ACTS OF 2018
LEGISLATURE

Acts 1 - 172 (except 19, 29, 39, 49, 59, 69 and 79)

ACT No. 1

SENATE BILL NO. 175
BY SENATORS PERRY, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAXS, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, DONAHER, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MILKOVICH, MILLS, MIZEZL, MORRELL, MORRISH, PEACOCK, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, ARMES, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, TERRY BROWN, CARMODY, GARY CARTER, ROBBY CARTER, CHANEY, CONNICK, COUSSIAN, COX, CREWS, CROMER, DAVIS, DEVILLIER, EMERSON, FALCONER, GAROFALO, GISSLER, GLOVER, JIMMY HARRIS, LANCE HARRIS, HAZEL, HOFFMANN, HOWARD, HUNTER, IVEY, JEFFERSON, JENKINS, JOHNSON, JONES, TERRY LANDRY, LEE, LYONS, MARINO, MCAFARLAND, MIGUEL, GREGORY MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, REYNOLDS, SCHENX NAYDER, STEFANSKI, THIBAUT, THOMAS, WHITE, WRIGHT AND ZERINGUE

AN ACT

To enact R.S. 49:150.1(H), relative to the state capitol complex; to provide for the establishment and maintenance of a monument honoring Louisiana Gold Star Families; to provide for the duties of the superintendent of state buildings relative thereto; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:150.1(H) is hereby enacted to read as follows:

§150.1. State capitol complex; allocation of space; maintenance; law enforcement officer and firefighter memorial; Gold Star Families monument

H(1) Subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the superintendent of state buildings shall do all of the following:

(a) Set aside and maintain an appropriate area accessible to the public on the east side of the state capitol on the grounds surrounding the Old Arsenal Museum known as the Louisiana Veterans Memorial Park, for a monument honoring the sacrifices of Louisiana Gold Star Families.

(b) Plan, implement, and maintain the monument.

(2) The funding source for the initial construction of the monument shall consist solely of private donations, grants, and other nonprofit monies; however, public funds may be used to maintain the monument.

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 June 30, 2018; or on the day following such approval by the legislature, whichever is later. Approved by the Governor, April 19, 2018.

A true copy:

Tom Schedler
Secretary of State

ACT No. 2

SENATE BILL NO. 175
BY SENATOR PERRY

AN ACT

To repeal Chapter 9 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:551 through 553, R.S. 25:802(A)(7) and (B)(11), and R.S. 36:209(H)(11), relative to the Old Arsenal Museum; to provide for its management, operation, maintenance, and control; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 9 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:551 through 553, R.S. 25:802(A)(7) and (B)(11), and R.S. 36:209(H)(11) are hereby repealed in their entirety.

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 June 30, 2018. Approved by the Governor, April 20, 2018.

A true copy:

Tom Schedler
Secretary of State

ACT No. 3

SENATE BILL NO. 167
BY SENATOR THOMPSON

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Agriculture and Forestry and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Agriculture and Forestry and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Agriculture and Forestry may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:191(8)(d) are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

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

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

(a) Each statutory authority, inclusive of its personnel, and all related functions thereto described in the statutes of the State of Louisiana, shall cease as of July first of the following year, which shall be the termination date:

(b) July 1, 2022:

(10) * * *

(c) The Department of Agriculture and Forestry and all statutory entities made a part of the department by law.

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

Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018; or on the day following such approval by the legislature, whichever is later. Approved by the Governor, April 21, 2018.

A true copy:

Tom Schedler
Secretary of State

ACT No. 4

HOUSE BILL NO. 28
BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 11:1760(A)(introductory paragraph) and to enact R.S. 11:1789.6 and 1808.6, relative to members of the Tier 2 plans of the Municipal Employees' Retirement System of Louisiana; to provide for the vesting period of such members; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1760(A)(introductory paragraph) is hereby amended and reenacted and R.S. 11:1789.6 and 1808.6 are hereby enacted to read as follows:

§1760. Vesting

A. * Except as provided in R.S. 11:1789.6 or 1808.6, a member who withdraws from active service on or after the revision date prior to becoming eligible for retirement, having at least ten years of creditable service, and having received no refund of his accumulated contributions, shall be entitled to receive a retirement allowance to commence on his earliest normal retirement date.

§1789.6. Vesting

A. A member of MERS Plan A Tier 2 who withdraws from active service prior to becoming eligible for retirement, who has at least seven years of creditable service, and who has received no refund of his accumulated contributions, shall receive a retirement allowance to commence on his earliest normal retirement date.

1. Such deferred retirement allowance shall be computed according to the provisions of this Part based on final compensation and creditable service at date of withdrawal.

2. During the period from the member's date of withdrawal from service to the member's earliest normal retirement date, he shall not be considered a member and therefore shall not be entitled to any benefits due a member. Upon retirement he may exercise all rights and privileges of a retired member.

B. Should a vested terminated member return to active employment, he shall become a member and shall contribute at the current contribution rate.

§1808.6. Vesting

A. A member of MERS Plan B Tier 2 who withdraws from active service prior to becoming eligible for retirement, who has at least seven years of creditable service, and who has received no refund of his accumulated contributions, shall receive a retirement allowance to commence on his earliest normal retirement date.

1. Such deferred retirement allowance shall be computed according to the provisions of this Part based on final compensation and creditable service at date of withdrawal.
§91.2. Unlawful presence of a sex offender

A. No person shall knowingly employ a person convicted of a sex offense as defined in R.S. 15:541, whose offense involved a minor child, to work in any of the following:

(b) Child care center, group home, residential home, or child care facility as defined in R.S. 46:1441.1, playground, public or private youth center, public swimming pool, or free-standing video arcade facility any of the following:

(a) Public or private elementary or secondary school.
(b) Early learning center as defined by R.S. 46:1403.
(c) Residence in which child care services are provided by a family child care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.
(d) Residential home as defined by R.S. 46:1403.
(e) Playground.
(f) Public or private youth center.
(g) Public swimming pool.
(h) Free standing video arcade facility.

§91.3. Unlawful participation in a child-related business

A. No person who has been convicted of, or who has pled guilty or nolo contendere to, an offense listed in R.S. 15:587.1(C) shall own, operate, or in any way participate in the governance of: those child care facilities as enumerated in R.S. 46:1403, or any learning center as defined by R.S. 17:407.33, or residence in which child care services are provided in R.S. 46:1403, or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.

(b) No person shall knowingly permit a person convicted of a sex offense as defined in R.S. 15:541, whose offense involved a minor child, to work in any of the following:

(a) Residential home, community home, group home, or child care facility as defined in R.S. 46:1441.1.
(b) Day care center, group home, residential home, or child care facility as defined in R.S. 46:1441.1.
(c) Residential home as defined in R.S. 46:1403.
(d) A family child care home as defined in R.S. 46:1441.1.

§91.4. Contributing to the endangerment of a minor

A. No person shall knowingly permit a person convicted of a sex offense as defined in R.S. 15:541, whose offense involved a minor child, to work in any of the following:

(a) Day care center, residential home, community home, group home, or child care facility as defined in R.S. 46:1441.1.
(b) Day care center, group home, residential home, or child care facility as defined in R.S. 46:1441.1.
(c) Residential home as defined in R.S. 46:1403.
(d) A family child care home as defined in R.S. 46:1441.1.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
To amend and reenact R.S. 22:46(introductory paragraph), (17), and (17.1), 433(A), 438(A)(3), 446, 1542(introductory paragraph) and (18), and 1547(I), relative to surplus lines insurance; to define surplus lines insurance, surplus lines insurer, and surplus lines broker; to require the filing of forms and rates of surplus lines insurers in certain circumstances; to provide surplus lines broker licensure requirements; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

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

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this section shall cease to perform their operations on January 1, 2021, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

1. Early learning center as defined by R.S. 17:407.33.
2. Residence in which child care services are provided by a family child care provider or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.
3. Residential home as defined by R.S. 46:1403.
4. Playground.
5. Public or private youth center.
7. Free standing video arcade facility.

Approved by the Governor, May 1, 2018.

A true copy:
Tom Schedler
Secretary of State

ACT No. 6

HOUSE BILL NO. 109

BY REPRESENTATIVES HOFFMANN, BAGLEY, CHANEY, COUSSSAN, HENSGENS, HORTON, STAGNII, AND STOKES

AN ACT

To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(e), relative to the Department of Children and Family Services, including provisions to provide for the re-creation of the Department of Children and Family Services and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Children and Family Services and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Children and Family Services and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Children and Family Services may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

§194. Definitions

As used in this Subpart, unless the context otherwise requires, the following definitions shall apply:

(18) “Surplus lines broker” shall mean an insurance producer who solicits, negotiates, or procures a property and casualty policy with an insurance company not licensed to transact business in the state which cannot be procured from insurers licensed to do business in this state; a surplus lines insurer; or a producer of insurance other than health stop loss and limited benefit policies, when necessary to comply with federal laws or regulations.

§1542. Definitions

As used in this Subpart, unless the context otherwise requires, the following definitions shall apply:

(17) “Surplus lines insurance” means any property and casualty or health and accident insurance in this state on property, risk, or exposure located or to be performed in this state, permitted to be placed through a licensed surplus lines broker with a surplus lines insurer.

§438. Endorsement of contract

A. Each surplus lines insurance policy or contract procured and delivered as surplus lines coverage pursuant to this Subpart shall have the following notice:

NOTICE
This insurance policy is delivered as surplus lines coverage under the Louisiana Insurance Code.
In the event of insolvency of the company issuing this contract, the policyholder or claimant is not covered by the Louisiana Insurance Guaranty Association or the Louisiana Life and Health Insurance Guaranty Association, which guarantees only specific types of policies issued by insurance companies authorized to do business in Louisiana.
This surplus lines policy has been procured by the following licensed Louisiana surplus lines broker:

Signature of Licensed Louisiana Surplus Lines Broker or Authorized Representative

Printed Name of Licensed Louisiana Surplus Lines Broker

§438. Acknowledgment of applicant for insurance

A. Any licensed surplus lines broker that procures a personal lines policy with a surplus lines insurer shall obtain from the applicant for insurance no later than the date of binding coverage, an acknowledgment on a standardized form promulgated by the commissioner of insurance which shall be maintained by the licensed surplus lines broker. The acknowledgment shall verify that:

(i) The applicant must
(ii) The applicant shall submit the required license fee, as authorized by R.S. 22:821, for
(iii) The applicant shall submit an application to the commissioner of insurance for the
(iv) The commissioner shall not require surplus lines insurers to file or seek approval of their
(v) The commissioner may require surplus lines insurers to file their forms and rates for health
(vi) The commissioner will pay:
(vii) The commissioner will apply:

§1547. License

I. Any licensed property and casualty or health and accident insurance producer maintaining an office at a designated location in this state and having at least two years experience in the insurance business with an insurer or as an insurance producer may be licensed as a surplus lines broker as follows:

(1) The applicant shall submit an application to the commissioner of insurance for the license on forms approved by the commissioner.
(2) The applicant shall submit the required license fee, as authorized by R.S. 22:921, for each license year during any part of which the license is in effect. The license shall remain in force until the biennial renewal date.
(3) The applicant shall pass an examination approved by the commissioner of insurance.

§446. Surplus lines insurance; exemption from form and rate filing and approval

Surplus lines insurers shall not be required to file or seek approval of their forms and rates.

A. The commissioner shall not require surplus lines insurers to file or seek approval of their forms and rates for property and casualty insurance except as provided in R.S. 22:1456(B)(2) relative to public carrier vehicles.

B. The commissioner may require surplus lines insurers to file their forms and rates for health and accident insurance, other than health stop loss and limited benefit policies, when necessary to comply with federal laws or regulations.

ACT No. 7

HOUSE BILL NO. 247

BY REPRESENTATIVE HUVAL

AN ACT

To amend and reenact R.S. 22:46(introductory paragraph), (17), and (17.1), 433(A), 438(A)(3), 446, 1542(introductory paragraph) and (18), and 1547(I), relative to surplus lines insurance, surplus lines insurer, and surplus lines broker; to require the filing of forms and rates of surplus lines insurers in certain circumstances; to provide surplus lines broker licensure requirements; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:46(introductory paragraph), (17), and (17.1), 433(A), 438(A)(3), 446, 1542(introductory paragraph) and (18), and 1547(I) are hereby amended and reenacted to read as follows:

§46. General definitions

This insurance policy is delivered as surplus lines coverage under the Louisiana Insurance Code.

In this Code, unless the context otherwise requires, the following definitions are applicable:

...
To enact R.S. 40:31.39, relative to permit fees for milk and dairy farms and plants; to provide for a permit fee for dairy farms; to provide for a permit fee for dairy plants; to provide for a permit fee for single service milk and milk product container or closure manufacturing plants; to set fee amounts; to provide for 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. 40:31.39 is hereby enacted to read as follows: §31.39. Dairy farms and plants; milk plants; permit fees; definitions

A.(1) The department shall charge an annual fee in the amount of ninety dollars per permit issued to a dairy farm.

(2) As used in this Subsection, the term “dairy farm” means any place, premises, or establishment where milk, milk products including frozen desserts, frozen dessert mixes, filled milk or filled milk products, anomalous milk, anomalous milk products or anomalous dairy products, and dairy products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed, churned, frozen, dried, blended, concentrated, condensed, packaged, or prepared for distribution and where milk tank trucks are cleaned and sanitized when received. The term also includes out-of-state facilities and establishments whose products are sold or distributed within the state of Louisiana.

B.(1) The department shall charge an annual fee in the amount of three hundred dollars per permit issued to a dairy plant.

(2) As used in this Subsection, the term “dairy plant” means any place, premises, or establishment where milk, milk products, dairy products, and dairy products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed, churned, frozen, dried, blended, concentrated, condensed, packaged, or prepared for distribution and where milk tank trucks are cleaned and sanitized when received.

(3) As used in this Subsection, the term “single service milk and milk product container or closure manufacturing plant” means fabricators, converters, printers, closure manufacturers, plastic laminators, sheet formers, blow molders, vacuum formers, plastic extruders, injection molders, preformers, manufacturers of valves, valve parts, tubes, dispensing devices, and sample containers for use with milk or milk products. The term also includes out-of-state facilities and establishments whose products are sold or distributed within the state of Louisiana.

C.(1) The department shall charge an annual fee in the amount of three hundred dollars per permit issued to a single service milk and milk product container or closure manufacturing plant.

(2) As used in this Subsection, the term “single service milk and milk product container or closure manufacturing plant” means fabricators, converters, printers, closure manufacturers, plastic laminators, sheet formers, blow molders, vacuum formers, plastic extruders, injection molders, preformers, manufacturers of valves, valve parts, tubes, dispensing devices, and sample containers for use with milk or milk products.

D. Whenever it appears to the commissioner of insurance that the association is failing to comply and if after such notice the association persists in the violations of the provisions hereof, the commissioner of insurance shall immediately notify the officers of the association to that effect, specifying in what respects it is alleged that the association is failing to comply and if after such notice the association persists in the violations of the provisions hereof, the commissioner of insurance shall proceed to apply for rehabilitation or liquidation of the association in accordance with R.S. 22:73, 96, Subpart H of Part III of this Chapter, R.S. 22:731 et seq., and Chapter 9 of this Title, R.S. 22:2001 et seq.

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, May 1, 2018.

A true copy:

By Representative Jordan
Secretary of State

ACT No. 10
HOUSE BILL NO. 330
BY REPRESENTATIVE JORDAN
AN ACT

To amend and reenact R.S. 22:1571(E)(1), relative to insurance producers prelicensing programs; to exempt bond bail producer prelicensing programs from certain requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1571(E)(1) is hereby amended and reenacted to read as follows: §1571. Registered insurance producer and bail bond producer prelicensing program

E.(1) Each registered insurance producer or bail bond producer prelicensing program for lines other than bail bonds shall provide instruction by a qualified instructor in a structured setting or by verifiable approved self-study with a minimum of twenty hours of supervised instruction or self-study, including instruction in applicable insurance principles, state laws and regulations, and ethical practices, for each of the following lines of authority a license is sought: life, health and accident, property, casualty, and personal lines.

Approved by the Governor, May 1, 2018.

A true copy:

By Representative Jordan
Secretary of State

ACT No. 11
HOUSE BILL NO. 363
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:1546(B)(1)(a)(i), relative to insurance producer licenses; to require the registration of certain controlling persons of a producer business entity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1546(B)(1)(a)(i) is hereby amended and reenacted to read as follows: §1546. Application for license

B.(1)(a)

(i) Every member, partner, officer, and director, and person who controls directly or indirectly ten percent or more of a resident business entity shall be registered with the Department of Insurance under such the business entity’s license. In addition, any person who controls directly or indirectly ten percent or more of a producer business entity shall also register with the Department of Insurance under the business entity’s license.

Approved by the Governor, May 1, 2018.

A true copy:

By Representative Huval
Secretary of State

ACT No. 12
HOUSE BILL NO. 366
BY REPRESENTATIVE JORDAN
AN ACT

To amend and reenact R.S. 22:200(A) and 213(B), relative to nonprofit funeral service associations; to provide for the qualifications of the board of directors; to authorize rehabilitation of an association; to make technical changes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:200(A) and 213(B) are hereby amended and reenacted to read as follows: §200. Directors

A. Subject to such any limitations, restrictions, or reservations as may be provided for in the articles, the bylaws, or this Subpart, all of the corporate powers shall be vested in and the affairs of the association shall be managed by a board of not less than three nor more than fifteen directors who shall be policyholders in good standing.

§213. Liquidation; rehabilitation

B. Whenever it appears to the commissioner of insurance that any association is failing to comply with the provisions of this Subpart or its articles or bylaws in any respect, he shall immediately notify the officers of the association to that effect, specifying in what respects it is claimed that the association is failing to comply and if after such notice the association persists in the violations of the provisions hereof, the commissioner of insurance shall may proceed to apply for rehabilitation or liquidation of the association in accordance with R.S. 22:73, 96, Subpart H of Part III of this Chapter, R.S. 22:731 et seq., and Chapter 9 of this Title, R.S. 22:2001 et seq.

Approved by the Governor, May 1, 2018.

A true copy:

By Representative Jordan
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1667 is hereby amended and reenacted to read as follows:

§1667. Catastrophe or emergency claims adjuster registration
A. Notwithstanding any provision of law to the contrary, in the event of a catastrophe or an emergency, no adjuster’s license shall be required for an individual who is employed or retained by an insurer and brought into this state for the purpose of investigating or making adjustment of losses resulting from the catastrophe or emergency. Notwithstanding the commissioner of insurance shall establish procedures to register all such individuals.
B. The commissioner of insurance may, without notice and hearing, revoke the privileges of an individual registered pursuant to this Section on grounds specified by R.S. 22:1672(A), and thereafter it shall be unlawful for any such the person to adjust any such losses, claims, or damages in this state.
C. A catastrophe or emergency claims adjuster регистрации shall be effective for a period not to exceed one hundred eighty days. The commissioner of insurance may extend the term for an additional period of ninety days.
D. The fee for the catastrophe or emergency registration shall be as set forth in R.S. 22:821 and shall be payable to the commissioner of insurance within ten days of the submission of the registration.
E. The registration requirements of this Section shall not apply to a producer of an insurer or a licensed employee of a producer that adjusts undisputed claims or losses under specific authority from the insurer and solely under policies issued by the insurer.

Approved by the Governor, April 28, 2018.
A true copy:
Tom Schedler
Secretary of State

ACT No. 17
SENATE BILL NO. 86
BY SENATOR JOHN SMITH
AN ACT
To amend and reenact R.S. 22:1673(B) and (C), relative to continuing education for insurance adjusters; to provide for an exemption for adjusters upon their first renewal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1673(B) and (C) are hereby amended and reenacted to read as follows:

§1673. Continuing education
B. This Section shall not apply to either of the following:
(1) Licensees not licensed for one full year prior to the end of the applicable continuing education deadline or An individual renewing an adjuster license for the first time after initial issuance.
(2) Licensees holding nonresident adjuster licenses who have met the continuing education requirements of their home state and whose home state gives states give credit to residents of this state on the same basis.
C. Only continuing education courses approved by the commissioner of insurance shall be used to satisfy the continuing education requirement of Subsection A of this Section.

Approved by the Governor, April 28, 2018.
A true copy:
Tom Schedler
Secretary of State

ACT No. 18
SENATE BILL NO. 87
BY SENATOR JOHN SMITH
AN ACT
To amend and reenact R.S. 22:42(F), relative to public records of the commissioner of insurance; to provide with respect to the commissioner requiring or permitting the electronic filing of any application for any license or registration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§42. Public records; forms and methods; electronic signatures and filings; timely filing of papers

F. The commissioner may permit or require the electronic filing of any rate, form, application for any license or registration, or any other filings, along with any accompanying supplementary rate information or supporting information, to be filed electronically.

Approved by the Governor, April 28, 2018.
A true copy:
Tom Schedler
Secretary of State

ACT No. 19
HOUSE BILL NO. 1
General Appropriations
will publish in a later edition.

ACT No. 20
SENATE BILL NO. 272
BY SENATOR JOHN SMITH
AN ACT
To enact R.S. 22:1056, relative to health insurance policy coverage of incarcerated persons prior to adjudication; to require insurance coverage for health care provided premiums are paid; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1056 is hereby enacted to read as follows:

§1056. Health insurance coverage for incarcerated individuals
A. Beginning January 1, 2019, every hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, health and accident insurance policy, every policy of group, family group, blanket, or association health and accident insurance, and every self-insurance plan, health maintenance organization plan, and preferred provider organization plan, except for the Office of Group Benefits, delivered or issued for delivery in this state shall provide benefits for health care to the insured if he is detained in a correctional facility and has not been adjudicated or convicted of a criminal offense. Nothing herein shall alter any of the terms and conditions of the applicable coverage which shall remain applicable to all such services provided.
B. The provisions of this Section shall apply only if the detainee has valid health care coverage in effect at the time medical treatment is received and any premiums for such coverage are current.
C. The provisions of this Section shall apply to all existing hospital, health, or medical expense insurance policies, hospital or medical service contracts, employee welfare benefit plans, health and accident insurance policies, policies of group, family group, blanket,
or association health and accident insurance, self-insurance plans, health maintenance organizations, and preferred provider organization plans, and certificates in effect on January 1, 2019, and upon their renewal.

Approved by the Governor, April 28, 2018.

A true copy:

Tom Schelder
Secretary of State

ACT No. 21

BY REPRESENTATIVE DWIGHT
(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact R.S. 40:34.2(2)(a) (introductory paragraph), 34.5(A), and 46.4(A), to enact Civil Code Article 190.1, R.S. 40:34.5.1 and 34.5.2, and to repeal R.S. 40:46.9, relative to filiation; to provide for presumptions of paternity; to provide for the acknowledgment of a child; to provide relative to the birth certificate of the child; to provide for a three-party acknowledgment of paternity; to provide for DNA testing; to provide for the creation of a form; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:34.2(2)(a) (introductory paragraph), 34.5(A), and 46.4(A) are hereby amended and reenacted and R.S. 40:34.5.1 and 34.5.2 are hereby enacted to read as follows:

§34.2. Original birth certificate; required contents; name of child

(2) Surname.
   (a) Except as otherwise provided by law, the surname of the child shall be recorded in accordance with the following requirements:
   * * *

§34.5. Original birth certificate; required contents; name of father

A. If the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the full name of the father shall be recorded in the same manner provided for the recording of the surname of the child in R.S. 40:34.2(2) (a) and (c), unless otherwise provided by law. * * *

 Revision Comments - 2018

The “unless otherwise provided by law” clause in Subsection A refers to the special rule in R.S. 40:34.5.1, which provides for the possibility of a different surname of the child when the mother, the husband or former husband of the mother, and the biological father of the child execute the three-party acknowledgment under that statute.

§34.5.1. Three-party acknowledgment of paternity; effect

Notwithstanding the provisions of R.S. 40:34.2(2)(a) and (c) and 34.5(A), the husband or former husband presumed to be the father of the child, the mother, and the biological father of the child may execute a three-party acknowledgment of paternity pursuant to Civil Code Article 190.1 on the form provided by the Louisiana Department of Health. Upon receipt of that form and a certified report of blood or tissue sampling which indicates by a ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child, the state registrar shall:

(1) For the father of the child, record the full name of the biological father.

(2) For the surname of the child, record the maiden name or surname of the mother, at her discretion. However, if the biological father and the mother agree, the state registrar shall record as the surname of the child the maiden name or surname of the mother, the surname of the biological father, or a combination of the surname of the biological father and the maiden name or surname of the mother.

§34.5.2. Form and notice for three-party acknowledgment of paternity

The Louisiana Department of Health, office of public health, shall develop a form, and a notice of consequences of executing the form, for the purposes of implementing R.S. 40:34.5.1. The form shall include the following:

(1) A declaration in authentic form by the husband or former husband presumed to be the father of the child that he is not the father of the child.

(2) A declaration in authentic form by the biological father that he is the father of the child and that a certified report of blood or tissue sampling indicates by a ninety-nine and nine-tenths percentage point threshold probability that he is the biological father of the child.

(3) A declaration in authentic form by the mother, husband or former husband presumed to be the father of the child, and the biological father of the child that each understands the form and has executed it voluntarily, and that each has received written notice of the consequences of executing the form. * * *

§46.4. Change of paternal filiation; disavowal of paternity or three-party acknowledgment

A. If the surname of the child, the name of the father of the child, or other information pertaining to the father as it was entered on the birth certificate was that of the man who was presumed to be the father of the child under Civil Code Article 185, 186, or 195, and if the man or his successor, after the birth certificate was prepared, obtains a final and definitive judgment disavowing paternity of the child or the parties execute the three-party acknowledgment provided in Civil Code Article 190.1, the state registrar, upon receipt of a certified copy of that judgment or of the three-party acknowledgment and certified report of blood or tissue sampling which indicates by a ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child, shall amend the birth certificate as follows:

(1) Strikethroughs: Strike through the surname of the child, the name of the father of the child, and all other information pertaining to him, in particular, his age, race, ethnicity, residence, birthplace, and social security number.

(2) Additions:
   (a) If the judgment of disavowal does not trigger the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows: for the surname of the child, enter the maiden name or surname of the mother of the child, at her discretion.
   (b) If the judgment of disavowal triggers the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows:
      (i) For the surname of the child, enter either that of the second husband of the mother of the child or, if both he and the mother agree, her maiden name or surname or a combination of his surname and her maiden name or surname.
      (ii) For the name of the father of the child, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the second husband of the mother.
   (c) If the state registrar receives the three-party acknowledgment provided in R.S. 40:34.5.1, the state registrar shall amend the birth certificate as follows:
      (i) For the surname of the child, enter the maiden name or surname of the mother, at her discretion. However, if the biological father and the mother agree, the state registrar shall enter as the surname of the child the maiden name or surname of the mother, the surname of the biological father, or a combination of the surname of the biological father and the maiden name or surname of the mother.
      (ii) For the name of the father of the child, his race, ethnicity, residence, birthplace, and social security number, enter those of the biological father.

Section 2. Civil Code Article 190.1 is hereby enacted to read as follows:

Art. 190.1. Three-party acknowledgment; alternative to disavowal; time period

If blood or tissue sampling indicates by a ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child and he is not the husband or former husband presumed to be the father of the child, then the husband or former husband presumed to be the father of the child may execute a three-party acknowledgment in authentic form declaring that the husband or former husband is not the father of the child and that the biological father is the father of the child. When a three-party acknowledgment is executed, the husband or former husband is not presumed to be the father of the child. The biological father who has acknowledged the child by three-party acknowledgment is presumed to be the father of the child.

To have effect, this acknowledgment shall be executed no later than ten years from the day of the birth of the child but never more than one year from the day of the death of the child. These time periods are peremptive.

 Revision Comments - 2018

For the method of changing the child’s birth certificate, see R.S. 40:34.5.1 and 34.5.2.

Section 3. R.S. 40:46.9 is hereby repealed in its entirety.

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, May 7, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 22

SENATE BILL NO. 19
BY SENATOR CORTEZ

AN ACT

To enact R.S. 40:539(C)(8)(f), relative to employees of the Housing Authority of the City of Lafayette, to provide that employees of the authority shall not be in the state civil service; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 40:539(C)(8)(f) is hereby enacted to read as follows:

§539. Selection of chairman and vice chairman; executive director; hiring of employees

C. * * *

(8) * * *

(1) Notwithstanding any provision of Subparagraph (a) of this Paragraph or any other law to the contrary, the Housing Authority of the City of Lafayette shall not be considered to be an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
To enact R.S. 40:2191, relative to disposal of controlled substances by hospice providers, to provide for related matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2191 is hereby enacted to read as follows:
§2191. Disposal of deceased patient's unused controlled substances
A. Upon death of a patient receiving hospice services, ownership of the patient's unused Schedule II, III, IV, or V controlled substances under 21 C.F.R. 1308 may transfer to the hospice for immediate disposal pursuant to the following provisions:
(1) Each hospice shall establish a written procedure to ensure safe disposal of unused controlled substances by a hospice nurse at the time of a patient's death.
(2) Upon the death of a patient receiving hospice services, in the presence of a witness, the hospice nurse shall record in the medical record the name and quantity of each unused controlled substance.
(3) The hospice shall conduct immediate disposal of the controlled substances at the site of care by complying with the Environmental Protection Agency and Drug Enforcement Administration guidelines for safe disposal or immediate mail-back to a registered authority.
(b) If participating in immediate mail-back to a registered authority, the hospice nurse shall deposit the unused controlled substance into the mail-back envelope and seal the envelope in the presence of a witness, who shall sign a document indicating their witnessing the disposal.
(a) If conducting immediate disposal at the site of care, the hospice nurse shall perform the disposal in the presence of a witness, who shall sign a document indicating their witnessing the disposal.
(b) If participating in immediate mail-back to a registered authority, the hospice nurse shall deposit the unused controlled substance into the mail-back envelope and seal the envelope in the presence of a witness, who shall sign a document indicating their witnessing the hospice nurse sealing the controlled substance in the mail-back envelope. The hospice nurse shall immediately initiate its delivery to the registered authorized collector.
(d) Hospice employees shall not remove any controlled substances from the site of care, except for the hospice nurse responsible for disposal pursuant to Subparagraph (3)(b) of this Subsection.
(5) The hospice nurse shall record the method of disposal in the medical record.
R. Kyle Ardoin
Secretary of State

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

Be it enacted by the Legislature of Louisiana:
Section 1. Pursuant to R.S. 49:193, the Department of Environmental Quality and the statutory entities made a part of the Department of Environmental Quality and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. The Department of Environmental Quality and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Environmental Quality and the statutory entities made a part of the Department of Economic Development may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.
Section 2. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.
Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

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

Be it enacted by the Legislature of Louisiana:
Section 1. Pursuant to R.S. 49:193, the Department of Environmental Quality and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.
Section 2. All statutory authority for the existence of the Department of Environmental Quality and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Environmental Quality may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.
Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.
Section 4. R.S. 49:191(10)(c) is hereby enacted to read as follows:
§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates
Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:
(10) July 1, 2022: *
(10) July 1, 2023: *
(10) July 1, 2024: *
(c) The Department of Environmental Quality and all statutory entities made a part of the department by law.
Section 5. R.S. 49:191(8)(h) is hereby repealed.
Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018; or on the day following such approval by the legislature, whichever is later.
Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State
The following items exist in Louisiana statutes and shall serve as standards for a policyholder of insurance and do not create additional causes of actions or further penalties not otherwise provided under Louisiana statutes:  

(13) Policyholders shall have the right to receive payment of the amount of any property damage claim, or a portion of the claim, due or a written offer to settle any property damage claim upon the receipt of satisfactory proof of loss in accordance with the provisions of R.S. 22:1892 and 1973. If a claim is denied, policyholders shall have the right to receive a written explanation as to the reason for denial, in whole or in part, of any claim made under their policy of insurance.  

§1892. Payment and adjustment of claims, policies other than life and health accident; personal vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension  

C(1) All claims brought by insureds, workers’ compensation claimants, or third parties against an insurer shall be paid by check or draft of the insurer or, if offered by the insurer and the claimant requests, electronic transfer of funds to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or his attorney, or upon direction of the claimant to one specified; however, the check or draft shall be made jointly to the claimant and the employer when the employer has advanced the claims payment to the claimant. The check or draft shall be paid jointly until the amount of the advanced claims payment has been recovered by the employer.  

Approved by the Governor, May 10, 2018.  

A true copy:  

R. Kyle Ardoin  
Secretary of State  

ACT No. 28  
SENATE BILL NO. 90  
BY SENATOR MILLS  
AN ACT  
To enact Subpart D of Part 1 of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1156.1, relative to a voluntary nonopioid directive form; to provide for voluntary prescription opioid opt-out opportunity for policyholders; to provide for related matters.  

Be it enacted by the Legislature of Louisiana:  

Section 1. Subpart D of Part 1 of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1156.1, is hereby enacted to read as follows:  

SUBPART D. PRESCRIPTION NONOPIOID DIRECTIVE  

§1156.1. Voluntary nonopioid directive; form; immunity  
A. The Louisiana Department of Health, in consultation with the office of behavioral health, shall establish a voluntary nonopioid directive form and shall publish the form prominently on the department’s website for public use.  
B. A patient may execute and file a voluntary nonopioid directive form with a prescribing practitioner when the patient does not wish to be issued a prescription or medication order for an opioid. Upon receipt of a voluntary nonopioid directive form, a prescribing practitioner shall date and affix his signature to the form in the presence of the patient as evidence of acceptance, document the receipt in the patient’s medical record, and provide a signed copy of the form to the patient.  
C. The voluntary nonopioid directive form established by the department shall allow a patient or when the patient is unable to consent for himself, any person duly authorized and empowered to provide medical consent for the patient under the provisions of R.S. 40:1151.4, to revoke the directive, orally or in writing, for any reason, at any time.  
D. An electronically transmitted prescription to a pharmacy shall be presumed to be valid for the purposes of this Section, and a pharmacist shall not be held in violation of this Section for dispensing a controlled substance in contradiction to a voluntary nonopioid form.  
E. No prescribing practitioner who has signed and executed a nonopioid directive form with a patient acting with reasonable care shall be liable for damages in a civil action or subject to criminal prosecution or be deemed to have violated the standard of care for such prescribing practitioner for refusing to issue a prescription or medication order for an opioid pursuant to a voluntary nonopioid directive form.  
F. No person acting in good faith as a duly authorized guardian or health care representative pursuant to subsection C of this Section shall be liable for damages in a civil action or subject to criminal prosecution for revoking or overriding a voluntary nonopioid directive form.  
G. No prescribing practitioner shall be liable for damages in a civil action, subject to criminal prosecution, or deemed to have violated the standard of care for a prescribing practitioner’s profession for issuing a prescription for or administering a controlled substance containing an opioid to a patient when the patient and the prescribing practitioner have not executed and filed a voluntary nonopioid directive form under the provisions of this Subpart.  
H. A prescribing practitioner who willfully fails to comply with a patient’s voluntary nonopioid directive form may be subject to disciplinary action pursuant to rules promulgated by his health profession licensing board.  

Approved by the Governor, May 10, 2018.  

A true copy:  

R. Kyle Ardoin  
Secretary of State  

ACT No. 31  
SENATE BILL NO. 131  
BY SENATOR MILLS  
AN ACT  
To amend and reenact R.S. 37:1202(A), (B)(4), and (C) and 1203(A) and to enact R.S. 37:1202(D), relative to licensing requirements for pharmacists; to provide for qualifications for practitioners for refusing to issue a prescription or medication order for an opioid pursuant to a voluntary nonopioid directive form.  

(1) Be at least twenty-one years of age.  
(2) Be of good moral character and temperate habits.  
(3) Meet one of the following educational requirements:  
(a) Have graduated and received a professional degree from an approved college of pharmacy.  
(b) Have graduated from a foreign college of pharmacy, completed a transcript verification program, taken and passed a college of pharmacy equivalency examination program, and completed a process of communication ability testing as defined by the board in order to assure that the applicant meets the standards necessary to protect public health, safety, and welfare.  
(4) Supply proof substantiated by proper affidavit of Have completed a minimum of one year of service and professional experience through an internship or other program that has been approved by the board under the supervision of a licensed pharmacist, which service shall be predominantly related to the provision of pharmacy primary care and the dispensing of drugs and medical supplies, the compounding of medications, and the keeping of records and the making of reports as required under state and federal law.  
(5) Have submitted to the board an application, in the time frame and form prescribed by the board by regulation.  
(6) Have paid fees specified by the board for the examination, and issuance of the license, certificate, or registration and any related materials.  
(7) Have passed an examination or examinations required by the board.  

Have submitted to the board a completed application form supplied by the board.  
(8) Have completed a criminal history record check, as authorized by R.S. 37:1216.
B. Examinations.

(4) An applicant who takes and satisfactorily completes any board required examinations shall become licensed within one year of the examination date or the results of the examinations shall become invalid. Examination scores shall expire one year after the date of the examination. Expired scores shall not be valid for licensure.

C. Internship and other training programs.

(1) All applicants for licensure by examination shall obtain professional experience in the practice of pharmacy concurrent with attending or after graduation from an approved college of pharmacy, or both, under such terms and conditions as determined by regulation.

(2) The board shall establish such licensure requirements for pharmacy internships and standards for internship, or any other experiential program necessary to qualify an applicant for the licensure examination, and shall also determine the qualifications of preceptors or other practitioners used in professional experience programs as determined by regulation.

D. Upon successful completion of the requirements of Subsections A, B, and C of this Section, the board shall issue a license to the pharmacist within fourteen working days.

§1203. Qualifications for reciprocity

A. In order for a pharmacist currently licensed in another jurisdiction to obtain a license as a pharmacist by reciprocity in this state, an applicant shall:

(1) Have attained the age of twenty-one years.

(2) Have good moral character and be of temperate habits.

(3) Have possessed at the time of initial licensure as a pharmacist all qualifications necessary to have been eligible for licensure at that time in this state.

(4) Have engaged in the practice of pharmacy for a period of at least one year or have met the internship requirements of this state within the one year period immediately previous to the date of such application.

(5) Have submitted an application in the form prescribed by the board.

(6) Have presented to the board evidence of initial licensure by examination and evidence that such license is in good standing active status.

(7) Have presented to the board evidence of any disciplinary, criminal, or other adverse action, including arrests taken against him by another licensing jurisdiction, government agency, law enforcement agency, or court. Such action may serve as grounds for the denial of reciprocity to an applicant.

(8) Have passed all examinations required by the board.

(9) Have paid the fees specified by the board to defray the expenses of making an investigation of his character, general reputation, and licensure status in the state in which he has resided of his original and all subsequently acquired pharmacist licenses.

(10) Have passed all examinations required by the board. Have submitted a completed application form supplied by the board.

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 32

SENATE BILL NO. 134
BY SENATOR MILLS
AN ACT
To amend and reenact R.S. 40:978(A), relative to prescriptions for controlled dangerous substances; to provide for patient options regarding quantity dispensed; to provide technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(A) is hereby amended and reenacted to read as follows:

§978. Prescriptions

A. Except when dispensed or administered directly by a medical practitioner or administered by a person authorized to administer by such practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under the Louisiana Revised Statutes of 1950, may be dispensed or administered without either the written prescription of a practitioner, or an electronic prescription order as provided by federal law or regulation, except that in emergency situations, as prescribed by the department board by regulation, such drug may be dispensed or administered upon oral prescription reduced promptly to writing and filed by the pharmacist. Prescriptions shall be retained in conformity with the requirements of R.S. 40:976. No prescription for a Schedule II substance may be refilled nor may such prescription be filled more than ninety days after the date of the prescription. The pharmacist filling a prescription for a Schedule II substance may, upon request of the patient, dispense the prescribed substance in an amount less than the full quantity prescribed in accordance with 21 U.S.C. 839.

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 33

SENATE BILL NO. 157
BY SENATOR LAMBERT
AN ACT
To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Ascension 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, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the board of commissioners of the Pontchartrain Levee District:

The Southwest Quarter of the Northwest Quarter (SW/4 of NW/4) Section 9, Township 9 South, Range 4 East, Ascension Parish, LA, containing approximately 40 acres, more or less.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and the board of commissioners of the Pontchartrain Levee District, in exchange of consideration proportionate to at least 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, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 34

SENATE BILL NO. 172
BY SENATOR PERRY
To enact R.S. 47:338.24.5, relative to municipal sales and use taxes; to authorize the governing authority for the city of Scott to levy and collect an additional sales and use tax; to require voter approval; to provide for the use of the tax revenue; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.24.5 is hereby enacted to read as follows:

§338.24.5. City of Scott; authority to levy additional sales and use tax

A. The governing authority of the city of Scott may levy and collect an additional sales and use tax not in excess of one percent within the corporate limits of the municipality.

B. The tax authorized by this Section shall be in addition to all other taxes which the city of Scott is authorized to levy and, pursuant to Section 29(B) of Article VI of the Constitution of Louisiana, shall not be subject to the combined rate limitation established in Section 29(A) of Article VI of the Constitution of Louisiana nor to the rate limitations established by R.S. 47:338.1 and 338.54, nor shall it be included in the rate limitation of any other political subdivision. The authority granted in this Section shall not limit any prior taxing authority granted to the city of Scott or any other political subdivision by any other provision of law, including any authority granted to any other political subdivision to exceed any constitutional or statutory rate limitations.

C. The sales and use tax shall be imposed by ordinance of the governing authority of the city of Scott and shall be levied upon the sale at retail, the use, lease, or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, all as defined in Chapter 2-D of this Subtitle; however, the ordinance imposing the tax shall be adopted only after the proposed tax is approved by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

D. The sales and use tax authorized by this Section shall be collected at the same time and in the same manner as set forth in Chapter 2-D of this Subtitle.

E. Two-thirds of the proceeds of the tax authorized by this Section shall be used for emergency services provided by the fire and police departments and one-third of the proceeds shall be used for parks and recreation, cultural district, economic development, drainage, roads, and bridges.

F. On the official ballot to be used at the election there shall be printed a proposition, upon which the electors of the municipality shall be permitted to vote YES or NO, to adopt the proposition, which proposition shall read as follows:

Do you support an additional sales and use tax of (insert amount) percent within the city of Scott, two-thirds of the proceeds which shall be used solely for emergency services, provided by the fire and police departments and one-third shall be used solely for parks and recreation, cultural district, economic development, drainage, roads, and bridges?

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, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State
To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Webster 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, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to Rodney L. Teutsch:

Approximately 6,970 square feet, more or less, of the dried lake bed of Lake Bistineau, located in Section 28, Township 17 North, Range 10 West, Webster Parish, Louisiana, and more particularly described as that portion of Lot 17-A of Palmetto Beach Estates Subdivision which lies below the 148.6 contour line per NGVD 29 elevation datum.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Rodney L. Teutsch, in exchange of consideration of at least one dollar per square foot of land transferred but in no event less than the assessed value thereof.

Section 3. The proceeds of any sale of all or any portion of the above parcel of property shall be paid into the Aquatic Plant Control Fund and dedicated to aquatic weed control and eradication in Lake Bistineau.

Section 4. This Act shall become effective upon signature by the governor or, if not signed 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, May 10, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 36

SENATE BILL NO. 214

BY SENATOR ERDNEY AND REPRESENTATIVE EDMONDS

AN ACT

To enact R.S. 25:151(B)(5) and (C)(4), relative to the Livingston Parish Library; to provide for the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; 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. 25:151(B)(5) and (C)(4) are hereby enacted to read as follows:

§151. Library publics; disposition of unused books; purpose; definitions

* * *

B. (5)(a) The Livingston Parish Library, subject to the approval of the Livingston Parish Library Board of Control, may sell any superseded, obsolete, or otherwise unnecessary book in the possession of the library to any hospital, correctional facility, public or private institution, nonprofit organization, adult education program, youth organization, school, or individual.

(b) The proceeds collected from the sale of library books pursuant to Subparagraph (a) of this Paragraph (5)(a) shall be used exclusively for the maintenance, operation, and support of the Livingston Parish Library.

C. * * *

(4) The Livingston Parish Library may dispose of books as provided in Paragraph (B) (5) of this Section by making such books available for purchase at a convenient location to be determined by the Livingston Parish Library Board of Control.

* * *

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 37

SENATE BILL NO. 249

BY SENATOR ALLAIN

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Mary 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.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to Sandra Keys Turner and Ronny Ray Turner:

House and lot, North La. Ave., South Taylor, East Hickory Street, West Gouch, St. Mary Parish.

Also described as Lot Thirty One (31) according to a map and survey of land belonging to Mrs. Marie E. Fleurot made by J.P. Lynch, less and except, the following: (i) that portion of Lot Thirty One (31) transferred in that Act of Exchange to Henry Taylor in St. Mary Parish, COB II, Page 576, Entry No. 24,409; (ii) that portion to Sarah Dunbar by Act of Sale recorded in St. Mary Parish COB DD, Page 636, Entry No. 21,752; and (iii) that portion to Lucy Turner by Act of Sale recorded in St. Mary Parish COB JJ, Page 513, Entry No. 24,920.


Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Sandra Keys Turner and Ronny Ray Turner in exchange of consideration proportionate to at least 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 in which it would 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, May 10, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 38

SENATE BILL NO. 275

BY SENATORS MIZELL, BARROW AND CARTER

AN ACT

To enact Subpart AAA of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.341, and to repeal R.S. 47:120.181, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate all or any portion of any refund due to them to the Louisiana Coalition Against Domestic Violence; to establish the Louisiana Coalition Against Domestic Violence Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the funds; to provide for the administration and disbursement of donated monies; to provide for reporting; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart AAA of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.341, is hereby enacted to read as follows:

§120.341. Income tax checkoff: donation for Louisiana Coalition Against Domestic Violence

A. Every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current-year return that all or any portion of the total amount of the refund to which he is entitled shall be donated to the Louisiana Coalition Against Domestic Violence in lieu of that amount being paid to him as a refund. In this case, the refund shall be reduced by the amount so designated. The designation shall be made at the time of filing the current-year tax return and shall be made upon the income tax return form as prescribed by the secretary of the Department of Revenue. Donated monies shall be administered by the secretary and distributed to the Louisiana Coalition Against Domestic Violence in accordance with the provisions of R.S. 47:120.37. No donation made under the provisions of this Subpart shall be invalid for want of an authentic act.

B. There is hereby established in the state treasury a special escrow fund to be known as the Louisiana Coalition Against Domestic Violence Fund, hereinafter referred to as the “fund”. The fund is established to receive deposits of donations made on individual income tax returns for the benefit of the Louisiana Coalition Against Domestic Violence. The fund shall be administered by the state treasurer, who shall every three months, remit the remaining balance of monies in the fund to the Louisiana Coalition Against Domestic Violence.

C. The Senate Committee on Revenue and Fiscal Affairs or House Committee on Ways and Means may, at their discretion, request a report from the Louisiana Coalition Against Domestic Violence relative to its operations. The form and content of the report shall be submitted by the chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the organization’s activities. The committee may summon any person employed by or associated with the Louisiana Coalition Against Domestic Violence to provide testimony with respect to the report.

Section 2. R.S. 47:120.181 is hereby repealed in its entirety.

Section 3. The provisions of this Act shall become effective for taxable years beginning on or after January 1, 2018.

Approved by the Governor, May 10, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 39

HOUSE BILL NO. 3

Omnibus Bond

will publish in a later edition.
ACT No. 40

SENATE BILL NO. 327
BY SENATOR LAMBERT
AN ACT
To amend and reenact R.S. 56:325(B)(4) and 325.1(C)(1) and (2)(a) and (c) and to reenact R.S. 56:325(A)(4), relative to possession limits for recreational fishing; to remove a sunset provision for possession limits for largemouth bass and spotted bass taken in saltwater areas of the state; to provide for a possession limit for red drum and spotted sea trout taken in saltwater areas of the state; to provide for violations of certain possession limits; to provide for certain fines; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:325(B)(4) and 325.1(C)(1) and (2)(a) and (c) are hereby amended and reenacted so as to read as follows:

(4) The possession limit for red drum and spotted sea trout taken south of U.S. Highway 90 shall be three times the daily take limit when the fisherman holds and is in possession of a current valid recreational fishing license and can show a landing receipt from a public boat launch located south of U.S. Highway 90 that demonstrates to the satisfaction of the department that the fisherman has been actively on the water or at a remote camp that can be accessed only by water for two days or more. The fish shall be kept whole or whole gutted in separate bags for each species of fish and date taken and which, The bags shall be marked with the date the fish were taken, the species, and the number of fish contained in the bag, and the name and license number of the person taking the fish. The fish shall only be in the possession of the person who took the fish. However, no fisherman shall be actively fishing or engaged in fishing while in possession of more than the daily take limit. The possession limits of this Paragraph shall be null and void and of no effect beginning July 1, 2016, and thereafter.

§325.1. Size and possession limits, recreational saltwater finfish; penalties

A.

(4) The possession limit for largemouth bass (Micropterus salmoides) and spotted bass (Micropterus punctulatus) taken south of U.S. Highway 90 shall be three times the daily take limit when the fisherman holds and is in possession of a current valid recreational fishing license and can show a landing receipt from a public boat launch located south of U.S. Highway 90 that demonstrates to the satisfaction of the department that the fisherman has been actively on the water or at a remote camp that can be accessed only by water for two days or more. The fish shall be kept whole or whole gutted in separate bags for each species of fish. The bags shall be marked with the date the fish were taken, the species, the number of fish contained in the bag, and the name and license number of the person taking the fish. The fish shall only be in the possession of the person who took the fish. However, no fisherman shall be actively fishing or engaged in fishing while in possession of more than the daily take limit. The possession limits of this Paragraph shall be null and void and of no effect beginning July 1, 2016, and thereafter.

B.

(4) The possession limit for largemouth bass (Micropterus salmoides) and spotted bass (Micropterus punctulatus) taken south of U.S. Highway 90 shall be three times the daily take limit when the fisherman holds and is in possession of a current valid recreational fishing license and can show a landing receipt from a public boat launch located south of U.S. Highway 90 that demonstrates to the satisfaction of the department that the fisherman has been actively on the water or at a remote camp that can be accessed only by water for two days or more. The fish shall be kept whole or whole gutted in separate bags for each species of fish. The bags shall be marked with the date the fish were taken, the species, and the number of fish contained in the bag, and the name and license number of the person taking the fish. The fish shall only be in the possession of the person who took the fish. However, no fisherman shall be actively fishing or engaged in fishing while in possession of more than the daily take limit. The possession limits of this Paragraph shall be null and void and of no effect beginning July 1, 2016, and thereafter.

C.(1) Violation of this Section constitutes a class two violation. However, the take or possession limit as provided in Paragraph A(2)(a) or (b) or possession limit as provided in Paragraph A(2)(a) or (b) or possession limit as provided in Paragraph A(2)(a) or (b) or Paragraphs (A)(3) or (4) of this Section or any such take or possession limit set by the commission is exceeded by one hundred percent or more the violation shall be a class four violation.

(2) In addition to the penalties provided in Paragraph (1) of this Subsection, the following penalties shall apply:

(a) Violation of Paragraph A(2)(a) or (b) Subparagraphs (A)(2)(a) or (b) or Paragraphs (A)(3) or (4) of this Section for red drum or Paragraph B(4)(B)(1)(g) of this Section shall be punishable by a fine of twenty-five dollars per fish under sixteen inches in total length or over the limit of five, or in violation of such minimum size and take and possession limits as may be established by the commission.

(b) Violation of Paragraph A(2)(a) or (b) Subparagraphs (A)(2)(a) or (b) or Paragraphs (A)(3) or (4) of this Section for spotted sea trout or Paragraph B(4)(B)(1)(g) of this Section shall be punishable by a fine of twenty-five dollars per fish under twelve inches in total length or over the limit of twenty-five or in violation of such minimum size and take and possession limits as may be established by the commission.

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, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 42

HOUSE BILL NO. 47
BY REPRESENTATIVE PEARSON
AN ACT
To amend and reenact R.S. 11:1762.1(B), relative to the retirement benefit of reemployed retirees of the Municipal Employees’ Retirement System of Louisiana; to provide for computation of a retirement benefit under certain reemployment circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§1762.1. Full-time reemployment of retirees

B. The supplemental benefit when combined with the original benefit shall not exceed the final compensation figure used to compute the original benefit or the supplemental benefit, whichever is greater.

Section 2. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
Section 1. R.S. 11:1732(11) and (20) are hereby amended and reenacted to read as follows:

Be it enacted by the Legislature of Louisiana:

To amend and reenact R.S. 11:1732(11) and (20), relative to the Municipal Employees’ Retirement System of Louisiana; to provide for the definition of disability; to provide for the definition of minor child; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:316 is hereby amended and reenacted to read as follows:

§316. Terror-free index

(1) “Screened equities” means stocks or other ownership interest in a company identified as having facilities or employees or both located in a prohibited nation, which equities are excluded from the terror-free index fund.

(2) “Terror-free index fund” means an international index fund or separately managed account which identifies equities in companies having facilities or employees or both located in a prohibited nation and excludes them from the fund.

(3) “Terror-free index fund” means an international index fund or separately managed account which identifies equities in companies having facilities or employees or both located in a prohibited nation and excludes them from the fund.

(4) Upon retirement in this Section shall require a system to invest in international markets or to utilize collective funds or index funds for such purpose unless otherwise part of the investment strategy adopted by the system. If a system invests in international markets and utilizes collective funds or index funds for such purpose, this Section shall apply.

Section 2. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:1601.8 is hereby enacted to read as follows:
§1601.8. Cador Baseball Operational Center

The baseball operational center located on the Baton Rouge campus of Southern University, operated by and under the authority of the Board of Supervisors of Southern University and Agricultural and Mechanical College, is designated and shall be known as the “Cador Baseball Operational Center.”

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, May 10, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 47

HOUSE BILL NO. 49
BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 49:214.41(A)(1) and (C), relative to mitigation of coastal wetlands; to authorize construction or implementation of an integrated coastal protection project as compensatory wetlands mitigation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.41(A)(1) and (C) are hereby amended and reenacted to read as follows:

§214.41. Mitigation of coastal wetlands losses
A. As used in this Section, the following terms shall have the meaning ascribed to them below:

(1) “Compensatory mitigation” means replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of those values caused by a permitted activity. Compensatory mitigation may also include construction or implementation of an integrated coastal protection project consistent with the state’s master plan for coastal protection and restoration within the same watershed as the permitted activity.

C. Compensatory mitigation, including construction or implementation of an integrated coastal protection project consistent with the state’s master plan for coastal protection and restoration within the same watershed as the permitted activity, at a level sufficient to replace or to substitute for the ecological value of the wetlands lost as a result of each permitted activity, shall be required, unless the permittee has satisfactorily demonstrated to the secretary that the required mitigation would render impracticable an activity proposed to be permitted and that such activity has a clearly overriding public interest. In such an instance, provided that the secretary has decided to issue the permit, the secretary shall grant a variance to this compensatory mitigation requirement after giving due public notice. The secretary shall also provide a statement of finding as to the reasons for granting such variance.

* * *

Approved by the Governor, May 10, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 48

HOUSE BILL NO. 67
BY REPRESENTATIVE BAGELEY
AN ACT

To amend and reenact R.S. 40:1502.16(A), relative to the assessment of service charges by the governing authority of DeSoto Fire Protection District No. 2; to provide with respect to the collection of the service charge and the enforcement of the collection; to provide for use of the proceeds of such charges; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1502.16(A) is hereby amended and reenacted to read as follows:

§1502.16. Service charge authorized for DeSoto Parish; assessment and collection
A. In addition to the authority granted pursuant to R.S. 40:1502, the governing authority of DeSoto Parish Fire Protection District No. 2 and DeSoto Parish Fire Protection District No. 3 may establish a service charge or rates of service charges to be assessed persons owning each residential or commercial structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the respective fire protection districts, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure and each housing unit within a multiple dwelling structure shall be considered a separate structure, and a mobile home, as defined in R.S. 9:1149.2, shall be considered a structure. Such service charges or rates of service charges shall be framed so as to cover and shall be used for the costs of any air or fire protection and emergency medical transportation and emergency services incident thereto.

* * *

Approved by the Governor, May 10, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 49

HOUSE BILL NO. 694
Ancillary Appropriations
will publish in a later edition.

ACT No. 50

HOUSE BILL NO. 68
BY REPRESENTATIVE TERRY BROWN
AN ACT

To amend and reenact R.S. 33:130.202, relative to the LaSalle Economic Development District; to provide relative to the board of commissioners; to provide relative to the appointment of board members; to provide relative to residency requirements for board members; to provide relative to meetings of the board; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:130.202 is hereby amended and reenacted to read as follows:

§130.202. Board of commissioners: members, officers; agents and employees
A. The district shall be governed by a board of commissioners consisting of members appointed as follows:
(1) The town council of each of the following municipalities shall make its appointments in a public meeting from nominations submitted by residents of the municipality for which the member is appointed:
(a) One member appointed by the town council of Jena;
(b) One member appointed by the town council of Olla;
(c) One member appointed by the town council of Tullos;
(d) One member appointed by the town council of Urania.
(2) Each state and federally chartered financial institution with offices in LaSalle Parish shall appoint one member who is a resident of LaSalle Parish.
(3) The LaSalle Parish School Board shall appoint one member who is a resident of LaSalle Parish.
(4) The LaSalle Police Jury shall appoint one member who is a resident of LaSalle Parish.
(5) The LaSalle Development Board Jena Band of Choctaw Indians shall appoint three members who are residents of LaSalle Parish.
(6) The LaSalle Parish Chamber of Commerce shall appoint four members who are residents of LaSalle Parish.
(7) The term of office for all members shall be four years.
(8) The mayor of each incorporated municipality in LaSalle Parish shall be a nonvoting ex officio member of the board of commissioners.
B. The term of office for all appointed members shall be four years. Any vacancy in the membership of the board of commissioners, occurring either by reason of the expiration of the term for which appointed or by reason of death, resignation, or otherwise, shall be filled in the manner of the original appointment. In the event that the entity responsible for the appointment of a member fails to fill within thirty days a vacancy, the board of commissioners may appoint an interim successor to serve until the position is filled by the appointing entity for the remainder of the unexpired term.
C. Any member of the board of commissioners may be removed by the entity that originally appointed him for cause.
D. The members of the board of commissioners shall serve without compensation. The board of commissioners shall have the power to organize and reorganize executive, clerical, and other departments and to fix the duties and powers and compensation of all officers, agents, and employees of the district. The board of commissioners may reimburse any member for expenses actually incurred in the performance of his duties hereunder.
E. Members of the board, individually, and members of their immediate families are prohibited from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the district.
F. The board of commissioners shall elect from among its own members a president, a vice president, a secretary, and a treasurer, whose duties shall be those usual to such offices. At the option of the board of commissioners, the offices of secretary and treasurer may be held by one person.
G. The board of commissioners shall meet in regular session once each month and shall also meet in special session as often as the president of the board convenes them or on the written request of eight members. Eight members of the board of commissioners shall constitute a quorum.
H. The board of commissioners shall prescribe rules to govern its meetings, as authorized to do by the bylaws, to control and implement the activities of the board, shall maintain suitable offices in the parish of LaSalle, and may contract with and employ attorneys, clerks, engineers, deputy commissioners, superintendents, and other agents and employees and shall fix their compensation and terms of employment.
I. All members of the board of commissioners shall be residents of LaSalle Parish, operate a business in LaSalle Parish, or be employed in LaSalle Parish. A member of the board of commissioners of the Olla, Urania, Tullos, Standard Economic and Industrial Development District is not prohibited from serving on the board of commissioners.
J. The board of commissioners shall elect from among its own members a president, a vice president, a secretary, and a treasurer, whose duties shall be those usual to such offices. At the option of the board of commissioners, the offices of secretary and treasurer may be held by one person.

Approved by the Governor, May 10, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
CODING: Words in roman through type are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
* As it appears in the enrolled bill
PAGE 13
ACT No. 51

HOUSE BILL NO. 72
BY REPRESENTATIVE ZERINGUE
AN ACT
To amend and reenact R.S. 33:2495.3(A), relative to the classified fire service; to provide relative to persons selected for appointment to entry-level positions in the city of Houma; to provide relative to the formal training of such persons; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2495.3(A) is hereby amended and reenacted to read as follows: §2495.3. Recruit and recruit period; certain municipalities

A. Notwithstanding any other provision of law to the contrary, in the cities of Baton Rouge, Bossier City, Houma, and Lafayette no person selected for appointment to an entry-level position in the classified service from the competitive firefighter employment list who has not successfully completed formal training as required by Subsection B of this Section shall begin the working test period. However, such person shall be employed by the appointing authority and reported as a recruit and shall immediately begin his formal training.

* * *

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 52

HOUSE BILL NO. 77
BY REPRESENTATIVE HENSGENS
AN ACT
To amend and reenact R.S. 46:1053(L)(2), relative to Vermilion Parish Hospital Service District No. 2; to increase the maximum per diem which may be paid to commissioners of the district; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1053(L)(2) is hereby amended and reenacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

* * *

L.

* * *

(2) Notwithstanding any other provision of this Section to the contrary, the governing authority of Vermilion Parish may permit a per diem to each member of the commission in an amount not to exceed thirty-one hundred twenty-five dollars for each day of his attendance at meetings of the commission not to exceed twenty-four regular meetings per year and twelve special meetings per year, payable out of funds of the hospital service district.

* * *

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 53

HOUSE BILL NO. 87
BY REPRESENTATIVE JAMES
AN ACT
To amend and reenact R.S. 17:3092(S), relative to the Louisiana Student Tuition Assistance and Revenue Trust Program; to broaden the definition of institution of postsecondary education for program purposes; to include certain out-of-state proprietary schools in such definition; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3092(S) is hereby amended and reenacted to read as follows: §3092. Definitions

For the purposes of this Chapter, the following words, terms, and phrases shall have the following meanings, unless the context clearly requires otherwise:

(5) “Institution of postsecondary education” means either a state college, university, or technical college or institute or an independent college or university located in this state that is approved by the United States Secretary of Education; or a public or independent college or a university located outside this state that is approved by the United States Secretary of Education; or a proprietary school licensed pursuant to Chapter 24-A of this Title; or a proprietary school located outside this state that is licensed by an out-of-state public postsecondary education board, accredited by a recognized national or regional accrediting body, and eligible for federal assistance; or words underscored to participate in a program under Title IV of the Higher Education Act of 1965, as amended.

* * *

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 54

HOUSE BILL NO. 93
BY REPRESENTATIVES BAGNERIS AND JIMMY HARRIS
AN ACT
To amend and reenact R.S. 33:9080(F)(1) and (3), relative to the Lake Bullard Neighborhood Improvement District in Orleans Parish; to provide relative to the parcel fee levied within the district; to provide relative to the amount, expiration and renewal of the fee; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9080(F)(1) and (3) are hereby amended and reenacted to read as follows:

§9080. Lake Bullard Neighborhood Improvement District

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

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per improved parcel of land not to exceed two three hundred fifty dollars per year for each improved parcel.

* * *

(3)(a) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized as provided in this Subsection. No other election shall be required except as provided by this Paragraph.

(b) The initial election on the question of the imposition of the fee shall be held at the same time as a regularly scheduled election in the city of New Orleans.

* * *

Section 2. The provisions of this Act shall not affect the parcel fee being levied within the Lake Bullard Neighborhood Improvement District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the fee until such time as it expires, as provided in the proposition approved by a majority of the district’s registered voters voting on the proposition at an election held on February 1, 2014. After expiration of the fee, the governing authority of the city shall then begin to levy a parcel fee as provided in this Act, if the parcel fee has been approved by the voters as provided in this Act.

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

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 55

HOUSE BILL NO. 102
BY REPRESENTATIVES ZERINGUE AND MAGEE
AND SENATOR GARY SMITH
AN ACT
To enact R.S. 15:255(T), relative to witness fees for off-duty law enforcement officers; to authorize the transfer of certain witness fee surplus funds within Lafourche Parish; to provide for the transfer procedures and use of such funds; to provide for definitions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:255(T) is hereby enacted to read as follows:

§255. Witness fees to off-duty law enforcement officers

T. No later than April thirtieth of each year, the governing authority of Lafourche Parish shall transfer to the criminal court fund of Lafourche Parish all surplus monies in its special fund that exceed ten thousand dollars at the end of each calendar year. As used in this Subsection, “special fund” means the special fund provided for in Subsection D of this Section, and “surplus monies” means the amount of money which is in each special fund at the end of each calendar year and which is in excess of the total amount paid from each special fund as witness fees for off-duty law enforcement officers in that calendar year. The surplus monies transferred pursuant to the provisions of this Subsection may be used for any purpose for which the other monies in the criminal court fund of the parish may be used.

No money obligated to be paid to any officer or agency for an off-duty law enforcement court appearance shall be considered surplus monies pursuant to this Subsection.

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State
ACT No. 56

HOUSE BILL NO. 103
BY REPRESENTATIVE LEBAS
AN ACT
To enact R.S. 33:3819(L), relative to the Evangeline Parish Waterworks District No. 1; to provide relative to the per diem paid to members of the board of commissioners and to the number of meetings for which per diem may be paid; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:3819(L) is hereby enacted to read as follows: §3819. Meetings of commissioners; meeting place; absences; compensation
* * *
I. Notwithstanding the provisions of Subsection A of this Section, the governing authority of Evangeline Parish may authorize the treasurer of Evangeline Parish Waterworks District No. 1 to pay the commissioners of the district a per diem not to exceed one hundred dollars for attending meetings of the board, for a maximum of one meeting per month. Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 57

HOUSE BILL NO. 104
BY REPRESENTATIVES JIM MORRIS AND BISHOP
AN ACT
To amend and reenact R.S. 30:544(A)(1), relative to pipeline safety violations; to raise the maximum penalty for such violations; and to provide for related matters. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:544(A)(1) is hereby amended and reenacted to read as follows: §544. Violation; penalties, civil and criminal
A. (1) Any person who shall be determined by the assistant secretary, after notice and an opportunity for a hearing, to have violated any provision of this Chapter or any rule, regulation, or order promulgated or issued under this Chapter shall be liable to the office of conservation for a civil penalty not to exceed two hundred thousand dollars for each violation for each day that the violation persists, except that the maximum civil penalty shall not exceed five hundred thousand dollars for any related series of violations.

Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 58

HOUSE BILL NO. 117
BY REPRESENTATIVE DUSTIN MILLER
AN ACT
To enact R.S. 40:1496(B)(5)(e), relative to the St. Landry Parish Fire District No. 7; to provide for membership on its board of commissioners; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1496(B)(5)(e) is hereby enacted to read as follows:
§1496. Appointment of members of board; term; vacancies
* * *
B. In the case of a district comprising all or part of a single parish, members shall be appointed as follows:
* * *
(5) * * *
(e) The board of commissioners of St. Landry Parish Fire District No. 7 shall consist of seven members. The parish governing authority shall appoint the additional members of the board and shall set the initial terms of the two additional members.

Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 59

HOUSE BILL NO. 874
Supplemental Appropriations
will publish in a later edition

ACT No. 60

HOUSE BILL NO. 120
BY REPRESENTATIVE BISHOP
AN ACT
To enact R.S. 30:551(E), relative to the powers and responsibilities of the commissioner of conservation; to authorize the commissioner of conservation to certify to the United States Department of Transportation his jurisdiction over safety standards of underground gas storage facilities; and to provide for related matters. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:551(E) is hereby enacted to read as follows: §551. Regulatory designation
* * *
E. The commissioner of conservation, as permitted by 49 U.S.C. 60101, et seq., may certify annually to the United States Department of Transportation that the state, through the office of conservation, has regulatory jurisdiction over the safety standards and practices of intrastate underground gas storage facilities not otherwise regulated by the Federal Energy Regulatory Commission and the transportation of gas and the storage of gas at those facilities. The commissioner of conservation, as permitted by 49 U.S.C. 60101, et seq., may enter into an agency relationship with the United States Department of Transportation to enforce compliance with safety standards with respect to interstate gas storage facilities or the transportation of gas associated with those facilities. Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 61

HOUSE BILL NO. 131
BY REPRESENTATIVE STEFANSKI
To amend and reenact Code of Criminal Procedure Article 215(C) and R.S. 14:66(A)(2) and to enact Code of Criminal Procedure Article 215(A)(3), relative to theft of goods; to provide relative to theft prevention programs; to prohibit the exclusion of participants based upon certain factors; to provide relative to certain requirements of the program; to provide definitions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Article 215(C) is hereby amended and reenacted and Code of Criminal Procedure Article 215(A)(3) is hereby enacted to read as follows:
Art. 215. (D) Detention and arrest of shoplifters
A. * * *
(3)(a) A merchant or a specifically authorized employee or agent of a merchant who has reasonable cause to believe that a person has committed a theft of goods held for sale by the merchant, is not precluded from offering such person the opportunity to complete a theft prevention program in lieu of reporting the suspected theft to law enforcement. The provisions of this Subparagraph apply only to those merchants who employ at least twenty-five persons.
(0)(i) A provider of a theft prevention program may charge a fee of not more than five hundred dollars for participation in the program and may not exclude a person otherwise eligible to participate in the program on the basis of the person’s race, national origin, religion, sex, or the ability to pay the fee.
(ii) A provider of a theft prevention program that charges a fee to participate in the program may reduce or waive the fee based upon the inability of a participant to pay.
(iii) A provider of a theft prevention program shall maintain records of the criteria described in Item (b)(i) for a period of not less than three years without including personal identifying information. This report shall be made available to the district attorney upon request.
(iv) A provider of a theft prevention program shall provide to the district attorney, upon request, its criteria for a person’s participation in its theft prevention program.
(v) A merchant or a specifically authorized employee or agent of a merchant that offers a person the opportunity to complete a theft prevention program shall provide a copy of the written offer to the district attorney upon request.
(vi) Nothing in this Subparagraph shall preclude a district attorney or court from offering a theft prevention program in compliance with the provisions of this Subparagraph.
(c) Any person who successfully completes a theft prevention program pursuant to this Subparagraph shall not be subject to any additional civil penalties under any other provision of law.
B. * * *
C. As used in this Article, the following definitions apply:
(1) “Reasonable under the circumstances” shall be construed in such a manner so as to include the value of the merchandise in question, the location of the store, the length of time taken for law enforcement personnel to respond, the cooperation of the person detained, and any other relevant circumstances to be considered with respect to the length of time a person is detained.
(2) Theft prevention program” is a pre-arrest program designed to address the underlying causes of theft, reduce the occurrences of theft, and promote accountability and reconciliation between the person suspected of theft and the merchant, and may be provided by the merchant or an independent third-party provider.
Section 2. R.S. 14:66(A)(2) is hereby amended and reenacted to read as follows:
66. E. Extortion
* * *
(1) Extortion is the communication of threats to another with the intention thereby to obtain anything of value or any acquittance, advantage, or immunity of any description. Any one of the following kinds of threats shall be sufficient to constitute extortion:
(2) A threat to accuse the individual threatened or any member of his family or any other person held dear to him of any crime. An offer to participate in a theft prevention program pursuant to Code of Criminal Procedure Article 215 shall not constitute a violation of the provisions of this Paragraph.

* * *
To amend and reenact R.S. 22:1838(F), relative to recoupment of health insurance claims payments; to prohibit recoupments after the expiration of eighteen months from the date the initial claim was paid; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1838(F) is hereby amended and reenacted to read as follows:

§1838. Recoupment of health insurance claims payments

(1) A health insurance issuer shall not retroactively deny, adjust, or seek recoupment or refund of a paid claim for healthcare expenses submitted by a healthcare provider, for healthcare services rendered in good faith and pursuant to the benefit plan for any reason after the expiration of eighteen months from the date the initial claim was paid.

(2) This Subsection shall not be construed to supersede any provision of law that expires a time period less than eighteen months for the retroactive denial of payment or recoupment of moneys paid for a claim or the reconsideration of the validity of a claim.

(3) The provisions of this Section shall not apply to the Office of Group Benefits.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 67

BY REPRESENTATIVE REYNOLDS

AN ACT

To amend and reenact R.S. 3:3103(D) and R.S. 56:20(C) and to enact R.S. 56:20(D), relative to importing species of the deer family; to prohibit the importation of live cervid; to provide for licenses; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3103(D) is hereby amended and reenacted to read as follows:

§3103. Imported exotic deer, antelope, elk, farm-raised white tail deer, and other exotic cervidae; licensing

(1) Licenses.

D. Licensees receiving a license under pursuance to this Section shall not be required to comply with the requirements of R.S. 56:20 and 171.

Section 2. R.S. 56:20(C) is hereby amended and reenacted and R.S. 56:20(D) is hereby enacted to read as follows:

§20. Releasing game, fowl, or fish; permission; intrastate restocking; importation; violations

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 66

BY HOUSE BILL NO. 197

AN ACT

To amend and reenact R.S. 3:3103(D) and R.S. 56:20(C) and to enact R.S. 56:20(D), relative to importing species of the deer family; to prohibit the importation of live cervid; to provide for licenses; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3103(D) is hereby amended and reenacted to read as follows:

§3103. Imported exotic deer, antelope, elk, farm-raised white tail deer, and other exotic cervidae; licensing

(1) Licenses.

D. Licensees receiving a license under pursuance to this Section shall not be required to comply with the requirements of R.S. 56:20 and 171.

Section 2. R.S. 56:20(C) is hereby amended and reenacted and R.S. 56:20(D) is hereby enacted to read as follows:

§20. Releasing game, fowl, or fish; permission; intrastate restocking; importation; violations

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 65

BY HOUSE BILL NO. 183

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Education and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Education and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Education may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

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

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

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

(10) July 1, 2022:

(c) The Department of Education and all statutory entities made a part of the department by law.

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

Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
§67. Theft of livestock

Section 1. R.S. 14:67.1 and 67.2 are hereby enacted to read as follows:

Be it enacted by the Legislature of Louisiana:

To enact R.S. 14:67.1 and 67.2, relative to theft; to create the crimes of theft of livestock and theft of timber; to provide for definitions; to provide for criminal penalties; to provide for duties of enforcement and investigation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.1 and 67.2 are hereby enacted to read as follows:

§67.1. Theft of livestock

A. Any of the following acts shall constitute theft of livestock:

1. The misappropriation or taking of livestock belonging to another or proceeds derived from the sale of such livestock or its meat, whether done without the consent of the owner, or the misappropriation or taking, or by means of fraudulent conduct, practices, or representations, with the intent to deprive the owner permanently of the livestock or proceeds derived from the sale of the livestock or its meat.

2. Transporting or causing the transportation of livestock to a slaughterhouse or a public livestock market as defined in R.S. 3:663, for purposes of selling or keeping the livestock or meat with the intent to deprive the owner permanently of the livestock or meat or proceeds derived from the sale of the livestock or meat.

3. Failing or refusing to pay for livestock purchased from an agent, dealer, public livestock market as defined in R.S. 3:663, or owner, or acquired with the consent of the agent, dealer, public livestock market, or owner, within thirty days of the date the livestock was purchased or acquired or the date payment was due, whichever is longer, with the intent to permanently deprive the other of the livestock or the value of the livestock.

B. Either of the following acts shall constitute presumptive evidence of the intent to permanently deprive the other of the livestock or meat, or proceeds derived from sale of the livestock or meat:

1. Assignment of the livestock in a record book maintained by a slaughterhouse or public livestock market as defined in R.S. 3:663, in a name other than that of the owner.

2. Failing to pay for the livestock within ten days after notice of a request for payment or return of the livestock or meat has been sent by the agent, dealer, public livestock market as defined in R.S. 3:663, or owner, to the owner's last known address by either registered or certified mail, return receipt requested, or by actual delivery by a commercial courier.

C. Affirmative defenses shall include but not be limited to a contract establishing longer terms for payment and fraud with regard to the quality of the livestock.

D. "Livestock" means any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agri-tourism, competition, recreation, or silviculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovines; horses, mules, donkeys, and other equines; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope; elk, farm-raised white-tailed deer, farm-raised rafter, and other farm-raised exotic animals; fish, reptiles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.

E. The Livestock Brand Commission shall have primary responsibility for the enforcement and collection of information in such cases. Livestock brand inspectors shall aid all law enforcement agencies in such investigations.

F. Whoever commits the crime of theft of livestock shall be fined not more than five thousand dollars, imprisoned, with or without hard labor, for not more than ten years, or both.

§67.2. Theft of timber

A. Theft of timber is the misappropriation or taking of timber belonging to another, or proceeds derived from the sale of such timber, either taken without the consent of the owner, or by means of fraudulent conduct, practices, or representations, with the intent to deprive the owner permanently of the timber or proceeds derived therefrom.

B.(1) Whoever commits the crime of theft of timber when the misappropriation or taking amounts to a value of twenty-five thousand dollars or more shall be fined not more than ten thousand dollars and imprisoned at hard labor for not more than ten years.

B.(2) When the misappropriation or taking amounts to a value of less than twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, fined not more than five thousand dollars, or both.

C. The enforcement division of the office of forestry within the Department of Agriculture and Forestry shall have primary responsibility for collection, preparation, and central registry of information relating to theft of timber and shall assist all law enforcement agencies in investigations of violations of the provisions of this Section.

Approved by the Governor, May 10, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State
Section 1. R.S. 51:710.1 is hereby amended and reenacted to read as follows:

The commissioner, upon notice of opportunity for hearing as provided for in R.S. 51:716, shall have the right to assess a civil monetary penalty against any issuer, broker-dealer, agent, investment adviser or investment adviser representative, or any other person who violates this Part or any rule, regulation, or order of the commissioner, up to a maximum of five thousand dollars per violation, plus the costs of investigation and prosecution.

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, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 75

HOUSE BILL NO. 250
BY REPRESENTATIVE BISHOP
AN ACT
To amend and reenact R.S. 47:1705(B)(2)(c)(ii)(aa) and to repeal R.S. 47:1705(B)(2)(c)(ii)(bb), relative to ad valorem tax; to provide with respect to the newspaper advertisement for a public hearing notice concerning certain ad valorem property tax increases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1705(B)(2)(c)(ii)(aa) is hereby amended and reenacted to read as follows: §1705. Information supplied to assessor and legislative auditor by tax recipient agencies; additional notices

B.

(2) In order to accomplish this result, the following shall be mandatory:

(c) (ii)(aa) The notice shall be published by July fifteenth on two separate days, occurring no less than thirty days before the hearing date, in the official journal of the taxing authority, and in another newspaper with a larger circulation within the taxing authority than the official journal of the taxing authority, if there is one. On the first day of publication, the notice shall also be posted on the Internet website of the taxing authority, if such taxing authority maintains an Internet website. The Internet posting shall remain active until such time as the taxing authority has taken action to approve or disapprove, or has abandoned action on, the proposed millage increase.

Section 2. R.S. 47:1705(B)(2)(c)(ii)(bb) is hereby repealed in its entirety.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 76

HOUSE BILL NO. 255
BY REPRESENTATIVE FALCONER
AN ACT
To enact R.S. 44:4(55), relative to information regarding the fitness of a person to receive or continue to hold a license or certificate of registration issued by the State Board of Architectural Examiners; to exempt from the Public Records Law certain records of the board concerning the fitness of a person to receive or continue to hold a license or certificate of registration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4(55) is hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

(55) To any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody or control of the State Board of Architectural Examiners concerning the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture. However, any such record may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture and any legal grounds upon which such determination is based shall be a public record.

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, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 77

HOUSE BILL NO. 287
BY REPRESENTATIVES EDMONDS, CHANEY, COX, HENSGENS, HOFFMANN, JACKSON, JOHNSON, LEBAS, POPE, STAGNI, AND STOKES
AN ACT
To enact R.S. 40:1061.1.2(C)(3), relative to the prohibition on abortion based on genetic abnormality; to provide relative to violations of law pertaining to the furnishing of such information; to limit the assessment of penalties in connection with such law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.1.2(C)(3) is hereby enacted to read as follows:

§1061.1.2. Abortion based on genetic abnormality; prohibition

(3) No person shall be found in violation of this Subsection, and no penalty for a violation of this Subsection shall be assessed, in any instance in which the informational document required by this Subsection is not available for use.

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, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
Section 1. R.S. 47:463.73(G) is hereby amended and reenacted to read as follows:

§463.73. Special prestige license plate; Louisiana parochial, public, and private high schools

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

B. The secretary shall work in conjunction with the state representative for House of Representatives District 60 and the state senator for Senate District 7 to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words “Louisiana Aviator.”

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

D. The fee for this special prestige plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

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

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 83
- - -
HOUSE BILL NO. 302
BY REPRESENTATIVE CARMODY
AN ACT
To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(i), relative to the Department of Public Service, including provisions to provide for the re-creation of the Department of Public Service and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Public Service and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Public Service and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Public Service may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

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

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates
(10) July 1, 2022:

(c) The Department of Public Service and all the statutory entities made a part of the department by law:

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

Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
Section 1. R.S. 30:87(A) is hereby amended and reenacted to read as follows:

§30.87. Oilfield site restoration fees
A. There is hereby imposed on crude petroleum produced from producing wells in this state a fee on each barrel of oil and condensate payable upon the initial disposition of each barrel of oil and condensate. The fee is in addition to any tax imposed pursuant to Title 47 of the Louisiana Revised Statutes of 1950. The provisions of Chapters 17 and 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration, collection, and enforcement of the fee imposed herein in this Section, and the penalties provided by that code shall apply to any person who fails to pay or report the fee. Proceeds from the fee, including any penalties collected in connection with the fee, shall be deposited into the Oilfield Site Restoration Fund.

* * *

Section 2. The provisions of this Act are declared to be remedial and curative and shall be applied retroactively to July 1, 2017, as well as prospectively. In order to prevent double payment of the oilfield site restoration fee from July 1, 2017, through June 30, 2018, the following shall be submitted to the Department of Revenue:

(1) Each oilfield site restoration fee return filed for each of the quarters during the period of July 1, 2017, through June 30, 2018, shall be amended by the original filer to report the oilfield site restoration fee based on the initial disposition of each barrel of oil and condensate instead of production of each barrel of oil and condensate. This amended return shall be prepared as if it were an original return based on initial disposition of each barrel of oil and condensate.

(2) In addition to the amended return referenced above, the original filer shall also submit one reconciliation report containing information for each quarter in the format and method provided by the Department of Revenue. At a minimum this reconciliation report shall contain the amount of oil and condensate produced and the amount of oil and condensate initially disposed of during each of the affected quarters as well as the difference between the two.

(3) The amended returns, the corresponding reconciliation report, and the payment of any additional oilfield site restoration fee due shall be filed and paid no later than March 31, 2019. Any returns, reconciliation reports, or payments due that are not received by this date will be deemed delinquent and will therefore be subject to interest and penalties.

Section 3. This Act shall become effective July 1, 2018.

Approved by the Governor, May 10, 2018.

A true copy of this Act is filed with the Secretary of State.

R. Kyle Ardoin
Secretary of State

ACT No. 85
BY REPRESENTATIVE GARY CARTER AND SENATOR CARTER
AN ACT
To amend and reenact R.S. 36:744-4(D) and to enact Chapter 6 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:501 through 503, relative to the Louisiana Historical Records Advisory Board; to provide for the membership of the board; to provide for the duties of the board; to provide relative to the state historical records coordinator and the deputy state historical records coordinator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6 of Title 44 of the Louisiana Revised Statutes of 1950, comprised of R.S. 44:501 through 503, is hereby enacted to read as follows:

CHAPTER 6. LOUISIANA HISTORICAL RECORDS ADVISORY BOARD
§501. Board; creation; appointment; compensation
A. The Louisiana Historical Records Advisory Board is hereby created in the Department of State.
B. The board shall be comprised of fifteen members. The membership of the board shall be:
   (1) The secretary of state or his designee who shall be the chairman of the board.
   (2) The director of state archives or his designee.
   (3) The state librarian or his designee.
   (4) One representative selected by the Louisiana Clerks of Court Association.
   (5) One representative selected by the Louisiana Municipal League.
   (6) One representative selected by the Police Jury Association of Louisiana.
   (7) One representative selected by the Louisiana Sheriffs' Association.
   (8) One representative selected by the Louisiana Archives and Manuscripts Association.
   (9) One representative selected by the Louisiana Historical Association.
   (10) Six members appointed by the secretary of state, each of whom shall be subject to confirmation by the Senate, shall serve a term of office concurrent with the term of office of the secretary of state, and shall have expertise in one or more of the following fields:
      (a) Administration of government or university records.
      (b) Historical records.
      (c) Archives.
      (d) Members of the board shall serve without compensation.
   D. The board shall meet at regularly scheduled intervals and upon the call of the chairman.
§502. Duties of the board
A. The duties of the board shall include the following:
   (1) To sponsor and publish surveys regarding the conditions of and needs concerning historical records in this state,
Section 2. The provisions of this Act shall be applicable to all corporate franchise tax years beginning on and after January 1, 2019.

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, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 87

HOUSE BILL NO. 342
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 47:1517.1(A), (B)(introductory paragraph), (B)(1), and (G) and to enact R.S. 47:1517.1(B)(4) and (5), relative to tax incentive reports; to provide for the deadline in which certain tax incentive reports are due to the legislature; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1517.1(A), (B)(introductory paragraph), (B)(1), and (G) are hereby amended and reenacted and R.S. 47:1517.1(B)(4) and (5) are hereby enacted to read as follows:

§1517.1. Tax incentives; state agencies and state offices that administer tax incentives; reporting requirements

A. The Department of Revenue is required to prepare a tax exemption budget each year that includes state revenue loss for the preceding three years caused by each tax exemption, deduction, exclusion, and credit authorized by law; however, in addition to the Department of Revenue, a number of other state agencies administer tax credits and rebates. Likewise, the legislative auditor’s office has statutory authority to conduct performance audits of state agency programs in order to evaluate the impact, efficiency, effectiveness, and cost-effectiveness of programs and to identify programs that are vital and in the best interest of the citizens of Louisiana. In order for the legislature and the legislative auditor’s office to get accurate and complete information regarding how much tax credits and rebates cost the state each year, each state agency that administers tax credits and rebates shall annually report the information required by this Section to the legislature in every even-numbered year.

B. The reports shall be due on or before the first day of March of each even-numbered year, the head of each state agency that administers a tax credit or tax rebate, referred to in this Section collectively as “tax incentive”, shall prepare and submit to the legislature Senate Committee on Revenue and Fiscal Affairs, the Senate Committee on Finance, the House Committee on Ways and Means, and the House Committee on Appropriations a report regarding each tax incentive that the agency administers. The report shall include an assessment of each tax incentive based on the following criteria:

1. Whether or not each tax incentive has been successful in meeting the purpose for which it was enacted, in particular, whether each tax incentive benefits those originally intended to be benefited, and if not, those who do benefit.

2. Beginning in 2019 the reports for tax incentives that include a job creation component shall include the number of employees hired who had a Louisiana drivers license at the time they were hired.

3. Beginning in 2020, in addition to the reports provided for in this Section, the Department of Revenue shall perform a comprehensive return on investment analysis for all tax incentives for which the revenue loss was one million dollars or more in the previous fiscal year. This return on investment analysis shall be performed by the department regardless of which agency administers the tax incentive. The department’s report of the results shall include a ranking of tax incentives by return on investment.

G. The House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, referred to in this Subsection as “committees”, shall conduct hearings on the reports every odd numbered year, to be concluded no later than thirty days before the beginning of the Regular Session of the Legislature of Louisiana first day that the legislature convenes in each odd numbered year. The committees shall analyze and consider tax incentives that have caused revenue loss to the state in any one of the three previous fiscal years. From time to time, the committees may report to the legislature findings or recommendations developed as a result of the hearings.

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, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 88

HOUSE BILL NO. 360
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 6:708(G) and 710(A) and (B) and to enact R.S. 6:272(D)(5), 283(B)(4), 1188(F), and 1188(F), relative to delivery of notices of meetings and other communications to stockholders by electronic transmission to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with R.S. 12:1-141.

§283. Meetings of the board; quorum, written consent

B. (1) Unless a method of notice is provided in the articles of incorporation or bylaws of a savings and loan association to the contrary, the articles of incorporation or bylaws of a savings and loan association may authorize or require delivery of notices of meetings and other communications to directors by electronic transmission to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with R.S. 12:1-141.

§708. Directors; number; qualifications; oath; vacancies

G. (1) The board of directors of each association shall hold meetings at the times and places provided for in the bylaws.

(2) Notwithstanding any other provision of law to the contrary, the articles of incorporation or bylaws of a savings and loan association may authorize or require delivery of notices of meetings and other communications to directors by electronic transmission to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with R.S. 12:1-141.

§1183. Notice of meetings

C. Notwithstanding any other provision of law to the contrary, the articles of incorporation or bylaws of a savings and loan association may authorize or require delivery of notices of meetings and other communications to stockholders by electronic transmission to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with R.S. 12:1-141.

§1188. Directors

E. Notwithstanding any other provision of law to the contrary, the articles of incorporation or bylaws of a savings bank may authorize or require delivery of notices of meetings and other communications to directors by electronic transmission to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with R.S. 12:1-141.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
ACT No. 89

HOUSE BILL NO. 367
BY REPRESENTATIVE PIERRE

AN ACT
To amend and reenact R.S. 17:273.4(D)(1)(c) and (2)(a), relative to high school diplomas; to revise the academic requirements for a student to earn a State Seal of Biliteracy on his high school diploma or transcript; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:273.4(D)(1)(c) and (2)(a) are hereby amended and reenacted to read as follows:

§273.4. State Seal of Biliteracy

D.(1) The State Seal of Biliteracy certifies that a student meets all of the following criteria:

* * *
(c) Proficiency at the intermediate-high level or above in one or more languages other than English, demonstrated through one of the following methods:

(i) Passing a world language Advanced Placement examination with a score of three or higher or a world language International Baccalaureate examination with a score of four or higher determined by the state Department of Education, in consultation with the examination provider, to be indicative of language proficiency.

For languages in which an Advanced Placement test is not available, school systems may use an equivalent summative test as approved by the state superintendent of education.

(ii) Successful completion of a four-year high school course of study in a world language or successful completion of seminar at least four Carnegie units or more in language or content courses in a world language immersion setting.

(iii) Passing a foreign government’s approved language examination and receiving a receipt of a certificate of competency from the authorizing government agency at the corresponding European B2 level.

American Council on the Teaching of Foreign Languages Advanced Low level, or equivalent in one or more.

(iv) Passing a nationally recognized world language proficiency examination with a score determined by the state Department of Education, in consultation with the examination provider, to be indicative of language proficiency.

(2) If the primary language of a student in grades nine through twelve is other than English, he shall do both of the following in order to qualify for the State Seal of Biliteracy:

(a) Attain the Early Advanced proficiency level on the English Language Development Assessment composite score of proficient on an English language development assessment that addresses all modes of communication.

* * *

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 90

HOUSE BILL NO. 373
BY REPRESENTATIVE JOHNSON

AN ACT
To amend and reenact R.S. 49:964(A)(2) and 992(B)(3), relative to administrative procedure; to provide relative to judicial review of administrative decisions; to authorize the Department of Children and Family Services to seek judicial review of certain decisions by the division of administrative law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:964(A)(2) and 992(B)(3) are hereby amended and reenacted to read as follows:

§964. Judicial review of adjudication

A. * * *

(2)(a) No agency or official thereof or other person acting on behalf of an agency or official thereof shall be entitled to judicial review under this Chapter.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to the Department of Children and Family Services or an official thereof or other person acting on behalf of the department or official in appeals brought pursuant to Children's Code Article 616.1.

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

* * *

B. * * *

(3)(a) Nothing in this Section shall affect the right to or manner of judicial appeal in any action or proceeding of whether or not such adjudication is commenced by the division or by an agency.

(b)(i) However, no agency or official thereof, or other person acting on behalf of an agency or official thereof, shall be entitled to judicial review of a decision made pursuant to this Chapter.

(ii) The provisions of Item (i) of this Subparagraph shall not apply to the Department of Children and Family Services or an official thereof or other person acting on behalf of the department or official in appeals brought pursuant to Children's Code Article 616.1.

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.

THE ADVOCATE

* As it appears in the enrolled bill

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

ACT No. 91

HOUSE BILL NO. 374
BY REPRESENTATIVE ABRAMSON

AN ACT
To require the Board of Tax Appeals to tax costs for depositing and filing fees related to appeals for certain claims for the solar energy system tax credit; to designate those claims which qualify for payment of costs; to provide for an effective date; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Within thirty days of the effective date of this Act, the Board of Tax Appeals shall issue an order taxing costs for the deposits and filing fees paid on appeals made to the board related to a denial or potential denial by the Louisiana Department of Revenue of a qualified claim for a solar energy system tax credit. The order shall include a statement that provides the claimant’s name and address, as well as the amounts of deposits and filing fees paid to the board related to the claimants qualified claim. Payment shall be made as provided in Section 4 of this Act.

Section 2. For purposes of this Act, a “qualified claim for a solar energy system tax credit” means a claim eligible for payment by the Department of Revenue pursuant to Act 413 of the 2017 Regular Session of the Legislature. “Qualified claim for a solar energy system tax credit” shall not include any claim that does not qualify for payment pursuant to Act No. 413 of the 2017 Regular Session of the Legislature or any claim that includes other justiciable issues in addition to the solar energy system tax credit.

Section 3. As of the effective date of this Act, the board shall waive any deposits and filing fees that would be subject to the provisions of this Act, but that had not been paid as of that date.

Section 4. Notwithstanding any other provision of law to the contrary, the secretary of the Department of Revenue shall make payment of the tax costs as an addition to the second installment payment for an appellant's qualified claim for a solar energy system tax credit. The payment shall be made from the same source as the claim for the tax credit and shall be subject to the offset provisions of R.S. 47:1622.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 92

HOUSE BILL NO. 419
BY REPRESENTATIVE EDMONDS

AN ACT
To amend and reenact R.S. 40:1646(A) and (B) and to enact R.S. 40:1646(E), relative to life safety systems and equipment; to provide for designated representatives; to provide for compliance; to provide penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1646(A) and (B) are hereby amended and reenacted and R.S. 40:1646(E) is hereby enacted to read as follows:

§1646. State fire marshal; owners; life safety systems and equipment inspections; penalties

A. The fire marshal or his designated representative is authorized to cause the inspection, certification, and testing of all life safety systems and equipment in the state, whether in public or private buildings, upon receipt of a complaint, during installation, or immediately after installation to determine compliance with applicable standards.

B. The owner of any building containing a life safety system and equipment, or the owner’s designated representative, shall cause at a minimum an annual inspection or certification to be made of the life safety system and equipment in that building to assure compliance with applicable safety standards and to determine whether structural changes in the building or in the contents of the building mandate alteration of a system.

E(1) Whenever the inspecting officer finds that the owner has failed to comply with the provisions of this Section, he shall order the owner to comply with the requirements of this Section.

(2) Whenever the inspecting officer finds life safety systems and equipment to be incomplete or not in compliance with applicable safety standards, the inspecting officer shall order the owner to have the life safety systems and equipment inspected and brought into compliance with applicable safety standards.

(3)(a) Whoever fails to comply with an order issued by the fire marshal may be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(4) The fire marshal may authorize a fire prevention bureau to enforce the provisions of this Section. Nothing in this Section shall be construed to prevent the fire marshal from enforcing the provisions of R.S. 40:1621.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 37:1358, relative to the practice of acupuncture; to provide for licensing of acupuncturists; to repeal the requirement that acupuncturists maintain physician relationships; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1358 is hereby amended and reenacted to read as follows:

§1358. Licensed acupuncturists — relationship with physician

The board shall certify as a licensed acupuncturist any of an individual who meets both of the following:

(1) An individual who has graduated from an acupuncture school or college accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.

(2) An individual who has successfully passed the certification examination, including the Biomedical portion of the examination, given by the National Certification Commission for Acupuncture and Oriental Medicine.

B. The licensed acupuncturist shall establish and maintain, in accordance with rules and regulations promulgated by the board, a relationship with a physician who operates a physical practice location in Louisiana to provide for referrals and follow-up care which may be necessary.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

To amend and reenact R.S. 6:315(A) through (C), relative to the transfer of small deposits to the surviving spouse or heirs upon the death of an intestate depositor; to provide for an increase in the amount of small deposit transfers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:315(A) through (C) are hereby amended and reenacted to read as follows:

§315. Transfer of small deposits

A. Upon the death of a depositor who dies intestate and who has deposits standing in his name alone or jointly with a surviving spouse and heirs, if any, in the total aggregate amount of five thousand dollars or less, in any depository financial institution, such depository financial institution may transfer such deposits to the surviving spouse and heirs, if any, or to the heirs, if there is no surviving spouse, upon receipt of an affidavit establishing jurisdiction and relationship. The affidavit shall also state that the deceased depositor left no will, that the total aggregate amount on deposit subject to transfer under this Section does not exceed five thousand dollars, and that such facts are true and correct.

B. The depository financial institution may issue a draft in the amount that the deceased had on deposit payable to the surviving spouse and heirs named in the affidavit required above described in Subsection A of this Section.

C. Receipt by the depository financial institution of the affidavit required in Subsection A of this Section shall be a full release of the bank depository financial institution in the transfer of the deposits as to anyone, including any heir, legatee, creditor, or other person having rights or claims to funds or property of the decedent, nor shall the bank depository financial institution be liable for any estate, inheritance, or succession taxes which may be due to the state.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

To amend and reenact R.S. 22:2082, 2083(A)(1), (2)(introductory paragraph) and (b), and (5), (B)(1) and (2)(introductory paragraph), (a), (h)(introductory paragraph), (ii), and (iii), (i), and (C)(1), 2084(5), (6), (7), (8)(introductory paragraph), (11), (11), and (12), 2085(A) (introductory paragraph) and (4) and (B), 2086(A)(introductory paragraph), (1), and (7), 2087(A)(introductory paragraph) and (1), (B)(introductory paragraph) and (1), (C), (F), (L), (M)(1), (4), and (5), (N), and (Q)(introductory paragraph), 2088(C), E(1)(a) and (b), (F) through (H), and (J)(5), 2090(A)(introductory paragraph) and (2), (B), (C), (D), and (D), 2091(A)(introductory paragraph), (1)(a)(iii) and (b), and (3), (B), and (C), 2093(C), (D), and (E)(1) through (3), 2098(A), (B), and (C)(introductory paragraph) and (2), and 2099, to enact R.S. 22:254(H), 2083(B)(3) and (F), and 2085(C)(3)(h), and to repeal R.S. 22:2086(8)(a) and 2091(E) and (G), relative to the Louisiana Life and Health Insurance Guaranty Association; to provide for purpose, scope, and applicability; to define key terms; to add health maintenance organizations as member insurers; to provide for the assessment of member insurers relative to long-term care policies and contracts; to provide for the reissuance of policies or contracts by the association; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2082, 2083(A)(1), (2)(introductory paragraph) and (b), and (5), (B)(1) and (2)(introductory paragraph), (a), (h)(introductory paragraph), (ii), and (iii), (i), and (C)(1), 2084(5), (6), (7), (8)(introductory paragraph), (11), (11), and (12), 2085(A)(introductory paragraph) and (4) and (B), 2086(A)(introductory paragraph), (1), and (7), 2087(A)(introductory paragraph) and (1)(a)(iii) and (b), and (3), (B), and (C), 2093(C), (D), and (E)(1) through (3), 2098(A), (B), and (C)(introductory paragraph) and (2), and 2099, to enact R.S. 22:254(H), 2083(B)(3) and (F), and 2085(C)(3)(h), and to repeal R.S. 22:2086(8)(a) and 2091(E) and (G), relative to the Louisiana Life and Health Insurance Guaranty Association; to provide for purpose, scope, and applicability; to define key terms; to add health maintenance organizations as member insurers; to provide for the assessment of member insurers relative to long-term care policies and contracts; to provide for the reissuance of policies or contracts by the association; and to provide for related matters.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

To amend and reenact R.S. 22:2082, 2083(A)(1), (2)(introductory paragraph) and (b), and (5), (B)(1) and (2)(introductory paragraph), (a), (h)(introductory paragraph), (ii), and (iii), (i), and (C)(1), 2084(5), (6), (7), (8)(introductory paragraph), (11), (11), and (12), 2085(A)(introductory paragraph) and (4) and (B), 2086(A)(introductory paragraph), (1), and (7), 2087(A)(introductory paragraph) and (1)(a)(iii) and (b), and (3), (B), and (C), 2093(C), (D), and (E)(1) through (3), 2098(A), (B), and (C)(introductory paragraph) and (2), and 2099, to enact R.S. 22:254(H), 2083(B)(3) and (F), and 2085(C)(3)(h), and to repeal R.S. 22:2086(8)(a) and 2091(E) and (G), relative to the Louisiana Life and Health Insurance Guaranty Association; to provide for purpose, scope, and applicability; to define key terms; to add health maintenance organizations as member insurers; to provide for the assessment of member insurers relative to long-term care policies and contracts; to provide for the reissuance of policies or contracts by the association; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2082, 2083(A)(1), (2)(introductory paragraph) and (b), and (5), (B)(1) and (2)(introductory paragraph), (a), (h)(introductory paragraph), (ii), and (iii), (i), and (C)(1), 2084(5), (6), (7), (8)(introductory paragraph), (11), (11), and (12), 2085(A)(introductory paragraph) and (4) and (B), 2086(A)(introductory paragraph), (1), and (7), 2087(A)(introductory paragraph) and (1)(a)(iii) and (b), and (3), (B), and (C), 2093(C), (D), and (E)(1) through (3), 2098(A), (B), and (C)(introductory paragraph) and (2), and 2099, to enact R.S. 22:254(H), 2083(B)(3) and (F), and 2085(C)(3)(h), and to repeal R.S. 22:2086(8)(a) and 2091(E) and (G), relative to the Louisiana Life and Health Insurance Guaranty Association; to provide for purpose, scope, and applicability; to define key terms; to add health maintenance organizations as member insurers; to provide for the assessment of member insurers relative to long-term care policies and contracts; to provide for the reissuance of policies or contracts by the association; and to provide for related matters.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
§2083. Coverages and limitations
A. This Part shall provide coverage for the policies and contracts specified in Subsection B of this Section: (a) a natural person residing in this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this Part is provided coverage under the policies or contracts of any other state, the person shall not be provided coverage under this Part. In determining the application of the provisions of this Paragraph in situations where a person could be covered by the association of more than one state, whether as an owner, payee, enrollee, beneficiary or assignee, this Part shall be construed in conjunction with other state laws to result in coverage by only one association.

B. (1) This Part shall provide coverage to the persons specified in Subsection A of this Section for policies or contracts of direct, non-group life insurance, health insurance including, for purposes of this Part, health maintenance organization subscriber contracts and certificates, or annuity policies or contracts and certificates, or annuity policies or contracts for certificates under group policies and contracts for supplemental contracts to any of these, and for unallocated annuity contracts, in each case issued by member insurers, except as limited by this Part.

(2) Except as otherwise provided in Paragraph (3) of this Subsection, this Part shall not provide coverage for any of the following:
   (a) Any portion of a policy or contract guaranteed by the member insurer, or under which the risk is borne by the policy or contract holder.
   (b) An obligation that does not arise under the express written terms of the policy or contract issued by the member insurer to the enrollee, certificate holder, contract owner, or policy owner, including, without limitations, any of the following:
      (i) Claims based on side letters, riders, or other documents that were issued by the member insurer without meeting applicable policy or contract form filing or approval requirements.
      (ii) Misrepresentations of or regarding policy or contract benefits.
   (c) A policy or contract providing any hospital, medical, prescription drug, or other healthcare benefits pursuant to Part A, Part B, Part C, or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, commonly referred to as “Medicare Part A coverage”, “Medicare Part B coverage”, “Medicare Part C coverage”, and “Medicare Part D coverage”, or Subchapter XIX of Chapter 7 of Title 42 of the United States Code, commonly referred to as “Medicaid”, and any regulations issued pursuant to those parts or subchapters.

(3) The exclusion from coverage provided for in Subparagraph (2)(c) of this Subsection shall not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other health insurance benefits.

C. The benefits for which the association shall become liable shall in no event exceed the lesser of the following:
   (1) The contractual obligations for which the member insurer is liable or would have been liable if it were not an impaired or insolvent insurer.
   (2) $10,000,000.

F. For purposes of this Part, benefits provided by a long-term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the base life insurance policy or annuity contract to which it relates.

§2084. Definitions
As used in this Part:

(5) “Covered contract” or “covered policy” means any policy or contract within the scope of this Part as set forth by R.S. 22:2084.

(6) “Impaired insurer” means a member insurer which, after September 30, 1992 and August 1, 2018, is not an insolvent insurer, and is placed under an order of rehabilitation or supervision by a court of competent jurisdiction.

(7) “Insolvent insurer” means a member insurer which, after September 30, 1992 and August 1, 2018, is placed under an order by a court of competent jurisdiction with a finding of insolvency.

(8) “Member insurer” means any insurer or health maintenance organization licensed or which holds a certificate of authority to transact in this state any kind of insurance or health maintenance organization business for which coverage is provided by R.S. 22:2083, and includes any insurer or health maintenance organization whose license or certificate of authority in this state may have been suspended, revoked, not renewed, or voluntarily withdrawn, but shall not include any of the following:

   (11) “Receivership court” means the court in the insolvent or impaired insurer’s state having jurisdiction over the conservation, rehabilitation, or liquidation of the member insurer.

   (12) “Resident” means a person who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer and to whom a contractual obligation is owed. A person may be a resident of only one state, which in the case of a person who resides in more than one state, shall be the state of the principal place of business. Citizens of the United States that are either (a) residents of foreign countries, or (b) residents of United States possessions, territories, or protectorates that do not have an association similar to the association created by this Part, shall be deemed residents of the state of domicile of the member insurer that issued the policies or contracts.

§2085. Creation of the association
A. There is hereby created a nonprofit entity to be known as the Louisiana Life and Health Insurance Guaranty Association whose legal domicile shall be in the parish of East Baton Rouge. Ten member insurers shall be and remain members of the association as a condition of their authority to transact insurance or a health maintenance organization business in this state. The association shall perform its function under the plan of operation established and approved pursuant to R.S. 22:2089 and shall exercise its powers through a board of directors established by R.S. 22:2086. For purposes of administration and assessment, the association shall maintain true of all the following accounts:

(4) The health insurance account.

B. The association shall come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this state. The commissioner association shall provide provide any records of the association concerning the operations, budget, and management of the association upon request of the commissioner.

C. * * *

(3) The association may hold an executive session pursuant to R.S. 42:16 for discussion of one or more of the following, and S. 44:1 et seq. shall not apply to any documents as enumerated in R.S. 44:1(A)(2) which relate to any one or more of the following:

(4) Matters with respect to the abatement or deferral or the request for an abatement or deferral of an assessment pursuant to R.S. 22:2088(D).

§2086. Board of directors
A. The board of directors of the association shall consist of one consumer representative appointed by the commissioner subject to Senate confirmation, who shall be a resident of the state of Louisiana, and ten member insurers serving terms as established in the plan of operation. The consumer representative shall not be an officer, director, or employee of an insurance company or engaged in the business of insurance or a health maintenance organization. The member insurers of the board shall be selected by member insurers subject to the approval of the commissioner from the following groups or their successors:

(1) One representative of a member insurer which is a domestic commercial insurance company and a member of the Louisiana Insurers’ Conference.

(7) One representative to be approved by the commissioner who represents a member insurer which is a domestic nonprofit mutual insurer engaged exclusively in the business of furnishing hospital service, medical or surgical benefits.

§2087. Powers and duties of the association
A. If a member insurer is an impaired insurer, the association may, in its discretion, subject to any conditions imposed by the association, take any of the following actions:

   (1) Assure payment of benefits for premiums identical to the premiums and benefits, except as terms of conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred.

   (a) With respect to group policies and contracts, not later than the earlier of the next renewal date under such the policies or contracts or forty-five days, but in no event less than thirty days, from the date on which the association becomes obligated with respect to such the policies and contracts.

   (b) With respect to non-group policies, contracts, and annuities, not later than the earlier of the next renewal date, if any, under such the policies or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to such the policies or contracts.

(2) Make reasonable and diligent efforts to provide all known insureds, enrollees, or annuitants for non-group policies and contracts, or group policyholders or contract owners, for group policies and contracts, thirty days prior notice of the termination of the benefits provided.

(3) With respect to non-group life and health insurance policies and annuities contracts covered by the association, make available to each known insureds, enrollees, or annuitants owner if other than the insured or annuitant, and with respect to an individual formerly an insureds, enrollees, or annuitants, an annuitant under a group policy or contract who is not eligible for replacement group coverage, make available substitute coverage to individual coverage or to continue an
individual policy, contract, or annuity in force until a specified age or for a specified time, during which the insurer or health maintenance organization had no right to unilaterally alter any provision of the policy, contract, or annuity or had a right to undertake alterations only in premium by class.

(4)(a) In providing the substitute coverage required under pursuant to Paragraph (3) of this Subsection, the association may either to reissue the terminated coverage to any other policy or contract at actuarially justifiable rates, subject to the prior approval of the commissioner.

(b) Alternative or reissued policies or contracts shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract.

(c) The association may adopt alternative or reissued policy or contract for an initial term of not less than five years.

(5)(a) Alternative policies adopted by the association shall be subject to the approval of the domiciliary insurance commissioner and the receivership court. The association may adopt alternative policies or contracts for any policy or contract at actuarially justifiable rates and with such modifications as the association may deem necessary to carry out during the coming year the obligations of the association with respect to any policy or contract to the covered policy or contract to the insured.

(b) Alternative policies or contracts shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy or contract was last underwritten.

(c) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association.

(6) If the association elects to reissue terminated coverage at a premium rate differ from that charged under the terminated policy or contract, the premium shall be actuarially justified and set by the association in accordance with the amount of insurance or coverage remaining on the termination date and the rate to the prior approval of the domiciliary insurance commissioner and the receivership court.

(7) The association’s obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued or alternative policy or contract shall cease on the date the coverage or policy is replaced by another similar policy or contract by the association or the insurer or contract owner, or the association.

(8) When proceeding under pursuant to this Subsection with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with R.S. 22:2083(B)(2)(c).

E. (a) In providing the substitute coverage required under pursuant to Paragraph (3) of this Subsection, the person shall pay to the association the portion of the recovery recorded to such person or property against which the association may have benefit through subrogation or otherwise. The association shall extend to all matters germane to the powers and duties of the association, including but not limited to proposals for reinsuring, reissuing, modifying, or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts or contractual obligations. The association shall also have the right to appear or intervene before any court or agency in another state with standing to handle the financial and legal other functions as become necessary or proper to implement the provisions of this Part. * * *

L. The association shall have standing to appear or intervene before any court in this state or state agency with jurisdiction over an impaired or insolvent insurer and concerning which the association shall become obligated under this Part or with jurisdiction over any other person or property against which the association may have benefit through subrogation or otherwise. The standing shall extend to all matters germane to the powers and duties of the association, including but not limited to proposals for reinsuring, reissuing, modifying, or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts or contractual obligations. The association shall also have the right to appear or intervene before any court or agency in another state with jurisdiction over any person or property for which the association shall become obligated or with jurisdiction over a third party against whom the association may have rights through subrogation or otherwise.

M.1. Any person receiving benefits under this Part shall be deemed to have assigned the right under, and any causes of action relating to, the covered policy or contract to the association to the extent of the benefits received because of this Part, whether the benefits are recoverable under the termination of the policy or contract, or provision of substitute or alternative policies, contracts, or coverages. The association may require an assignment of such rights and cause of action by any enrollee, payee, policy or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any right or benefits conferred by this Part upon such person. * * *

4. If the provisions of this Subsection are determined to be invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related, covered obligations shall be reduced by the amount realized by any other state or local governmental entity attributable to the policies or contracts, or portion thereof, covered by the association.

5. If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in Paragraph (5) of this Subsection, the person shall pay to the association the portion of the recovery attributable to the policies or contracts, or the portion thereof, covered by the association.

N. The association may do any of the following:

(1) Enter into any contracts necessary or proper to implement the provisions and purposes of this Part.

(2) Sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments pursuant to R.S. 22:2088 and to settle claims or potential claims against it.

(3) Borrow money to effect the purposes of this Part. Any notes or other evidence of indebtedness of the association in default shall be legal investments for domestic members insurers and may be carried as admitted assets.

(4) Employ or retain any persons necessary to handle the financial and legal transactions of the association, and to perform other functions as become necessary or proper in accordance with this Part.

(5) Take any legal action as may be necessary to avoid payment or recovery of improper claims.

(6) Exercise for the purposes of this Part and to the extent approved by the commissioner, the powers of a domestic life or health insurer, health insurer, or health maintenance organization.

H. The association shall issue to each member insurer paying an assessment under this Part, other than Class A assessments, a certificate of contribution for Class B assessments, in a form prescribed by the commissioner for the amount of the assessment so paid. All outstanding certificates of contribution shall be of equal status and rank and held subject to the priority without regard to the dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

I. * * *

(5) If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association.

* §2090. Powers and duties of the commissioner

A. In addition to the duties and powers enumerated elsewhere in this Part, and in other provisions of law, the commissioner shall do all of the following:

(1) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. The notice to the impaired insurer shall constitute notice to its shareholders, if
A. To aid in the detection and prevention of member insurer insolvencies or impairments, it shall be the duty of the commissioner:  
(1)(a) To notify the commissioner of insurance, or other appropriate official, of all the other states, territories of the United States, and the District of Columbia when he takes any of the following actions against a member insurer:  
(iii) Makes any formal order that such commissioner the member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinstate or admit to the state, or dissolve or cease doing business in this state of any member insurer  
(b) The commissioner shall be subject to judicial review in a court of competent jurisdiction.

B. Within one hundred eighty days of September 30, 1991, the association shall prepare a summary document describing the general purposes and current limitations of the Part and complying with R.S. 22:2092(G). The document shall be submitted to the commissioner for approval. Sixty days after receiving such approval, no member insurer may deliver a policy or contract described in R.S. 22:2083(B)(1) to a policy or owner, contract owner, certificate holder, or enrollee unless the document is delivered to the policy or owner, contract owner, certificate holder, or enrollee prior to or at the time of delivery of the policy or contract except if Subsection F of this Section applies. The document shall also be available upon request by a policyholder. The distribution, delivery, or contents or interpretation of this document shall not mean that either the policy or the contract or the policy owner, contract owner, certificate holder, or enrollee thereof would be covered in any event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to this Part may require. Failure to receive this document shall not give the policyholder, policy owner, contract owner, certificate holder, enrollee, or insurance any greater rights than those stated in this Part.

C. The document prepared pursuant to Subsection B of this Section shall contain a clear and conspicuous disclaimer on its face. Any commissioner shall promulgate a rule establishing the form and content of the disclaimer. The disclaimer shall do all of the following:  

D. No person, including an

E. Any policy or contract, or the policy or contract, or the policy owner, contract owner, certificate holder, or enrollee any greater rights than those stated in this Part.

This Part shall not apply to any insurer or its subsidiaries, insurance holding company system or system of related, either directly or indirectly, agents, affiliates, or other entities which are insolvent or impaired or unable to fulfill its contractual obligations before September 30, 1991.

This Part shall not apply to any member insurer that is insolvent or impaired or unable to fulfill its contractual obligations before August 1, 2018.

A true copy:  
R. Kyle Ardoin
Secretary of State

ACT No. 98

HOUSE BILL NO. 577

BY REPRESENTATIVES LERGER, BAGLEY, CHANEY, HENSGENS, HORTON, JACKSON, LEBAS, RICHARD, STAGNI, AND STOKES

AN ACT

To enact R.S. 40:41(L), relative to vital records disclosure; to provide for the disclosure of certain vital records to organ procurement organizations; to provide for the form of request for the organ procurement organizations; to provide for the duties of the state registrar in disclosure of records; and to provide for related matters.  

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 40:41(L) is hereby enacted to read as follows:  

§ 41. Disclosure of records  

L.1. Upon written request, the state registrar shall issue a certified copy of a death certificate to a representative of an organ procurement organization designated for the state by the United States Department of Health and Human Services, which presents a document of a gift as defined in R.S. 12:2351 for the sole purpose of documenting donor eligibility in accordance with the United States Food and Drug Administration regulations and industry standards.
(2) The written request of the organ procurement organization shall be transmitted by telefax, electronic delivery, or by United States mail.

(3) The written request shall contain all of the following:

(a) The organization’s name and citation to the United States Department of Health and Human Services website or correspondence evidencing its designation as an organ procurement organization for the state.

(b) The donor’s name.

(c) The donor’s date of birth.

(d) The donor’s date of death.

(e) The requestor’s name.

(f) The requestor’s telephone number.

(g) A request that the certified copy be transmitted by telefax, electronic delivery, or by United States mail.

(4) The information required by Paragraph (2) of this Subsection, together with the documentation of a donor’s anatomical gift, shall constitute sufficient proof for the release of the death certificate.

(5) If the organization’s requested form of transmittal is by telefax or electronic delivery, the death certificate shall be accompanied by the state registrar’s verification that the death certificate is a duplicate of the original; the date the copy of the death certificate was issued by the state registrar’s representative, along with his signature and title.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 100

HOUSE BILL NO. 642

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 22:1574(A)(3)(introductory paragraph) and to enact R.S. 22:1574(A)(5) and (6) and (D)(3), relative to the Bail Bond Apprentice Program; to require notice of any changes in registration information or termination of participation; to provide for a mandatory period for completion of the program; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1574(A)(3) is hereby amended to read as follows:

(3) All persons entering the Bail Bond Apprentice Program shall register with the commissioner of insurance at least ten days prior to beginning the program. Registration shall consist of filing with the commissioner a properly completed form prescribed by the commissioner. The information required on such form from each apprentice shall include but shall not be limited to each of the following:

(a) The organization’s name and citation to the United States Department of Health and Human Services website or correspondence evidencing its designation as an organ procurement organization for the state.

(b) The donor’s name.

(c) The donor’s date of birth.

(d) The donor’s date of death.

(e) The requestor’s name.

(f) The requestor’s telephone number.

(g) A request that the certified copy be transmitted by telefax, electronic delivery, or by United States mail.

(4) The information required by Paragraph (2) of this Subsection, together with the documentation of a donor’s anatomical gift, shall constitute sufficient proof for the release of the death certificate.

(5) If the organization’s requested form of transmittal is by telefax or electronic delivery, the death certificate shall be accompanied by the state registrar’s verification that the death certificate is a duplicate of the original; the date the copy of the death certificate was issued by the state registrar’s representative, along with his signature and title.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 101

HOUSE BILL NO. 644

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 22:1654(A)(introductory paragraph) and (1) and (B)(introductory paragraph) and to enact R.S. 22:1654(B)(8), relative to third party administrator licenses; to authorize the denial of an application for licensure; to authorize the revocation of a license or denial of an application for licensure for providing false information; and to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1654(A)(introductory paragraph) and (1) and (B)(introductory paragraph) are hereby amended and reenacted and R.S. 22:1654(B)(8) is hereby enacted to read as follows:

§1654. Grounds for denial, suspension, or revocation of license

A. The commissioner shall suspend or revoke the license of an administrator, deny the application for a license, or, in lieu of revocation or denial, impose a fine for each separate violation not to exceed five thousand dollars per violation or twenty-five thousand dollars in the aggregate if the commissioner finds that the administrator:

(1) Is using methods or practices in the conduct of its business or service that render its further transaction of business in this state hazardous or injurious to insured persons or the public.

(2) Has provided incorrect, misleading, incomplete, or materially false information or omitted material information in the license application.

Approved by the Governor, May 10, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE
D. The commission may add state recognized tribes and federally recognized tribes to its membership as tribes are officially granted state or federal recognition.
E. All appointments shall be for four years except in cases where appointees are unable to complete their terms. If a member is unable to complete his term, the appointing entity shall appoint a member for the length of the unexpired term.
F. The commission shall elect as officers a chairperson, vice chairperson, and secretary of the commission. All officers shall serve for two years. The commission will create its own bylaws. The commission shall meet at least once every quarter, and may meet more often as determined by the chairperson.
G. A majority of the voting membership shall constitute a quorum. All official business of the commission shall require the affirmative vote of not less than a majority of the members present.
H. Commission members shall not receive compensation or a per diem for their services or attendance at council meetings, except for those travel related expenses already provided for by their agency.
I. The commission shall be domiciled in East Baton Rouge Parish.
J. The commission shall do the following:
   (1) Advise the Governor's Office of Indian Affairs regarding issues pertaining to Native Americans.
   (2) Identify the needs and concerns of the Native Americans in Louisiana and bring such needs and concerns to the attention of the Governor's Office of Indian Affairs.
   (3) Make recommendations to the Governor's Office of Indian Affairs to address the needs and concerns of Native Americans in Louisiana.
   (4) Establish criteria for state tribe recognition and recommend criteria to the Governor's Office of Indian Affairs and legislature for adoption and implementation.
   (5) Review applications for the Office of Indian Affairs Scholarship and recommend scholarship awards to the Governor's Office of Indian Affairs.
   (6) Promote Native American culture, awareness, and education across the state.
   (7) Promote Native American Heritage in Louisiana.
   (8) Conduct a comprehensive review of all state departments and agencies to identify obstacles to the effective delivery of governmental services by all service providers at all levels of government to Native Americans, propose methods for removing those obstacles, and submit such proposals to the appropriate governmental entity or entities.
K. The commission shall have authority to request consultation or information, or both, from any state department or agency serving Native Americans. The department or agency shall give priority to the request and shall provide the data or assistance as requested. The commission shall maintain the confidentiality of any information or records provided, as required by laws relative to such information and records.
L. The Governor's Office of Indian Affairs shall assist as needed in providing staff support for the council, including but not limited to the scheduling of meetings.
M. Legislation may be recommended by the commission to the Governor's Office of Indian Affairs only upon approval by a two-thirds vote of the commission members present.
N. The commission shall not recommend legislation that would impair ownership interests in any improvable property or any mineral rights associated therewith.
O. The commission shall annually issue a report of its findings and recommendations to the governor and legislature.
Approved by the Governor, May 10, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 103
- - -
HOUSE BILL NO. 711
BY REPRESENTATIVES JASON K. MOORE AND SENATOR BISHOP
AN ACT
To amend and reenact R.S. 36:4(X), the title of Chapter 18 of Title 49 of the Louisiana Revised Statutes of 1950, and R.S. 49:1211(E), 1212(A), (B), (C), (D), (E), and (K) and 1213(B), relative to the Louisiana Council on the Social Status of Black Men and Boys; to change the name of the council to move the council into the office of the lieutenant governor to the office of the governor; to provide relative to the council's annual report; and to provide for related matters.
§1211. Legislative findings
E. With the goal of helping black men and boys to reach their full potential, the Louisiana Legislature hereby enacts the Louisiana Council on the Social Status of Black Men and Boys to be the leading entity that provides and promotes an environment that is conducive to productivity, success, and excellence for all black men and boys in the state. The council shall meet at least once each year, and may meet more often as determined by the chairperson.
A. The Louisiana Council on the Social Status Success of Black Men and Boys, hereinafter referred to in this Chapter as the “council”, is hereby established in the executive branch of state government in the office of the lieutenant governor. The council is hereby declared to be a body corporate and public, exercising public and essential governmental functions. The domicile of the council shall be in the city of Baton Rouge.
B. The council shall be comprised of fifteen twenty-one members as provided in this Subsection and Subsection C of this Section:
(1) Two members of the Senate appointed by the president of the Senate.
(2) Two members of the House of Representatives appointed by the speaker of the House of Representatives.
(3) A representative of a religious community appointed by the chairman of the House Committee on House and Governmental Affairs.
(4) A representative of a religious community appointed by the chairman of the Senate Committee on Senate and Governmental Affairs.
(5) The deputy secretary for the office of juvenile justice, or his designee.
(6) Three representatives from community organizations or foundations appointed by the governor.
(7) The secretary of the Louisiana Department of Public Safety and Corrections who has expertise in reentry or recidivism appointed by the secretary of the department.
(8) The lieutenant governor or his designee.
(9) The secretary of the Louisiana Workforce Commission or his designee.
(10) The chairman of the Juvenile Justice Commission.
(11) Three representatives from community organizations or foundations appointed by the governor.
C. The lieutenant governor shall appoint five members as provided for in this Section. The lieutenant governor shall appoint members in consultation with the presidents of Southern University and Agricultural and Mechanical College, Grambling State University, Dillard University, Xavier University, and Louisiana State University and Agricultural and Mechanical College only upon approval by a two-thirds vote of the commission members present.
D. Twelve members shall consist of three nominees. The lieutenant governor shall annually elect a vice chairman from among its members, and all actions of the council shall require the affirmative vote of at least ten members.
E. The lieutenant governor shall appoint the chairman of the council, and the council shall annually elect a vice chairman from among its members.
K. The lieutenant governor shall provide staff and administrative support to the council.

ACT No. 104
- - -
HOUSE BILL NO. 768
BY REPRESENTATIVES HOFFMANN, BAGLEY, CHANEY, COX, HENSGENS, HORTON, JACKSON, LEVAS, POPE, RICHARD, STAGNI, AND STOKES
AN ACT
To amend and reenact Children's Code Article 610(A), relative to child abuse and neglect reporting; to provide for reporting of child abuse and neglect in military families; to provide for the duties of the Louisiana Department of Children and Family Services in reporting child abuse and neglect to the United States Department of Defense Family Advocacy Program; and to provide for related matters.
Be enacted by the Legislature of Louisiana:
Section 1. Children's Code Article 610(A) is hereby amended and reenacted to read as follows:
Art. 610. Reporting procedure; report to United States Department of Defense Family Advocacy Program
A. (1) Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be immediately to the department through the designated state child protection reporting hotline telephone number. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both the department through the designated state child protection reporting hotline telephone number and the local or state law enforcement agency is permitted.
(2) In an investigation of a report of abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare, the department shall determine whether the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty. If the department determines the person is an active duty member of the United States Armed Forces or the spouse of a member on active duty, the department shall notify the United States Department of Defense Family Advocacy Program at the closest active duty military installation of the investigation.
§86. Oilfield Site Restoration Fund

C. The treasurer of the state of Louisiana shall certify, to the secretary of the Department of Revenue, the date on which the balance in the fund equals or exceeds fourteen million dollars. The oilfield site restoration fees on oil and gas provided for in R.S. 30:87 shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the secretary of the Department of Revenue may require the fees on receipt of a certification from the treasurer that, based on the expenditures or commitments to expend monies, the fund has fallen below ten million dollars. The secretary of the Department of Revenue shall continue collecting the fees until collections are again suspended in the manner provided by this Section. The sums in the site-specific trust accounts within the fund, the sums collected from financial security instruments required by rules and regulations adopted by the assistant secretary pursuant to R.S. 30:4(R) and 4.3, and sums generated from the issuance of bonds pursuant to R.S. 30:83.1 shall not be counted to determine the balance of the fund for the purposes of this Subsection.

D. The following monies shall be placed into the Oilfield Site Restoration Fund:

(5) Any sums collected from financial security instruments required by rules and regulations adopted by the assistant secretary pursuant to R.S. 30:4(R) and 4.3, however, the monies collected from each financial security instrument tied to a specific well or wells shall not be used for any oilfield sites other than those for which the financial security was provided.

F. In addition to the disbursements and expenditures authorized by Subsection E of this Section, not less than one million dollars or twenty percent of the amount appropriated to the fund, whichever is less, annually shall be used to plug orphaned wells drilled to a depth less than three thousand feet in the Shreveport District and the Monroe District of the office of conservation beginning Fiscal Year 2016-2017 and through the end of Fiscal Year 2021-2022. However, these monies are subject to being disbursed and expended for any costs associated with response to any emergency as provided in R.S. 30:6.1.

Approved by the Governor, May 10, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 106

HOUSE BILL NO. 860
BY REPRESENTATIVE PUGH

AN ACT
To amend and reenact R.S. 30:4(Q), relative to the office of conservation’s expedited permitting program; to provide for minimum administrative fees; to provide for notice of an expedited permit review; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:4(Q) is hereby amended and reenacted to read as follows:

§4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

Q. The commissioner is authorized to develop and implement a program to expedite the processing or review of permits, modifications, licenses, registrations, plans, proposals, exceptions, or variances and related correspondence for applicants who may request such services. In addition to the any applicable fees charged pursuant to this Subtitle, a fee for an expedited permit review shall be charged to each applicable applicant equal to the cost of every overtime hour, or portion thereof, an employee or contractor works processing the expedited permit review and an amount not exceeding twenty percent for administrative costs. However, the administrative fee shall not be less than five hundred dollars. The overtime rate shall not exceed the maximum per hour overtime salary, calculated at one and one-half times the hourly wage and including associated related benefits, of a civil service employee of the office of conservation. The commissioner shall adopt rules and regulations in accordance with this Department Procedure Act to implement the provisions of this subsection. Such The rules shall require the applicant to provide public notice be given when an expedited permit review is requested.
SECRETARY OF STATE
R. Kyle Ardoin

Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor and (G) are hereby enacted to read as follows:

Section 1. R.S. 11:2254(D) and (E) are hereby amended and reenacted and R.S. 11:2254(F) and (G) are hereby enacted to read as follows:

§2254. Creditable service

D.(+)(+) The system shall permit direct rollovers from other qualified retirement plans. “Direct rollovers” for purposes of this Section shall mean trustee to trustee transfers of sums from other qualified plans which are permitted to roll over sums to other qualified plans under the provisions of the Internal Revenue Code of 1986, as amended. Amounts so rolled over may be used to purchase service credits at the accrual rate established by the system. The system shall use actuarial assumptions consistently applied, subject to the limitations of Section 415(n) of the Internal Revenue Code of 1986, as amended. Any such service credit may only be purchased only if authorized by statutory authority, other than this Subsection, specifically identifying the type of credit authorized to be purchased. Amounts may not be rolled over which are in excess of the amounts which may be used to purchase creditable service under Section 415(n). No member shall receive a benefit for purchased creditable service if to do so would cause the member to receive a retirement benefit for the same service under more than one retirement plan.

E. For purposes of this Section, the following words and phrases shall have the following meanings:

E.(i) “Direct rollovers” shall mean trustee-to-trustee transfers of sums from other qualified plans which are permitted to roll over sums to other qualified plans under the provisions of the Internal Revenue Code of 1986, as amended.

E.(ii) “Eligible rollover distribution” shall mean any distribution of all or any portion of the balance to the credit of the distributee. An eligible rollover distribution shall not include:

E.(i) Any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary which are required to be made to the distributee or beneficiary over a period of not less than one year.

E.(ii) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code.

E.(iii) The portion of any distribution that is not includible in gross income, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities.

E.(iv) Any other distribution that is reasonably expected to total less than two hundred dollars during a year.

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

§732. Definitions

The qualified military service of a member who has been reemployed in accordance with 26 U.S.C. 414(u) shall be treated for vesting and benefit accrual purposes as service completed under Subsection A of this Section if the member timely remits to the system any employee contributions which would have been required but for the member's leave of absence from qualified military service in accordance with the terms of federal law.

G. The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

§733. Agreement for coverage of employees of incorporated cities, towns, and villages

The agreement for coverage of employees of incorporated cities, towns, and villages and tax boards or commissions

A. Each incorporated city, town, or village or tax board or commission of a municipality or parish is hereby authorized to submit to the board of the Firefighters Retirement System of Louisiana a proposal for extending the benefits of this Chapter to its employees. Each such agreement or amendment thereof shall be approved by the board if it is in conformity with the rules of the board, the requirements of this Chapter, and applicable state laws. Each agreement shall:

§751. Membership

E.(+)(+) Persons who have retired from any Louisiana state public retirement system, plan, or fund who are over the age of sixty-five shall not be required to participate in the system.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 109

BY REPRESENTATIVE IVEY
AN ACT
To amend and reenact R.S. 11:2254(D) and (E) and to enact R.S. 11:2254(F) and (G), relative to the Firefighters Retirement System; to provide for definitions; and to provide for related matters.

§1732. Definitions

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

§1733. Agreement for coverage of employees of incorporated cities, towns, and villages and tax boards or commissions

A. Each incorporated city, town, or village or tax board or commission of a municipality or parish is hereby authorized to submit to the board of the Firefighters Retirement System of Louisiana a proposal for extending the benefits of this Chapter to its employees. Each such agreement or amendment thereof shall be approved by the board if it is in conformity with the rules of the board, the requirements of this Chapter, and applicable state laws. Each agreement shall:

§733. Agreement for coverage of employees of incorporated cities, towns, and villages and tax boards or commissions

A. Each incorporated city, town, or village or tax board or commission of a municipality or parish is hereby authorized to submit to the board of the Firefighters Retirement System of Louisiana a proposal for extending the benefits of this Chapter to its employees. Each such agreement or amendment thereof shall be approved by the board if it is in conformity with the rules of the board, the requirements of this Chapter, and applicable state laws. Each agreement shall:

§751. Membership

E.(+)(+) Persons who have retired from any Louisiana state public retirement system, plan, or fund who are over the age of sixty-five shall not be required to participate in the system.
(a) The provisions of this Paragraph shall apply only to mayors who are in office on the effective date of this Paragraph.

(b) Any mayor who, at the time of his taking office in a position which would otherwise mandate his membership in the system, is receiving a retirement benefit from any source whatsoever other than this system and who is over the age of sixty-five shall not be required to participate in the system. The election not to participate shall be made and communicated to the system within thirty days after June 15, 2004. No employee contributions shall be made by a mayor who elects not to participate pursuant to this Paragraph, nor shall his employer make employer contributions to the system.

(c) Any mayor who is a member of the system on June 15, 2004, who has been paying employee contributions and who meets the criteria for electing not to participate in the system contained in this Paragraph may choose to terminate membership in the system and may apply for a refund of his employee contributions immediately, as otherwise provided for in this Chapter.

(d) Any mayor who withdraws his contributions or who chooses not to become a member of the system under the provisions of this Paragraph who later wishes to receive credit for such service in this or any other system in this Title shall pay to such system an amount sufficient to offset any additional liability to the system, calculated on an actuarial basis in accordance with R.S. 11:153(C).

(e) Notwithstanding any provision of this Paragraph, anyone, regardless of age who is receiving a retirement benefit from this system upon whom he has become employed in a position which would otherwise make him a mandatory participant, shall be subject to the provisions in this Chapter relating to the reemployment of retirees.

Section 2. With respect to the Sabine Parish Sales and Use Tax Commission, the provisions of this Act shall be given prospective application and retroactive application to January 1, 2018.

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, May 11, 2018.

A true copy:  
R. Kyle Ardoin  
Secretary of State
E. Upon the effective date of the commencement of participation in the plan, membership in the system shall terminate and none nor employees shall be entitled to any benefits. For purposes of this Section, compensation and creditable service shall remain as they existed on the effective date of commencement of participation in the plan. The monthly retirement benefits that would have been payable, had the member elected to cease employment and receive the retirement allowance, shall be paid into the deferred retirement option plan account. Upon termination of employment, deferred benefits shall be payable as provided by Subsection H of this Section.

F.(4) A person who participates in the program plan shall not be eligible to receive a cost-of-living increase from the retirement system while participating and shall not be eligible to retire. Nor shall such person be considered eligible to be a member of this system for at least one full year.

(ii) With respect to any individual For a member who is eligible to participate in the Deferred Retirement Option Plan before January 1, 2004, after a person who participates in the program plan terminates employment, such person shall be a member of this system and prior to accepting funds as provided by Subsection H of this Section, his individual account balance in the plan shall earn interest at a rate equal to the percentage rate of return of the system's investment portfolio, less the cost of merger notes, as certified by the actuary in his yearly evaluation and annual valuation report, less the cost of administration, and invested in a liquid asset money market account. This interest shall be credited to the retiree's individual account balance on an annual basis. However, if such an individual returns to employment which makes him eligible to be a member of this system, his individual account balance in the plan shall not earn interest while he remains so employed.

(ii) With respect to any individual For a member who becomes eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, and except as provided in Subparagraph (d)(ii) of this Paragraph, all amounts which remain credited to the member's account after termination of participation in the plan and prior to accepting funds as provided by Subsection H of this Section shall be placed in the system's liquid asset money market account and shall be credited with interest at the actual rate of return earned on such account balance investments less one-fourth of one percent per annum, or at the option of the system, the funds may be credited to subaccounts as hereinafter established.

H. Upon termination of employment at the end of the specified period of participation, a participant in the program plan shall receive, at his option, a lump sum payment from the account equal to the value of his account balance, or a true annuity based upon his account balance, or he may elect any other method of payment if approved by the board of trustees. The monthly benefits that were being paid into the fund during the period of participation shall begin being paid to the retiree. Payment from any account shall not be made until employment in the system shall terminate.

K.(1) If employment is not terminated at the end of the period specified for participation, he shall be considered as having retired on the date of death or commencement of disability

Section 2. Any Deferred Retirement Option Plan participant who becomes eligible to participate in the Deferred Retirement Option Plan before January 1, 2004, and who does not elect to waive his rights pursuant to Item (iv) below shall continue to be governed by the provisions of Subparagraphs (h) and (i) of this Paragraph.

(i) Should any participant's waiver executed pursuant to the provisions of Item (i) of this Subparagraph be declared null, void, inapplicable, or unenforceable, the participant's individual account shall be treated as though he had not executed such waiver, and the balance in such account shall be adjusted to reflect such determination.

(3a)(2) A member who becomes eligible to participate in the Deferred Retirement Option Plan on or after January 1, 2004, upon termination of participation in the plan, may allocate the balance of his individual account into one or both of the subaccounts provided for in Subparagraphs (b) and (c) of this Paragraph. Prior to allocating funds to the subaccount provided for in Subparagraph (b) of this Subsection, the member shall comply with the requirements of that Subparagraph.

(i) Such allocation shall be a one-time, irrevocable event. If the participant fails to choose an allocation at the time the participant has terminated the employment which made him eligible to be a member of this system, the entire balance of his account shall be irrevocably allocated into the subaccount provided for in Subparagraph (b) of this Subsection.

J. The plan participant has terminated the employment which made him eligible to be a member of this system on or after January 1, 2004, and who does not elect to waive his rights pursuant to Item (iv) below shall continue to be governed by the provisions of Subparagraphs (h) and (i) of this Paragraph.

K.(1) If employment is not terminated at the end of the period specified for participation, he shall be considered as having retired on the date of death or commencement of disability.
To enact R.S. 11:2261.1 and Code of Criminal Procedure Articles 573.3 and 575.1, relative to the Firefighters’ Retirement System; to provide for the fiduciary relationship between the system and its investment advisors; to provide for contractual terms; to provide relative to criminal and civil prescriptive periods; to require disclosure of judicial and regulatory proceedings; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2261.1 is hereby enacted to read as follows:

Art. 575.1. Suspension of time limitations; crimes against the Firefighters’ Retirement System

The periods of limitation established by this Chapter shall be suspended when a civil suit is filed as provided in R.S. 11:2261.1(C).

(1) Each of the following shall be a fiduciary of the system and shall be subject to R.S. 11:263:

(a) Any person who agrees by written contract to exercise any discretionary authority or discretionary control with respect to the management of system funds or assets, including money managers.

(b) Any person who agrees by written contract to render investment advice or services for compensation, direct or indirect, with respect to system funds or assets, including investment consultants.

(2) The written contract governing the relationship between any person described in Paragraph (1) of this Subsection and this system shall contain a provision whereby the person described in Paragraph (1) of this Subsection expressly agrees to and acknowledges the following:

(a) The provisions of this Section are applicable to the person.

(b) The person shall act with the care, skill, prudence, and diligence under the circumstances prevailing that a prudent institutional investor acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

(c) The exclusive original jurisdiction for any proceeding involving this Section shall be the Nineteenth Judicial District Court of Louisiana and the person consents to such personal and subject matter jurisdiction and that such proceeding is not removable to any federal court without the express written consent of the board of trustees of this system.

B. Notwithstanding any other provision of law to the contrary, any judicial or regulatory proceeding or action initiated by this system pursuant to this Section shall be a personal action subject to the liberative prescription of ten years.

C. Notwithstanding any other provision of law to the contrary, a civil lawsuit filed by this system shall suspend the running of prescription for the following criminal charges arising from the same facts and circumstances upon which the civil lawsuit is based until the date that a final, non-appealable judgment has been rendered in the civil lawsuit:

(1) A charge based on the misappropriation of any money or thing of value, or any theft or fraud committed relative thereto, by any person described in Paragraph (A)(1) of this Section who by virtue of his office, employment, or fiduciary relationship with this system had been entrusted with or had control of such money or thing of value.

(2) A charge of false accounting committed by a person or agent of a person described in Paragraph (A)(1) of this Section.

D. Any person described in Paragraph (A)(1) of this Section shall disclose in any written or verbal communication with any trustee or employee of this system any judicial or regulatory proceeding relative to the management of funds or assets or investment advice or services in which such person was or is a deponent, witness, named party, or employee of a named party.

Failure to make such disclosure shall result in nullification of any contract or agreement existing between this system and such person or employer of such person.

Section 2. Code of Criminal Procedure Articles 573.3 and 575.1 are hereby enacted to read as follows:

Art. 573.3. Running of time limitations; exception; crimes against the Firefighters’ Retirement System

The time limitations established by this Chapter shall not commence to run as to a crime described in R.S. 11:2261.1(C) and committed against the Firefighters’ Retirement System until the crime is discovered by the Firefighters’ Retirement System.

Art. 575.1. Suspension of time limitations; crimes against the Firefighters’ Retirement System

The periods of limitation established by this Chapter shall be suspended when a civil suit is filed as provided in R.S. 11:2261.1(C).

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 117

- - -

HOUSE BILL NO. 82

BY REPRESENTATIVE STEFANSKI

AN ACT

To enact R.S. 13:783(F)(10), relative to group insurance expenses of the clerk of court’s office; to provide for the payment of group insurance premiums for retirees of the Acadia Parish clerk of court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(10) is hereby enacted to read as follows:

§783. Expenses of clerk’s office

F. *(1) The clerk of court of Acadia Parish shall pay from the clerk’s salary fund one hundred percent of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any clerk or employee that retires from the Acadia Parish clerk of court’s office who is entitled to receive monthly benefits from the Louisiana Clerks’ of Court Retirement and Relief Fund, who has at least twenty years of full-time service with the clerk of court’s office in Acadia Parish, and is at least fifty-five years of age. The provisions of this Paragraph shall not apply to any other insurance, such as supplemental insurance, that an employee may elect to purchase.

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 118

- - -

HOUSE BILL NO. 112

BY REPRESENTATIVE MACK

AN ACT

To amend and reenact Code of Criminal Procedure Article 222(A), (E), and (G), relative to blood and saliva testing; to provide for the related blood and saliva testing of certain persons who expose a law enforcement officer to a serious infectious disease; to require blood and saliva testing of certain persons who expose firefighters and forensic laboratory employees to a serious infectious disease; to provide relative to the definition of “law enforcement officer”; to provide relative to the definition of “act”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 222(A), (E), and (G) are hereby amended and reenacted to read as follows:

Art. 222. Blood and saliva testing; expedited, nonincriminating procedure

A. Any person who commits any act which exposes a law enforcement officer to a serious infectious disease by any means resulting in contact with the officer during the course and scope of an arrest or through the investigation and handling of evidence related to the arrest for any offense shall be required to submit within seventy-two hours of the exposure to a test designed to determine whether he is infected with a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any other probable causative agent of AIDS, viral hepatitis, or any other serious infectious disease.

E. For purposes of this Article:

(1) “Act” means spitting, biting, or scratching; the throwing of blood or other bodily substances by any means; and any other method of intentional or non-intentional exposure to blood or other bodily substances.

(2) “Law enforcement officer” means a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, probation and parole officer, or any officer of the court. “Law enforcement officer” includes a civilian employee of the Louisiana State Police Crime Laboratory or any other forensic laboratory while engaged in the performance of the employee’s lawful duties. “Law enforcement officer” also includes any licensed emergency medical services practitioner as defined by R.S. 40:1131 and any firefighter regularly employed by a fire department of any
Section 1. R.S. 47:1838 (introductory paragraph) and (1) through (3) are hereby amended by the Legislature of Louisiana:

The bureau shall cooperate with the United States Department of Justice and other federal criminal justice agencies and with similar agencies in other states and cities toward developing a comprehensive state, interstate, national, and international system of criminal information, identification, investigation, records, and statistics.

The bureau shall execute, administer, and implement the compact on behalf of the state and may adopt necessary rules, regulations, and procedures for the national exchange of criminal history records for noncriminal justice purposes as those terms are defined by the compact.

R.S. 5630(A) and 5632 are hereby amended and reenacted to read as follows:

§5630. Actions by unrecognized successor against third persons

An action by a person who is a successor of a deceased person, and who has not been recognized as such in the judgment of possession rendered by a court of competent jurisdiction, to assert an interest in an immovable formerly owned by the deceased, against a third person, or his successors, who has acquired an interest in the immovable by onerous title from a person recognized as heir or legatee of the deceased in the judgment of possession, is prescribed in two years from the date of the rendering of the judgment of possession of the immovable in the judgment of possession.

R. Kyle Ardoin
Secretary of State

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

Approved by the Governor, May 11, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
To enact R.S. 13:5521.1, relative to sheriffs; to provide for participation in the Louisiana Sheriffs’ Certification Program; to provide criteria for participation; to provide for incentives; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5521.1 is hereby enacted to read as follows:

A (1) A sheriff is eligible to participate in the Louisiana Sheriffs’ Certification Program as provided for by this Section if the sheriff completes the training, certification, or educational requirement or attains the law enforcement experience as provided for in Subparagraph (B) (4)(a) of this Section.

(2) Nothing in this Section shall be construed to limit a sheriff from participation in an approved deferred compensation plan.

B (1) The Louisiana Sheriffs’ Certification Program is hereby established to formalize and recognize the professional standards of sheriffs and further support public safety in the state.

(2) Objectives. The Louisiana Sheriffs’ Certification Program is designed to provide incentives for sheriffs to gain additional knowledge and experience in order to further the requirements and responsibilities of the office for which they were elected.

(3) Eligibility. Only elected sheriffs of each parish shall be eligible for participation in the Louisiana Sheriffs’ Certification Program.

(4)(a) Requirements. Sheriffs who complete any of the following training, certification, or educational requirements or attain the following experience shall be eligible for participation in the Louisiana Sheriffs’ Certification Program:

(i) A certificate of graduation from the FBI National Academy at Quantico, Virginia.

(ii) An associate or bachelor’s degree from a regional accredited institution of higher education as recognized by the Louisiana Sheriffs’ Executive Management Institute Board.

(iii) A masters degree or juris doctor from a regional, accredited institution of higher education as recognized by the Louisiana Sheriffs’ Executive Management Institute Board.

(iv) Twenty years of law enforcement, military, or corrections officer experience as recognized by the Louisiana Peace Officer Standards and Training Council or the Department of Public Safety and Corrections.

C (1) The Louisiana Sheriffs’ Certification Program shall be administered and governed by the Louisiana Sheriffs’ Executive Management Institute Board.

(2)(a) Documents proving the successful completion of the certification program shall be submitted to and approved by the board.

(b) If a sheriff has been certified to possess any of the above requirements as provided by Subsection B of this Section by the Louisiana Sheriffs’ Executive Management Institute Board as presented to the legislative auditor, the sheriff shall be granted a seven percent increase in compensation to his annual salary.

(c) A sheriff shall complete the requirements of Subsection B of this Section in order to receive and retain the seven percent compensation enhancement. The Louisiana Sheriffs’ Certification Program shall not serve as a base salary. If a sheriff does not meet the requirements as provided in Subsection B of this Section, his salary shall not be increased.

(d) The provisions of this Section shall become effective on July 1, 2020.

(3) If the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the prosecution occurred.

(2) If the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the prosecution occurred.

Approved by the Governor, May 11, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 127

HOUSE BILL NO. 267
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:1562(A)(2) and (3) and to enact R.S. 22:1562(A)(4), relative to prohibited acts for insurers and insurance producers; to provide exceptions to prohibited payments by insurers and insurance producers for distributions of profits to certain owners; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1562(A)(2) and (3) are hereby amended and reenacted and R.S. 22:1562(A)(4) is hereby enacted to read as follows:

§1562. Prohibited acts
A. * * * * *

(2) The prohibition of this Subsection shall not apply to the distribution of profits to the owners of an insurance agency business entity licensed as a producer if the business entity has complied with the provisions of R.S. 22:1546(B) and the owners are not persons who to whom either of the following applies:

(a) Have been convicted or pleaded not guilty to any felony, participated in a pretrial diversion program pursuant to a felony charge, suspension and deferral of sentence, and probation pursuant to Code of Criminal Procedure Article 893, or been convicted of any misdemeanor involving moral turpitude or public corruption.

R. Kyle Ardoin
Secretary of State

ACT No. 126

HOUSE BILL NO. 260
BY REPRESENTATIVE LEGER
AN ACT

To enact R.S. 15:603(10)(r), (s), and (t), relative to DNA detection of sexual and violent offenders; to provide for the collection of DNA samples from certain offenders; to provide for certain crimes requiring the collection of DNA samples; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:603(10)(r), (s), and (t) are hereby enacted to read as follows:

§603. Definitions
For purposes of this Chapter, the following terms shall have the following meanings:

* * * * *

(10) “Other specified offense” means a commission of the following:

* * * * *

(a) A violation of R.S. 14:43.1.1.

(b) A violation of R.S. 14:95:8.

(c) A violation of R.S. 14:95:9.

* * * * *

Section 2. The Louisiana State Law Institute shall place the offenses included in provisions of R.S. 15:603(10) as enacted in this Act in numerical order with other offenses listed in R.S. 15:603(10).

Approved by the Governor, May 11, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 125

HOUSE BILL NO. 252
BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact Code of Criminal Procedure Article 611(B) and to enact Code of Criminal Procedure Article 611(D), relative to venue for the prosecution of certain crimes with respect to crimes involving the death of a human being and for the crimes of obstruction of justice and accessory after the fact; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 611(B) is hereby amended and reenacted and Code of Criminal Procedure Article 611(D) is hereby enacted to read as follows:

Art. 611. Venue; trial where offense committed
* * * * *

B. If the offender is charged with the crime of first or second degree murder or any criminal homicide enumerated in R.S. 14:29 or any other crime involving the death of a human being and it cannot be determined where the offense or the elements of the offense occurred, the offense is deemed to have been committed in the parish where the body of the victim was found.

* * * * *

D. (1) If the offender is charged with the crime of accessory after the fact, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the accessory after the fact prosecution occurred.

(2) If the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed either in the parish of the underlying actual or potential present, past, or future criminal proceeding or investigation or in the parish where any act or element constituting the basis for the obstruction of justice prosecution occurred.

Approved by the Governor, May 11, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 124

HOUSE BILL NO. 240
BY REPRESENTATIVES STAGNI AND MARINO
AN ACT

To amend and reenact R.S. 14:95.1.1(B), relative to the crime of illegally supplying a felon with a firearm; to add the possibility of hard labor to the criminal sentence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1.1(B) is hereby amended and reenacted to read as follows:

§95.1.1. Illegally supplying a felon with a firearm
* * * * *

B. Whoever commits the crime of illegally supplying a felon with a firearm shall be imprisoned with or without hard labor for not more than five years and may be fined not less than one thousand dollars nor more than five thousand dollars. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

Approved by the Governor, May 11, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
(b) Have had Had an insurance producer license revoked or suspended or are found to have violated any provision of this Code.

(3) The prohibitions of this Subsection shall not apply to the distribution of profits to the owner of an insurance agency business entity licensed as a producer if the owner has either one of the following:

(a) The written consent or a waiver from the commissioner pursuant to 18 U.S.C. 1033 to engage in the business of insurance.

(b) An individual insurance producer license issued subsequent to any plea or conviction described in Subparagraph (2)(a) of this Subsection.

(4) The provisions of Paragraph (2) of this Subsection shall not apply to the Louisiana Workers’ Compensation Corporation.

Approved by the Governor, May 11, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 128

HOUSE BILL NO. 288
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact Code of Civil Procedure Article 5059, relative to civil procedure; to provide for the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 5059 is hereby amended and reenacted to read as follows:

Art. 5059. Computation of time
(A) In computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included.

The last day of the period is to be considered as the day on which the period ends, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

B. A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

(1) It is expressly excluded;

(2) It would otherwise be the last day of the period; or

(3) The period is less than seven days.

C. (1) A legal holiday shall be excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

(2) Subparagraph (1) of this Paragraph shall not apply to the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by the Department of Revenue.

Approved by the Governor, May 11, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 129

HOUSE BILL NO. 293
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact Code of Criminal Procedure Article 230.1(C), relative to the maximum time for appearance before a judge for appointment of counsel; to provide for the release of a defendant under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 230.1(C) is hereby amended and reenacted to read as follows:

Art. 230.1. Maximum time for appearance before judge for the purpose of appointment of counsel; court discretion to fix bail at the appearance; extension of time limit for cause; effect of failure of appearance

C. If the arrested person is not brought before a judge in accordance with the provisions of Paragraph A of this Article, he shall be released forthwith on his own recognizance.

Approved by the Governor, May 11, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 130

HOUSE BILL NO. 318
BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact R.S. 13:1894.1(A) and R.S. 14:98(C)(1)(e) and (3), relative to the crime of operating a vehicle while intoxicated; to provide relative to the determination of the existence of prior convictions for operating a vehicle while intoxicated; to remove exceptions for certain New Orleans courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1894.1(A) is hereby amended and reenacted to read as follows:

§1894.1. Driving while intoxicated, prosecutions for violation required to be filed under general state law; city and municipal courts; New Orleans excepted

A. Notwithstanding any other provision of law to the contrary, including the provisions of R.S. 12:1573, prosecutions in any city, parish, or municipal courts, the city, municipal and executive branch of the state government; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 2. R.S. 14:98(C)(1)(e) and (3) are hereby amended to read as follows:

§98. Operating a vehicle while intoxicated

C.(1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction under any of the following shall constitute a prior conviction:

(1) A conviction for a first or second prior offense under the laws of any state or an ordinance of a municipality, town, or other political subdivision of another state which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, or as otherwise provided by R.S. 13:1894.1;

(2) A conviction for a first or second prior offense under the laws of any state or an ordinance of a municipality, town, or other political subdivision of another state which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, or as otherwise provided by R.S. 13:1894.1, if committed more than ten years prior to the commission of the offense for which the defendant is being tried, and such conviction shall not be considered in the assessment of penalties in this Section. However, periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for an offense described in this Paragraph, or periods of time during which an offender was incarcerated in a penal institution in this or any other state for any offense, including an offense described in Paragraph (1) of this Subsection, shall be excluded in computing the ten-year period.

Approved by the Governor, May 11, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 131

HOUSE BILL NO. 333
BY REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 22:2314(B)(1), relative to the Louisiana Citizens Property Insurance Corporation Policy Take-Out Program; to authorize the corporation to offer some or all of its policies for removal to the voluntary market; to require approval of the board of directors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2314(B)(1) is hereby amended and reenacted to read as follows:

§2314. Policy take-out program

B.(1) Not less than once per calendar year, the corporation, shall with the approval of the governing board of the corporation, offer some or all of its in-force policies for removal to the voluntary market. The corporation shall include in any offers for depopulation policies with all available that based on geographic and risk characteristics that serve to reduce the exposure of the corporation.

Approved by the Governor, May 11, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 132

HOUSE BILL NO. 370
BY REPRESENTATIVE TALBOT
AN ACT

To enact Chapter 19 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2461 through 2469, relative to electronic delivery of insurance notices; to provide for changes in hardware or software requirements; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
Section 1. Chapter 19 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:2461 through 2469, is hereby enacted to read as follows:

CHAPTER 19. ELECTRONIC DELIVERY OF INSURANCE DOCUMENTS AND NOTICES

§2461. Definitions
As used in this Chapter, the following definitions apply:
(1) "Delivered by electronic means" means either of the following:
(a) Delivery to an electronic mail address at which a party has consented to receive notices or documents.
(b) Posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with separate notice provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.
(2) "Party" means any recipient of any notice or document requested as part of an insurance transaction, including but not limited to an applicant, an insured, a policyholder, or an annuity contract holder.

§2462. Electronic delivery of insurance documents and notices
A. Subject to the requirements of this Section, any notice to a party or any other document required by law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means if the electronic means meet the requirements of the Louisiana Uniform Electronic Transactions Act, R.S. 9:2601 et seq.
B. Delivery of a notice or document in accordance with this Section shall be considered equivalent to and have the same effect as any delivery method required by law, including delivery by first class mail, first class mail with postage prepaid, certified mail, certificate of mailing, or certificate of mailing.
C. A notice or document may be delivered by electronic means by an insurer to a party pursuant to this Section if all of the following apply:
(1) The party has affirmatively consented electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means to which the party has given consent, and the party has not withdrawn the consent.
(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of all of the following:
(a) The hardware and software requirements for access to and retention of a notice or document delivered by electronic means.
(b) The types of notices and documents to which the party’s consent would apply.
(c) The right of the party to withdraw consent to have notices or documents delivered by electronic means, at any time, and any conditions or consequences imposed in the event consent is withdrawn.
(d) The procedures a party must follow to withdraw consent to receive a notice or document delivered by electronic means and to update the party’s electronic mail address.
(3) The right of a party to have a notice or document delivered, upon request, in paper form.
(4) An insurer shall take all measures reasonably calculated to ensure that delivery by electronic means pursuant to this Section results in receipt of the notice or document by the party.

§2463. Change in hardware or software requirements
After the consent of a party is given, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, the insurer shall not deliver a notice or document to the party by electronic means unless the insurer complies with R.S. 22:2462 and provides the party with a statement that describes all of the following:
(1) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means.
(2) The right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

§2464. Applicability
A. The provisions of this Section shall not be construed to affect requirements related to content or timing of any notice or document required by any other provision of law.
B. If a provision of this Title or other applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.
C. This Chapter shall not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this Chapter to a party who, before that date, has consented to receive the notice or document in an electronic form otherwise allowed by law.

§2465. Contracts and policies not affected
The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party shall not be denied solely because of the failure of the insurer to obtain electronic consent or confirmation of consent of the party in accordance with the provisions of this Chapter.

§2466. Withdrawal of consent
A. A withdrawal of consent by a party shall not affect the legal effectiveness, validity, or enforceability of any document delivered by electronic means to the party before the withdrawal of consent is effective.
B. A withdrawal of consent by a party shall be effective within a reasonable period of time after receipt of the withdrawal by the insurer.
C. Failure by an insurer to comply with any provision of R.S. 22:2462 or 2463 may be treated, at the election of the party, as a withdrawal of consent for purposes of this Chapter.

§2467. Prior consent to receive notices or documents in an electronic form
If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this Chapter, and an insurer intends to deliver additional notices or documents to the party in an electronic form pursuant to this Chapter, then prior to delivering the additional notices or documents electronically, the insurer shall comply with the provisions of R.S. 22:2462 and shall provide the party with a statement that describes at least one of the following:
(1) The notices or documents that shall be delivered by electronic means that were not previously delivered electronically.
(2) The party’s right to withdraw consent to have notices or documents delivered by electronic means, without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

§2468. Alternative method of delivery required
An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if either of the following occurs:
(1) The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party.
(2) The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

§2469. Limitation of liability
An insurance producer shall not be subject to civil liability for any harm or injury that occurs because of a party’s election to receive any notice or document by electronic means or by an insurer’s failure to deliver or a party’s failure to receive a notice or document by electronic means.

Approved by the Governor, May 11, 2018.

A true copy:  R. Kyle Ardoin Secretary of State

ACT No. 133
- - -
HOUSE BILL NO. 494
BY REPRESENTATIVE HAZEL
AN ACT
To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(f), relative to the Department of Veterans Affairs, including provisions to provide for the re-creation of the Department of Veterans Affairs and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Pursuant to R.S. 49:193, the Department of Veterans Affairs and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.
Section 2. All statutory authority for the existence of the Department of Veterans Affairs and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of Veterans Affairs may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.
Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.
Section 4. R.S. 49:191(10)(c) is hereby enacted to read as follows:
§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates
Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:
(10) July 1, 2022: * * * *
(11) July 1, 2023: * * * *
(c) The Department of Veterans Affairs and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(8)(f) is hereby repealed in its entirety.
Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 11, 2018.

A true copy:  R. Kyle Ardoin Secretary of State

ACT No. 134
- - -
HOUSE BILL NO. 527
BY REPRESENTATIVE STAGNI
AN ACT
To amend and reenact Children’s Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B), (D), (E), (F)(introductory paragraph), and (G) through (I) and, to enact Children’s Code Article 1158(5), relative to the Safe Haven Law; to provide for emergency care facility responsibilities; to provide for responsibilities of other persons with respect to the Safe Haven Law; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Children’s Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B), (D), (E), (F)(introductory paragraph), and (G) through (I) are hereby amended and reenacted and Children’s Code Article 1158(5) is hereby enacted to read as follows:
Art. 1150. Definitions
As used in this Chapter: * * * *
To amend and reenact Code of Civil Procedure Articles 1458 and 1462(B), relative to delays for responding to written discovery requests; to provide relative to delays for answering interrogatories in family law matters; to provide relative to delays for answering requests for production of documents in family law matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 1458 and 1462(B) are hereby amended and reenacted as follows:

Art. 1458. Interrogatories to parties; procedures for use

A. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The written answer or reasons for objection to each interrogatory shall immediately follow a restatement of the interrogatory to which the answer or objection is responding. The answers are to be signed by the person making them. When interrogatories are served on a specific party, that party shall verify he has read and confirmed the answers and objections. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within thirty days after the service of the interrogatories, except as set forth in Paragraph B of this Article. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Article 1469 with respect to any objection to or other failure to answer an interrogatory.

B. The delay for serving a copy of the answers to interrogatories in family law cases, including divorce, custody, spousal and child support, community property, and matters incidental to family law proceedings, shall be fifteen days after service of the discovery unless the interrogatories are served with an original petition, in which case the party who has been served shall have thirty days from the date of service to serve a copy of the answers to interrogatories.

Art. 1462. Production of documents and things; entry upon land; procedure

B(1) The party upon whom the request is served shall serve a written response within thirty days after service of the request except as set forth in Paragraph (2) of this Paragraph. The court may allow a shorter or longer time. With respect to each item or category, the response shall state that inspection and related activities will be permitted as requested, unless the responding party shows good cause. The court may order inspection from such sources if the requesting party shows good cause. The court may specify conditions for the production of documents and things, including electronically stored information, or if no form was specified in the request, the responding party shall state in its response the form or forms it intends to use.

(2) The delay for serving a copy of the responses to requests in family law cases, including divorce, custody, spousal and child support, community property, and matters incidental to family law proceedings, shall be fifteen days after service of the discovery, unless the request is served with an original petition, in which case the party who has been served shall have thirty days from the date of service to serve a copy of the answers to the request.

A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought shall show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause. The court may specify conditions for the discovery considering the criteria and limitations of Article 1426.

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
ACT No. 137

BY REPRESENTATIVE MAGEE

AN ACT

To amend and reenact Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature, relative to the financial obligations for criminal offenders; to delay the effective date of Act No. 260 of the 2017 Regular Session of the Legislature which provided relative to the financial obligations for criminal offenders; to provide relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender’s conviction; to require the court to determine the offender’s ability to pay the financial obligations imposed; to authorize the court to waive, modify, or create a payment plan for the offender’s financial obligations; to provide relative to the court’s authority to extend probation under certain circumstances; to provide relative to the recovery of uncollected monetary obligations at the end of a probation period; to provide for legislative intent; to provide relative to the disbursement of collected payments; to authorize the court to impose certain conditions in lieu of payment in certain situations; to provide relative to the penalties imposed when an offender fails to make certain payments or fails to appear for a hearing relative to missed payments; to require notice to an offender upon his failure to make certain payments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature is hereby amended and reenacted as follows:

§4545.6.  Operating committee; powers and duties; terms

A. The directors of the Authority may create an operating committee for the board of directors. The board of directors may provide for the composition of the operating committee so as to afford, in its judgment, fair representation of the participating municipalities directly interested in the affairs or operations of the Authority or facilities owned or operated by the Authority. The operating committee shall have and shall exercise such of the powers and authority as shall be prescribed and delegated in the Authority’s by-laws, rules or resolutions. The terms of office of the persons serving on the operating committee and the method of filling vacancies therein shall be prescribed in the Authority’s by-laws, rules or resolutions.

(1) Notwithstanding any provision of law to the contrary, with respect to the Louisiana Energy and Power Authority Unit 1 participants committee, the chairman of the newly created participants committee, and such other persons as the Authority may designate shall serve as members of the participating municipalities, including current directors, or employees, nor any party engaged in a cooperative endeavor agreement with the pilot program, shall have any liability for the acts of any defendant who is admitted to participation in the program.

(2) The Louisiana Energy Authority; to provide relative to the powers and duties of the governing board of directors of the Authority, to provide relative to the determination of eligibility; to provide relative to the frequency of meetings of the Authority; and to provide relative to the determination of the location of meetings.

Approved by the Governor, May 11, 2018.

R. Kyle Ardoin
Secretary of State

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THE ADVOCATE
To enact R.S. 13:5554(G)(7), relative to sheriffs; to provide for the payments of group insurance premiums for retired sheriffs and sheriff's deputies of Caddo Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(G)(7) is hereby enacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

(a) * * *

G. * * *

(7)(a) The provisions of Paragraph (1) of this Subsection, as applicable to the sheriff's office of Caddo Parish, shall apply to sheriffs and deputy sheriffs who are hired prior to July 1, 2018, who meet the eligibility requirements and have the requisite creditable service pursuant to Paragraph (1) of this Subsection.

(b) Notwithstanding the provisions of Subsection D of this Section, the sheriff of Caddo Parish shall pay out of the sheriff's general fund one hundred percent of the premium costs for group hospital, surgical, medical expense, dental insurance, and the first ten thousand dollars of life insurance contracted for under the provisions of this Section for any sheriff and full-time deputy sheriff who was hired on or after July 1, 2018, and retired from the Caddo Parish Sheriff's Office, who is entitled to receive monthly benefits from the Louisiana Sheriffs' Pension and Relief Fund, and who has retired from the Caddo Parish Sheriff's Office with at least twenty years of creditable service and who is at least fifty-five years of age, or retired with at least thirty years of service at any age.

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 141
- - -
HOUSE BILL NO. 781
BY REPRESENTATIVE STAGNI
AN ACT
To amend and reenact Code of Civil Procedure Article 973(B), relative to expunged criminal records; to authorize certain entities to request and receive expunged criminal records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 973(B) is hereby amended and reenacted to read as follows:

Art. 973. Effect of expunged record of arrest or conviction

B. Upon written request therefor and on a confidential basis, the information contained in an expunged record may be released to the following entities that shall maintain the confidentiality of such record: the Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing; the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, the Louisiana State Board of Chiropractic Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1, or as otherwise provided by law.

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 142
- - -
SENATE BILL NO. 126
BY SENATOR MARTINY
AN ACT
To amend and reenact R.S. 32:1254(E)(5) and to enact R.S. 32:1264.2, relative to recall repairs; to provide for definitions; to provide for reimbursement claims; to provide for compensation to a dealer under certain circumstances; to provide for motor vehicle repair and servicing facilities; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1254(E)(5) is hereby amended and reenacted and R.S. 32:1264.2 is hereby enacted to read as follows:

§1254. Application for license; requirements for licensure; contents; licenses; franchise filings; exceptions

E. Additional licensing and compliance requirements for motor vehicle and recreational products dealers. * * *

(5)(a) The applicant must also furnish satisfactory evidence that the applicant maintains adequate space in the building or structure wherein the applicant’s established business is conducted for the display of new motor vehicles or recreational products, together with adequate facilities for the repair and servicing of motor vehicles or recreational products and the storage of new parts and accessories for such the repair and servicing. * * *

(6) Notwithstanding the provisions of Subparagraph (a) of this Paragraph and subject to written approval by the franchisor, adequate facilities for the repair and servicing of motor vehicles may be physically located in a building directly across a dedicated municipal street, but not more than one thousand feet from the applicant’s established place of business.

§1264.2. Recall repairs; compensation

A. As used in this Section:

(1) “Stop sale order” means a notification issued by a manufacturer, distributor, factory branch, or distributor branch to its franchised new motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or a noncompliance, or a federal emissions recall.

(2) “Do not drive order” means a notification issued by a manufacturer, distributor, factory branch, or distributor branch stating that certain used vehicles shall not be driven due to a federal safety recall for a defect or a noncompliance, or a federal emissions recall. Such notification shall include an unconditional instruction to the recipient not to drive the vehicle until the remedy for the recall is complete.

(3) “Manufacturer” shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable.

(b) If parts or a remedy are not reasonably available to perform a recall service or repair on an affected used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make or authorized to perform recall work on an affected vehicle within forty-five days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop sale order or do not drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one and one-quarter percent of the value of the vehicle per month.

(i) When a stop sale order or do not drive order has been issued and repair parts or remedy remain unavailable on an affected used vehicle, compensation shall begin forty-five days after either of the following occurrences:

(aa) The date on which the stop sale order or do not drive order was provided to the dealer, if the affected used vehicle is in the dealer’s inventory at the time the stop sale or do not drive order was issued to the dealer.

(bb) The date on which the dealer takes the affected used vehicle into the dealer’s inventory as a trade-in incident to the customer’s purchase of a new vehicle.

(ii) Compensation shall cease when one of the following events occurs:

(aa) The date the recall remedy or parts are made available.

(bb) The date the stop sale order or do not drive order is withdrawn.

(cc) The date the dealer disposes of the affected used vehicle.

(2) For the purposes of this Section, the value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third-party guide for the year, make, and model of the recalled vehicle.

C. (1) Subject to the audit provisions of R.S. 32:1262, it shall be a violation of this Section for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer solely because the new motor vehicle dealer has submitted a claim for reimbursement under this Section. This prohibition shall include reductions through a chargeback, surcharge, removal of the individual dealer from an incentive program, or reduction in amount owed under an incentive program.

(2) This Subsection shall not apply to an action by a manufacturer to any prospective change, modification, cancellation, or elimination of any incentive program that is applied uniformly among all dealers of the same line-make in the state.

D. Pursuant to the provisions of this Section, all reimbursement claims made by new motor vehicle dealers for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop sale or do not drive order shall be subject to the same limitations and requirements as a warranty reimbursement claim made under R.S. 32:1262. However, a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than the compensation provided in Paragraph (B)(1) of this Section or as the manufacturer and dealer otherwise agree.

E. A manufacturer may direct the manner and method in which a dealer shall demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this Section, provided such manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide.

F. Nothing in this Section shall require a manufacturer to provide total compensation to a dealer that would exceed the total average trade-in value of an affected used motor vehicle as originally determined in Paragraph (B)(1) of this Section.

G. Any remedial action provided to a dealer under this Section is exclusive and shall not be combined with any other federal or state or federal recall compensation remedy or other federal law.

Approved by the Governor, May 11, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 143
- - -
SENATE BILL NO. 420
BY SENATOR JOHNS
AN ACT
To amend and reenact R.S. 47:337.64(C)(1), (2), (3), and (4), 1401, 1402(A)(1), 1403(C), 1436(A), the introductory paragraph of R.S. 47:1436(A), R.S. 47:1436(A)(3), and the introductory paragraph of R.S. 47:1436(B) and to enact R.S. 47:337.29(C), 337.46(C), 337.51(D), 337.64(C)(6) and (7), 337.77(H), 1565(D), and 1621(J), and to repeal R.S. 47:337.51(B)(4) and 337.64(B)(2), relative to state and local taxes, fees, and receipts and the Board of Tax Appeals; to provide with respect to the collection, administration, disposition, enforcement, and adjudication of certain taxes, fees, and other receipts; to provide with respect to disputes concerning certain taxes and other claims against the state; to provide with respect to actions to establish a claim; to provide relative to Board of Tax Appeals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE

* * *

CODING: Words in struck through are deletions from existing law; words underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
C. An action may be brought before the Board of Tax Appeals or any court of competent jurisdiction pursuant to any of the provisions of R.S. 47:337.33 or 337.61 to enforce the obligation of a taxpayer, dealer, or of any party subject to this Section.

§337.51. Notice of assessment and right to appeal

D.(1) A collector may elect to send to a taxpayer or dealer by regular mail a copy of the notice of assessment containing the same information and addressed in the same manner as provided for in Subsection A of this Section. If the collector mails this regular mail notice on the same date and to the same address as the collector mails a notice of assessment by certified mail, the action by anyone to pay taxes assessed shall be deemed to have been received by the taxpayer or dealer on or before the date that the United States Postal Service record indicates that it first attempted to deliver the notice of assessment to the taxpayer or dealer, or on the seventh business day from the date of mailing. A certificate of mailing or other proof of mailing from the United States Postal Service shall establish that this copy of the notice of assessment or bill of sale was transmitted by regular mail. Other evidence may be used to alternatively establish the presumption of delivery provided for in this Section, including an affidavit of the person who transmitted the notice attesting to the fact that it was transmitted in accordance with the provisions of this Subsection.

(2) Notwithstanding any provision of law to the contrary, if a collector, in his sole discretion, chooses not to send the copy of the notice of assessment provided for in Paragraph (1) of this Subsection, the absence of transmitting the notice by regular mail shall not be used to establish that a notice of assessment was either not mailed or not received.  

§337.60. Alternative remedy for dealers

C.(1a) The taxpayer may file with the court or the Board of Tax Appeals a rule to set bond or other security, which shall be set for hearing within thirty days of the filing of the rule to set bond or other security, and shall attach to the petition evidence of the taxpayer's ability to post bond or other security.

(2) The term “other security” as set forth in this Section shall include but not be limited to a pledge, collateral assignment, lien, mortgage, factoring of accounts receivable, or other encumbrance of assets.

(2a) The court may either order the posting of commercial bond or other security in an amount determined by the court not to be less than the amount assessed. The court may order the taxpayer to make a payment under protest pursuant to the provisions of state law and the notice of assessment by indorsement noted in this Section in an amount determined by the court to be reasonable security considering the amount of such unpaid taxes, interest, and penalties. The court may order that a portion of the unpaid taxes, interest, and penalties be paid under protest and the balance secured by the posting of a bond or other security as provided herein.

(3) The posting of such bond or other security or the payment under protest shall be made no later than thirty days after the mailing of the notice of the decision of the court or the Board of Tax Appeals authorizing the posting of bond or other security or requiring that a payment under protest be made.

(4) If the taxpayer timely files the suit or any petition or rule referred to herein in this Section, no collection action shall be taken in connection with the assessment of taxes, interest, and penalties, which are the subject of the taxpayer's cause of action, unless the taxpayer fails to post bond or other security or make the payment under protest required by the Board of Tax Appeals or court; however, the collector shall be permitted to file a conventional demand against the taxpayer in the cause of action. A collector may procure an appraisal or conduct discovery concerning the value and validity of security offered prior to the date for filing the collector's response or opposition to a rule set hearing under this Subsection.

H.(1) A refund may be claimed pursuant to the provisions of this Section, subject to the other conditions or limitations of this Chapter, on an amount paid on an otherwise final assessment.

(2) The provisions of this Subsection shall not apply if the assessment became final following an appeal of the assessment to the Board of Tax Appeals, or if an assessment became final pursuant to a judgment brought pursuant to R.S. 47:337.63 or 377.64.

(3) The provisions of this Subsection shall apply only if the taxpayer or dealer establishes that it did not receive the assessment prior to the deadline for appealing that assessment, and the collector did not comply with the provisions of R.S. 47:337.51(D).

§401. Creation of Board of Tax Appeals

In order to provide a board that will act as an appeal board to hear and decide, at a minimum of expense to the taxpayer, questions of law and fact arising from disputes or controversies between a taxpayer and the collector of taxes of the State of Louisiana in the enforcement of any tax, excise, license, permit or any other tax, fee, penalty, receipt or other law administered by the collector, and to exercise jurisdiction over other provision by law, including jurisdiction over disputes involving local collectors.

§402. Membership of board; qualifications; appointment; term; vacancy; salary

A. The Board of Tax Appeals shall consist of three members who shall be attorneys with tax law experience and who shall be qualified electors of the state. At least two of the board members shall be attorneys with tax law experience. At least one of these three members shall be certified as a Tax Law Specialist by the Louisiana Board of Legal Specialization or possess a Master of Law in Taxation or Tax Law. Each member shall be appointed by the governor. Vacancies shall be filled in the manner of the original appointment.

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

C. A majority of the members of the board shall constitute a quorum for the transaction of the business of the board, except as otherwise provided in this Chapter. A vacancy in the board shall not impair the powers nor affect the duties of the board, nor of the remaining members of the board. In the event of a vacancy or in the absence of a board member, the chair of the board, or the vice chair of the board, or by a majority of the remaining members of the board if there is no chair, may file a motion for reconsideration with the board for review of the decision or judgment by the appropriate appellate court.

§434. Judicial review of decision of the board

A. A decision of the board in a case by or against a state collector may be reviewed as follows:

(3) In the case of a corporation or other jurisdictional person which has a principal office or agency in Louisiana, then by the court of appeal for the parish where such principal office or agency is located.

B. A judgment of the board in a case by or against a local collector may be reviewed as follows:

§565. Notice of assessment and right to appeal

D.(1) The secretary may elect to send to a taxpayer or dealer by regular mail a copy of the notice of assessment containing the same information and addressed in the same manner as provided in Subsection A of this Section. If the secretary mails this regular mail notice within five business days of mailing the notice of assessment to the same address as the secretary mails the notice of assessment by certified mail, the notice transmitted by regular mail shall be deemed to have been received by the taxpayer or dealer for the purposes of this Subsection. On the earlier of the date that the United States Postal Service record indicates that it first attempted to deliver the notice of assessment to the taxpayer or dealer, or on the seventh business day from mailing, a certificate of mailing or other proof of mailing from the United States Postal Service shall establish that this copy of the notice of assessment or bill of sale was transmitted by regular mail. Other evidence may be used to alternatively establish the presumption of delivery provided for in this Subsection, including an affidavit of the person who transmitted the notice attesting to the fact that it was transmitted in accordance with the provisions of this Subsection.
(2) Notwithstanding any provision of law to the contrary, if the secretary in his sole discretion chooses not to send the copy of the notice of assessment provided for in Paragraph (1) of this Subsection, the absence of transmitting the notice by regular mail shall not be used to establish that a notice of assessment was either not mailed or not received.

(3) If the secretary in his sole discretion sends the copy of the notice of assessment provided for in Paragraph (1) of this Subsection, the transmittal of the notice shall have no impact on: the time within which the amount of the assessment is required to be paid or paid under protest, or, as provided in this Section, the time within which the assessment becomes final or the time within which an appeal may be made to the Board of Tax Appeals.

§1621. Refunds of overpayments authorized

* * *

J. (1) A refund may be claimed pursuant to the provisions of this Section, subject to the other conditions or limitations of this Chapter, on an amount paid on an otherwise final assessment.

(2) The provisions of this Subsection shall not apply if the assessment became final following an appeal of the assessment to the Board of Tax Appeals, or if an assessment became final pursuant to a judgment in an action brought pursuant to R.S. 47:1576.

(3) The provisions of this Subsection shall apply only if the taxpayer or dealer establishes that it did not receive the assessment prior to the deadline for appealing that assessment, and the secretary did not comply with the provisions of R.S. 47:1565(D). Section 2. R.S. 47:337.51(B)(4) and 337.64B(2) are hereby repealed in their entirety.

Section 3. The Local Tax Division of the Board of Tax Appeals may coordinate with the Uniform Local Sales Tax Board created pursuant to R.S. 47:337.102 concerning the creation of an electronic filing platform, and the Board of Tax Appeals, its Local Tax Division and the use of local funds dedicated to the operations of the Local Tax Division pursuant to R.S. 47:302(K) shall not be subject to the provisions of Subpart C of Part I or of Part V-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

Section 4. The provisions of this Act enacting R.S. 47:337.51(D), R.S. 47:337.77(H), R.S. 47:1565(D) and R.S. 47:1621(L) shall not be applicable to any existing assessment issued by any collector or the secretary prior to July 1, 2018, nor shall these provisions be applicable to any pending litigation in the courts or the Louisiana Board of Tax Appeals existing prior to the effective date of this Act. The remaining provisions of this Act are procedural and interpretive.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 144
- - -
SENATE BILL NO. 81
BY SENATOR CLAITOR
AN ACT

To enact R.S. 13:3734(H), relative to coroners; to provide relative to coroners’ investigations; to provide relative to certain biological fluids or samples; to provide relative to the release of biological fluids or samples to coroners; to provide relative to custodians of records; to provide relative to liability; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3734(H) is hereby enacted to read as follows:
§3734. Privileged communication between health care provider and patient

H. Notwithstanding any provision of law to the contrary, when conducting any investigation, the coroner or his authorized agents or employees may obtain any blood, urine, or other biological fluids or samples which he deems relevant to the investigation, the records of which would otherwise be available to the coroner pursuant to Subsection F of this Section. Such blood, urine, or other biological fluids or samples may be made available to him by the custodian thereof without the necessity of authorization, subpoena, or court order. No health care provider, custodian of records, or officer, employee, or agent thereof shall be held civilly or criminally liable for the release of a deceased patient’s blood, urine, or other biological fluids or samples, including any communication defined herein, when that disclosure is made pursuant to a request by the coroner or his authorized agents or employees.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 145
- - -
SENATE BILL NO. 92
BY SENATOR WARD
AN ACT

To amend and reenact R.S. 35:191(C)(3), relative to notaries public; to provide relative to written examinations and procedures to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:191(C)(3) is hereby amended and reenacted to read as follows:
§191. Appointment; qualifications; examination

C. Each applicant, otherwise qualified, may be appointed a notary public in and for a parish upon meeting all of the following conditions:

* * *

(3)(a) Taking and passing a written examination, as provided in R.S. 35:191.1, administered by the secretary of state.

* * *

(b)(i) The notary examination shall be given not less than twice per year on the first Saturday of June and December. Should the scheduled Saturday be a state holiday, then the next non-holiday Saturday shall be designated as the date as determined by the secretary of state.

(ii) To qualify to be examined, the candidate shall have satisfied all requirements to be commissioned as a notary public in the parish, except for passing the examination.

(iii) The qualified candidate shall be permitted to register for any notary public examinations administered by the secretary of state within one year after the date the secretary of state notifies the candidate of his approval to take the examination. No further application fee shall be required during this period. The required examination fee, however, shall be paid for each examination.

(c) The examination provided for in this Paragraph shall be dispensed with if the applicant has been duly admitted to practice law in this state or holds a valid notarial commission in this 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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 146
- - -
SENATE BILL NO. 110
BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 40:1003(10), relative to definitions used for implementation of the prescription monitoring program; to provide for an update to certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1003(10) is hereby amended and reenacted to read as follows:
§1003. Definitions

* * *

(10) “Drugs of concern” means drugs other than controlled substances as defined by rule which demonstrate a potential for abuse or whose use requires tracking for public health purposes.

* * *

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 147
- - -
SENATE BILL NO. 153
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 22:1931.13 and R.S. 40:1429, relative to insurance fraud; to extend the insurance fraud investigation unit within the Department of Public Safety and Corrections; to extend the Sledge Jeanesonne Louisiana Insurance Fraud Prevention Act; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1429 is hereby amended and reenacted to read as follows:
§1429. Effectiveness of Subpart

This Subpart shall be null, void, and unenforceable on July 1, 2019.

Section 2. R.S. 22:1931.13 is hereby amended and reenacted to read as follows:
§1931.13. Termination of Part

This Part shall terminate on August 1, 2018.

Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 148
- - -
SENATE BILL NO. 160
BY SENATOR CARTER AND REPRESENTATIVE TERRY BROWN
AN ACT

To amend and reenact R.S. 3:2361 and 2362, relative to cruelty to animals; to prohibit tying or tethering a dog or cat in extreme weather conditions; to provide for penalties; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2361 and 2362 are hereby amended and reenacted to read as follows:
§2361. Horses and mules which may not be sold

A. No person shall sell either at private sale or public auction, or offer or receive for sale any horse or mule which by reason of debility, disease, or lameness, or for any other cause could not be worked in the city in which it is offered for sale without violating the laws against cruelty to animals. This section shall apply only in cities in this state having a population of ten thousand or more.

B. Whoever violates the provisions of this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than six months.

§2362. Penalty for illegal sale. Tying or tethering a dog or cat in extreme weather conditions penalties

THE ADVOCATE
PAGE 42

* As it appears in the enrolled bill
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 149

SENATE BILL NO. 170
BY SENATOR THOMPSON
AN ACT

To amend and reenact the introductory paragraph of R.S. 3:1382(A) and to enact R.S. 3:1382(A)(8) and (9), relative to the Agricultural Chemistry and Seed Commission; to increase the commission membership; and to provide for related matters.

It is enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 3:1382(A) is hereby amended and reenacted as follows:

§1382. Commission; creation

R. A local governing authority may establish a fine not to exceed seventy-five dollars which may be imposed on anyone who violates the provisions of this Section.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 150

SENATE BILL NO. 195
BY SENATOR WALTHURST
AN ACT

To amend and reenact R.S. 30:2195.3(A)(1)(a) and 2195.8(A), and to repeal R.S. 30:2195.3(A)(10), relative to the Motor Fuels Underground Storage Tank Trust Fund; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to provide for the Motor Fuels Underground Storage Tank Trust Fund Advisory Board; to provide for the fee collected by the operator of a bulk facility; to provide for the fee calculation; to provide terms, conditions, and requirements; and to provide for related matters.

It is enacted by the Legislature of Louisiana:

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, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 152

SENATE BILL NO. 284
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 40:1133.14(E) and (F), relative to emergency medical services protocols; to repeal provisions regarding the Disaster and Emergency Medical Services Committee of the Louisiana State Medical Society; and to provide for related matters.

It is enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1133.14(E) and (F) are hereby amended and reenacted to read as follows:

§1133.14. Duties of emergency medical personnel

A. As used in this Section, “emergency medical personnel” means any health care professional who provides emergency medical services.

B. The provisions of this Section shall apply to any emergency medical services protocols.

C. The board shall determine the minimum level of funding of the Tank Trust Fund by conducting an annual review of receipts from the Tank Trust Fund from the previous fiscal year along with the projected amounts expected to be expended in the following fiscal year for purposes of recommending changes to the fee. Prior to the end of each fiscal year, the board shall meet to determine its recommendation on the setting of the fee for the next fiscal year and shall make such recommendation to the secretary.

D. The board shall annually review the “Louisiana Motor Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document” and may make recommendations for changes. Prior to the promulgation of any proposed underground storage tank regulations, the department shall provide proposed changes to the board for review. If the board has not submitted its recommendations to the department within sixty days of receiving the proposed changes, the department shall promulgate the proposed regulations without the board’s recommendations. The board may recommend standards for the qualification of response action contractors as defined herein.

E. The board shall determine the role of the Tank Trust Fund in establishing financial responsibility as required by federal or state law, except that such requirement shall not exceed those established by the U.S. Environmental Protection Agency.

F. The board shall additionally examine claims made and loss experience, make recommendations to the secretary regarding minimum levels of financial responsibility for underground storage tank owners, and the necessity for and contents of rules and regulations issued under the Environmental Quality Act in similar matters.

G. The board may recommend standards for the qualification of response action contractors as defined herein.

The board shall have the authority to review applications for disbursements from the Tank Trust Fund.

* * *

Section 2. R.S. 30:2195.3(A)(10) is hereby repealed.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
F. The department shall promulgate rules and regulations establishing basic guidelines for statewide emergency medical service protocols. Such rules and regulations shall be based on the recommendations of the Louisiana State Medical Society's disaster and emergency medical services committee, which shall serve as an advisory committee to the department for this purpose.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 153

SENATE BILL NO. 305
BY SENATOR THOMPSON
AN ACT
To enact R.S. 46:1053(FF), relative to the appointment of a member to a hospital service district board of commissioner; to authorize the governing authority of certain parishes to appoint physician members to a hospital service district; to provide for qualifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:1053(FF) is hereby enacted to read as follows:
§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers.

FF. Notwithstanding any other provision of law to the contrary and in addition to any other authority granted by law, the governing authority of a parish having a population in excess of twenty thousand eight hundred but not more than twenty-two thousand persons based on the latest federal decennial census may appoint a physician who is an active member of the hospital medical staff of the district to the board of commissioners for a parish hospital service district. Notwithstanding any other provision of law to the contrary, the physician so appointed shall be designated as the physician member of the board of commissioners.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 154

SENATE BILL NO. 315
BY SENATOR THOMPSON AND REPRESENTATIVE REYNOLDS
AN ACT
To enact R.S. 17:270 and 3996(B)(45), and to repeal R.S. 17:282.3, relative to required courses of instruction; to provide relative to required instruction in personal financial management; to require that certain public high school students receive specified instruction in personal financial management as a prerequisite to graduation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:270 and 3996(B)(45) are hereby enacted to read as follows:
§270. Personal financial management; required instruction.

A. The legislature recognizes that young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. Education in personal financial management helps prepare students for the workforce and for financial independence by developing a sense of individual responsibility and improving life skills, as well as a thorough understanding of consumer economics. Financial education integrates instruction in valuable life skills with instruction in economics, including income and taxes, money management, investment and spending, and the importance of personal savings.

B.(1) Each public elementary or secondary school student shall receive age and grade appropriate instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with income, money management, spending and credit, and saving and investing. Such instruction may be integrated into an existing course of study.

(2) Each student who enters the ninth grade on or after July 1, 2019, shall receive such instruction as a requirement for high school graduation.

(3) The State Board of Elementary and Secondary Education shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. Such rules and regulations shall require that the instruction include the following components:
(a) Income,
(b) Money management,
(c) Spending and credit,
(d) Saving and investing.

B. The governing authority of each public elementary and secondary school shall provide the required instruction in accordance with the rules and regulations adopted by the board.

C. The State Board of Elementary and Secondary Education shall establish and maintain a clearinghouse for instructional materials and information regarding model financial education programs and best practices.

§3996. Charter schools; exemptions; requirements.

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

(45) Instruction in personal financial management, R.S. 17:270.

Section 2. R.S. 17:282.3 is hereby repealed.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 155

SENATE BILL NO. 337
BY SENATOR RISER
AN ACT
To enact R.S. 3:4623(C), relative to the Louisiana Weights and Measures Law; to provide relative to the sale of shelled field corn; to exempt the sale of shelled field corn from the Louisiana Weights and Measures Law under certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:4623(C) is hereby enacted to read as follows:
§4623. Exemption from Chapter.

C. This Chapter does not apply to the sale of shelled field corn if the net weight of the shelled field corn is verified by a National Type Evaluation Program (NTEP) certified scale prior to distribution of the shelled field corn.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 156

SENATE BILL NO. 438
BY SENATOR CHABERT
AN ACT
To amend and reenact R.S. 41:1004, relative to the sale of timber on state lands; to make technical changes; to provide for the sale of timber by the state land office; to prohibit accepting bids less than the minimum price established by the Department of Agriculture and Forestry; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 41:1004 is hereby amended and reenacted to read as follows:
§1004. Place; time; minimum price; process-verbal.

A. The timber so advertised shall be sold to the highest bidder by the sheriff of the parish wherein the timber is located, at the time and place mentioned in the advertisement for the consideration of bids. All bids shall be submitted sealed and opened publicly by the sheriff. No bid shall be accepted by the sheriff after the time designated as the time for opening such bids. No bid shall be considered unless accompanied by a cashier's check, certified check, or bank money order in the exact amount of the bid submitted and made payable to the sheriff of the parish in which the sale is conducted. No bid shall be accepted if less than the minimum price established by the Office Department of Agriculture and Forestry. The sheriff conducting the sale shall deliver a proces-verbal of the sale to the successful bidder.

B. Notwithstanding any other provision of law, when the register of the state land office determines that the disposition of timber by the sheriff is not in the best interest of the state, the register of the state land office may conduct a sale by utilizing sealed bids. No bid shall be accepted if less than the minimum price established by the Department of Agriculture and Forestry.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 157

SENATE BILL NO. 439
BY SENATOR CHABERT
AN ACT
To enact R.S. 49:214.5.2(K), relative to the Coastal Protection and Restoration Authority; to amend and reenact R.S. 41:1004, relative to the sale of timber on state lands; to make technical changes; to provide for the sale of timber by the state land office; to prohibit accepting bids less than the minimum price established by the Department of Agriculture and Forestry; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:214.5.2(K) is hereby enacted to read as follows:
§214.5.2. Functions and responsibilities; Coastal Protection and Restoration Authority Board.
(1) The board shall broadcast over the internet live audio and video streams of all its board meetings in which votes are scheduled to be cast. (2) All meetings broadcast in accordance with Paragraph (1) of this Subsection shall be recorded, archived, and made accessible to the public for at least six years after the date of the meeting. (3) The provisions of this Subsection shall not apply to executive sessions held in accordance with the Louisiana Open Meetings Law as provided in R.S. 42:11 et seq. (4) The audio and video records created pursuant to this Subsection shall not be construed in a manner to be the official record, or any part of the official record, of the proceedings of a meeting of the board. (5) If the board is precluded from fulfilling the requirements of this Subsection due to a technical problem beyond its control, or when the only meeting room available lacks the equipment necessary to facilitate internet broadcast, the failure to broadcast or record the proceedings of a meeting of the board shall not be construed to be a violation of the provisions of this Subsection. However, the board shall take no votes at this meeting.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 158
SENATE BILL NO. 446
BY SENATOR WHITE
AN ACT
To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(n), relative to the Governor's Office of Homeland Security and Emergency Preparedness, including provisions to provide for the re-creation of the Governor's Office of Homeland Security and Emergency Preparedness and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Governor's Office of Homeland Security and Emergency Preparedness and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefore is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Governor's Office of Homeland Security and Emergency Preparedness and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Governor's Office of Homeland Security and Emergency Preparedness may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

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

§191. Termination of legislative authority for existence of statutory entities; phase-out and termination date for all statutory entities for the purpose of the education and training of the reporter in a case of abuse or neglect. (c) The department, with the consent of the former foster child or his legal tutor, the information described in Paragraph (1) of this Subsection to the former foster child, or to a designee who is engaged in rendering services, treatment, or an assessment of services previously provided to the child, if in its discretion it believes the release of such information to be in the best interest of the former foster child. Such information shall not include any information regarding the identity of the birth parents or birth siblings of a former foster child who was subsequently adopted or any information regarding the identity of the reporter in a case of abuse or neglect.

(10) July 1, 2022:

(c) The Governor's Office of Homeland Security and Emergency Preparedness and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(8)(n) is hereby repealed.

Section 6. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 159
SENATE BILL NO. 451
BY SENATOR MORRIS
AN ACT
To amend and reenact R.S. 56:435.1, relative to oyster harvest in Sabine Lake; to remove provisions related to oyster harvesting in Sabine Lake; to prohibit oyster harvesting in Sabine Lake; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:435.1 is hereby amended and reenacted to read as follows:

$435.1. Sabine Lake; methods of harvest; penalty; season; self-propelled vessels; harvested oyster; prohibition on harvesting of oysters.

Oyster harvesting in Sabine Lake shall be prohibited.

A. Oysters may be harvested in Sabine Lake using only hand tongs.
C. All vessels used for the commercial harvest of oysters in Sabine Lake must be self-propelled. “Self-propelled” means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.
D. Oysters once harvested and placed upon any vessel, cannot be transferred except to a shoreside facility.
F. With the proper licenses, no more than twenty-five sacks of oyster per boat per day may be harvested. However, the recreational taking of oysters shall be as provided in R.S. 56:424(C).
G. Open season dates and harvest limits shall be set by the commission after consideration of recommendations by the Louisiana Oyster Task Force. In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C).
H. Any violation of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:124.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 160
SENATE BILL NO. 459
BY SENATOR BARROW
AN ACT
To amend and reenact the introductory paragraph of R.S. 46:56(F) and (7)(a) and to enact R.S. 46:56(F)(7)(c), relative to child welfare information; to provide for authorized release of information; to provide for consent; to provide for persons authorized to receive information; to provide for information not to be disclosed; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 46:56(F) and (7)(a) are hereby amended and reenacted and R.S. 46:56(F)(7)(c) is hereby enacted to read as follows:

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

(7)(a) The department may release, upon written request or consent of a former foster child or his legal tutor, the information described in Paragraph (1) of this Subsection to the former foster child, or to a designee who is engaged in rendering services, treatment, or an assessment of services previously provided to the child, if in its discretion it believes the release of such information to be in the best interest of the former foster child. Such information shall not include any information regarding the identity of the birth parents or birth siblings of a former foster child who was subsequently adopted or any information regarding the identity of the reporter in a case of abuse or neglect.

(c) The department, with the consent of the former foster child, may release information described in Paragraph (1) of this Subsection for the purpose of the education and training of the reporter in a case of abuse or neglect.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 161
SENATE BILL NO. 461
BY SENATOR LONG
AN ACT
To provide relative to state highways; to designate a portion of Louisiana Highway 117 in Natchitoches Parish as the “Caroline Dormon Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Louisiana Highway 117 between its intersection with Louisiana Highway 6 near Hagwood, Louisiana, and its intersection with the Natchitoches-Vernon Parish line in Natchitoches Parish is hereby designated as the “Caroline Dormon Memorial Highway”.

Section 2. The Department of Transportation and Development is hereby directed to erect, maintain, and post signs to designate the highway.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
ACT No. 162
SENATE BILL NO. 478
(Substitute of Senate Bill No. 350 by Senator Thompson)
BY SENATOR THOMPSON
AN ACT
To repeal R.S. 37:977(A)(5) and (6)(c), relative to licensed practical nurses; to repeal fee provisions for the verification of Louisiana licenses; to repeal fee provisions for certification of good standing licensure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:977(A)(5) and (6)(c) are hereby repealed.
Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 163
- - -
SENATE BILL NO. 490
(Submit of Senate Bill No. 430 by Senator White)
BY SENATOR WHITE
AN ACT
To enact R.S. 56:1855(P), relative to the Louisiana Scenic Rivers Act; to provide relative to natural and scenic rivers; to provide relative to prohibited uses; to provide relative to channellization, clearing and snagging, channel realignment, reservoir construction, or dredging operations in the Comite River; to provide certain terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 56:1855(P) is hereby amended to read as follows:

(1) Notwithstanding any other provision of the law to the contrary, beginning August 1, 2018, through August 1, 2021, no provision of this Part shall:
(a) Prohibit the channellization, clearing and snagging, channel realignment, reservoir construction, or dredging operations for drainage purposes in the Comite River.
(b) Require a permit pursuant to R.S. 56:1849 for the channellization, clearing and snagging, channel realignment, reservoir construction, or dredging operations for drainage purposes in the Comite River.

(2) During the time period provided in Paragraph (P)(1) of this Section, use of a motor vehicle or other wheeled or tracked vehicle on the Comite River shall be prohibited except for permitted uses and direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream. Written permission shall be in the person’s possession and include the landowner’s contact information.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 164
- - -
HOUSE BILL NO. 395
BY REPRESENTATIVE FOIL
(On Recommendation of the Louisiana State Law Institute)
AN ACT
To amend and reenact Civil Code Articles 355, 359 and 361, relative to continuing tutorship; to provide for restrictions on legal capacity; to provide for modification or termination of decrees restricting legal capacity; to provide for prospective and retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Civil Code Articles 355, 359, and 361 are hereby amended and reenacted to read as follows:
Art. 355. Petition for continuing or permanent tutorship
When a person above the age of fifteen possesses less than two-thirds of the intellectual functioning of a person of the same age with average intellectual functioning, evidenced by standard testing procedures administered by competent persons or other relevant evidence acceptable to the court, the parents of such person, or the person entitled to custody or tutorship if one or both parents are dead, incapacitated, or an absent person, or if the parents are judicially separated or divorced, may, with the written concurrence of the coroner of the parish of the intellectually disabled person’s domicile, petition the court of that district to place such person under a continuing tutorship which shall not automatically end at any age but shall continue until revoked by the court of domicile. The petitioner shall not bear the coroner’s costs or fees associated with securing the coroner’s concurrence.

Art. 359. Restriction on legal capacity
The decree if granted shall restrict the legal capacity of the person with an intellectual disability to that of a permanent minor, except that after the age of eighteen the person, unless formally interdicted, shall have the legal capacity of a minor who has been granted the emancipation conferring the power of administration as set forth in Chapter 2, Section 2 of this Book and Title.

Revision Comments - 2018
The 2018 revision eliminates the provision that a person under continuing tutorship retains the powers of a minor operating under “emancipation conferring the power of administration.” The concept of emancipation conferring the power of administration was eliminated from Louisiana law in the 2008 revision of the Louisiana Civil Code. Today, both emancipation and interdiction may be limited or full. The revision is intended to make clear that continuing tutorship provides for restrictions on legal capacity akin to those applying to minors, with the possibility that the court may modify the decree of tutorship under Article 361 to provide the minor with capacity to engage in some juridical acts.

Art. 361. Contest of decree restricting legal capacity.
The decree restricting his legal capacity may be contested in the court of domicile by the person himself or by anyone adversely affected by the decree and upon evidence which would justify the full emancipation of a minor above the age of eighteen the decree shall be rescinded and set aside.

For good cause, the court may modify or terminate the decree restricting legal capacity.

Revision Comments - 2018
(a) The standard of good cause for modifying or terminating a decree of continuing or permanent tutorship is drawn from the modification standard in interdiction. See Article 397.
(b) The Civil Code provides for the limited emancipation of a minor by authentic act, which gives the minor the capacity to make only the juridical acts specified in the authentic act. See Article 368. “The parties may provide that the emancipated minor has the capacity to execute all juridical acts, or certain kinds of juridical acts, or only specific juridical acts.” Id., at cmt. (b). In the continuing tutorship context, the court’s ability to modify the decree of permanent tutorship to permit the minor to make some juridical acts mirrors the possibility of the emancipated minor’s capacity to execute some acts. See also Article 395 (providing for the capacity of limited interdicts).

Section 2. The provisions of this Act shall be given prospective and retroactive application.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 165
- - -
HOUSE BILL NO. 425
BY REPRESENTATIVE ZERINGUE
AN ACT
To amend and reenact R.S. 56:303(E), relative to charter boat guide fishing; provides for certification of a licensed charter boat captain as earning more than fifty percent of his income from charter fishing activities; and to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 56:303(E) is hereby amended and reenacted to read as follows:
§303. Commercial fisherman’s license; charter boat fishing guide’s license certification; fees; place of purchase; information

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 166
- - -
HOUSE BILL NO. 490
BY REPRESENTATIVE GREGORY MILLER
AN ACT
To amend and reenact R.S. 46:236.1.1(9), (10), (11), (12), (13), and (14) and 236.1.2(L) and to enact R.S. 46:236.1.1(15) and (16), relative to support; to provide definitions; to provide relative to health insurance; to provide for medical support; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:236.1.1(9), (10), (11), (12), (13), and (14) and 236.1.2(L) are hereby amended and reenacted to read as follows:
§236.1.1. Family and child support programs; definitions
For the purposes of this Subpart, the following items shall mean:
(9) “Health insurance” means insurance covering medical expenses resulting from sickness or injury.
(10) “Healthcare coverage” means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child.
(11) “Medical support” means health insurance, cash medical support, and the payment of the medical expenses of the child.

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, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
who is responsible for providing financial support for that child and against whom the child support enforcement section of the department is enforcing or seeking to enforce or modify a support obligation pursuant to Title IV-D of the Social Security Act and made applicable to the state under this Subpart. An “absent parent” may include but is not limited to the natural parent, adoptive parent, and the putative or alleged father. This definition shall apply retroactively to all cases that the child support enforcement section of the department is enforcing or seeking to enforce or modify.

(13) “Private health insurance” means coverage by a health plan provided through an employer or union or purchased by an individual from a private health insurance company.

(14) “Public health insurance” means health insurance provided by a public entity.

(15) “Reasonable cost”, as it pertains to private health insurance, means that the health insurance provides the medical services that the child or children do not exceed five percent of the gross income of the parent ordered to provide support pursuant to R.S. 9:315.4. The five percent standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a single and a family policy, or the cost of acquiring a separate policy to cover the child. There is a rebuttable presumption that public health insurance is always available at a reasonable cost.

(16) “Support services” and “support enforcement services” means any action taken by the Department of Children and Family Services, upon receipt of an application or referral for services or a request made under the Uniform Interstate Family Support Act, in accordance with the federal requirements of Title IV-D of the Social Security Act and corresponding state laws and regulations without regard to whether there is any existing court order, delinquency, or presumption of paternity.

§236.1.2. Family and child support programs; responsibilities

L.1.(a) The department, when providing support enforcement services, shall pursue an order to require one or both parties to provide medical support for the child pursuant to R.S. 9:315.4. If private health insurance is not available to either parent at a reasonable cost at the time the support order is rendered or modified, the court shall order the party responsible for providing medical support to provide private health insurance as soon as it becomes available at a reasonable cost and is accessible to the minor child.

(b) The court may order the noncustodial parent to pay cash medical support when either:

(1) The child has no healthcare coverage;

(2) The child is covered by private health insurance but there is a need for additional funds to cover the child’s healthcare costs.

(c) Notwithstanding any provision to the contrary, the court shall order the noncustodial parent to pay cash medical support when the child is covered by public health insurance.

(2) When the court orders the noncustodial parent to provide cash medical support, it shall be owed until such time as private health insurance is provided by the noncustodial parent or party responsible for providing medical support.

(3) Cash medical support shall be set at an amount not to exceed five percent of the noncustodial parent’s gross income. An award for cash medical support shall be separate from the child support order and shall not be included in the child support calculations.

(4) Cash medical support payments shall be collected by the department and distributed in accordance with the Code of Federal Regulations and the Louisiana Administrative Code.

(5) If a court orders a parent to pay cash medical support, it shall be in lieu of, and not in addition to, requiring the parent to also pay reimbursement for extraordinary medical expenses as set forth in R.S. 9:315.5.

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, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 167

HOUSE BILL NO. 497

BY REPRESENTATIVE JORDAN

AN ACT

To amend and reenact R.S. 17:416.16(A)(3), relative to school crisis management and response plans; to require plans to provide for parental notification in the event of a shooting or other violent incident or emergency situation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.16(A)(3) is hereby amended and reenacted to read as follows:

§416.16. School crisis management and response plans

A. * * * *

(3) The plan, which shall focus on preventing the loss of life and the injury of students and teachers and other school employees, shall detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parental notification in the event of a shooting or other violent incident or emergency situation. * * * *

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 169

- - - - -

HOUSE BILL NO. 521

BY REPRESENTATIVE HENRY

AN ACT

To enact R.S. 35:416, relative to ex officio notaries for coroners; to provide for the qualifications, appointment, and authority of ex officio notaries for coroners; to provide for bond requirements; to provide for limitations and termination of the authority of ex officio notaries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:416 is hereby enacted to read as follows:

§416. Ex officio notaries for coroners

A. Notwithstanding any provisions of the law relative to qualifications for notaries public, each coroner may designate one deputy or assistant per shift for each office location and appoint them as ex officio notaries pursuant to this Section.

B.(1) Deputy coroners and assistants so designated may, in the parish in which the coroner serves, administer oaths, take acknowledgments, and attest on affidavits. The authority granted under this Section is limited to acts and instruments to which the coroner, in his official capacity, or the office of the coroner, or the officer of the coroner, or the person maintaining the account in the coroner’s official capacity, or the office of the coroner has an official interest. For each such action, the ex officio notary shall use the official seal of that respective coroner’s office.

(2) Deputy coroners and assistants so designated shall fulfill the same bond requirements as provided by law for notaries in the parish which the coroner serves.

(3) The coroner shall pay as an expense of his office the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.

D. The coroner may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of the coroner shall automatically terminate the powers of such an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill
ACT No. 170

HOUSE BILL NO. 529
BY REPRESENTATIVE LEGER
AN ACT
To amend and reenact R.S. 26:90(A)(11) and 286(A)(11), relative to alcoholic beverages; to provide for prohibited activity on licensed premises; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:90(A)(11) and 286(A)(11) are hereby amended and reenacted to read as follows:

§286. Acts prohibited on licensed premises; suspension or revocation of permits
A. No person holding a retail dealer’s permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

(11) Illegally sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of narcotic or habit-forming drugs, controlled dangerous substances or other illegal substances.

§286. Acts prohibited on licensed premises; suspension or revocation of permits
A. No person holding a retail dealer’s permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

(11) Illegally sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of narcotic or habit-forming drugs, controlled dangerous substances or other illegal substances.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 171

HOUSE BILL NO. 615
BY REPRESENTATIVE JORDAN
AN ACT
To amend and reenact R.S. 22:2191(B), relative to hearings before the division of administrative law regarding acts of the commissioner of insurance and matters arising under the Louisiana Insurance Code: to require a demand for hearing be filed with the commissioner of insurance; to provide for the notification of a demand for hearing from the commissioner of insurance to the division of administrative law; to make technical changes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2191(B) is hereby amended and reenacted to read as follows:

§2191. Hearings
(1) Any such demand for a hearing shall be filed with the division of administrative law by the aggrieved party with the commissioner within thirty days after mailing of notice of the act or order to the aggrieved party’s last known address or within thirty days after the delivery of notice of such the act or order to the aggrieved, faxed, or delivered to the aggrieved party at his last known address specifying. The demand for hearings shall specify in what respects such the person is aggrieved and the grounds to be relied upon as basis for the relief to be demanded which relief should be granted at the hearing. The aggrieved person shall reference the particular sections of the statutes and rules involved, shall provide a short and plain statement of matters asserted for review, and shall attach a copy of any order or decision of the commissioner for review.

(2) The commissioner shall provide the division of administrative law with a copy of a demand for a hearing by the aggrieved party within five days of receipt of the original.

(3) The division of administrative law shall hold such the hearing demanded within thirty days after receipt of the demand from the commissioner, unless postponed by mutual consent, or upon motion of either party for good cause shown or as ordered by the division of administrative law. In no circumstance shall this hearing be held later than sixty days from the date of the original demand for the hearing unless otherwise agreed upon by all parties.

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

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 172

HOUSE BILL NO. 624
BY REPRESENTATIVE SCHENXYDER
AN ACT
To amend and reenact R.S. 3:4603(E) through 4633(B) and to enact R.S. 3:4602(22) and 4603(K) and (L), relative to the Commission of Weights and Measures; to provide relative to alternate membership on the commission; to define certain oyster measurements to be enforced by the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4603(E) through 4633(B) and R.S. 3:4602(22) and 4603(K) and (L) are hereby enacted and reenacted and R.S. 3:4602(22) and 4603(K) and (L) are hereby enacted to read as follows:

§4602. Definitions
As used in this Chapter, the following terms shall have the following meanings:

§4633. Inspection of mini-sacks, sacks, and barrels; standards contents
B. Each mini-sack of oysters shall contain one-half bushel; each sack of oysters shall contain one bushel; and each barrel shall contain two bushels. Sacks. Mini-sacks, sacks, and barrels shall contain correct measurements at the time of delivery to the consignee, buyer, or importer and at the time of delivery to any subsequent buyer after arrival.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
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* As it appears in the enrolled bill

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