rule, provide for the defendant's appearance at the arraignment, and at the entry of his plea of guilty, or both, by way of simultaneous transmission through audio-visual electronic equipment in accordance with the provisions of Article 562.

Art. 553. Method of pleading

A. Except when otherwise provided under Paragraph B of this Article or by local rule, the defendant, in accordance with Article 551 and 562, the defendant in a felony case shall plead in person. In misdemeanor cases, the defendant may plead not guilty through counsel, may plead guilty through counsel with consent of the court, may appear at arraignment, at the entry of his plea of guilty, or both, by way of simultaneous audio-visual transmission, in accordance with local rules of court and Articles 551 and 562, and may plead and be arraigned in accordance with procedures established according to R.S. 32:37(C). A corporation may plead through counsel in all cases. The plea shall be made in open court and shall be immediately entered in the minutes of the court. A failure to enter a plea in the minutes shall not affect the proceeding in the case.

C. Nothing in this Article shall prohibit the court, by local rule, from providing for a defendant's appearance at his arraignment, at the entry of his plea of guilty, or both, by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562. For good cause shown, defense counsel may request, and the court may require the defendant's appearance in open court.

Art. 556. Plea of guilty or nolo contendere in misdemeanor cases; duty of court

E. Nothing in this Article prohibits the court, by local rule, from providing for a defendant's appearance at the entry of his plea of guilty or nolo contendere by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562.

Art. 561. Plea of guilty or nolo contendere in felony cases; duty of court

E. Nothing in this Article prohibits the court, by local rule, from providing for a defendant's appearance at the entry of his plea of guilty or nolo contendere by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562.

Art. 562. Use of simultaneous audio-visual transmission for certain proceedings

A(1) In a case where the offense is a felony or an enhanceable misdemeanor, the defendant, who is confined in a jail, prison, or other detention facility in Louisiana, may, with the court's consent and the consent of the district attorney, appear at the arraignment, at any preliminary matter or pretrial conference that does not involve the taking of testimony, at the entry of his plea of guilty, and at any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audio-visual transmission; to provide the procedure and requirements for using simultaneous audio-visual transmission; to provide for a defendant's waiver of certain appearances; to provide relative to the use of electronic signatures; and to provide for a defendant's appearance at arraignment, at the entry of his plea of guilty, and any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audio-visual transmission.

(2) In a case where the offense is not a felony and is not an enhanceable misdemeanor, the court, with the consent of the district attorney, may require the defendant, who is confined in a jail, prison, or other detention facility in Louisiana, to appear at the arraignment, at any preliminary matter or pretrial conference that does not involve the taking of testimony, at the entry of his plea of guilty, and at any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audio-visual transmission.
visual transmission if the court, by local rule, provides for the defendant's appearance in this manner.

For purposes of this paragraph, "enhanceable misdemeanor" means a misdemeanor or offense that provides increased or enhanced penalties for a subsequent conviction of the offense or that provides increased or enhanced penalties when certain elements are present during the commission of the offense.

D. Notwithstanding the provisions of Paragraph A of this Article, in a capital case, the defendant may not enter his plea by simultaneous audio-visual transmission.

E. If the defendant is represented by an attorney during the proceeding in which the plea is to be entered, both attorney and defendant may appear at the proceeding. If the defendant appears without an attorney, he may not be halted from appearing in the proceeding.

F. Both the defendant and his attorney shall be excluded from the courtroom. The defendant shall be permitted to submit to the court a form signed by the defendant and, if represented by an attorney, by the attorney. The form shall allow for the defendant to sign or, initial where appropriate, each element of the waiver of rights set forth in Article 556 or 556.1. The form shall be used to ensure authenticity of the electronic signature.

G. The law enforcement agency who has custody of the defendant at the time of the proceeding shall obtain the fingerprints of the defendant for time of the proceeding shall obtain the fingerprints of the defendant. The fingerprints may be taken electronically or in and converted to electronic form.

Art. 831. Presence of defendant; when felony prosecution is for felony
A. Except as may be provided by local rules of court in accordance with Articles 522, and 551, and 562, a defendant charged with a felony shall be present at all of the following:
   (1) At arraignments;
   (2) When a plea of guilty, not guilty, or not guilty and not guilty by reason of insanity is made;
   (3) At the calling, examination, challenging, impaneling, and swearing of the jury, and at any subsequent proceedings for the discharge of the juror or of a juror;
   (4) At all times during the trial when the court is determining and ruling on the admissibility of evidence;
   (5) In trials by jury, at all proceedings when the jury is present, and in trials without a jury, at all times when evidence is being adduced and, if the defendant is present, if the right to counsel has been waived and either of the following occur:
      (1) He voluntarily absents himself after the trial has commenced, whether or not he has been informed by the court of his obligation to be present during the trial; or
      (2) After being warned by the court that disruptive conduct will cause him to be removed from the courtroom, he persists in conduct which justifies his exclusion from the courtroom.
   (6) Nothing in this Article shall prohibit the court, by local rule, from requiring a defendant's appearance at his arraignment, at the entry of his plea of guilty, or both, by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562—except when the defendant is requested to appear in open court.

Art. 832. Continued presence not required
A. A defendant initially present for the commencement of trial shall not prevent the further progress of the trial, including the return of the verdict, and shall be considered to have waived his right to be present if his counsel is present, if the right to counsel has been waived and either of the following occur:
   (1) He voluntarily absents himself after the trial has commenced, whether or not he has been informed by the court of his obligation to be present during the trial; or
   (2) After being warned by the court that disruptive conduct will cause him to be removed from the courtroom, he persists in conduct which justifies his exclusion from the courtroom.

B. Nothing in this Article shall prohibit the court, by local rule, from requiring a defendant's appearance at his arraignment, at the entry of his plea of guilty, or both, by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562—except when the defendant is requested to appear in open court.

Art. 833. Presence of defendant; when misdemeanor prosecution is for misdemeanor
A. The court may permit a defendant charged with a misdemeanor to be arraigned, plead guilty enter his plea of guilty, or be tried, in his absence. Otherwise, he must be present, provided that he may appear at arraignment by way of simultaneous audio-visual transmission under applicable local rules in accordance with the provisions of Articles 522 and 551.

B. Nothing in this Article shall prohibit the court, by local rule, from providing for a defendant's appearance at his arraignment, at the entry of his plea of guilty, or both, by simultaneous audio-visual transmission in accordance with the provisions of Articles 551 and 562, except when the defense counsel requests the defendant's appearance in open court.

Art. 900. Violation hearing; sanctions
A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may present his case to the court, either in person or by proxy, or by acontingent or legal counsel.
providing the services shall inform such person of the limitation of liability by distributing to such person a written notice. Such notice shall also be posted at a prominent place where patients entering the facility will see it. The notice shall read substantially as follows: “NOTICE—If you are injured here because of things we do or fail to do, you do not have the same legal recourse as you would have against other health care providers.”

(c) The posted notice shall be printed in type size sufficient to be easily read by patients upon entering the facility.

(d) Failure to follow notice procedures as provided in this Subsection shall negate the limitation of liability.

F. The board shall deny issuance of a retired volunteer dental license to a person who is not qualified under pursuant to this Section to hold a retired volunteer dental license. The holder of the retired volunteer dental license shall practice a minimum, on average, eight hours per month. If the community health care entity member in which the holder of the retired volunteer dental license seeks to practice permanently ceases operation, the license issued under this Section shall be automatically revoked unless the licensee begins practicing in another community health care clinic for the required minimum number of hours per month within ninety days.

H. Any person licensed under pursuant to this Section may apply to the board for a return to active licensure status by filing an application in the form and manner prescribed by the board and meeting all requirements of this Chapter. Licensees who desire to change a retired volunteer license to an active license and who have not practiced at least one year out of the five years within the year immediately preceding application for an active license shall document and certify to the board how they have maintained their professional ability, skills, and knowledge and shall be subject, at the board’s discretion, to the provisions of R.S. 46:XXXIII.124.

L. A retired volunteer license shall be valid for a period of two years and shall expire as provided by law.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 408

HOUSE BILL NO. 231
BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 42:1123(22), relative to an exception from ethics laws for transactions involving certain municipalities; to allow an elected official, his immediate family member, or legal entity in which he owns a controlling interest to enter into certain transactions with the municipality subject to certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(22) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

(22)(a) Any mayor or member of a governing authority of a municipality with a population of five thousand or less, or an immediate family member of such a mayor or governing authority member, or legal entity in which he has a controlling interest, from entering into any transaction that is under the supervision or jurisdiction of the municipality.

(b) A mayor or member of a governing authority who enters into a transaction as provided for in paragraph (a) of this Section may be exempted from the provisions of this Subsection if the transaction is conducted in accordance with the following:

(i) The elected official involved shall immediately recuse himself from acting in his governmental capacity in matters affecting the transaction and file quarterly affidavits concerning the recusal with the clerk of the municipality.

(ii) The plan developed by the municipality shall address how the transactions shall be supervised after an elected official, his immediate family member, or legal entity in which he owns a controlling interest shall enter into a transaction with the municipality. The plan developed by the municipality shall set out the details of the bid process.

(iii) A person licensed under this Section may apply to the Louisiana Board of Ethics for approval and the board approves the plan developed by the municipality.

(iv) For transactions in excess of two hundred fifty dollars but less than two thousand five hundred dollars, telephone quotations with written confirmation or facsimile quotations shall be solicited from at least three vendors within the municipality, the parish, or within a fifty-mile radius of the municipality. However, in the case of an emergency, no quotations shall be required so long as the elected official recuses himself from the transaction and files an affidavit as required in Item (i) of this Subparagraph within three business days of the occurrence of the transaction. “Emergency” shall be defined in the plan adopted by the municipality and subject to board approval.

(v) In the case of a transaction in excess of two hundred fifty dollars but less than two thousand five hundred dollars, if the quotation submitted by the elected official, his immediate family member, or legal entity in which he owns a controlling interest exceeds two thousand five hundred dollars only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official, his immediate family member, or legal entity in which he owns a controlling interest, a copy of the written invitation, copies of the bids received in response to the invitation, and the method of recusal developed by the municipality.

H. Any person licensed under this Section may apply to the board for a return to active licensure status by filing an application in the form and manner prescribed by the board and meeting all requirements of this Chapter. Licensees who desire to change a retired volunteer license to an active license and who have not practiced at least one year out of the five years within the year immediately preceding application for an active license shall document and certify to the board how they have maintained their professional ability, skills, and knowledge and shall be subject, at the board’s discretion, to the provisions of R.S. 46:XXXIII.124.

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ACT No. 409

HOUSE BILL NO. 244
BY REPRESENTATIVE HILFERTY
AN ACT

To enact Code of Evidence Article 902(11), relative to the admissibility of business records in criminal cases; to provide relative to the self-authentication of business records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 902(11) is hereby enacted to read as follows:

Art. 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(11) Certified records of a regularly conducted business activity in criminal cases. In criminal cases, the original or a copy of a record of a regularly conducted business activity that meets the requirements of Article 902(6), as shown by a certification of the custodian or another qualified person, and that complies with Louisiana law, including R.S. 13:3733 through 3733.2, or a rule prescribed by the Louisiana Supreme Court. Before the trial or hearing, the evidence shall be introduced and the certification of the custodian shall state the party’s intent to offer the record and shall make the record and certification available for inspection so that the party has a fair opportunity to challenge it.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 410

HOUSE BILL NO. 324
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E), (F)(3), and (H) and 172(D), relative to railroad crossings; to provide for on-track equipment; to provide for the designation of on-
track equipment as a railway vehicle drivers must approach cautiously; to provide for the responsibility of railroad companies; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:171(Section heading), (A)(1), (2), (3), and (4), (C), (D), (E), (F), (G), and (H) and 172(D) are hereby amended and reenacted to read as follows:

§171. Obedience to signal indicating approach to train Motor vehicles approaching railroad crossings: reporting violations; penalties. A. Whenever any person driving a motor vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall remain stopped until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment.

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment.

(3) A railroad train or other on-track equipment approaching within approximately nine hundred feet of the highway crossing emits a signal in accordance with R.S. 32:168, and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard.

(4) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

C. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed when an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

D. No person shall drive any vehicle across any railroad crossing while the signal devices are flashing when an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

E. At any railroad grade crossing provided with railroad cross buck signs, without automatic, electric, or mechanical signal devices, crossing gates, or human flagman giving a signal of the approach or passage of a train or other on-track equipment, the driver of a vehicle shall in obedience to the railroad cross buck sign, yield the right of way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line or, if no line, within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train or other on-track equipment after driving past the railroad cross buck sign, the collision or interference is prima facie evidence of the driver’s failure to yield the right of way.

F. Any person who violates any provision of this Section shall be fined as follows:

(3) Any person who violates any provision of this Section by racing a train or other on-track equipment to a railroad crossing and thereby causes immediate danger to any railroad crew member, the general public, or damage to any property in the immediate vicinity of the crossing shall be fined not more than one thousand dollars. In addition, the person in violation shall be required to attend a one-day safe driver’s course designed by Operation Lifesaver within one hundred eighty days after the adjudication of the citation. It shall be the responsibility of the violator to notify the appropriate court of jurisdiction of the successful completion of the Operation Lifesaver Program.

H. The operator, engineer, or conductor of any train or other on-track equipment is authorized to notify the appropriate law enforcement authority of any railroad grade crossing violation within thirty-six hours of the violation. The operator, engineer, or conductor shall report such violations by affidavit which shall contain the color, license number, and any other identifiable information from the vehicle involved in the violation. In addition to the affidavit, the law enforcement officer may rely upon other evidence of a grade crossing violation including photographic or video evidence. A law enforcement officer may issue a citation to the owner or driver of the vehicle, or in the case of a leased vehicle, the lessee or driver of the leased vehicle, on the basis of the information contained in the affidavit or photographic or video evidence. The owner or lessee shall not be cited if the vehicle was not stolen.

§172. All vehicles must stop at certain railroad grade crossings

D. Nothing in this Section shall relieve the railroad of its responsibility to maintain safe crossings and operate its trains and other on-track equipment in a safe manner.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 412

HOUSE BILL NO. 128

BY REPRESENTATIVE CARMODY

AN ACT

To amend and reenact R.S. 45:164(E)(2)(a) and (c) and (3), relative to carriers of household goods; to impose certain requirements on the operation of a household goods carrier business; to authorize the commission to suspend or cancel a household goods carrier license, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:164(E)(2)(a) and (c) and (3) are hereby amended and reenacted to read as follows:

§164. Common carrier’s certificate; contract carrier’s permit

E. (2)(a) Any carrier whether domiciled in or outside of Louisiana, who is providing the intrastate transportation of household goods in Louisiana shall maintain a permanent establishment in Louisiana. A permanent establishment shall mean a fixed place of business through which the business of the carrier is wholly or partly carried on. The place of business shall be a particular building or physical location used by the carrier for the conduct of its business, and it shall be foreseeable that the carrier’s use of this building or other physical location shall be more than temporary. The

THE ADVOCATE
physical location or place of business shall be open for business and shall be 
staffed during regular business hours by one or more persons employed 
by the carrier on a permanent basis for the purpose of general management 
of the household goods moving services. The permanent establishment 
may include a place of management, a branch, an office, or a terminal. The 
permanent establishment may be operated by either an employee of the 
carrier or an agent of the carrier provided that the agent has and habitually 
exercises the authority to conclude transportation contracts in the name of 
the carrier.

(c) Should the carrier cease to maintain a permanent establishment in 
the state, the carrier shall be immediately suspended or cancelled at the discretion of the commission. No cancellation 
shall be ordered by the commission without notice and hearing before an 
administrative law judge.

(d) The Louisiana Public Service Commission shall adopt and promulgate 
procedures necessary to the proper implementation and 
administration of this Subsection, subject to the oversight of the standing 
committees on transportation, highways and public works of the Senate and 
the House of Representatives pursuant to the Administrative Procedure 
Act.

Approved by the Governor, June 26, 2017.
(2) When the attorney general has assumed the defense of a district
attorney or his office, at any point in the litigation, before a judgment is final
and executable, the attorney general, in accordance with the governor, and
the district attorney pursuant to R.S. 39:51(B), may enter into a settlement
or compromise to resolve the litigation by means of a consent judgment.
(3) Payment of a final judgment or consent judgment shall be by legislative
appropriation. Payment of a final judgment or consent judgment, of any
amount against a district attorney or his office shall not be made unless
the payment is approved by a majority of members of a subcommittee of the
Joint Legislative Committee on the Budget comprised of the members of the
Senate and House of Representatives designated by the chairmen.
(4) The abstract shall include a detailed analysis of the calculation of
damages as well as attorney fees, court costs, and interest thereon. The
abstract and other information submitted to the subcommittee shall be
public record, with the exception of material that reflects the mental
impressions, conclusions opinions or theories of an attorney
(5) The amount of the final or consent judgment and terms and conditions
of any agreement shall be public record.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 415

BY REPRESENTATIVES SCHEXNAYDER, BACALA, AND BERTHELOT

To enact R.S. 13:996.69, relative to a courthouse building fund in Ascension Parish; to provide for the ascension of the Parish Court and the Parish Court for the Parish of Ascension; to establish an Ascension Parish Courthouse Building Fund; to provide for additional charges for initial filing and pleadings filed in civil matters; to provide for dedication, equipping, furnishing, operation, and maintenance of the new Ascension Parish courthouse; to provide for the continued operation and maintenance of the Ascension Parish courthouse; and for other purposes.

R.S. 13:996.69 is hereby enacted to read as follows:

§ 996.69. Ascension Parish Courthouse Building Fund; Twenty-Third Judicial District Court and the parish court of Ascension Parish

A. Subject to the provisions of the Code of Civil Procedure Article 5181 et seq., in all cases over which the Twenty-Third Judicial District Court for the parish of Ascension or the Parish Court for the Parish of Ascension has jurisdiction, the judges of the Twenty-Third Judicial District Court, acting en banc, and the Parish Court for the Parish of Ascension, and the Ascension Parish Clerk of Court are hereby authorized to impose and collect the following costs of court and additional filing charges:

(a) A filing charge of one hundred fifty dollars per filing which shall be paid to the Ascension Parish Clerk of Court when the initial filing of a civil suit is made.

(b) A filing charge of thirty dollars upon the filing of any additional pleading in a civil case which shall be paid to the Ascension Parish Clerk of Court when such filing is made. For purposes of this Subparagraph, additional pleadings shall include but not be limited to, orders, affidavits, judgments, witness lists, exhibit lists, memorandums, sheriff returns, notices, interrogatories, stipulations, exhibits, discovery requests, written reasons for judgment, exceptions, rules, correspondence, citations, evidence, dismissals, depositions, writs, appeals, answers, and subpahs.

(2) The charges provided in this Section shall apply to all civil filings in all Ascension Parish courts and be in addition to other filing charges currently being levied and collected by the Ascension Parish Clerk of Court for civil filings.

(3) All such filing charges shall be imposed by the judges of the Twenty-
Third Judicial District Court acting en banc and the judge for the Parish
Court for the Parish of Ascension.

(4) The requirements for the provisions of this Section which represent additional civil suit filing charges shall be held by the Ascension Parish Clerk of Court on behalf of the parish of Ascension and shall be remitted at least monthly by the parвшись to the Parish Clerk of Court directly to the Department of Finance for the Parish of Ascension, and irrevocably dedicated to the Ascension Parish Government for the design, acquisition, furnishing, construction, renovation, equipping, operation, and maintenance of a new Ascension Parish courthouse, and to renovate or convert any existing courthouse building, located in the parish of Ascension, and for the payment of any bonds or other indebtedness on any such facilities.

C(D) Subject to the limitations provided in this Section, the Ascension Parish Council, as the governing authority of the parish of Ascension, shall have ownership and control over the Ascension Parish Courthouse Fund, and shall have the authority to pledge the Ascension Parish Courthouse Fund to bonds or other instruments of indebtedness issued by or on behalf of the parish of Ascension. The Ascension Parish Council shall have the authority to obligate the Ascension Parish Courthouse Fund to pay all amounts necessary to pay and discharge any bonds or other instruments of indebtedness issued to pay for the construction of the new Ascension Parish courthouse and the renovation or conversion of any existing courthouse building.

(2) Any amounts in the Ascension Parish Courthouse Fund in addition to those funds necessary to pay and discharge any bonds or other instruments of indebtedness issued to pay for the construction of the new Ascension Parish courthouse and the renovation or conversion of any existing courthouse building may be expended for purposes of operating, maintaining, equipping, or furnishing the new Ascension Parish courthouse, or for additional new construction or renovations to the new Ascension Parish courthouse and the renovation or conversion of any existing courthouse building, but such funds may not be used to fulfill the requirements necessary for the new Ascension Parish courthouse and the renovation or conversion of any existing courthouse building, including but not limited to the payment of debt service on bonds or other indebtedness incurred in connection with the Ascension Parish courthouse. Once the bonds have matured or have otherwise been satisfied in full and there is no other indebtedness outstanding to the Ascension Parish courthouse, the judges of the Twenty-Third Judicial District Court, acting en banc, may, as concurred by ordinance of the Ascension Parish Council, reduce the amount of filing charges provided for in this Section to an amount sufficient to provide for the continued operation and maintenance of the Ascension Parish courthouse.

E. For all matters pertaining to the filing charges imposed by the provisions of this Section, and those related to the Ascension Parish courthouse, the Ascension Parish Clerk of Court, the sheriff of Ascension Parish, and the judges of the Twenty-Third Judicial District Court, acting en banc, and the judges of the Parish Court for the Parish of Ascension, may, as concurred by ordinance of the Ascension Parish Council, enter into any cooperative endeavor agreement with the parish of Ascension in conjunction with the design, construction, renovation, equipping, furnishing, operation, and maintenance of the new Ascension Parish courthouse.

Section 2. The imposition of court costs or fees as provided in this Act shall become effective on the date of Judicial Council approval; no fees shall be collected without Judicial Council approval.

Approved by the Governor, June 26, 2017.

Tom Schedler
Secretary of State

ACT No. 416

BY REPRESENTATIVES BERTRAND, GAROFALO

To amend and reenact R.S. 39:51(B), (C), and (D), relative to the General Appropriation Bill and other appropriation bills; to require the budget and authorized positions of the existing operating budget be placed adjacent to appropriations and authorized positions for the ensuing fiscal years; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:51(B), (C), and (D) are hereby amended and reenacted to read as follows:

§ 51. General Appropriation Bill; other appropriation bills

B. The General Appropriation Bill and the bill appropriating funds for the operation of the state government shall include for each program department, and budget unit, comparative statements of the number of authorized positions and the existing operating budget for a date certain to be established by the budget office for the current fiscal year adjacent to the number of authorized positions and the appropriations for the ensuing fiscal years.

C. The General Appropriation Bill shall reflect specific appropriations for each agency and its programs and shall include the allocation of expenditures, itemized by category for each agency, as recommended for the next fiscal year and for any programs for the calculation of the budget document. The provisions of this Subsection regarding the allocation of expenditures shall not apply to any agency or program in Schedule 19, Higher Education, or the State University Health Sciences Center Health Care Services Division.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in italics are additions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
D. The bill appropriating funds for the expenses of the legislature and the bill appropriating funds for the expenses of the judiciary shall be submitted by the legislature and the judiciary, respectively, for introduction no later than forty-five days prior to each regular session of the legislature, except that during the first year of each term they shall be submitted no later than thirty days prior to the regular session of the legislature. The bill appropriating funds for the expenses of the legislature and the bill appropriating funds for the expenses of the judiciary shall include a comparative statement of the existing operating budget for the current fiscal year and adjacent to the appropriations for the ensuing fiscal year.

Approved by the Governor, June 26, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 417

BY REPRESENTATIVE HAVARD
AN ACT
To amend and reenact R.S. 40:2166.7.1 and to enact R.S. 40:2006(A)(2)(r), (B)(2)(i), and (E)(2)(t), 2154(A)(19), and Part V of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2162.1 through 2162.8, relative to healthcare facilities licensed and regulated by the Louisiana Department of Health; to define and provide for licensure and regulation of community-based care facilities; to authorize the Louisiana Department of Health to perform licensing and regulatory functions with respect to such facilities; to provide for community-based care facility license applications, issuance, renewal, and fees; to authorize licensure of community-based care facilities which propose to operate in state-owned residential buildings; to provide relative to the moratorium on licensure of level 4 adult residential care providers; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2166.7.1 is hereby amended and reenacted and R.S. 40:2006(A)(2)(r), (B)(2)(i), and (E)(2)(t), 2154(A)(19), and Part V of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2162.1 through 2162.8, are hereby enacted to read as follows:

§2006. Fees; licenses; penalties
A. * * *
(2) This Subsection shall apply to any licensed:
* * *
(p) Community-based care facility;
B. * * *
(1) Community-based care facility;
* * *
(2) Community-based care facility;
* * *
(3) Community-based care facility;
* * *
E. * * *
(2) This Subsection shall apply to any licensed:
* * *
(1) Community-based care facility;
* * *
§2154. Applicability
A. The provisions of this Part shall not apply to the licensing of any of the following facilities or persons and shall not be construed as requiring any of the following facilities or persons to seek licensure as a behavioral health services provider:
* * *
(19) Community-based care facilities licensed pursuant to R.S. 40:2162.1 et seq.

PART V. COMMUNITY-BASED CARE FACILITIES
§2162.1 Short title
This Part may be cited as the “Community-Based Care Facility Licensing Law.”
§2162.2 Findings and purpose
A. The legislature hereby finds and declares the following:
(1) It is the policy of this state to ensure delivery of sufficient support services in order to successfully transition adult patients with a primary diagnosis of mental illness from inpatient psychiatric facilities to the most appropriate outpatient setting.
(2) Repeated admissions of persons to inpatient psychiatric units is a significant problem which often results in inadequate care and a failure to stabilize the patient, especially if the patient is homeless or has unstable living arrangements.
(3) Community-based residential programs are a more cost-effective form of treatment and a more appropriate treatment option for persons with mental illness than emergency room visits, unnecessary long-term stays in psychiatric hospitals, and incarceration.

(4) Licensing of community-based residential programs to operate in state-owned residential buildings presents an opportunity for adaptive and innovative use of those buildings and for optimization of state resources and for the use of those buildings as a continuing component of a psychiatric facility and released without a stable transitional plan of care are at high risk for hospitalization, incarceration, and psychiatric readmission.

(5) It is a fiscal and public health priority of this state to establish a licensing component for adult community-based residential facilities which has historically been missing in the continuum of services for adults with a primary diagnosis of mental illness.

B. The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and adopt rules, regulations, and criteria and regulate facilities to be operated as community-based care facilities in order to provide for the health, safety, and welfare of persons with mental illness.

§2162.3 Definitions
As used in this Part, the following terms have the meaning ascribed in this Section:
(1) “Applicant” means an entity applying for a community-based care facility license from the Louisiana Department of Health.
(2) “Client” means any person who has been accepted for treatment or services, including rehabilitation services, furnished by a facility licensed pursuant to this Part.
(3) “Community-based care facility” means a facility where five or more adults with a primary diagnosis of mental illness who are not related to the operator or administrator and who do not require care above intermediate-level nursing care reside and receive care, treatment, or services that are above the level of room and board and include no more than three hours of nursing care per week per resident.
(4) “Community-based care services” means services provided in a community-based care facility licensed pursuant to the provisions of this Part.
(5) “Department” means the Louisiana Department of Health.

License issued by the Louisiana Department of Health to a community-based care facility.

§2162.4 Licensure of community-based care facilities
A. Each community-based care facility shall be licensed in accordance with the requirements of this Part and the applicable rules of the Department of Health, to ensure the health, safety, and welfare of the residents in accordance with the Administrative Procedure Act to provide for the operation and maintenance of those facilities; and to provide for the health, safety, and welfare of clients.
B. A license issued to a community-based care facility shall be issued only for the owner and premises named in the license application.

C. A license issued pursuant to this Part shall be on a form prescribed by the department and shall be valid for a twelve-month period beginning the month of issuance unless revoked or otherwise suspended prior to that date.

D. A license issued pursuant to this Part shall not be transferable or assignable.

E. Each licensed community-based care facility shall post its license in a conspicuous place on the licensed premises.

§2165. Rules and regulations; licensing standards
A. The department shall adopt rules, regulations, and licensing standards in accordance with the Administrative Procedure Act to provide for the operation and maintenance of community-based care facilities; to provide for the safe operation and maintenance of those facilities; and to provide for the health, safety, and welfare of clients.

B. The rules, regulations, and licensing standards required by this Section shall not be limited to, and shall include, among other regulations or standards to ensure proper care and treatment of clients:
(1) Licensure application and renewal application forms, procedures, and requirements.
(2) Operational and personnel requirements.
(3) Practice standards to assure quality of care.
(4) Standards to assure the health, safety, and welfare of clients.
(5) Confidentiality of client records.
(6) Initial and annual renewal of license.
(7) Financial viability requirements and requirements for verification and maintenance of financial viability.
(8) Demise, revocation, suspension, and nonrenewal of licenses and procedures for appeals of such decisions.
(9) Facility construction and design.

$2165.6 License application, issuance, and renewal: fees: inspection
A. Each applicant shall submit a license application to the department on forms prescribed by the department and shall provide with the application such sworn statement as the department may require by rule.

B. Each application for licensure and each license renewal application shall be accompanied by a nonrefundable license fee in the amount required pursuant to R.S. 40:2006.
C. Following receipt of the completed initial licensing application and license fee, the department shall perform an onsite survey and inspection. After the onsite survey and inspection, if the department finds that the application and the premises are in substantial compliance with the requirements established in this Part and in the licensing standards adopted pursuant to this Part, then the department shall issue a license to the applicant.

D. As a condition for renewal of its license, the licensee shall submit to the department a completed annual renewal application on the forms prescribed by the department, which shall contain all information required by the department along with the annual license renewal fee pursuant to R.S. 40:2006. Upon receipt of the completed annual renewal application and the annual license renewal fee, the department shall determine whether the facility continues to meet the applicable requirements for licensure. The department may perform an onsite survey and inspection after receiving an annual renewal application. If the provider continues to meet the applicable requirements for licensure, then the department shall issue a license which shall expire on April 30 of the year immediately preceding the taxable year of assessment of such vessel.

E. The department shall determine whether the facility continues to meet the applicable requirements for licensure. The department may perform an onsite survey and inspection after receiving an annual renewal application. If the provider meets the applicable requirements for licensure, then the department shall issue a license which shall expire on April 30 of the year immediately preceding the taxable year of assessment of such vessel.

F. Nothing herein and any taxes paid by a taxpayer relative to any vessel, as defined herein, shall in any way prohibit any taxpayer from the payment of any ad valorem taxes under protest or to otherwise resist the collection of any ad valorem taxes for the taxable year in which the vessel was classified as a "vessel", for purpose of this Section; that such vessel was not required to be segregated or held in escrow, the taxpayer and the taxpayer does not receive a refund of the ad valorem taxes paid from the collecting officer or officers.

(1) If a taxpayer pays ad valorem taxes under protest, the taxpayer shall notify the Department of Revenue by submitting a copy of the payment under protest notice, along with a copy of the lawsuit that was filed. Notice shall be provided to the department within five business days of the date that the taxpayer paid the amount of the protest. Section 2166.7.1, subsection no later than March 1, 2017, to either continue the credit or to terminate the credit. (1) Notwithstanding any contrary provision of R.S. 47:2134(C), if a vessel is timely validated, the vessel starts to accrue the credit as of the approval of the vessel in accordance with the provisions of this Part, and the vessel continues to be issued for in R.S. 47:2134(C), 2134(D), 2134(E), with interest at the rate provided in R.S. 9:3500(E)(1), except as may be otherwise provided in Subsection G of this Section. The vessel and the vessel is paid by the taxpayer that the court determined not to be due shall be subject to recapture by the department as provided for in R.S. 47:2134(C).

(2) As a condition for renewal of its license, the licensee shall submit to the department a completed annual renewal application on the forms prescribed by the department, which shall contain all information required by the department along with the annual license renewal fee pursuant to R.S. 40:2006. Upon receipt of the completed annual renewal application and the annual license renewal fee, the department shall determine whether the facility continues to meet the applicable requirements for licensure. The department may perform an onsite survey and inspection after receiving an annual renewal application. If the provider continues to meet the applicable requirements for licensure, then the department shall issue a license which shall expire on April 30 of the year immediately preceding the taxable year of assessment of such vessel.

(3) If a taxpayer pays ad valorem taxes under protest, the taxpayer shall notify the Department of Revenue by submitting a copy of the payment under protest notice, along with a copy of the lawsuit that was filed. Notice shall be provided to the department within five business days of the date that the taxpayer paid the amount of the protest. Section 2166.7.1, subsection no later than March 1, 2017, to either continue the credit or to terminate the credit. (1) Notwithstanding any contrary provision of R.S. 47:2134(C), if a vessel is timely validated, the vessel starts to accrue the credit as of the approval of the vessel in accordance with the provisions of this Part, and the vessel continues to be issued for in R.S. 47:2134(C), 2134(D), 2134(E), with interest at the rate provided in R.S. 9:3500(E)(1), except as may be otherwise provided in Subsection G of this Section. The vessel and the vessel is paid by the taxpayer that the court determined not to be due shall be subject to recapture by the department as provided for in R.S. 47:2134(C).

(4) As a condition for renewal of its license, the licensee shall submit to the department a completed annual renewal application on the forms prescribed by the department, which shall contain all information required by the department along with the annual license renewal fee pursuant to R.S. 40:2006. Upon receipt of the completed annual renewal application and the annual license renewal fee, the department shall determine whether the facility continues to meet the applicable requirements for licensure. The department may perform an onsite survey and inspection after receiving an annual renewal application. If the provider continues to meet the applicable requirements for licensure, then the department shall issue a license which shall expire on April 30 of the year immediately preceding the taxable year of assessment of such vessel.

(5) If a taxpayer pays ad valorem taxes under protest, the taxpayer shall notify the Department of Revenue by submitting a copy of the payment under protest notice, along with a copy of the lawsuit that was filed. Notice shall be provided to the department within five business days of the date that the taxpayer paid the amount of the protest. Section 2166.7.1, subsection no later than March 1, 2017, to either continue the credit or to terminate the credit. (1) Notwithstanding any contrary provision of R.S. 47:2134(C), if a vessel is timely validated, the vessel starts to accrue the credit as of the approval of the vessel in accordance with the provisions of this Part, and the vessel continues to be issued for in R.S. 47:2134(C), 2134(D), 2134(E), with interest at the rate provided in R.S. 9:3500(E)(1), except as may be otherwise provided in Subsection G of this Section. The vessel and the vessel is paid by the taxpayer that the court determined not to be due shall be subject to recapture by the department as provided for in R.S. 47:2134(C).

(6) As a condition for renewal of its license, the licensee shall submit to the department a completed annual renewal application on the forms prescribed by the department, which shall contain all information required by the department along with the annual license renewal fee pursuant to R.S. 40:2006. Upon receipt of the completed annual renewal application and the annual license renewal fee, the department shall determine whether the facility continues to meet the applicable requirements for licensure. The department may perform an onsite survey and inspection after receiving an annual renewal application. If the provider continues to meet the applicable requirements for licensure, then the department shall issue a license which shall expire on April 30 of the year immediately preceding the taxable year of assessment of such vessel.

(7) If a taxpayer pays ad valorem taxes under protest, the taxpayer shall notify the Department of Revenue by submitting a copy of the payment under protest notice, along with a copy of the lawsuit that was filed. Notice shall be provided to the department within five business days of the date that the taxpayer paid the amount of the protest. Section 2166.7.1, subsection no later than March 1, 2017, to either continue the credit or to terminate the credit. (1) Notwithstanding any contrary provision of R.S. 47:2134(C), if a vessel is timely validated, the vessel starts to accrue the credit as of the approval of the vessel in accordance with the provisions of this Part, and the vessel continues to be issued for in R.S. 47:2134(C), 2134(D), 2134(E), with interest at the rate provided in R.S. 9:3500(E)(1), except as may be otherwise provided in Subsection G of this Section. The vessel and the vessel is paid by the taxpayer that the court determined not to be due shall be subject to recapture by the department as provided for in R.S. 47:2134(C).

(8) If a taxpayer pays ad valorem taxes under protest, the taxpayer shall notify the Department of Revenue by submitting a copy of the payment under protest notice, along with a copy of the lawsuit that was filed. Notice shall be provided to the department within five business days of the date that the taxpayer paid the amount of the protest. Section 2166.7.1, subsection no later than March 1, 2017, to either continue the credit or to terminate the credit. (1) Notwithstanding any contrary provision of R.S. 47:2134(C), if a vessel is timely validated, the vessel starts to accrue the credit as of the approval of the vessel in accordance with the provisions of this Part, and the vessel continues to be issued for in R.S. 47:2134(C), 2134(D), 2134(E), with interest at the rate provided in R.S. 9:3500(E)(1), except as may be otherwise provided in Subsection G of this Section. The vessel and the vessel is paid by the taxpayer that the court determined not to be due shall be subject to recapture by the department as provided for in R.S. 47:2134(C).
copy of a protective order or injunction in support of a preliminary default; to provide for the applicability of mandamus and quo warranto proceedings to limited liability companies; to provide for an automatic stay pending resolution of the first suit but does not permit the court to dismiss the second suit by granting an exception of lis pendens.

Art. 928. Time of pleading exceptions
A. The declaratory exception and the dilatory exception shall be pleaded prior to or in the answer and, prior to or along with the filing of any pleading seeking relief other than entry or removal of the name of an attorney as counsel of record, extension of time within which to plead, security for costs, or dissolution of an attachment issued on the ground of the nonresidence of the defendant, and in any event, prior to the confirmation signing of a final default judgment. When both exceptions are pleaded, they shall be filed at the same time, and no excepted answer or pleading shall be pending. When filed at the same time or in the same pleading, these exceptions need not be pleaded in the alternative or in a particular order.

Comments - 2017
Paragraph A of this Article has been amended to substitute “signing of a final default judgment” for “confirmation of a default judgment” to make the article more easily understood and to make the terminology consistent with other related articles. Pursuant to Article 1002, the defendant may file an answer or other pleading at any time prior to the actual signing of the final default judgment. See Martin v. Martin, 680 So. 2d 759 (La. App. 1st Cir. 1996).

Art. 1002. Answer or other pleading filed prior to confirmation signing of final default judgment
Notwithstanding the provisions of Article 1001, the defendant may file his answer or other pleading at any time prior to the confirmation of the signing of a final default judgment against him.

Comments - 2017
This Article has been amended to clarify that the defendant may file an answer or other pleading at any time prior to the actual signing of the final default judgment. See Martin v. Martin, 680 So. 2d 759 (La. App. 1st Cir. 1996).

Art. 1701. Judgment by Preliminary default
A. If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or by the court, a judgment by default a preliminary default may be entered against him. The judgment by default may be entered by oral motion by the party obtaining the judgment (or by written motion mailed to the court, either of which shall be entered in the minutes of the court, but the judgment preliminary default shall consist merely of an entry in the minutes.)

B. When a defendant in an action for divorce under Civil Code Article 1030, by sworn affidavit, acknowledges receipt of a certified copy of the petition and waives formal citation, service of process, all legal delays, notice of trial, and appearance at trial, a judgment of preliminary default may be entered against the defendant the day on which the affidavit is filed. The affidavit of the defendant may be prepared or notarized by any notary public. The judgment preliminary default may be obtained by oral motion in open court or by written motion mailed to the court, either of which shall be entered in the minutes of the court, but the judgment preliminary default shall consist merely of an entry in the minutes. Notice of the signing entry of the final judgment or provided in Article 928. preliminary default is not required.

Comments - 2017
(a) This Article has been amended to substitute “preliminary default” for “judgment of default” and “judgment by default” to make the article more easily understood and to make the terminology consistent with the article and with other related articles. A preliminary default is not a judgment. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

(b) The first sentence of Paragraph A of this Article has also been amended to provide that a preliminary default can be entered if the defendant “fails to answer or file other pleadings within the time prescribed by law or by the court.”

Art. 1702. Confirmation of preliminary default judgment
A. A judgment of preliminary default must be confirmed by proof of the demand that is sufficient to establish a prima facie case and that is admitted or by sworn affidavit, accompanied by proof of the preliminary default. The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the judgment of preliminary default. When a judgment of preliminary default has been entered against a party that is in default after having made an appearance of record in the case, notice of the date of the entry of the judgment of preliminary default must be sent by certified mail by the party obtaining the judgment of preliminary default to counsel of record for the party in default, or if there is no counsel of record, to the party in default, at least seven days, exclusive of holidays, before confirmation of the judgment of preliminary default.

B. (1) When a demand is based upon a conventional obligation, affidavits and exhibits annexed thereto which contain facts sufficient to establish a prima facie case shall be admissible, self-sufficient, and sufficient proof of such demand. The court may, under the circumstances of the case,
Paragraph A of this Article, a preliminary default entered against the Final default judgment in addition to the affidavit of the plaintiff. or consent decree as required by that Article shall be submitted to the court of the protective order or injunction rendered after a contradictory hearing demand for divorce is made under Civil Code Article 103(5), a certified copy are intended to be stylistic only.

If attorney fees are sought under R.S. 9:2781 or 2782, the attorney shall
and affidavit, or check or certified reproduction thereof are attached.

A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

This Article has been amended to substitute “final default judgment” for “default judgment” to make the Article more easily understood and to make the terminology consistent within the Article and with other related Articles. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

This Article has been amended to substitute “final default judgment” for “judgment by default” to make the Article more easily understood and to make the terminology consistent with other related Articles. A “judgment of default” or “judgment by default” is now referred to as a “final default judgment.” This amendment is intended to be stylistic only.

A judgment by preliminary default entered pursuant to Article 1701, together with a certified copy of the petition or other demand, shall be sent by the attorney general by or other pleading as filed during the fifteen days immediately following the date on which the attorney general or the first assistant attorney general received notice of the preliminary default as provided in Subsection A of this Section Paragraph A of this Article, a judgment by preliminary default entered against the state or any of its departments, offices, boards, commissions, agencies, or instrumentalities may be confirmed by proof as required by Article 1702.

This Article has been amended to substitute “final default judgment” for “judgment of default” and “judgment by default” to make the article more easily understood and to make the terminology consistent within the Article and with other related Articles. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

This Article has been amended to substitute “final default judgment” for “judgment of default” and “judgment by default” to make the article more easily understood and to make the terminology consistent within the Article and with other related Articles. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

THE ADVOCATE

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CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.

As it appears in the enrolled bill
This Article has been amended to substitute “final default judgment” for “judgment by default” to make the Article more easily understood and to make the terminology consistent with other related Articles. A “judgment of default” or “judgment by default” is now referred to as a “preliminary default.” These amendments are intended to be stylistic only.

Art. 5095. Same; defense of action
A. The court may grant the defendant’s motion for new trial, if the plaintiff does not file an answer or other pleading within the time prescribed by law.
B. The court may grant the defendant’s motion for summary judgment, if the plaintiff does not file an answer or other pleading within the time prescribed by law.
C. The court may grant the defendant’s motion for summary judgment, if the plaintiff does not file an answer or other pleading within the time prescribed by law.

Art. 5096. Same; summary judgment
A. The court may grant the defendant’s motion for summary judgment, if the plaintiff does not file an answer or other pleading within the time prescribed by law.
B. The court may grant the defendant’s motion for summary judgment, if the plaintiff does not file an answer or other pleading within the time prescribed by law.
C. The court may grant the defendant’s motion for summary judgment, if the plaintiff does not file an answer or other pleading within the time prescribed by law.

Comments - 2017
This Article has been amended to substitute “preliminary default” for “prior default” and “final default judgment” for “final judgment” and “judgment by default” to make the Article more easily understood and to make the terminology consistent with other related Articles. These amendments are intended to be stylistic only.

Art. 5097. Same; appeal
A. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.

Art. 5098. Same; notice of appeal
A. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.
B. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.
C. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.

Comments - 2017
This Article has been amended to substitute “preliminary default” for “prior default” and “final default judgment” for “final judgment” and “judgment by default” to make the Article more easily understood and to make the terminology consistent with other related Articles. These amendments are intended to be stylistic only.

Art. 5099. Appeal to court of errors
A. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.

Art. 5100. Reversal of judgment
A. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.

Art. 5101. Costs
A. The plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case. When the defendant fails to appeal, the plaintiff may appeal from a final default judgment only by producing relevant and competent evidence which establishes a prima facie case.

* As it appears in the enrolled bill

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the terminology consistent with other related Articles. This amendment is intended to be stylistic only.

Section 2. R.S. 15:3205 is hereby amended and reenacted to read as follows: §3205. Default judgment; hearings; proof of service of process
No preliminary default or final default judgment can be rendered against the defendant and no hearing may be held on a contradictory motion, rule to show cause, or other summary proceeding, except for actions pursuant to R.S. 46:2131 et seq., until thirty days after the filing in the record of the affidavit of the individual who either has done any of the following:
1. Mailed the process to the defendant, showing that it was enclosed in an envelope properly addressed to the defendant, with sufficient postage affixed, and the date it was deposited in the United States mail, to which shall be attached the receipt return of the defendant; or
2. Utilized the services of a commercial courier to make delivery of the process to the defendant, showing the name of the commercial courier, the date, and address at which the process was delivered to the defendant, to which shall be attached the commercial courier’s confirmation of delivery; or
3. Actually delivered the process to the defendant, showing the date, place, and manner of delivery.

Comments - 2017
This Section has been amended to substitute “preliminary default” for “default judgment” to make the provision more easily understood and to make the terminology consistent with related Articles in the Code of Civil Procedure. These amendments are intended to be stylistic only.

Section 3. R.S. 23:1316 and 1316.1(A) are hereby amended and reenacted to read as follows:
§1316. Answer or other pleading, failure to file; judgment by preliminary default
If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or the time extended by the workers’ compensation judge, and upon proof of proper service having been made, judgment by preliminary default may be entered against him. The judgment by preliminary default shall be obtained by written motion.

Comments - 2017
This Section has been amended to substitute “preliminary default” for “default judgment” to make the provision more easily understood and to make the terminology consistent with related Articles in the Code of Civil Procedure. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

§1316.1. Confirmation of judgment by preliminary default
A. A judgment by preliminary default on behalf of any party at interest must be confirmed by proof of the demand sufficient to establish a prima facie case. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the judgment by preliminary default.

Comments - 2017
Paragraph A of this Section has been amended to substitute “preliminary default” for “judgment by default” and “judgment of default” to make the provision more easily understood and to make the terminology consistent with related Articles in the Code of Civil Procedure. A final judgment confirming a preliminary default is now referred to as a “final default judgment.” These amendments are intended to be stylistic only.

Section 4. Code of Civil Procedure Article 253(E) is hereby enacted to read as follows:
Art. 253. Pleadings, documents, and exhibits to be filed with clerk
E. The clerk shall not refuse to accept for filing any pleading or other document signed by electronic signature, as defined by R.S. 9:2862, and executed in connection with court proceedings, solely on the ground that it was signed by electronic signature.

Comments - 2018
Paragraph E is new; however, nothing in this provision is intended to abrogate any specific legislation requiring that certain documents be signed by other than electronic means.

Section 5. The Louisiana State Law Institute is hereby directed to redesignate Code of Civil Procedure Article 1067 as Article 1041.

Section 6. The provisions of Section 4 of this Act shall become effective on January 1, 2018.

Approved by the Governor, June 26, 2017.
A true copy
Tom Schedler
Secretary of State

ACT No. 420

HOUSE BILL NO. 459

BY REPRESENTATIVES BACALA AND HOFFMANN

AN ACT

To amend and reenact R.S. 46:440.1(E)(2) and to enact Subpart D-1 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:440.4 through 440.8, relative to Medicaid fraud detection and prevention; to create a task force on coordination of Medicaid fraud detection and prevention initiatives; to provide for the membership, purpose, and duties of the task force; to authorize appropriations of monies in the Medicaid Assistance Program Fraud Detection Fund for activities of the task force; to provide for a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Sections 1. R.S. 46:440.1(E)(2) and Subpart D-1 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:440.4 through 440.8, are hereby enacted to read as follows:

§440.1. Medical Assistance Programs Fraud Detection Fund

E. The monies in the fund shall not be used to replace, displace, or supplant state general funds appropriated for the daily operation of the department or the medical assistance programs and may be appropriated by the legislature for the following purposes only:

1. To enhance and support the prevention and detection activities related to the medical assistance programs, including the activities of the task force on coordination of Medicaid fraud detection and prevention initiatives established pursuant to Subpart D-1 of this Part.

2. To develop recommendations for policies and procedures by which to coordinate existing Medicaid fraud detection and prevention efforts and to recommend means for enhancing the efficacy of those efforts.

§440.4. Task force on coordination of Medicaid fraud detection and prevention initiatives

A. The legislature hereby finds and declares all of the following:

1. Cost containment in the medical assistance program operated pursuant to Title XIX of the Social Security Act, referred to hereafter in this Subpart as “Medicaid”, is an urgent priority of this state.

2. It is the policy of this state to combat and prevent fraud and abuse committed by any healthcare provider participating in the Medicaid program and by any other persons including Medicaid enrollees, and to negate the adverse effects of Medicaid fraud and abuse on the fiscal integrity and public health of the state.

B. The purpose of this Subpart is to create an interagency task force to coordinate existing Medicaid fraud detection and prevention efforts and to recommend means for enhancing the efficacy of those efforts.

C. The task force shall include the following nonvoting advisory members:

1. One advisory member appointed by the governor who represents the Louisiana Department of Health.

2. One advisory member appointed by the secretary of the Department of Revenue.

3. One advisory member appointed by the governor who represents the Medicaid field.

D. The task force shall be composed of the following members:

1. The governor or his designee.

2. The attorney general or his designee.

3. The legislative auditor or his designee.

4. The inspector general or his designee.

5. One member of the House of Representatives appointed by the speaker of the House of Representatives.

6. One member of the Senate appointed by the president of the Senate.

7. The secretary of the Louisiana Department of Health or his designee.

8. The inspector general or his designee.

D. The task force shall be composed of the following nonvoting advisory members who, upon request of the task force chairman, shall cooperate with and assist in the efforts of the task force:

1. One advisory member appointed by the secretary of the Louisiana Department of Revenue.

2. One advisory member appointed by the secretary of the Department of Revenue.

3. One advisory member appointed by the governor who represents the Medicaid field.

4. One advisory member appointed by the governor who represents the dental field.

5. One advisory member appointed by the governor who represents the Legislative Auditor.

6. One advisory member appointed by the governor who represents the Judicial Branch.

E. It is the policy of this state to combat and prevent fraud and abuse committed by any healthcare provider participating in the Medicaid program with respect to fraud, waste, and abuse.

F. The task force shall adopt rules of procedure and any other policies and guidelines necessary to carry out its duties.

§440.6. Purposes of the task force

The purposes of the task force shall include the following:

1. To study and evaluate on an ongoing basis the laws, rules, policies, and processes by which the state implements Medicaid fraud detection and prevention efforts.

2. To identify and recommend opportunities for improving coordination of Medicaid fraud detection and prevention initiatives across state agencies and branches of state government.

3. To identify any systemic or systemic issues of concern within the Medicaid program with respect to fraud, waste, and abuse.

4. To develop recommendations for policies and procedures by which to facilitate coordination of Medicaid fraud detection and prevention initiatives.

5. To facilitate and implement all of the following:

(a) Random sampling of Medicaid cases to be selected for verification of enrollee eligibility.

(b) Improvements in the Medicaid program integrity functions of the Louisiana Department of Health.
(c)(i) Optimization of data mining among state-owned data sets for purposes of Medicaid fraud detection and prevention.

(c)(ii) For purposes of this Subparagraph, “data mining” means the practice of electronically sorting data through statistical modeling, intelligent technologies, and other methods in order to uncover patterns, relationships, and other indicators of actual or potential Medicaid fraud, waste, or abuse.

(c)(iii) To make reports to the governor and to the legislature in accordance with R.S. 46:440.7.

§440.7. Reporting
A. On or before January 1, 2018, and semiannually thereafter, the task force shall prepare and submit to the governor and the legislature a report concerning the status of Medicaid fraud detection and prevention initiatives and the status of efforts to coordinate such initiatives across state agencies and branches of state government.

B. At minimum, the report required by this Section shall include information, analysis, and commentary related to each purpose of the task force enumerated in R.S. 46:440.6, and may include any other information as the task force deems necessary or appropriate.

§440.8. Termination
The provisions of this Subpart shall terminate on August 1, 2018.

Section 2. The legislative auditor shall take such actions as are necessary to ensure that the task force on coordination of Medicaid fraud detection and prevention initiatives created by the provisions of Section 1 of this Act convenes on or before September 1, 2017.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 421

HOUSE BILL NO. 461

BY REPRESENTATIVES BISHOP, AMEDEE, BACALA, BAGLEY, BARRAS, WARD, HENDERSON, BROWN, BROWN, CONNICK, COUSSAN, CREWS, DAVIS, DEVILLIER, DROLE, EDMUNDS, GIACOSA, GUINN, HENSGENS, HORTON, JONES, LANDRY, MAGEE, MIGUEZ, JIM MORRIS, PIERRE, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, STAGNI, STEFANSKI, TALBOT, THIBAULT, AND ZERINGUE AND SENATORS CHABERT, CORTEZ, AND HEWITT

AN ACT
To amend and reenact R.S. 47:633(7)(c)(iv), relative to state severance taxes on oil and gas; to provide with respect to incentives relating to inactive and orphan wells; to provide for eligibility and the extent of certain special rate provisions; to provide for requirements and limitations; to provide for effectiveness; and to provide for related matters.
Be enacted by the Legislature of Louisiana:

Section 1. R.S. 47:633(7)(c)(iv) is hereby amended and reenacted to read as follows:

§633. Rates of tax
The taxes on natural resources severed from the soil or water levied by R.S. 47:631 shall be predicated on the quantity or value of the products or resources severed and shall be paid at the following rates:

* * *

(7) *

* * *

(c) *

 * * *

(iv) Production from an oil or gas well shall be exempt from taxes levied by R.S. 47:631 if the well has previously been inactive for two or more years or having thirty days or less of production during the past two years shall be subject to a severance tax rate equal to fifty percent of the rate imposed under this Paragraph or Paragraph (9) of this Section for a period of ten years. Production from an oil or gas wells subsequent to the well’s having been designated as an orphan well for longer than sixty months shall be subject to a severance tax rate equal to twenty-five percent of the rate imposed under this Paragraph or Paragraph (9) of this Section for a period of ten years. The oil or gas production must be produced from the same perforated producing interval or from one hundred feet above and one hundred feet below the perforated producing interval for lease wells, and within the delineated defined interval for unitized reservoirs, that the formerly inactive or orphaned well produced from between being inactive or designated as an orphan well. The exemption shall be extended by the length of any inactivity of a well that has commenced production when such inactivity is caused by a force majeure event.

(a) To qualify for inactive or orphaned well status for purposes of the special rate referenced in this Item, an application for a two-year inactive or orphaned well certification shall be made to the Department of Natural Resources, before commencement of production, during the period beginning July 1, 1994 and ending June 30, 2000, for the period beginning July 1, 2002 and ending June 30, 2006, and for the period beginning July 1, 2006 and ending June 30, 2010 July 1, 2018, and ending June 30, 2023. Upon certification that a well is inactive or orphaned, oil production shall be exempt from severance tax subject to the special rate for a period of five years, as provided in this

The Advocate

* As it appears in the enrolled bill

CODY: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
A. Transaction of business. A majority of the membership shall constitute a quorum for the transaction of official business. All official actions of the commission shall require the affirmative vote of a majority of the members of the commission.

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

1. To support local and municipal animal control enforcement efforts.
2. To coordinate  statewide voluntary pet database that will assist animal owners in recovering lost animals.
3. To make recommendations concerning the care and keeping of animals.
4. To formulate and implement proposals to deal with animal overpopulation, promulgate rules and regulations that may be adopted by parish and local authorities for the proper care and treatment of animals.
5. To formulate and implement proposals to deal with animal overpopulation, promulgate rules and regulations that may be adopted by parish and local authorities for the proper care and treatment of animals.

D. The task force shall act in an advisory capacity to the state veterinarian and report activities periodically.

E. Members of the task force shall serve at the pleasure of the appointing authority.

F. The task force shall meet at least once per calendar year. Additional special or regular meetings may be held upon the call of the chairman.

G. Task force members shall serve without compensation.

H. The department shall submit an annual report to the House and Senate committees on Agriculture, Forestry, Aquaculture, and Rural Development no later than February first of each year regarding the status of the animal control program as provided for in this Section.

I. The department does not receive the necessary funds, incurs a reduction in funds, or receives insufficient monies to fund or continue the task force, the task force shall become inactive.

J. §2360. Louisiana Animal Shelter Registry. A. The legislature finds that the establishment and maintenance of a voluntary animal shelter registry will enable the Louisiana Animal Welfare Commission Louisiana Animal Control Advisory Task Force to carry out its duties.

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

2. “Public animal shelter” “public animal shelter” means an animal shelter owned, operated, or designated for the purpose of impoundment of animals by any parish, municipality, or other subdivision of the state.
3. The commission state veterinarian shall establish and maintain a registry for animal shelters called the Louisiana Animal Shelter Registry.

L. On or before the first day of February of each calendar year, each parish government shelter shall submit to the commission state veterinarian a list of all public animal shelters located within the parish’s jurisdiction. The list shall include:

1. To support local and municipal animal control enforcement efforts.
2. To coordinate a statewide voluntary pet database that will assist animal owners in recovering lost animals.

M. The state veterinarian shall have the powers and duties necessary to carry out the purposes of this Section, including but not limited to the following:

1. To support local and municipal animal control enforcement efforts.
2. To support local animal control enforcement in the investigation and prosecution of animal cruelty cases.
3. To make recommendations concerning the care and keeping of animals.
4. To formulate and implement proposals to deal with animal overpopulation, promulgate rules and regulations that may be adopted by parish and local authorities for the proper care and treatment of animals.

N. The task force shall act in an advisory capacity to the state veterinarian and report activities periodically.

O. Members of the task force shall serve at the pleasure of the appointing authority.

P. To support local and municipal animal control enforcement efforts.

Q. To support local animal control enforcement in the investigation and prosecution of animal cruelty cases.

R. To make recommendations concerning the care and keeping of animals.

S. To coordinate a statewide voluntary pet database that will assist animal owners in recovering lost animals.

T. To support local and municipal animal control enforcement efforts.

U. To support local animal control enforcement in the investigation and prosecution of animal cruelty cases.

V. To make recommendations concerning the care and keeping of animals.

W. To coordinate a statewide voluntary pet database that will assist animal owners in recovering lost animals.
House Bill No. 557

An Act

To amend and reenact R.S. 15:587.1(D)(2), R.S. 17:15(A)(1)(b), 407.42 and 407.71, and Section 3 of Act No. 646 of the 2016 Regular Session of the Legislature and to repeal R.S. 17:407.41 and Section 2 of Act No. 646 of the 2016 Regular Session of the Legislature, relative to the Department of Education; to authorize the department to request criminal history information on certain personnel of school boards, nonpublic schools, early learning centers, registered family child care providers, registered in-home child care providers; to provide requirements relative to processing fees; to authorize the department to charge a fee; to provide relative to fingerprinting; to provide relative to effectiveness; to provide relative to implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587.1(D)(2) is hereby amended and reenacted to read as follows:

§587.1. Provision of information to protect children

D.

(2) The prohibition in Paragraph (1) of this Subsection against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:15, 407.42, or 407.71 or R.S. 46:51.2.

Section 2. R.S. 17:15(A)(1)(b) is hereby amended and reenacted to read as follows:

§15. Criminal history review

A.(1)

(b) For purposes of this Section, any person employed to provide cafeteria, transportation, or janitorial, or maintenance, or student services by any person or entity that contracts with a school or school system to provide such services shall be considered to be employed by a school system.

Section 3. R.S. 17:407.42 and 407.71 are hereby amended and reenacted to read as follows:

§407.42. Criminal History Review of Criminal History Information and State Central Registry of Child Abuse and Neglect

A.(1)

No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state’s sex offender registry, or whose name is on the National Crime Information Center’s National Sex Offender Registry may be a registered in-home child care provider, an employee of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections in early learning centers.

(2) No individual whose name is recorded on the state central registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child in any state other than the state’s child abuse and neglect registry or repository shall own or operate a licensed early learning center or shall be hired by a licensed early learning center as an employee or volunteer or of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation requirements and procedures consistent with the provisions of R.S. 15:587.1 under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

(a) The owner or operator of an early learning center may request information from the Louisiana Bureau of Criminal Identification and Information, consistent with the provisions of R.S. 15:587.1, concerning whether any person has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the 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) The department may request information concerning whether any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the individual’s name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

§407.71. Grounds for Revocation or Renewal Registration: Criminal Activities

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state’s sex offender registry, or whose name is on the National Crime Information Center’s National Sex Offender Registry may be a registered in-home child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or live in the residence where care is provided by the registered family child care provider. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the family child care provider.

(2) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state’s sex offender registry, or whose name is on the National Crime Information Center’s National Sex Offender Registry may be a registered in-home child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or be any adult living in the home where care is provided by the registered in-home child care provider who is not a caregiver. For the purposes of this Paragraph, the term “caregiver” shall mean any person who is legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the in-home provider.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation requirements and procedures consistent with the provisions of R.S. 15:587.1 under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

(a) The owner or operator of an early learning center may request information from the Louisiana Bureau of Criminal Identification and Information, consistent with the provisions of R.S. 15:587.1, concerning whether any person has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the 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) The department may request information concerning whether any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the individual’s name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

As it appears in the enrolled bill

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

PAGES 285

ACT No. 423
BY REPRESENTATIVES SEABAUGH AND EDMONDS

§407.42. Criminal History Review of Criminal History Information and State Central Registry of Child Abuse and Neglect

A.(1)

(b) For purposes of this Section, any person employed to provide cafeteria, transportation, or janitorial, or maintenance, or student services by any person or entity that contracts with a school or school system to provide such services shall be considered to be employed by a school system.

§407.71. Grounds for Revocation or Renewal Registration: Criminal Activities

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state’s sex offender registry, or whose name is on the National Crime Information Center’s National Sex Offender Registry may be a registered in-home child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or live in the residence where care is provided by the registered family child care provider. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the family child care provider.

(2) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state’s sex offender registry, or whose name is on the National Crime Information Center’s National Sex Offender Registry may be a registered in-home child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or be any adult living in the home where care is provided by the registered in-home child care provider who is not a caregiver. For the purposes of this Paragraph, the term “caregiver” shall mean any person who is legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the in-home provider.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation requirements and procedures consistent with the provisions of R.S. 15:587.1 under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

(a) The owner or operator of an early learning center may request information from the Louisiana Bureau of Criminal Identification and Information, consistent with the provisions of R.S. 15:587.1, concerning whether any person has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the 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) The department may request information concerning whether any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository, any person who has been arrested for or convicted of a crime including but not limited to obtaining child abuse and neglect registry or repository. Request information from the Department of Children and Family Services as to whether the individual’s name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.
(c) Request information from the National Crime Information Center as to whether the individual’s name is recorded on the National Sex Offender Registry.

(2) The department may request information concerning whether or not identified in this Paragraph for the registered in-home provider, any adult employed in the home or on the property of the home where care is provided, or any adult living in the home where care is provided has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(2) The department shall require and provide for the submission of a person’s fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information. A person who has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information, and for whom the department has received a Louisiana or federal criminal history information report, may be hired on a provisional basis until such time as all required background checks have been completed; a provisional employee shall be utilized in accordance with policies adopted by the State Board of Elementary and Secondary Education by an individual who has completed a criminal background check. Under no circumstances shall an early learning center employ a person in any capacity until the department has received the required Louisiana or federal criminal history information report.

(3) The department may charge a processing fee not to exceed fifteen dollars and may collect the processing fees charged by the Bureau of Criminal Identification and Information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the National Sex Offender Registry, the Department of Children and Family Services for a search of its state central registry of abuse and neglect, and processing fees charged by other states when it receives a request for a criminal background check and shall timely submit the appropriate processing fees to the appropriate agencies.

Each family child care provider and in-home provider shall have documented current certification in either Infant/Child CPR or Infant/Child/Adult CPR in order to be registered.

The provisions of this Section shall not apply to a family child care provider or in-home provider who violates the provisions of this Section.

The provisions of this Section shall not apply to a family child care provider or in-home provider when such provider is related to all the children receiving child care.

The provisions of this Section shall not apply to a family child care provider or in-home provider who registered with the department solely for participation in the United States Child and Adult Care Food Program.

Section 5. Section 2 of Act No. 646 of the 2016 Regular Session is hereby repealed in its entirety.

Section 6. Section 3 of Act No. 646 of the 2016 Regular Session is hereby amended and reenacted to read as follows:

Section 3. This Section and this Section of this Act shall become effective when the State Board of Elementary and Secondary Education promulgates rules providing for implementation procedures by which the department of Education shall conduct employment eligibility determinations for staff members of child care providers or on September 30, 2017, whichever is earlier.

Section 7(A) Sections 1, 3, and 4 of this Act shall become effective when the State Board of Elementary and Secondary Education promulgates rules providing for implementation procedures by which the state Department of Education shall conduct employment eligibility determinations for staff members of child care providers or on September 30, 2018, whichever is earlier.

(B) Sections 2, 5, and 6 of this Act shall be made effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, Sections 2, 5, and 6 and this Section of this Act shall become effective on the day following such approval.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT NO. 424
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HOUSE BILL NO. 629

BY REPRESENTATIVES ANDERS AND BROADWATER AND SENATORS FANNIN, THOMPSON, AND WALSWORTH

AN ACT

To amend and reenact R.S. 47:301(10)(x)(i) and R.S. 47:302(AA)(introductory paragraph) and to enact R.S. 47:302(AA)(29), 305.25(A)(6), 305.64(A)(2)(b)(iv), and 321.1(F)(67), relative to state sales and use tax exemptions; to provide for certain exemptions to the sales and use tax; to provide by the State Board of Education the definition of farm equipment to include polyroll tubing; to provide with respect to the exclusion for residential fuel or gas; to provide with respect to the exemption for purchases and leases by qualifying radiation therapy treatment centers; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:301(10)(x)(i) and R.S. 47:302(AA)(introductory paragraph) are hereby amended and reenacted and R.S. 47:302(AA)(29), 305.25(A)(6), 305.64(A)(2)(b)(iv), and 321.1(F)(67) are hereby enacted to read as follows:

§301. Definitions

(10) "Qualifying radiation therapy center" shall mean all of the following:

(i) The Willis-Knighton Health System in Shreveport, Louisiana.

§302. Imposition of tax

AA. Notwithstanding any other provision of this Section to the contrary, except Paragraph(29) of this Subsection, beginning July 1, 2016, the following specific exclusions and exemptions shall be applicable to the tax levied pursuant to the provisions of this Section:

(29) Beginning July 1, 2017, purchases and leases by qualifying radiation therapy treatment centers, as provided in R.S. 47:305.64.

§305.25. Exclusions and exemptions; farm equipment

A. The tax imposed by R.S. 47:302(A), 321(A), and 331(A) with respect to the sale and use of farm equipment shall apply only to that portion of the sale price in excess of fifty thousand dollars for each item of farm equipment. The purchaser or his representative shall provide on any exemption certificate required for this exemption a certification that the purchaser is a farmer or is purchasing for an agricultural facility. The department shall hold the purchaser responsible for any taxes due. For the purpose of this Section, "farm equipment" includes the following:

(6) Beginning October 1, 2017, polyroll tubing for commercial farm irrigation.

§305.64. Exemption; qualifying radiation therapy treatment centers

A. "Qualifying radiation therapy center" shall mean all of the following:

(iv) The Willis-Knighton Health System in Shreveport, Louisiana.

§321.1. Imposition of Tax

F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provision of this Chapter, there shall be no exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section, except for the sales or purchases of the following items:

(67) Beginning January 1, 2017, purchases and leases by qualifying radiation therapy treatment centers, as provided in R.S. 47:305.64.

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 26, 2017.

A true copy:

Tom Schedler
Secretary of State

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ACT No. 425
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HOUSE BILL NO. 689

(Substitute for House Bill No. 535 by Representative Marcelle)

BY REPRESENTATIVE MARCELLE

AN ACT

To amend and reenact R.S. 38:3097.8 and to enact R.S. 38:3097.3(G) and 3097.9, relative to water resource management; to provide for the duties and powers of the commissioner of conservation; to provide for reporting

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in type are additions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
and parliamentary requirements for certain water conservation districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3097.8 is hereby amended and reenacted and R.S. 38:3097.3(G) and 3097.9 are hereby enacted to read as follows:

§3097.3. Commissioner of conservation; powers and duties

G. The commissioner shall ensure submission of the semiannual reports required of the ground water conservation districts by R.S. 38:3097.8. If the reports are not submitted timely or do not include the pertinent information required, the commissioner is authorized to require monthly submissions of the reports until he is satisfied with the adequacy and informative nature of the reports.

§3097.8. Annual report. Semiannual reports regarding groundwater quality and saltwater intrusion A. On or before April first annually, each ground water conservation district, fresh water district, and groundwater may first and November first every year, each ground water conservation district created by law or designated as a regional body, pursuant to R.S. 38:3097.4(D)(6), shall submit a written report of the district's ground water resources to the commissioner of conservation, the Water Resources Commission, the Water Management Advisory Task Force, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment a written report detailing the district's ground water resources and the activities and actions taken with respect to each of the district's powers delineated by laws creating the district. The report shall also include but not be limited to the amount of water used for residential, commercial or industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user.

B. For purposes of the annual semiannual report, the amount of water used for agricultural or industrial purposes may be estimated.

C. The commissioner shall promulgate a form with a checklist of the pertinent information required to be included in the semi-annual report.

§3097.9. Ground water conservation district meetings

Any governing authority of a ground water conservation district created by law or designated as a regional body, pursuant to R.S. 38:3097.4(D)(6), shall adhere to the Open Meetings Law, R.S. 42:11 et seq. Such governing authority shall issue public notice of meetings, including an agenda, at least twenty-four hours in advance. In addition, the public shall be provided the opportunity to comment on the agenda and for general comments at the end of each meeting. Any such governing authority shall operate under Robert's Rules of Order and shall record and maintain minutes of each meeting. Any standing subcommittee created by such governing authority shall be composed only of members of the governing authority and the governing authority shall not establish ad hoc committees.

Approved by the Governor, June 26, 2017.

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE
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* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.

(67) Beginning July 1, 2017, sales and purchases of medical devices used by patients under the supervision of a physician, as provided in R.S. 47:305(D)(1)(a).

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 21(M) 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. 427

BY REPRESENTATIVES GAROFALO, ROBBY CARTER, CREWS, CROMER, JENKINS, MAGEE, AND GREGORY MILLER

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(M)(1) of the Constitution of Louisiana, relative to ad valorem tax exemptions; to authorize an exemption for certain property owned by the surviving spouse of a person who died while performing duties as an emergency medical responder, technician, law enforcement or fire protection officer, paramedic, or volunteer firefighter; to provide for eligibility; to provide for effectiveness; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the November election of 2018, a proposed amendment to Article VII, Section 21(M)(1) of the Constitution of Louisiana, to read as follows:

§21. Other Property Exemptions

Section 21. In addition to the homestead exemption provided for in Section 21, the following property and no other shall be exempt from ad valorem taxation:

(a) Sales and purchases of medical devices used by a person who died while performing active duty as a member of the armed forces of the United States or the Louisiana National Guard who died while on active duty, or while performing their duties as a National Guard member.

(9) For ad valorem taxes due in 2017 and thereafter, the exemption shall apply beginning in the tax year in which any of the following persons died or 2017, whichever is later:

(i) A member of the armed forces of the United States or the Louisiana National Guard who died while on active duty, or while performing their duties as a National Guard member.

(ii) A state police officer, as defined by law.

(iii) A law enforcement or fire protection officer who qualified for the salary supplement authorized in Section 10(D)(3) of this Article and died while performing active duty as a law enforcement or fire protection officer when the member or officer died.

(iv) A member of the Louisiana Volunteer Firemen's Association, or the Louisiana National Guard who died while on active duty, or while performing their duties as a National Guard member.

(b) Sales and purchases of medical devices used by a person who died while performing duties as an emergency medical responder, technician, law enforcement or fire protection officer, paramedic, or volunteer firefighter, as provided in R.S. 47:305(D)(1)(a).

(29) Beginning July 1, 2017, sales and purchases of medical devices used by patients under the supervision of a physician, as provided in R.S. 47:305(D)(1)(a).

321.1. Imposition of Tax

(321) Beginning July 1, 2017, sales and purchases of medical devices used by patients under the supervision of a physician, as provided in R.S. 47:305(D)(1)(a).

6. Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 14, 2017.
Section 3. Be it further resolved that the provisions of the amendment contained in this Joint Resolution shall become effective on January 1, 2018.

Section 4. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to authorize an exemption from ad valorem property tax for the total assessed value of the homestead of an unmarried surviving spouse of a person who died while performing their duties as an emergency medical responder, technician, paramedic, volunteer firefighter, or a law enforcement or fire protection officer? (Effective January 1, 2018) (Amends Article VII, Section 21(M)(1))

A true copy:

Tom Schedler
Secretary of State

ACT No. 428

SENATE BILL NO. 140

BY SENATORS WALSWORTH AND THOMPSON

A JOINT RESOLUTION

Proposing to enact Article VII, Section 21(N) of the Constitution of Louisiana, relative to ad valorem tax exemptions; to provide for the exemption of certain property under construction; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to enact Article VII, Section 21(N) of the Constitution of Louisiana, to read as follows:

§21. Other Property Exemptions

Section 21. In addition to the homestead exemption provided for in Section 20 of this Article, the following property and no other shall be exempt from ad valorem taxation:

* * *

(N1) All property delivered to a construction project site for the purpose of incorporating the property into any tract of land, building, or other construction as a component part, including the type of property that may be deemed to be a component part once placed on an immovable for its service and improvement pursuant to the provisions of the Louisiana Civil Code of 1870, as amended. The exemption provided for in this Paragraph shall be applicable until the construction project for which the property has been delivered is complete. A construction project shall be deemed complete when construction is finished to the extent that the project can be used or occupied for its intended purpose. A construction project shall not be deemed complete during its inspection, testing, or commissioning stages, as defined by reasonable industry standards.

(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, this exemption shall not apply to any of the following:

(a) Any portion of a construction project that is complete, available for its intended use, or operational on the date that property is assessed.

(b) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

(c) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

(d) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 14, 2017.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to exempt from property taxes materials and other property delivered to a construction site to be made part of a building or other construction?

(Adds Article VII, Section 21(N))

A true copy:

Tom Schedler
Secretary of State

ACT No. 429

HOUSE BILL NO. 354

BY REPRESENTATIVE THIBAULT

A JOINT RESOLUTION

Proposing to amend Article VII, Section 27(B) of the Constitution of Louisiana, relative to the Transportation Trust Fund; to establish the Construction Subfund; to provide for the use of the monies deposited into the fund; to provide for the sources and uses of monies in the subfund; to provide for effectiveness; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 27(B) of the Constitution of Louisiana, to read as follows:

§27. Transportation Trust Fund

Section 27(A)

* * *

(B1) Except as provided for in Subparagraph (2) of this Paragraph, the monies in the trust fund shall be appropriated or dedicated solely for the following purposes: (Amends Article VII, Section 27(A))

(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, the monies in the trust fund shall be appropriated or dedicated solely for the following purposes:

(a) Any portion of a construction project that is complete, available for its intended use, or operational on the date that property is assessed. (Amends Article VII, Section 27(A))

(b) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

(c) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

(d) Any public service property, unless the public service property is otherwise eligible for an exemption provided by any other provision of this constitution.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 14, 2017.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to exempt from property taxes materials and other property delivered to a construction site to be made part of a building or other construction?

(Adds Article VII, Section 27(B))

A true copy:

Tom Schedler
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill