To amend and reenact R.S. 18:532(A) and (B)(5) and 532.1(B)(2), (C)(3), and (D)(1) and (2) (a), and to repeal R.S. 18:1903, relative to precincts; to provide relative to changes to precinct boundaries; to provide certain limitations on changes to precinct boundaries during certain time periods; to remove certain provisions relative to changes to precinct boundaries; to provide for the duties of the secretary of state relative to mergers of precincts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:532.1 and 532.1(B)(2), (C)(3), and (D)(1) and (2)(a) are hereby amended and reenacted to read as follows:

§ 532. Establishment of precincts

A. Subject to the provisions of R.S. 18:532.1 and 1803, the governing authority of each parish shall establish precincts, define the territorial limits for which each precinct is established, prescribe their boundaries, and designate the precincts. The governing authority of each parish shall by ordinance adopt the establishment and boundaries of each precinct in accordance with the timetable as set forth herein in this Section, and in accordance with R.S. 18:532.1.

B. * * *

(5) The provisions of Paragraph (4) of this Subsection shall not be effective from January 1, 2000, through December 31, 2014, during the period of time established by R.S. 18:532.1(D).

§ 532.1. Changing boundaries

* * *

B. * * *

(2)(a) When in order to make it more convenient for voters to vote, or to facilitate the administration of the election process, or to accomplish reapportionment, or to comply with the provisions of R.S. 18:532(B)(1) or (4), it becomes necessary to merge all or part of a precinct with adjacent precincts, a part or parts may be merged but only when the parts that are joined are in the same legislative, Public Service Commission, State Board of Elementary and Secondary Education, state, federal, and local governing authority voting district as such districts have been redistricted subsequent to the release of the latest federal decennial census. However, no precinct shall be merged unless the local governing authorities and the parish, city, or other local public school boards within the area affected by the merger have completed redistricting and, if required, received preclearance pursuant to the Voting Rights Act of 1965.

(b) In order to establish block boundaries for the 2010 subsequent federal decennial census, proposed precinct consolidations/mergers submitted for review through December 31, 2000, thirty-first of any year of which the last digit is nine in accordance with Subsection C of this Section, shall not be subject to the requirement that the precincts or parts of the precincts shall be in the same state, local, and municipal office voting district and shall not be subject to the provisions of Paragraph (C)(3) of this Section; however, any consolidation/merger accomplished pursuant to the provisions of this Subparagraph shall be effective for the following purposes at the following times:

(i) Not later than January 1, 2011, first of any year of which the last digit is one for all purposes.

(ii) The provisions of Subparagraph (b) of this Paragraph shall not apply to consolidations/mergers required by R.S. 18:532(B)(1).

C. * * *

(3)(a) In addition to the requirements of Paragraph (2) of this Subsection, when the proposed precinct change involves a merger authorized by Paragraph (B)(2) or Subparagraph (D)(1)(b) of this Section, prior to adoption by ordinance, the parish governing authority shall submit proposed changes of the merger to the secretary of state. No change in a precinct merger may be made by the parish governing authority prior to prior review and approval by the secretary of state, except as provided in this Paragraph. Such review shall consist of either a determination whether that the proposed merger of the precincts establishes a precinct or precincts where all parts of all proposed new precinct are in the same state, local, and municipal office voting district or a determination that the voting machine is capable of accommodating all elections that will occur in the precinct if the proposed merger occurs and the proposed merger will not cause voter inconvenience.

(b) The secretary of state shall send a report of the findings resulting from the review to the parish governing authority within forty-five days after the receipt of the proposed precinct changes. If the secretary of state fails to respond within forty-five days after the receipt of the proposed precinct changes, the proposed mergers shall be deemed to be approved by the secretary of state. No precinct shall be merged until all local governing authorities and the parish or city school board within the area affected by the merger have completed redistricting and, if required, such redistricting has been precleared pursuant to the Voting Rights Act of 1965.

D. * (a) Notwithstanding any other law to the contrary, no election precinct shall be created, divided, abolished, or merged; or the boundaries thereof otherwise changed between January first of any year of which the last digit is nine and December thirty-first of any year of which the last digit is three and January first of any year of which the last digit is three and January first of any year of which the last digit is nine.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph enacted March 30, 1903, to the contrary, if the legislature has completed the reapportionment required by Article III, Section 6 of the Constitution of Louisiana following the latest federal decennial census and, if required, has received preclearance pursuant to the Voting Rights Act of 1965, the parish governing authority may merge precincts upon the parish governing authority's certifying in writing to the office of the secretary of state that the parish governing authority and all school boards within the parish have completed all redistricting that is required following the latest federal decennial census and, if required, have received preclearance pursuant to the Voting Rights Act of 1965 and have written receipt of the affidavit from the office of the secretary of state.

(i) A certified copy of the ordinance describing such precinct mergers, a written description of proposed new precinct boundaries, and a copy of a map clearly detailing the precinct boundaries within the parish shall be sent to the secretary of the Senate, the clerk of the House of Representatives, the secretary of state, the clerk of court, and the registrar of voters of the parish within fifteen days after the adoption of the ordinance.

(ii) No precinct merger shall become effective without prior review and approval by the secretary of state, the secretary of the Senate, the clerk of the House of Representatives, or their designees. The secretary of state, the secretary of the Senate, and the clerk of the House of Representatives, or their designees fail to respond within forty-five days after receipt of the proposed precinct changes. Any proposed precinct changes shall be deemed to be approved by the official or designee who failed to respond.

To enact R.S. 47:463.47.1, relative to motor vehicle special prestige license plates; to provide for the “Military Order of the Purple Heart First Responder Program” special prestige license plate, to provide for the creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.47.1 is hereby enacted to read as follows:

§ 463.47.1. Special prestige license plate; “Military Order of the Purple Heart First Responder Program”

A. The provisions of this Section shall be applicable to “Military Order of the Purple Heart First Responder” recipients.

B. Notwithstanding the provisions of R.S. 47:463(A)(3)(b), the secretary of the Department of Public Safety and Corrections shall establish a special prestige license plate to be used in lieu of a regular motor vehicle registration license plate on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans, which may be issued upon application to any recipient of the “Military Order of the Purple Heart First Responder” award. The “Military Order of the Purple Heart First Responder Program” special prestige plate shall bear a likeness of the award centered on the left side of the license plate.

C. The fee for the license 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.

The secretary shall promulgate rules and regulations necessary to implement the provisions of this Section, including but not limited to rules governing the transfer of the license plates from one vehicle to another.

E. Except as otherwise provided for in this Subsection, each special prestige license plate issued pursuant to this Section shall be issued to the surviving spouse of the recipient of the descendant of the person upon whom the plate was issued. A surviving spouse of a person to whom a license plate was issued pursuant to this Section may retain a license plate issued pursuant to this Section, provided the surviving spouse has not remarried and provided the surviving spouse applies to the secretary for a transfer of the license plate to the surviving spouse. A special prestige license plate
license plate transferred pursuant to this Subsection to a surviving spouse shall be returned to
the secretary upon death or remarriage of the surviving spouse.

Approved by the Governor, May 28, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 552
- - -
HOUSE BILL NO. 450
BY REPRESENTATIVE JAMES
- - -
To amend and reenact R.S. 32:401(introductory paragraph) and (14), 404(F), and 411(F)(1)
and (3)(a) and R.S. 40:1321(B), relative to driver's licenses and special identification cards;
to provide with respect to reciprocity agreements relative to driver's licenses; to authorize a
digitized format of a driver's license; to provide with the standards of REAL ID; to provide for
the issuance of a digitized special identification card; to establish a fee to install the application to display a digitized
license's card; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:401(introductory paragraph) and (14), 404(F), and 411(F)(1) and (3)(a)
are hereby amended and reenacted to read as follows:

§401. Definitions
The following words and phrases when used in this Chapter shall have the meaning hereon
assigned to them in this Section unless the context clearly indicates otherwise:

(14) “License” or “driver’s license” means any license which shall include a license that complies
with the standards of REAL ID as provided for in R.S. 32:410(E), secured from the
Department of Public Safety and Corrections, in accordance with this Chapter to operate a
motor vehicle on the highways of this state.

§404. Operation of motor vehicles by nonresidents, students, and military personnel and
dependents; reciprocity agreements with foreign countries

F(1) The deputy secretary of public safety services of the Department of Public Safety and
Corrections is hereby authorized to promulgate rules and regulations as may be necessary to
enter into reciprocity agreements with jurisdictions or agencies in foreign countries or
with foreign governments that issue driver’s licenses or the equivalent.

(2) The rules shall specify that the following:
(a) The driver's license standards of a the licensing jurisdiction or agency in a foreign
country or the foreign government shall be comparable to those of this state.
(b) The rules shall also require foreign drivers, who are operating a motor vehicle in
Louisiana under such a reciprocity agreement, shall comply with the compulsory
motor vehicle liability insurance law of this state.
(c) The department shall specify in the agreement which licensing requirements may be
waived for an applicant for a driver's license in this state.

(3) The issuance of a commercial driver's license pursuant to a reciprocity agreement shall be
prohibited.

§411. Deposit of license in lieu of security upon arrest; receipt; licensee to have license or
receipt in immediate possession; notification to vehicle owner; surrender of license; issuance
of temporary permits

F(1) The licensee shall have his physical license, or a digitized driver's license as provided in this
Section, in his immediate possession at all times when driving a motor vehicle and shall
show it upon demand of any officer or agent of the department or any police officer of
the state, parish, or municipality, except that where the licensee has previously deposited his
license as provided in Subsection C of this Section, and has received a receipt, as provided in
Subsection D of this Section, the licensee shall display the receipt upon demand of any officer
or agent of the department or any police officer of the state, parish, or municipality, the same
to serve as a substitute for the license until the license is returned to the licensee. However,
when an officer or agent of the department or any police officer of the state, or any parish or
municipality has reasonable grounds to believe a person has committed an offense of driving
without a valid driver’s license in his possession, the police officer shall make every practical
attempt based on identifying information provided by the person to confirm that the person
has been issued a valid driver's license. If the police officer determines that the person
has been issued a valid driver's license that is not under revocation, suspension, or cancellation,
but that the license is not in his possession, the peace officer shall issue a written summons to
the offender in accordance with law, commanding him to appear and answer the charge.

(3)(a) For the purposes of this Subsection, a digitized driver's license, which shall include a
license that complies with the standards of REAL ID as provided for in R.S. 32:410(E), shall
mean a data file available on any mobile device which has connectivity to the internet through an
application that allows the mobile device to download the data file from the department or
an authorized representative of the department and contains all of the data elements visible
on the face and back of the special identification card, displays the current status of
the identity card, and shall include any special identification card that complies with the
standards of REAL ID; provided for in Subparagraph B of this Paragraph. For purposes of
this Subsection, a digitized special identification card, which is not
covered for in Subparagraph B of this Paragraph, “current status” shall include but is not limited to valid, expired, or
cancelled.

§414. Waiver of license for an applicant for a driver's license in this state.

Be it enacted by the Legislature of Louisiana:

Section 2. R.S. 40:1321(B) is hereby amended and reenacted to read as follows:

§1321. Special identification cards; issuance; veteran designation; disabled veteran
designation; university logo; “I'm a Cop” designation; needs accommodation designation;
fees; expiration and renewal; exceptions; promulgation of rules; promulgation of use; persons
less than twenty-years of age; the Protect and Save our Children Program; Selective Service
Registration

THE ADVOCATE PAGE 242

* As it appears in the enrolled bill

B.(1) Each special identification card shall be accepted as valid identification of the person
to whom it was issued when it is presented physically or in the form of a digitized special
identification card for the purpose of furnishing proof of that person's identification. Under
no circumstances shall the state of Louisiana, or any of its agencies, be held liable in any
manner legally or otherwise as a result of the use or misuse of a special identification card.

(2)(a) For purposes of this Subsection, a digitized special identification card shall mean a
data file available on any mobile device which has connectivity to the internet through an
application that allows the mobile device to download the data file from the department or
an authorized representative of the department and contains all of the data elements visible
on the face and back of the special identification card, displays the current status of
the identity card, and shall include any special identification card that complies with the
standards of REAL ID; provided for in Subparagraph B of this Paragraph. For purposes of
this Subsection, a digitized special identification card, which is not
covered for in Subparagraph B of this Paragraph, “current status” shall include but is not limited to valid, expired, or
cancelled.

(b) A digital copy, photograph, or image of a special identification card which is not
downloaded through the application on a mobile device shall not be considered a valid
digitized special identification card as provided by this Subsection.

(c) In connection with requests for identification not associated with traffic stops or
checkpoints in Louisiana, a person may be required to produce a physical special identification
card to a law enforcement officer, a representative of a state or federal department or agency,
or a private entity when so requested and be subject to all the applicable laws and consequences
for failure to produce such identification card.

(d) The Department of Public Safety and Corrections shall promulgate rules as are necessary
to implement a digitized special identification card. No digitized special identification card
shall be valid until the department has adopted the rules.

§415. Digital copy, photograph, or image of a special identification card.

F(1) The display of a digitized special identification card shall not serve as consent or
authorization for a law enforcement officer, or any other person, to search, view, or access any
other data or application on the mobile device. If a person presents their mobile device to a
law enforcement officer for purposes of displaying their digitized special identification card,
the law enforcement officer shall promptly return the mobile device to the person once he has
had an opportunity to verify the identity of the person.

(f) The fee to install the application to display a digitized special identification card as defined
in Subparagraph (a) of this Paragraph shall not exceed six dollars.

Section 3. Any existing reciprocity agreement as of the effective date of this Act shall remain
in full force and effect until terminated in accordance with its terms. The legislature hereby
specifically declares that this Act in no way and to no extent is intended to nor shall it be
construed in any manner to impair any obligation of any reciprocity agreement in effect as of
the effective date of this Act.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 553
- - -
HOUSE BILL NO. 493
BY REPRESENTATIVE GARY CARTER
- - -
To amend and reenact R.S. 13:62(B), relative to the Judicial Council of the Supreme Court
of Louisiana; to provide for the content of recommendations made by the council to the
legislature; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:62(B) is hereby amended and reenacted to read as follows:

§62. Court costs and fees; submission to Judicial Council; recommendation

B. No law to provide for a new court cost or fee or to increase an existing court cost or fee shall be
enacted unless first submitted to the Judicial Council for review and recommendation to
the legislature. Such review and recommendation shall include, but not be limited to, factors
such as whether the court cost or fee is reasonably related to the operation of the courts
or court system. A copy of the proposed increased court cost or fee shall be submitted to the
Judicial Council no later than January fifteenth of the calendar year in which the
proposal is intended to be introduced in the legislature, and a copy shall be
provided to the legislature, through the clerk of the House of Representatives and the secretary of
the Senate, at the time it is submitted to the Judicial Council for review. The Judicial
Council shall notify the legislature of its recommendation, through the clerk of the House
of Representatives and the secretary of the Senate, by March fifteenth of the same year.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 554
- - -
HOUSE BILL NO. 496
BY REPRESENTATIVES HAZEL, ABRAMSON, AMDEED, ANDERS, ARMES, BAGGETT, BAILE, BELL, BERTUZZI, BILLET, BURRURY, BROWN, CARMODY, CARPENTER, *
STEVE CARTER, CHANEY, COX, DAVIS, EDMONDS, FOIL, FRANKLIN, GISCLAIR, GLOVER, GUINN, HALL, HILL, HOFFMANN, HOWARD, JACKSON, JEFFERSON, JENKINS, LIBAS, LEEGER, MARCELLE, NORTON, PIERRE, POPE, REYNOLDS, RICHARD, SCHEXNEDER, SMITH, STOKES, THIBAUT, THOMAS, AND WRIGHT AND SENATORS MILLIS, PERRY, AND THOMPSON
- - -
AN ACT

To enact R.S. 32:412(P), relative to driver’s license fees; to provide for a voluntary donation to
the Louisiana Military Family Assistance Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:412(P) is hereby enacted to read as follows:

§412. Amount of fees; credit or refund; duration of license; veteran designation; disabled veteran designation; university logo; “I’m a Cajun” designation; disbursement of funds; renewal by mail or electronic commerce of Class “D” or “E” drivers’ licenses; disposition of certain fees; exception

P. An applicant for any class of license may choose to donate one dollar in addition to any license fee required by this Section to the Louisiana Military Family Assistance Fund. Approved by the Governor, May 28, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 555

HOUSE BILL NO. 509
BY REPRESENTATIVE GARY CARTER
AN ACT
To amend and reenact R.S. 17:10.1(F)(3) and to enact R.S. 17:10.1(H), relative to school and district accountability system; to provide relative to graduation rate criteria for recognition of high-performing schools; to provide for a public presentation of a school's academic improvement plan; to require the state Department of Education to publish a list of schools with such plans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:10.1(F)(3) is hereby amended and reenacted and R.S. 17:10.1(H) is hereby enacted to read as follows:

§10.1. School and district accountability system; purpose; responsibilities of state board

F. In addition to any other performance-related labels or designations assigned to public schools and school districts pursuant to the school and district accountability system, the state board, in consultation with parents, teachers, school administrators, and other education stakeholders, shall develop a letter grade system reflective of school and district performance that shall include but not necessarily be limited to the following:

(3) Creation of an honor roll which recognizes all high-performing schools and high schools with exemplary graduation rates that exceed the state average as determined by the state board, which shall also be made public when relative to school and district performance scores and letter grades are released.

H.1(1) The superintendent, school principal, or other school leader, or his designee, of a public school that is required pursuant to rules adopted by the state board to develop an academic improvement plan shall, within sixty days of approval of such plan by the state Department of Education, make a presentation on the approved plan during at least one public meeting held at the applicable school. Notice of the meeting shall be provided to the parent or legal guardian of each student enrolled in the school at least one week prior to the date of the meeting.

(2) The presentation shall include:

(a) The school and student performance data that caused the department to identify the school as being in need of improvement.
(b) A detailed overview of the improvement plan.
(c) Timelines for implementation of the plan and attainment of performance goals.
(d) Implications of the plan for students, families, and educators.

(3) The superintendent, school principal, or other school leader, or his designee, shall present an annual update, in the manner provided in Paragraph (2) of this Subsection, until such time as the state department no longer requires the school to have an academic improvement plan.

(4) The department shall annually publish a list of schools with such plans on its website.

Approved by the Governor, May 28, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 556

HOUSE BILL NO. 520
BY REPRESENTATIVE JOHNSON
AN ACT
To amend and reenact Children's Code Article 616(B) and to repeal Children's Code Article 616(B) as amended and reenacted by Act No. 348 of the 2017 Regular Session of the Legislature, relative to child abuse cases; to provide relative to certain information in the state central registry of reports of child abuse and neglect; to provide for disclosure of certain information to the state attorney or court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 616(B) is hereby amended and reenacted to read as follows:

Art. 616. Central registry; screening court-appointed special advocates volunteers; confidentiality

B. Except as provided in this Article or R.S. 46:56, all records of reports of child abuse or neglect are confidential. The department shall promulgate rules regarding the maintenance, deletion, and release of information in the central registry, determined by the types of disposition made pursuant to Article 615. Within the state repository, the department shall maintain a state central registry of certain reported cases of abuse and neglect as set forth in rules promulgated by the department. The name of an individual who was placed on the state central registry as a perpetrator of abuse or neglect prior to the effective date of Children's Code Article 616.1.1 shall not be released outside of the department until that individual's administrative appeals are exhausted.

Approved by the Governor, May 28, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 557

HOUSE BILL NO. 546
BY REPRESENTATIVE LEBAS
AN ACT
To amend and reenact R.S. 40:1135.1(A)(3) and 1135.2(B)(1), relative to emergency medical response vehicles; to provide for qualifications to operate emergency medical response vehicles; to provide for qualifications to operate ambulances; to provide for a written policy; to provide for certain minimum requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1135.1(A)(3) and 1135.2(B)(1) are hereby amended and reenacted to read as follows:

§1135.1. Qualifications to operate ambulances; equipment; penalty
A. * * *

(3)(a) The Louisiana Department of Health shall promulgate rules and regulations establishing a list of required medical and safety equipment which shall be carried as part of the regular equipment of every ambulance. No person shall conduct, maintain, or operate an ambulance which does not carry with it, in fully operational condition, all of the equipment included in the list which shall be consistent with the scope of practice for emergency medical technicians established in R.S. 40:1133.14. Each ambulance service provider shall develop and maintain a written policy identifying the equipment required to comply with the provisions of this Paragraph. At a minimum, the policy shall identify the basic trauma equipment, drugs, suction and oxygen equipment, cardiopulmonary resuscitation equipment, and any other equipment required by law that shall be maintained on the ambulance.

(b) After its initial establishment, the list shall be subject to review after four years and at any time thereafter. The list shall not be changed more often than once every four years. However, nothing in this Paragraph shall prohibit the department from supplementing the list with state of the art, newly developed devices, equipment, or medications that may be carried in lieu of other items on the list.

* * *

§1135.2. Qualifications to operate emergency medical response vehicles; vehicle requirements; equipment; penalties
* * *

B. No person shall conduct, maintain, or operate an emergency medical response vehicle as an emergency vehicle which:

(1) Does not carry with it as part of its regular equipment the list of equipment, in fully operational condition, for emergency medical response vehicles as prescribed in rules and regulations promulgated by the Louisiana Department of Health. The list shall be based upon the recommendations of the American College of Surgeons as provided in R.S. 40:1135.1(A)(1)

(3) The list shall be consistent with the scope of practice for emergency medical technicians established in R.S. 40:1133.14. After initial promulgation, such list shall be subject to review after four years and anytime thereafter. The list shall not be changed more often than once every four years. However, nothing shall preclude the Louisiana Department of Health from supplementing the list with state of the art, newly developed devices, equipment, or medications that may be carried in lieu of other items on the list. Each emergency medical response vehicle provider shall develop and maintain a written policy identifying the equipment required to comply with the provisions of this Paragraph. At a minimum, the policy shall identify the basic trauma equipment, drugs, suction and oxygen equipment, cardiopulmonary resuscitation equipment, and any other equipment required by law that shall be maintained on the emergency medical response vehicle.

* * *

Approved by the Governor, May 28, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State
To enact R.S. 40:1665.2(G), relative to financial security for survivors of law enforcement officers killed in the line of duty; to provide health insurance coverage for the surviving spouse or child of a law enforcement officer killed in the line of duty for a limited time period; to provide for premium payments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1665.2(G) is hereby enacted to read as follows:

§1665.2. Financial security for surviving spouses and children of law enforcement officers in certain cases

* * *

G.(1) The employer of a law enforcement officer who suffers death as a result of any injury arising out of and in the course of his official duties as an officer, or arising out of any activity while on or off duty in his capacity as a law enforcement officer in the protection of life or property shall provide and pay for health insurance coverage for the law enforcement officer’s surviving spouse for two years following the death of the law enforcement officer.

(2)(a) The employer of a law enforcement officer who suffers death as a result of any injury arising out of and in the course of his official duties as an officer, or arising out of any activity while on or off duty in his capacity as a law enforcement officer in the protection of life or property shall provide and pay for health insurance coverage for the law enforcement officer’s child, stepchild, or adopted child who is either:

(i) Under the age of eighteen.

(ii) Under the age of twenty-three and enrolled in and regularly attending a school or is a full-time student at an accredited college or university.

(iii) Physically or mentally disabled.

(b) The employer shall provide and pay for the health insurance provided pursuant to this Paragraph for two years following the death of the law enforcement officer or until the child no longer meets the qualifications provided in this Paragraph, whichever comes first.

(3) If health insurance coverage is offered by the employer to active members, the health insurance company or child pursuant to this Subsection shall be equal in coverage to that offered to active members.

(4)(a) The surviving spouse shall have the option to decline the health insurance coverage provided in Paragraph (1) of this Subsection.

(b) The surviving parent or legal guardian of each child, stepchild, or adopted child of the deceased law enforcement officer shall have the option to decline the health insurance coverage provided in Paragraph (2) of this Subsection for the child.

Approved by the Governor, May 28, 2018.

A true copy;—
R. Kyle Ardoin
Secretary of State

ACT No. 559

HOUSE BILL NO. 617

BY REPRESENTATIVE HILFERTY

AN ACT

To amend and reenact R.S. 9:3196(introductory paragraph) and (1)(c), 3197(A) and (B)(7), and 3198(A)(2)(b) and (c), relative to the transfer of residential real property and property disclosure forms; to provide relative to definitions; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3196(introductory paragraph) and (1)(c), 3197(A) and (B)(7), and 3198(A) (2)(b) and (c) are hereby amended and reenacted to read as follows:

§3196. Definitions

As used in this Chapter, the following terms shall have the meanings hereinafter ascribed to them:

(1) “Known defect” means a condition found within the property that was actually known by the seller and that results in any of the following:

* * *

c) If not repaired, removed, or replaced, significantly shortens the expected normal life of the property.

* * *

§3197. Applicability; exemptions

A. On and after July 1, 2001, the provisions of this Chapter shall apply to the transfer of any interest in residential real property, whether by sale, exchange, bond for deed, lease with option to purchase, or any other option to purchase, including transactions in which the assistance of a real estate licensee is utilized and those in which such assistance is not utilized.

B. The provisions of this Chapter shall not apply to any of the following:

* * *

(7) Transfers from the succession executor or administrator pursuant to testament or intestate succession.

* * *

§3198. Duties of the seller; delivery of property disclosure document; termination of real estate contract; information contained in document and inaccuracies; required disclosure of information relative to homeowners’ associations; liability of seller

A. * * *

(2) * * *

(b) Included with the property disclosure documents required by this Section shall be a statement of acknowledgment as to whether or not an illegal laboratory for the production or manufacturing of methamphetamine was in operation on the premises located on the property.

(c) Included with the property disclosure documents required by this Section shall be a statement of acknowledgment as to whether or not a cavity created within a salt stock by dissolution with water lies underneath the property and whether or not the purchasing property is within two thousand six hundred forty feet of a solution mining injection well.

Approved by the Governor, May 30, 2018.

A true copy;—
R. Kyle Ardoin
Secretary of State

ACT No. 560

HOUSE BILL NO. 621

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 9:3403 and 3433, R.S. 12:1-202(A)(introductory paragraph) and (B)(1), 1-401(A)(1) through (3)(introductory paragraph), (B)(introductory paragraph), (C)(introductory paragraph) and (1), (D) 1-144(E)(2)(b), 203(C), 204(A)(1), (introductory paragraph) and (1), and (F) 303(A)(5)(B), 304(A)(2), 312.1, 1306(A)(3)(introductory paragraph) and (a) and (4) and (E), and (F), 1308.3(C)(introductory paragraph), 1344, 1345(A)(2), and 1811(A) and (B), R.S. 22:62(introductory paragraph), (1) through (4), (6) through (8), and (10), 232.2(A)(introductory paragraph) and (2) through (4), and (D), 243(B)(introductory paragraph), (4), and (8) and (D) through (F), R.S. 40:222(B)(1)(introductory paragraph), (a), (b), (c), and (f), (2)(introductory paragraph), (4)(c) and (f), (5)(b), (6), and R.S. 51:212(introductory paragraph) and (5) and 3143(C), to enact R.S. 12:1-401(A)(3)(e) and 1306(A)(5) and R.S. 40:222(B)(14) and to repeal R.S. 3:85 and 4:188, R.S. 22:232.2(A)(5), and R.S. 40:222(B)(14) through (b), relative to corporate filings made to the secretary of state; to provide for the secretary of state’s responsibilities with respect to certain filings; to provide relative to business entities’ use of certain names; to provide relative to the listing of certain addresses; to provide for the distinguishing of names upon the records of the secretary of state; to provide an increase for certain filing fees; to provide for the issuance and application for home service contract providers; to provide changes in statutory reference; to provide technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3403 and 3433 are hereby amended and reenacted to read as follows:

§3403. Contract of partnership; required content and use of names

* * *

A. A contract of partnership filed for registry with the secretary of state shall contain the name and taxpayer identification number of the partnership, the municipal address of its principal place of business in this state, and the name and municipal address of each partner, including partners in commendam, if any. The failure to include the taxpayer identification number of the partnership shall not invalidate nor cause the secretary of state to reject the contract.

B. If the secretary of state receives for filing a partnership agreement that includes in the partnership name the word “bank,” “banker,” “banking,” “savings,” “safe deposit,” “trust,” “trustee,” “building and loan,” “homestead,” “credit union,” or any other word of similar import, the secretary of state shall not file the partnership agreement until the secretary of state receives satisfactory evidence that written notice of the proposed use of that name was delivered to the office of financial institutions at least fourteen days prior to the filing made with the secretary of state.

C. If the secretary of state receives for filing a partnership agreement that includes in the partnership name the word “engineer,” “engineering,” “surveyor,” or “surveying,” the secretary of state shall not file the partnership agreement until the secretary of state receives either of the following:

(1) Satisfactory evidence that written notice of the proposed use of that name was delivered to the Louisiana Professional Engineering and Land Surveying Board at least ten days prior to the filing made with the secretary of state.

(2) A written waiver of the ten-day notice prescribed in Paragraph (1) of this Subsection, signed by the executive secretary or any officer of the Louisiana Professional Engineering and Land Surveying Board.

D. If the secretary of state receives for filing a partnership agreement that includes in the partnership name the word “architect,” “architectural,” or “architecture,” the secretary of state shall not file the partnership agreement until the secretary of state receives either of the following:

(1) Satisfactory evidence that written notice of the proposed use of that name was delivered to the Louisiana State Board of Architectural Examiners at least ten days prior to the filing made with the secretary of state.

(2) A written waiver of the ten-day notice prescribed in Paragraph (1) of this Subsection, signed by the executive director or any member of the Louisiana State Board of Architectural Examiners.

§3433. Name of registered limited liability partnership

* * *

A. A registered limited liability partnership’s name shall contain the words “registered limited liability partnership” or the abbreviation “L.L.P.” as the last words or letters of its name.

B. If the secretary of state receives for filing a registered limited liability partnership registration that includes in the partnership name the word “bank,” “banker,” “banking,” “savings,” “safe deposit,” “trust,” “trustee,” “building and loan,” “homestead,” “credit union,” or any other word of similar import, the secretary of state shall not file the registration until the secretary of state receives satisfactory evidence that written notice of the proposed use of that name was delivered to the office of financial institutions at least fourteen days prior to the filing made with the secretary of state.

C. If the secretary of state receives for filing a registered limited liability partnership registration that includes in the partnership name the word “engineer,” “engineering,” “surveyor,” or “surveying,” the secretary of state shall not file the registration until the
§203. Articles of incorporation * * *

C. The articles may also contain any of the following:

(1) Provisions dealing generally with the authorized number and qualifications of directors, the powers and duties of the executive director, the powers, rights, and duties of the shareholders and officers, the liabilities of the shareholders and officers for breaches of contract or for negligence in the conduct of the corporation's business, the liability of the directors and officers under federal or state laws or regulations, or under the laws of other jurisdictions.

§204. Corporate name * * *

A. Corporate name shall be distinguishable upon the records of the secretary of state from all of the following:

1. Any other corporate name on file with the secretary of state.

2. Any other corporate name under which any corporation has been authorized to begin business in this state.

B. A person may apply to the secretary of state for authorization to use a corporate name that is distinguishable upon the records of the secretary of state.

C. The application may be received by the secretary of state and shall be accompanied by a typed or printed statement from the corporation that such name is not one that is used by another corporation in this state.

D. A corporate name must be in any language, but it must be distinguishable upon the records of the secretary of state.

E. The secretary of state shall authorize the payment of a fee of $50 for the registration of a corporate name.

§205. Issuance of a certificate of incorporation * * *

A. The certificate of incorporation shall be issued by the secretary of state upon receipt of the certificate of incorporation, which shall be delivered to the office of financial institutions at least one day before the time that the applying corporation will begin to use the registrant's former name.

B. A person may only file an application for incorporation if the designated office is open and the certificate of incorporation is not being processed by another person.

C. The secretary of state shall only issue a certificate of incorporation if the certificate of incorporation is not being processed by another person.

D. A certificate of incorporation that is not issued within five business days shall be void.

E. The secretary of state shall not issue a certificate of incorporation if the certificate of incorporation is not being processed by another person.

§206. Use of a corporate name * * *

A. The corporate name may be used by a corporation only after the certificate of incorporation has been issued by the secretary of state.

B. A corporation may only begin to use a corporate name after the certificate of incorporation has been issued by the secretary of state.

C. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.

D. A corporation may only begin to use a corporate name after the certificate of incorporation has been issued by the secretary of state.

E. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.

§207. Termination of a corporate name * * *

A. A corporation may only terminate a corporate name if the certificate of incorporation has been issued by the secretary of state.

B. The certificate of incorporation shall only be issued if the certificate of incorporation is not being processed by another person.

C. The secretary of state shall only issue a certificate of incorporation if the certificate of incorporation is not being processed by another person.

D. A corporation may only begin to use a corporate name after the certificate of incorporation has been issued by the secretary of state.

E. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.

§208. Reissue of a certificate of incorporation * * *

A. The certificate of incorporation shall be reissued by the secretary of state if the certificate of incorporation is not being processed by another person.

B. The certificate of incorporation shall be reissued by the secretary of state if the certificate of incorporation is not being processed by another person.

C. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.

D. A corporation may only begin to use a corporate name after the certificate of incorporation has been issued by the secretary of state.

E. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.

§209. Liability of a director or officer * * *

A. Any breach of the director's or officer's duty of loyalty to the corporation or its shareholders may result in the revocation of the director's or officer's appointment.

B. The secretary of state shall have the authority to issue a certificate of incorporation if the certificate of incorporation is not being processed by another person.

C. The certificate of incorporation shall be issued by the secretary of state if the certificate of incorporation is not being processed by another person.

D. A corporation may only begin to use a corporate name after the certificate of incorporation has been issued by the secretary of state.

E. The secretary of state shall notify the corporation in writing if the certificate of incorporation is not being processed by another person.
B. Whenever a foreign corporation which is authorized to transact business in this state, shall on or after January 1, 1969, change its name to one under which a certificate of authority would not be required by this act, it shall apply for and obtain therefor, the certificate of authority of such corporation shall be deemed suspended, and it shall not thereafter transact any business in this state until it has changed its name to a name which is available to it under the laws of this state or until it has added some distinguishing term upon the records of the secretary of state to its name for use in this state.

§304. Application for certificate of authority
A. Application by a foreign corporation to procure a certificate of authority shall be made to the secretary of state and shall set forth:

(1) The name of the corporation;
(2) An accurate and complete statement of the name of any trade name registered with the secretary of state; or any foreign corporation, partnership, or limited liability company registered or qualified to do business in this state, or any of its political subdivisions, or of the United States.
(3) The location and post office address of its registered office. The street address, not a post office address only, of its initial registered office, and if different, the street address, not a post office address only, of the corporation’s initial principal office.
(4) The amount of capital and minimum surplus, or initial fund, with which the corporation will begin business.
(5) If a stock company, the number of shares, the amount of each share, and the time when such shares may be issued or sold.
(6) The name of the state or political division of the United States in which the corporation is organized, and the date such corporation is organized in such state or political division.
(7) The name of the state or political division of the United States in which the corporation is doing business, and the written consent of such other insurer to the adoption of its name or a deceptively similar name has been given in writing and is filed with the articles of incorporation
(b) shall be distinguishable upon the records of the secretary of state from the name of any other insurer of any kind, except as provided in Subparagraph (4) or (5) hereof.
(c) Shall not imply that the company is an administrative agency of any parish or of the state.
(d) Shall not include the words “insurance” or any derivative thereof, the secretary of state shall require, prior to the issuance of the certificate of authority, the certificate of organization be delivered to the corporation or its representative a copy of the document with an acknowledgment of the date of filing. The secretary of state’s filing of the articles of incorporation shall be deemed suspended, and it shall not thereafter transact any business in this state until it has changed its name to a name which is available to it under the laws of this state or until it has added some distinguishing term upon the records of the secretary of state to its name for use in this state.

§1811. Corporate purposes
A. Each corporation shall have a purpose of creating a general public benefit. This purpose is in addition to its purpose under R.S. 12:223 as described in R.S. 12:1-201 et seq.
B. The articles of a benefit corporation may identify one or more specific public benefits that it is the purpose of the benefit corporation to create in addition to its purposes under R.S. 12:1-203 et seq. and Subsection A of this Section. The identification of a specific public benefit under this Subsection shall not limit the obligation of a benefit corporation under Subsection A of this Section.

§312.1. Termination of withdrawal proceedings
At any time before the certificate of withdrawal is issued by the secretary of state pursuant to R.S. 12:312, withdrawal proceedings may be terminated by delivering to the secretary of state a request that withdrawal proceedings be terminated. The request shall be signed by any officer of the corporation. After all fees and charges have been paid as required by law, the secretary of state shall place the request to terminate withdrawal proceedings on file in his office and shall acknowledge receipt of the request by returning the application for withdrawal forms to the corporation or its representative. The secretary of the Department of Revenue and the administrator of Louisiana Employment Security Law shall be notified by the secretary of state of the termination of withdrawal proceedings.

§1306. Name
A. The name of each limited liability company as set forth in its articles of organization:
(3) Shall be distinguishable upon the records of the secretary of state from the name of any corporation, partnership, or other limited liability company organized under the laws of this state, any foreign corporation, partnership, or limited liability company registered or qualified to do business in this state, or any of its political subdivisions, or of the United States.
(4) Shall not imply that the company is an administrative agency of any parish or of this state, or any of its political subdivisions, or of the United States.
(5) Shall not contain words or phrases that consist of or comprise immoral, deceptively, or scandalous matter.

E. If the limited liability company seeking the issuance of a certificate of organization in this state includes in its name the word “engineer,” “engineering,” “surveyor,” or “surveying,” or any derivative thereof, the secretary of state shall require, prior to the issuance of the certificate of organization, evidence satisfactory to him that written notice of such application for a certificate of organization has been delivered to the Louisiana Professional Engineering and Land Surveying Board in writing not less than ten days prior to the date of issuance of the certificate of organization. If the applicant limited liability company files with its application to the secretary of state a written waiver signed by each executing secretary or any officer of the Louisiana Professional Engineering and Land Surveying Board waiving the requirement of ten days written notice to said board, as set forth in the preceding sentence, the secretary of state shall be authorized to proceed immediately with the processing of such application.

F(1) A limited liability company name shall not contain the word “insurance” unless the limited liability company is an independent insurance agency or brokerage firm.

(2) If a limited liability company seeking issuance of a certificate of organization in Louisiana includes in its name the words “bank,” “banker,” “banking,” “savings,” “safe deposit,” “trust,” “trustee,” “building and loan,” “homestead,” or “credit union,” the secretary of state shall require written approval from the commissioner of the office of financial institutions dated not less than fourteen days prior to the issuance of the certificate of organization.

§1308.3. Conversion of state of organization
C. The domestic or foreign limited liability company seeking conversion shall file with the secretary of state a written request for conversion of the state of organization. If the company is manager-managed, the request shall be executed by a manager of the company. If the company is member-managed, the request shall be executed by a member of the company. The request shall contain all of the following:

(3) §1344. Name of authorized foreign limited company
A. A certificate of authority shall not be issued to a foreign limited liability company unless at the time of application the company shall have filed with the secretary of state a written request for conversion of the state of organization. If the company is manager-managed, the request shall be executed by a manager of the company. If the company is member-managed, the request shall be executed by a member of the company.

§1345. Application for certificate of authority
A. Application by a foreign limited liability company to procure a certificate of authority shall be made to the secretary of state and shall set forth the following:

(2) If the name of the limited liability company does not conform with the requirements of R.S. 12:1344, then the name of the limited liability company with the word, abbreviation, or distinguishing term upon the records of the secretary of state that it elects to add thereto for use in this state.

§62. Articles of incorporation
Articles of incorporation shall be executed by authentic act signed by each of the incorporators and shall state in the English language all of the following:
(1) The name of the corporation, which shall not be the same as nor deceptively similar to the name of any other domestic insurer or of any alien or foreign insurer authorized to do business in this state unless either of the following Subparagraphs apply:
(a) Such other domestic, alien or foreign insurer is about to change its name, cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state, and the written consent of such other insurer to the adoption of its name or a deceptively similar name has been given in writing and is filed with the articles of incorporation
(b) has not been authorized to do business in this state for more than two years and has never actively engaged in business.
(2) The purpose or purposes for which it is formed
(3) Its duration
(4) The location and post office address of its registered office. The street address, not a post office address only, of its initial registered office, and if different, the street address, not a post office address only, of the corporation’s initial principal office.
(6) The amount of capital and minimum surplus, or initial fund, with which the corporation will begin business.
(7) If a stock company, the number of shares, the amount of each share, and the time and manner in which payment on stock subscribed shall be made.
(8) The names of the first directors, their post office address or respective street addresses, not post office addresses only, and their classification and terms of office if they are named in the articles of incorporation where the first board of directors is not named in the articles, the articles shall provide the place where, the date when the organization is to be perfected, and a meeting of the stockholders or policyholders for that purpose must be held not more than sixty days after the execution of the articles. At that meeting the directors shall be elected.

(10) The designation of general officers, the number of directors, which shall not be less than five nor more than fifty, and the mode and manner in which directors shall be elected, and officers elected or appointed.

§232.2. Incorporation of a mutual insurance holding company
A. A mutual insurance holding company or an intermediate holding company resulting from the reorganization of a domestic multiple mutual insurance company under R.S. 22:231 shall be incorporated in Title 12 of the Louisiana Revised Statutes of 1950, the Louisiana Business Corporation Law, Act R.S. 12:2 through 178, R.S. 12:1-101 through R.S. 12:1-1705, and shall be subject to its provisions and other provisions of Title 12 relative to business corporations, except that:

(2) After approval of the commissioner, the articles showing the approval of the commissioner shall be filed in the office of the secretary of state together with an initial report, as prescribed by R.S. 12:101. If the first directors are not named in the articles of incorporation and the initial report, a supplemental report, setting forth their names and addresses, and signed by each incorporator or by any shareholder, shall be filed with the secretary of state and filed for record as provided by Paragraph (5) of this Subsection as soon as they have been selected.

(3) If the secretary of state finds that the articles have been approved by the commissioner and that the articles and initial report are in compliance with this Subpart and Title 12 of the Louisiana Revised Statutes of 1950, and after all fees have been paid as required by law, the secretary of state shall record the articles and initial report in his office, endorse on each the date and issue a certificate of incorporation that shall show the date. The certificate of incorporation as filed on the date and time of receipt. After filing the articles, the secretary of state shall deliver to the corporation or its representative a copy of the document with an acknowledgment of the date of filing. The certificate of state of incorporation shall be conclusive evidence of the fact that the corporation has been duly incorporated except that in any proceeding brought by the state to annul, forfeit, or vacate a corporation’s franchise, or by the commissioner to prohibit, suspend, or limit the corporation’s right to conduct business as a mutual insurance holding company or an intermediate holding company, the certificate of incorporation shall be prima facie evidence of due incorporation.

(4) Upon issuance of the certificate of incorporation, the corporation shall be duly incorporated, and the corporate existence shall begin, as of the time when the articles were filed with the secretary of state. Except as provided in R.S. 12:1-203(C), the corporate existence begins, and the corporation is duly incorporated when the articles of incorporation become effective as provided in R.S. 12:1-123.

D. Notwithstanding anything in any provision of law to the contrary within the Louisiana
§243. Incorporation

B. Articles of incorporation shall be executed by authentic act signed by each of the incorporators and shall state in the English language all of the following:

(4) The location and post office address of its registered office. The street address, not a post office address only, of its initial registered office, and if different, the street address, not a post office address only, of the corporation’s initial principal office.

(5) The names of the first directors, their post office street address, not a post office address only, and their classification and terms of office if they be named in the articles. Where the first board of directors is not named in the articles, the articles shall provide the place where and the date when the organization is to be perfected, and a meeting of the stockholders for that purpose must be held not more than sixty days after the execution of the articles. At that meeting the directors shall be elected.

(6)(1) After the payment of all fees owed to the Department of Insurance, the articles showing the approval of the commissioner shall be filed in the office of the secretary of state together with an initial report, as prescribed by R.S. 12:1-101. If the first directors are not named in the articles of incorporation and the initial report, a supplemental report, setting forth their names and addresses, and signed by each incorporator or by any shareholder, shall be filed with the secretary of state and filed for record as provided by Paragraph (4) of this Subsection as soon as they have been selected.

(2) If the secretary of state finds that the articles have been approved by the commissioner and that the articles and initial report are in compliance with this Subpart and Title 12 of the Louisiana Revised Statutes of 1950, and after all fees have been paid as required by law, the secretary of state shall record the articles and the initial report in his office, endorse on each the date and if requested, issue a certificate of incorporation, which shall show the date and, if endorsed on the articles, the hour of filing of the articles with him. The certificate of incorporation shall be filed on the date and time of receipt. After filing the articles, the secretary of state shall deliver to the corporation or its representative a copy of the document with an acknowledgment of the date of filing. The secretary of state’s filing of the articles of incorporation shall be conclusive evidence of the fact that the corporation has been duly incorporated except that in any proceeding brought by the state to annul, forfeit, or vacate a corporation’s franchise, or by the commissioner to suspend, prohibit, or annul a corporation’s right to conduct business as a health maintenance organization, the certificate of incorporation shall be of prima facie evidence of due incorporation.

(3) Upon the issuance of the certificate of incorporation, the corporation shall be duly incorporated, and the corporate existence shall begin, as of the time when the articles were filed with the secretary of state. Except as provided in R.S. 12:1-204(C), the corporate existence begins and the corporation is duly incorporated when the articles of incorporation become effective as provided in R.S. 12:1-123.

(4) A multiple original of the articles or a copy certified by the secretary of state, with a copy of the certificate of incorporation, and a multiple original of the initial report, or a copy certified by the secretary of state, shall be filed in the office of the recorder of mortgages of the parish in which the registered office of the corporation is situated, and a certified copy of the articles and initial report, bearing the certificate of the proper parish recorder with a copy of the certificate of incorporation, shall be filed with the commissioner.

(5) The corporation shall not have authority to transact a health maintenance organization business until a certificate of authority to transact such business is issued to it by the commissioner.

E.(1) Except as otherwise provided in the articles of incorporation, an incorporated health maintenance organization may amend its articles of incorporation in the manner provided in R.S. 12:1-123.

(2) After such amendment has been duly adopted, an authentic act setting forth the amendment and the manner of adoption thereof shall be executed by such person or persons authorized to do so at the meeting. A full copy of the resolution adopting such amendment, certified as true copy by the secretary of the health maintenance organization, shall be annexed to the authentic act. The articles of amendment shall be approved by the commissioner and recorded with the secretary of state, the recorder of mortgages, and the commissioner in the same manner as that provided herein for the original articles of incorporation.

(3) The provisions of Paragraphs (1) and (2) of this Subsection shall not be applicable whether the incorporated health maintenance organization changes either its registered agent or address, or both. In any such change, the incorporated health maintenance organization shall provide the commissioner with the board resolution and notice and shall follow the requirements of Part X, Section 4 of Chapter 1 of Title 12 of the Louisiana Revised Statutes of 1950.

F. The provisions of R.S. 12:1 through R.S. 12:178, R.S. 12:1-101 through R.S. 12:1-1705 and other provisions of the Louisiana Revised Statutes of 1950, relative to business corporations, shall apply to the regulation of the business and the conduct of the affairs of any health maintenance organization which has been incorporated pursuant to the provisions of this Subpart. If a conflict exists between the provisions of this Subpart and such provisions of Title 12, the provisions of this Subpart shall govern.

Section 4. R.S. 49:222(B)(1)(introductory paragraph), (a), (b), (e) and (f), (2)(introductory paragraph), (4)(c) and (f), (5)(b), and (6) are hereby amended and reenacted and R.S. 49:222(B)(14) is hereby enacted to read as follows:

§222. Fees chargeable by secretary of state

B. The secretary of state is authorized to collect the following fees:

(1) Domestic business corporations and limited liability companies.

(a) Twenty-five dollars for reserving a corporate name or limited liability company name, transferring a reserved corporate name, registering a corporate name or renewing a registered corporate name, or applying for one pursuant to R.S. 12:1-20-1; and for any amendment name by incorporation.

(b) Seventy-five dollars for filing and recording corporation articles of incorporation, articles of amendment, articles of restatement, articles of domestication, articles of charter surrender, articles of nonprofit conversion, articles of nonprofit domestication and conversion, articles of dissolution, articles of revocation of dissolution, articles of reinstatement, articles of merger or share exchange, abandonment proceedings, simplified articles of termination, and articles of correction.

(5) Twenty-five dollars for a corporation’s statement of change of registered agent or registered office, or both, the resignation of an agent or officer, appointment of a registered agent, change of domicile, appointment of new officers, directors, members, or managers, and change of address for agents, officers, directors, members, or managers.

(f) Twenty-five dollars for a supplemental initial report for a limited liability company.

(2) Nonprofit Domestic nonprofit corporations.

(c)(i) For partnerships, one hundred dollars for filing a contract of partnership, amendment and termination of a domestic partnership or original or renewal forms, and merger or consolidation of a limited liability partnership or a registered limited liability partnership, and filing an amendment, merger, consolidation, or termination of a domestic partnership.

(ii) For registered limited liability partnerships, one hundred twenty-five dollars for filing a contract of partnership, amendment and termination of a domestic partnership or original or renewal forms, conversions to and from a registered limited liability company, and merger or consolidation of a registered limited liability partnership.

(b) Twenty-five thirty dollars for annual reports for partnerships.

(5) Trade names, trademarks, and service marks.

(b) Seventy-five dollars for registering, renewing, assigning, or terminating a trade name, trademark, or service mark.

(6) Articles of entity conversions.

(b) Seventy-five dollars for conversion from or to a limited liability company, except as provided in Subparagraph (c)(ii) of this Paragraph.

(b) One hundred dollars for conversion from or to a partnership, including the conversion of a limited liability company from or to a partnership.

(14) Home Service Contract Provider Applications.

(a) Six hundred dollars for filing applications for home service contract providers.

(b) Two hundred fifty dollars for filing renewals for home service contract providers.

Section 5. R.S. 31:212(introductory paragraph) and (5) and 3143(C) are hereby amended and reenacted to read as follows:

§312. Registrability

A name or mark by which the name, goods, or services of any applicant for registration may be distinguished from the name, goods, or services of others shall not be registered if:

(5)(a) Consists of a mark which contains any of the following characteristics:

(1) When (i) When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or

(3) (ii) When applied to the goods or services of the applicant, is primarily merely a surname provided, however, that nothing

(b) Nothing in this paragraph (5)(a) shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant’s goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant’s goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration.

(3)(a) Is primarily merely a surname provided, however, that nothing

§3143. Requirements for doing business

C. A registration shall be effective for two years, unless the registration is denied or revoked. Ninety days prior to the expiration of a registration, a provider shall submit a renewal application on a form prescribed by the secretary of state and a renewal fee of two hundred fifty dollars. All fees shall be paid to the secretary of state. The deadline for complying with all requirements for initial registration as described in this Subsection, and for posting a two year bond in the amount as described in Subsection F, of this Section is January fifteen

Section 6. R.S. 3.385(C) and 148. R.S. 22:232.2(A)(5), and R.S. 49:222(B)(5) through (h) are hereby repealed in their entirety.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of 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 28, 2018.

A true copy.

R. Kyle Ardoin
Secretary of State
To enact R.S. 15:572.4(E), relative to pardons; to provide relative to recommendations for criminal pardons; to authorize the board by rules to adopt rules relative to applications on which no action is taken by the governor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:572.4(E) is hereby enacted to read as follows:

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

* E. (1) When no action is taken by the governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and the recommendation shall not expire upon the expiration of the governor's term in office and may be reviewed by the next governor to take office.

(2) The board shall adopt rules pursuant to the Administrative Procedure Act to provide for the board to reapply when no action is taken by the governor on the board's recommendation that the person receive clemency.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

To amend and reenact Children's Code Articles 1131(A), 1200, 1201, 1223, and 1223.1 and R.S. 14:286, relative to adoption; to provide for the adoption of children; to provide for the crime of the sale of minor children; to provide for the filing of adoption fees and charges; to provide for the reimbursement of expenses; to provide for a cause of action for damages against an adoption agency or attorney for breach of contract, fraud, or misrepresentation; and to provide for the adoption of children by or on behalf of the department.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1131(A), 1200, 1201, 1223, and 1223.1 are hereby amended and reenacted to read as follows:

Art. 1131. Filing of surrender; institution of records check

A. Within three days after the surrender becomes irrevocable under Article 1123, exclusive of legal holidays, the agency or attorney for the prospective adoptive parents shall file the act of voluntary surrender with the court the date scheduled for the final hearing on the adoption.

B. Payments made by or on behalf of the adoptive parents or their representative to the department or to a child placing agency or its agent or any broker for reimbursement of the following expenses.

(1) Reasonable Actual medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, incurred by the biological mother for prenatal care and those medical expenses incurred by the biological mother and child incident to birth.

(2) Reasonable Actual medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, and foster care expenses incurred on behalf of the child prior to the decree of adoption.

(3) Reasonable Actual expenses incurred by the department or the agency for adjustment counseling and training services provided to the adoptive parents and for home studies or investigations.

(4) Reasonable Actual and reasonable administrative expenses incurred by the department or the agency, including overhead, court costs, travel costs, and attorney fees connected with an adoption. In approving a reasonable fee for overhead, the court shall consider and include additional expenses incurred by the department or the agency not specifically allocated to the adoption before the court including the cost of failed adoptions, where those expenses or fees represent actual costs of the department's or agency's adoption services permitted by the provisions of this Article.

(5) Reasonable Actual expenses incurred for mental health counseling services provided to a biological parent or a child for a reasonable time before and after the child's placement for adoption.

(6) Reasonable Actual expenses incurred in ascertaining the information required by Articles 1124 and 1125.

(7) Reasonable Actual and reasonable living expenses incurred by a mother needed to maintain an adequate standard of living that the mother is unable to maintain otherwise due to the act of abandonment of the child.

(a) Living expenses in accordance with this Subparagraph may be paid for a reasonable time before the birth of her child and for no more than forty-five days after the birth and may include the following:

(i) Temporary housing expenses, such as rent or mortgage payments.

(ii) Utilities, such as electricity, gas, water, or telephone.

(iii) Food for the mother and any minor children residing in her home.

(iv) Transportation costs related to the pregnancy or adoption.

(v) Maternity clothing for the mother.

(vi) Personal hygiene products, cleaning products, and laundry services.

(b) Actual living expenses shall not include vehicles, salary or wages, recreation or leisure activities, permanent housing, gifts, or other payments for the monetary gain of the mother.

(c) The total and cumulative amount of living expenses paid to the biological mother during the term of the pregnancy by one or more agencies or attorneys under the provisions of this Article shall not exceed seven thousand five hundred dollars, except as otherwise specifically authorized in accordance with Subparagraph (9) of this Paragraph.

(8) Reasonable Actual and reasonable attorney fees, court costs, travel, or other expenses incurred on behalf of a parent who surrenders a child for adoption or otherwise consents to the child's adoption.

(9) Any other specific service or fee additional expense authorized by order of the court funds prior to payment upon a specific finding that the expense is reasonable and necessary.

C. The payment of expenses permitted by Paragraph B of this Article may not be made contingent upon the placement of a child for adoption, relinquishment of the child, or consent to the adoption, and the prospective adoptive parent shall have no right to seek reimbursement of any payments solely on the basis of the mother's decision not to place the child for adoption. However, the prospective adoptive parent may seek reimbursement of payments made pursuant to Paragraph B of this Article from a mother or any other person, agency, or attorney for the expenses permitted by Paragraph B of this Article if the department knows that the mother on whose behalf payment was accepted is not pregnant at the time of the receipt of payments or that the mother is accepting payments concurrently from more than one prospective adoptive parent without the knowledge of the prospective adoptive parent who is seeking reimbursement.

D. Adoptive parents shall forward to the department or any agency that may require payment any of the expenses listed in Paragraph B of this Article which may be imposed by the department. Such payments shall be imposed only at the discretion of the department. The department shall not include payment of the expenses listed in Paragraph B of this Article as a requirement for adoption.

E. If a court determines from an accounting that an amount that is receiving to or has been disbursed for expenses permitted by Paragraph B of this Article is unreasonable, it may order a reduction in the amount to be disbursed and order the person who received the disbursement to refund that portion.

F. If a court determines from an accounting that an amount is going to be or has been disbursed for expenses not permitted by Paragraph B of this Article, it may:

1. Issue an injunction prohibiting the disbursement or order the person who received the disbursement to refund it.

2. Refer the case to the district attorney for the consideration of criminal charges pursuant to R.S. 14:286.

3. Refuse to approve the adoption, if in the best interest of the child.

G. The court shall not issue a final decree of adoption until it has reviewed and approved the final accounting.

H. A copy of the Adoption Disclosure Affidavit adoption disclosure affidavit and all orders of the court pursuant to this Article shall be mailed to the Office of Children and Family Services, Department of Children and Family Services.

Comments - 2018

(a) The payment of expenses is intentionally limited by this Article to regulate the expense of adoption and curtail the potential for fraud and the event of extraordinary circumstances that may justify reasonable and necessary expenses not otherwise specifically authorized or excluded by this Article. Subparagraph (B)(9) allows the court to authorize the payment of such expenses. For example, extraordinary circumstances may include hurricanes or severe flooding that impact the needs of the mother or raise the cost of housing beyond the statutory limit.

(b) Paragraph C of this Article is not intended to limit a prospective adoptive parent's cause of action for damages against an adoption agency or attorney for breach of contract, fraud, or other alleged misconduct in connection with an adoption. Rather, it addresses the prospective adoptive parent's cause of action for reimbursement of expenses which is permitted only in cases in which the mother is not pregnant or in which duplicative expenses are collected from multiple prospective adoptive parents. Reimbursement is not permitted when a mother has exercised her right not to place her child for adoption.

Art. 1201. Adoption disclosure affidavit of fees and charges; form

A. Each petition for an agency adoption shall be accompanied by an affidavit executed by the petitioner and attorney for the petitioner containing an accounting of all fees and charges paid or agreed to be paid by or on behalf of the petitioner in connection with the adoption. The affidavit shall disclose the date and amount of each payment made, the name and address of the recipient, and the purpose of each payment. Receipts, or other documentation in the event records are not available, for each expense shall be attached to the affidavit.

B. The affidavit shall not include any identifying information as to the biological parents, their families, or the child's birth name.

C. The form for the affidavit shall be as follows:

“ADOPTION DISCLOSURE AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared _______ (petitioner) and _________ (attorney for petitioner), who being first duly sworn, did depose and state:

___
THE ADVOCATE
PAGE 248

CODING: Words in small type are deletions from existing law; words underlined and underscored are additions; words in italics type are deletions from existing law; words underlined and boldfaced (Senate Bill) are additions.
In the matter of the adoption by ______ (petitioner's name):
1. We report the following fees and charges or other things of value given in connection with this adoption:

<table>
<thead>
<tr>
<th>Itemization of Expenses</th>
<th>Recipient</th>
<th>Purpose</th>
<th>Estimate</th>
<th>Actual</th>
<th>Date Paid</th>
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**A. Agency administrative expenses:**
1. Attorney fees
2. Court costs
3. Travel costs
4. Overhead
5. Other (Specify)

**B. Agency Mental Health Counseling expenses:**
1. Counseling for adopting parents
2. Home study evaluations
3. Counseling for biological parents
4. Counseling for the child
5. Statement of Family History information
6. Other (Specify)

**C. Medical expenses for biological mother:**
1. Medical
2. Travel
3. Other (Specify)

**D. Medical/foster care expenses for child:**
1. Medical
2. Travel
3. Other (Specify)

**E. Living expenses of the biological mother:**
1. Room and board
2. Housing
3. Other (Specify)
4. Utilities
   (a) Electricity
   (b) Gas
   (c) Water
   (d) Telephone
   3. Food
4. Transportation
5. Maternity clothing
6. Living expenses paid to the biological mother during the term of the pregnancy by another agency or attorney:
   (a) Actual
   (b) Estimated
   (c) Total
   (d) Estimated
   (e) Total

2. We certify that no other fees, charges, or things of value other than court costs have been given or shall be given by anyone in connection with this adoption.
3. We declare that this disclosure statement has been examined by each of us and that its contents are true to the best of our knowledge, information, and belief.
4. We understand that each of us has a continuing obligation to supplement and amend this affidavit as necessary.
5. We understand that this information is transmitted to the office of children and family services, Louisiana Department of Children and Family Services. We further understand that it may be released by written authorization of the court for purposes of a grand jury investigation pursuant to R.S. 14:286 or for an ethical investigation by the Committee on Professional Responsibility of the Louisiana State Bar Association. We further certify that we understand that in accordance with R.S. 14:286, making a false statement in any adoption disclosure affidavit with the intent to deceive and with knowledge that the statement is false is punishable by a fine not to exceed fifty thousand dollars or imprisonment with or without hard labor for not more than ten years, or both.

Signature of Petitioner
Signature of Attorney

Address
Address

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS ___ DAY OF ___________.

(NOTARY PUBLIC)*

D. The adoption disclosure affidavit shall not be included as an exhibit for service with a copy of this Title.
E. Confidentiality of the information contained in the adoption disclosure affidavit shall be maintained as provided in Chapter 5 of this Title, and shall be released only in accordance with this Article or on written authorization of the court for the purposes of a grand jury investigation of a violation of R.S. 14:286 or an ethical investigation by the Committee on Professional Responsibility of the Louisiana State Bar Association.

Art. 1223. Fee disclosure; permissible reimbursement of expenses; court review; report.
A. The petitioner shall file with the petition a preliminary current estimate and accounting of fees and charges in accordance with Article 1223.1. The petitioner shall also file a final

**Adoption Disclosure Affidavit**

The court not later than ten days prior to the date scheduled for the final hearing on the adoption.

B. Payments made by or on behalf of the prospective adoptive parent or representative to a biological parent or his agent or representative or to an attorney, broker, or other intermediary for reimbursement of the following expenses Only the following services provided by the Department of Children and Family Services, or paid for through a licensed adoption agency, or by an adoption attorney are permissible and not a violation of R.S. 14:286:
1. Reasonable Medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, incurred by the biological mother for prenatal care and those medical expenses incurred by the biological mother and child incident to birth.
2. Reasonable Medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, and foster care expenses incurred on behalf of the child prior to the decree of adoption.
3. Reasonable Actual expenses incurred for adjustment counseling and training services provided to the adoptive parents and for home studies or investigations.
4. Reasonable Actual and reasonable attorney costs, travel, costs, and attorney fees incurred by the adoptive parents for their own representation in this adoption.
5. Reasonable Actual expenses incurred for mental health counseling services provided to a biological parent or a child for a reasonable time before and after the child's placement for adoption.
6. Reasonable Actual expenses incurred in ascertaining the information required by Articles 1124 and 1125.
7. Reasonable Actual and reasonable living expenses incurred by a mother needed to maintain an adequate standard of living that the mother is unable to maintain otherwise due to lost wages for a period when she is unable to work
   (a) Living expenses in accordance with this Subparagraph may be paid for a reasonable time before the birth of her child and for no more than forty-five days after the birth and may include the following:
   1. Temporary housing expenses, such as rent or mortgage payments.
   2. Utilities, such as electricity, gas, water, or telephone.
   3. Food for the mother and any minor children residing in her home.
   4. Transportation costs related to the pregnancy or adoption.
   5. Personal hygiene products, cleaning products, and laundry services.
   6. Actual living expenses shall not include vehicles, salary or wages, recreation or leisure activities, permanent housing, gifts, or other payments for the monetary gain of the mother.
   (c) The total and cumulative amount of living expenses paid to the biological mother during the term of the pregnancy by the prospective adoptive parent or attorneys under the provisions of this Article shall not exceed seven thousand five hundred dollars, except as otherwise specifically authorized in accordance with Subparagraph (9) of this Paragraph.
8. Reasonable Actual and reasonable attorney fees, court costs, travel, or other expenses incurred on behalf of a parent who surrenders a child for adoption or otherwise consents to the child's adoption.
9. Any other specific service or fee additional expense authorized by order of the court funds prior to payment upon a specific finding that the expense is reasonable and necessary.
C. The payment of expenses permitted by Paragraph B of this Article may not be made contingent on the placement of a child for adoption, relinquishment of the child, or consent to the adoption, and the prospective adoptive parent shall have no right to seek reimbursement of any payments solely on the basis of the mother's decision not to place the child for adoption. However, the prospective adoptive parent may seek reimbursement of payments made pursuanto Paragraph B of this Article from a mother or any other person, agency, or attorney who accepts such payments if the person accepting payment knows that the mother on whose behalf payment was accepted is not pregnant at the time of the receipt of payments or that the mother is accepting payments concurrently from more than one prospective adoptive parent with the knowledge of the prospective adoptive parent who is seeking reimbursement.
D. Adoptive parents shall pay to the department any of the expenses listed in Paragraph B of this Article which may be imposed by the department. Such payments shall be solely at the discretion of the department. The department shall not include payment of the expenses listed in Paragraph B of this Article as a requirement for adoption.
E. If a court determines from an accounting that an amount that is going to be or has been disbursed for expenses permitted by listed in Paragraph B of this Article is unreasonable, it may order a reduction in the amount to be disbursed and order the person who received the disbursement to refund that portion.
F. If a court determines from an accounting that an amount is going to be or has been disbursed for expenses not permitted by Paragraph B of this Article, it may:
   (1) Issue an injunction prohibiting the disbursement or order the person who received the disbursement to refund it.
   (2) Refer the case to the district attorney for the consideration of criminal charges pursuant to R.S. 14:286.
   (3) Refer to the court of appeal for the consideration of criminal charges pursuant to R.S. 14:286.
   (4) Refer to the court of appeal for the consideration of criminal charges pursuant to R.S. 14:286.
   (5) Refer to the court of appeal for the consideration of criminal charges pursuant to R.S. 14:286.

THE ADVOCATE
* As it appears in the enrolled bill

CODING: Words in * italics* type are deletions from existing law; words in <s>strike-through</s> and <del>underscored</del> and <s>boldfaced</s> and <s>scored</s> (House Bills) and <s>underscored and boldfaced</s> (Senate Bills) are additions.
Adoptive parents' right to reimbursement of expenses, which is permitted only in cases in which the mother is not pregnant or in which duplicative expenses are collected from multiple prospective adoptive parents. Reimbursement is not permitted when a mother has exercised her right not to place her child for adoption.

Art. 1223.1. Adoption disclosure affidavit of fees and charges; form
A. Each petition for private adoption shall be accompanied by an affidavit executed by the petitioner and the petitioner's attorney containing an accounting of all fees and charges paid or agreed to be paid by or on behalf of the petitioner in connection with the adoption. The affidavit shall include the date and amount of each payment made, the name and address of the recipient, and the purpose of each payment. Receipts, or other documentation in the event receipts are not available, for each expense shall be attached to the affidavit.
B. The affidavit shall not include any identifying information as to the biological parents, their families, or the child's birth name.
C. The form for the affidavit shall be as follows:

**ADOPTION DISCLOSURE AFFIDAVIT**

BEFORE ME, the undersigned authority, personally came and appeared ________________ (petitioner) and ________________ (attorney for petitioner), who being first duly sworn, did depose and state:

In the matter of the adoption by ________________ (petitioner's name):

1. We report the following fees and charges or other things of value given in connection with this adoption:

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<tr>
<th>Itemization of Expenses</th>
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<td>E. Living expenses of the biological mother:</td>
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<td>F. Living expenses paid to the biological mother during the term of the pregnancy by another agency or attorney:</td>
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<td>G. Other expenses (Specify):</td>
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2. We certify that no other fees, charges, or things of value other than court costs have been given or shall be given by anyone in connection with this adoption as necessary.
3. We declare that this disclosure statement has been examined by each of us and that its contents are true to the best of our information, knowledge, and belief.
4. We understand that each of us has a continuing obligation to supplement and amend this affidavit as necessary.
5. We understand that this information will be transmitted to the office of children and family services, Louisiana Department of Children and Family Services. We further understand that it may be released by written authorization of the court for purposes of a grand jury investigation pursuant to R.S. 14:286 or for an ethical investigation by the Committee on Professional Responsibility of the Louisiana State Bar Association. We further certify that we understand that in accordance with R.S. 14:286, a false statement in any adoption disclosure affidavit with the intent to deceive and with knowledge that the statement is false is punishable by a fine not to exceed fifty thousand dollars or imprisonment with or without hard labor for not more than ten years, or both.

**THE ADVOCATE**

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* As it appears in the enrolled bill
ACT No. 563

HOUSE BILL NO. 897
(Substitute for House Bill No. 506 by Representative Jackson)

BY REPRESENTATIVE JACKSON

To amend and reenact R.S. 22:1556(C) and (D) and to enact R.S. 22:1586, relative to bail enforcement agents; to authorize disciplinary actions for certain prohibited bail-related activities; to prohibit certain disciplinary actions based solely upon prohibited acts by bail enforcement agents; to provide for liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1556(C) and (D) are hereby amended and reenacted and R.S. 22:1586 is hereby enacted to read as follows:

§1556. License to solicit or transact bail; prohibited activities

C. Upon first violation, a person or entity that violates Subsection A of this Section shall be subject to a six-month suspension of their license to write or solicit bail bonds and fined an amount not to exceed five thousand dollars. A second or any subsequent violation shall subject the person or entity to a suspension of their license to write or solicit bail bonds for not more than one year and a fine not to exceed ten thousand dollars. A hearing may be requested pursuant to the provisions of Chapter 12 of this Title, subject to the provisions of Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

D. A person or entity that violates Subsection B of this Section shall be fined an amount not to exceed five thousand dollars for each violation. A hearing may be requested pursuant to the provisions of Chapter 12 of this Title, subject to the provisions of Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

§1586. Prohibited actions of bail enforcement agents; liability

A. The commissioner may, in his discretion, determine that no prohibited act committed by a licensed bail enforcement agent contracted with a bail bond agency or producer may serve as the sole basis for the suspension or revocation of the agency's or producer's license, or the agency Local governing authority may subject the person or entity to a suspension of their license to write or solicit bail bonds for not more than one year and a fine not to exceed ten thousand dollars. A hearing may be requested pursuant to the provisions of Chapter 12 of this Title, subject to the provisions of Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

B. Nothing in this Section shall be construed to alter, amend, restrict, or limit the liability of any bail bond agency or producer or bail enforcement agents.

Approved by the Governor, May 28, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 564

SENATE BILL NO. 325

BY SENATOR MILKOVICH

AN ACT

To enact R.S. 40:1061.30, relative to abortion clinics; to authorize and provide for civil actions to enjoin the operation of an abortion clinic under certain circumstances; to provide penalties; to provide for certain terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.30 is hereby enacted to read as follows:

§1061.30. Standing; action to close outpatient abortion clinic

In addition to any violation of this Chapter, the following acts shall subject licensed outpatient abortion facilities to the provisions of R.S. 40:2175.6 regarding license suspension or revocation:

(1) Systematically, intentionally, or deliberately falsifying or destroying patient files or records in violation of R.S. 40:1061.17.

(b) Completing in advance of an appointment with a woman seeking abortion any portion of patient records or forms required by R.S. 40:1061.17 to include patient-specific data or a physician's signature.

Approved by the Governor, May 25, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 565

SENATE BILL NO. 414

BY SENATOR WHITE

AN ACT

To amend and reenact R.S. 40:1131(4) and to enact R.S. 33:4791.1(A)(6) and (B)(7), and R.S. 40:1131.3 and 1133.14(A)(1)(c), relative to emergency medical transportation services; to provide for alternative destination transportation; to provide for regulation by municipalities and other local governing authorities; to provide for related matters.

Approved by the Governor, May 28, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

CODING: Words in *boldface* type are additions from existing law; words in *scored* (House Bills) and *underscored* and *boldfaced* (Senate Bills) are additions.
A. In an incorporated municipality that is under a home rule charter, having a population between six thousand six hundred fifty and seven thousand six hundred fifty, according to the latest federal decennial census, ownership of an immovable may be acquired by the prescription of three years without the need of just title or possession in good faith. The requirements for the acquiescence prescription of three years are as follows:

(1) The land and all improvements thereof shall be located in the municipality and shall have been declared or certified blighted after an administrative hearing, pursuant to R.S. 13:2575 or 3786.

(2) The following documents in Subparagraphs (a) and (c) of this Paragraph shall be filed in the mortgage and conveyance records for the parish where the immovable property is situated:

(a) An affidavit by the possessor of the immovable property stating the name and address of the possessor, stating the intention of the possessor to take corporeal possession of the immovable property for the possessor's own account in accordance with this Section, stating that such corporeal possession shall commence no sooner than fourteen calendar days after the date of filing of the affidavit and giving a short legal description of the immovable property intended to be taken.

(b) An owner of immovable property having common boundaries with the immovable shall have a first right of possession to such immovable. In the event more than one owner of immovable property having common boundaries with the immovable files the resolution and affidavit as described in Subparagraph (a) of this Paragraph, the owner of property having common boundaries who files first shall secure the first right to assert possession of the immovable. An owner of immovable property having common boundaries with the immovable has the right to file within fourteen days of the municipality passing the resolution. After fourteen days have elapsed, any interested party may avail himself of the provisions of this Section.

(c) There shall be annexed to and filed with the affidavit described in Subparagraph (a) of this Paragraph a certified copy of the judgment, order, declaration, determination, resolution, or ordinance of the municipality, certified by the municipality as a true copy, hereinafter referred to as "resolution" declaring the property as an unoccupied premises, and as either blighted, neglected, littered, abandoned, constituting a public nuisance, in a dangerous and dilapidated condition, in a state of disrepair, overgrown by weeds or grass, or on which linked motor vehicles are parked.

(3) Within thirty days after the affidavit and resolution are filed as described in Paragraph (2) of this Section, the resolution and affidavit shall be sent by certified mail, return receipt requested, to each operator at the address shown on the tax rolls of the assessor and to all parties having an interest in the immovable property, including but not limited to all mortgage holders, as shown by the conveyance and mortgage records, at the address of each party as shown in those records. Failure to adequately comply with this Paragraph shall cause the forfeiture of any and all rights of the possessor granted in this Section.

(4) Within one month after the resolution and affidavit are filed as described in Paragraph (2) of this Subsection, a notice shall be affixed to at least one prominent location on the immovable, including but not limited to a front door, front gate or entry, or next to a mailbox. The notice shall state the name and address of the possessor: that the possessor intends to take corporeal possession of the immovable for the possessor's own account; and the date that the notice is affixed.

(5) The possessor shall take corporeal possession peaceably, and commence within a reasonable time, not to exceed forty-five days, to maintain and repair the property, and shall continue with reasonable diligence to do so and improve its condition, until the property is no longer blighted or in disrepair. The municipality shall have the right to determine if this obligation of the possessor is being completed.

(6) All ad valorem taxes, interest, and penalties due and payable shall be paid in full by the possessor.

B. If, after notice to the possessor and a contradictory hearing, the municipality determines that the possessor is not complying with the possessor's obligation set forth in Paragraphs (A)(5) and (A)(6) of this Section or should any possessor seeking to acquire pursuant to this Section fail to satisfy the requirements of the enactment of the resolution and affidavit described in this Section, the municipality shall have the right to possession, the running of prescription, and the effect of the affidavits described in this Section shall cease, and all rights which may have accrued thereunder shall be terminated, except as specifically set forth in this Section.

C. The possessor shall not demolish any structure on the immovable unless the municipality finds that the structure is unsafe and constitutes a public nuisance and authorizes the demolition in writing.

D. If the possessor has met the requisites listed in Subsection A of this Section, the possessor shall not be liable to the owner of the immovable for any tortious act or any civil claim or cause of action related to the possession of the possessor which may have occurred on or after the date that corporeal possession was taken, including but not limited to trespass and demolition of the improvements. Nothing provided in this Section shall bar the owner from instituting and prosecuting a real action against the possessor pursuant to Code of Civil Procedure Article 3651 et seq.

E. If the event the owner is successful in bringing a real action against the possessor pursuant to Code of Civil Procedure Article 3651 et seq., the owner shall reimburse the possessor for all monies advanced by the possessor for attorney fees and costs, tax statements or researches, mortgage, or conveyance certificates, title abstracts, filing fees, postage, copies, printing, the payment of satisfaction of mortgages, judgments, liens, and other encumbrances, all costs and expenses for cancellation thereof, and for all ad valorem taxes, interest, and penalties paid by the possessor on the immovable, the value of the improvements made or done on the immovable by the possessor after the date that corporeal possession was taken, and the cost or value of any cleaning, clearing, cutting, repairs, rehabilitation, maintenance, removal, work, or demolition to the extent of any value not included in the value of the improvements and for any other reasonable costs incurred or value of work done by the possessor.

In addition to the foregoing reimbursements, all monies advanced by the possessor shall earn, and the possessor shall be entitled to receive interest, at the judicial interest rate provided by R.S. 13:4202.

(1) To prove the cost or value of cleaning, clearing, cutting, repairs, rehabilitation, maintenance, removal, work, or demolition made or done on the immovable and of any times set forth in Paragraph (1) of this Subsection, the possessor shall provide proof of payment from the persons who performed the work or from whom the materials were purchased or affidavits establishing the
To amend and reenact R.S. 39:562(C) and (D) and to enact Subparts A and B of Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:501 through 517, and 521 through 531, are hereby enacted to read as follows:

PART II. CONSOLIDATED LOCAL GOVERNMENT PUBLIC FINANCE ACT

SUBPART A. GENERAL PROVISIONS

§501. Designation
This Part may be referred to as the “Consolidated Local Government Public Finance Act”.

§502. Purposes, rules of construction
A. The purposes of this Part are to clarify, modernize, and make uniform the laws relating to the powers of parishes, municipalities, school boards, school districts, and other political subdivisions of the state to incur debt and to issue bonds and other evidences of indebtedness.

B. This Part shall be liberally construed as to give effect to its intended purposes.

C. Except as provided in Subsection D of this Section, any parish, municipality, school board, district, or other political subdivision of the state, acting through its governing authority, is authorized and empowered to issue bonds or other evidences of indebtedness, enter into any contract, enter into any agreement, or otherwise obligate itself for the purpose of financing the acquisition of the immovable property described in this Section or for the cleaning, clearing, cutting, maintenance, rehabilitation work, demolition, or for the construction of improvements on or to the immovable property.

D. This Part shall not apply to the city of New Orleans or its agencies, boards, authorities, and commissions, including the Sewerage and Water Board of New Orleans, except as specifically provided herein.

E. Borrowings and obligations of the city of New Orleans and Subpart B of this Part shall be entitled to the rights and benefits conferred generally by Subpart A of this Part.

F. The issuer, owner, or holder of any bond issued by any governmental entity prior to July 1, 2018, shall be subject to the provisions of prior law under which the bond was originally issued.

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

(1) “Bond” or “bonds” means any bonds, notes, warrants, certificates of indebtedness, certificates of participation or other written contracts, agreements, or instruments evidencing the obligation of a governmental entity to repay borrowed money, regardless of the designation thereof.

(2) “Costs of issuance” means all items of expense related to the authorization, sale and issuance of bonds, including but not limited to printing costs, costs of preparation and reproduction of documents, filing and recording fees, fees and charges of any fiduciary, legal fees and charges of any counsel necessary in connection with the issuance of bonds, costs of preparation, printing, and distribution of official statements or other disclosure documents, fees and disbursements of consultants and professionals in connection with the issuance of bonds, costs of credit ratings, fees and charges for preparation, execution, transportation, and safekeeping of bonds, costs and expenses of refunding, underwriters discount or placement fees, costs of any credit enhancement, costs of any financial products agreement, and any other cost, charge, or fee in connection with the issuance of bonds.

(3) “Debt service” means any letter of credit, insurance policy, surety bond, standby bond purchase agreement, reserve fund surety bond, or similar facility as used for the purpose of enhancing the security or credit quality of bonds.

(4) “Financial products agreement” means an interest rate swap, cap, collar, floor, other hedging agreement, arrangement or security, however denominated, entered into by a governmental entity not for investment purposes but with respect to a series of bonds for the purpose of reducing or otherwise managing the risk of interest rate changes, or effectively converting a governmental entity’s interest rate exposure, in whole or in part, from a fixed rate exposure to a variable rate exposure, or from a variable rate exposure to a fixed rate exposure.

(5) “Governing authority” means the elected or appointed body that exercises the legislative functions of a parish, municipality, school board, school district, or other political subdivision, including:

(a) A sheriff in the case of a law enforcement district,

(b) An assessor in the case of an assessment district,

(c) A board of directors in the case of a judicial retirement fund district,

(6) “Governmental entity” means any parish, municipality, school board, school district, or other political subdivision of the state, other than the city of New Orleans and its agencies, boards, authorities, and commissions, and other than the Sewerage and Water Board of New Orleans. However, any entity that is a direct political subdivision of the city of New Orleans created by the Constitution of Louisiana, the legislature, or the Home Rule Charter of the city of New Orleans or by the New Orleans City Council, shall be a governmental entity within the meaning of this Part and may utilize the authority provided in this Part through the provisions of the governing body.

(7) “State” means the state of Louisiana.

(8) “Total assessed value” means the assessed value of all property, including both homestead-exempt property, which shall be included on the assessment roll for the purpose of calculating the total assessed value and nonexempt property as shown on the most recent assessment of the property in the governmental entity.

§504. Statutory lien
A. It is the intention of the legislature that bonds issued by a governmental entity under this Part, or under any other statutory authority referenced herein, shall be secured debt entitled to the highest possible protection and priority afforded by the bankruptcy laws of the United States.
E. Any proceedings authorizing the issuance of bonds may contain such provisions to assure the enforcement, collection, and proper application of the taxes or revenues pledged as security for the bonds. It shall be sufficient if such agreements are consistent with the provisions of this Part. When any bonds shall have been issued pursuant to this Part, the proceedings of the governing authority relating to the pledged taxes or revenues, and the obligation of the governing authority to continue to collect and allocate such pledged taxes or revenues and to proceed in any manner necessary to secure such lien, and the provisions of this Part shall be irrevocable until such bonds have been paid in full as to principal and interest, and shall not be subject to amendment in any manner which would impair the rights of the owners from time to time of such bonds or which would in any way jeopardize the prompt payment of principal thereof or interest thereof.

§506. Restrictions on bonds; recital of regularity

Before bonds are issued under this Part, the governing authority shall investigate and determine the regularity of the proceedings. The proceedings authorizing the bonds may direct that the bonds contain the following recital:

(1) "It is the intention of the bondholders of such bonds, and of the owners of such bonds, to make such bonds legal and valid, and for the payment thereof, to the fullest extent and in the manner stated in this Part and in the proceedings authorizing such bonds, and any pledge or grant of a lien or security interest in such taxes, income, revenues, net revenues, monies, payments, receipts, agreements, contract rights, funds, or accounts shall immediately be subject to the lien of such pledge and security interest without any physical delivery thereof or further act and the lien of such pledge and security interest shall be first priority and valid and binding as against all parties having claims of any kind in tort, contract, bankruptcy, or otherwise against the governmental entity, whether or not such parties have notice thereof. The owner or owners of such bonds shall be secured creditors with respect to such taxes, income, revenues, net revenues, monies, payments, receipts, agreements, contract rights, funds, or accounts subject to the lien of such pledge and security interest.

(2) This recital is made to give notice that any taxes or revenues contributed or to be contributed by the governmental entity, or any proceeds or revenues from any sale or other disbursement of any such taxes or revenues, the issuance of future bonds, and such other pertinent matters as the governing authority may desire to assure the marketability of such bonds, provided such covenants are not inconsistent with the provisions of this Part."

THE ADVOCATE

* As it appears in the enrolled bill

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CODING: Words in wavy type are deletions from existing law; words under scored (House Bill) and underlined and boldfaced (Senate Bill) are additions.
shall be applied to the payment of principal or interest on such bonds, and deposited in a sinking fund or debt service fund established for such purpose.

§514. Bond valuation.

Bonds issued under this Part may be validated in accordance with Part XVI of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, or any successor laws relating to suits to determine validity of governmental bonds.

§515. Lost, destroyed, or cancelled bonds.

A. Whenever any bond is lost, destroyed, or improperly cancelled, the issuing governmental entity may, by resolution of its governing body, authorize the issuance of new bonds to replace them, upon proof of such loss, destruction, or cancellation satisfactory to the governmental entity and upon the giving to the governmental entity an indemnity bond in such amount as the governmental entity may require in order to protect itself against all losses therefrom. It shall be the duty of the holder of the bond to be replaced to execute an indemnity bond in satisfaction of the loss, destruction, or cancellation as required by the governmental entity.

B. If the governmental entity proceeds to issue new bonds under this Section, the new bonds shall bear the same serial numbers as the old and shall not exceed the principal amount of the old bond or bonds. The new bond shall not be required to be registered in the office of the secretary of state. In the event the original bond is lost, destroyed, or cancelled, the holder of the bond shall forthwith notify the governmental entity of the loss, destruction, or cancellation, and the governmental entity shall proceed to issue the new bond as provided in this Section. The governmental entity may require such bond to be endorsed by it or by some other competent officer of the governmental entity.

§516. Employment of counsel; fees.

The employment of counsel by a governmental entity in conjunction with the issuance of bonds under this Part, and the fees and compensation of such counsel shall be subject to approval by the board of directors or other governing body of the governmental entity.

§517. No other statutes applicable.

This Part shall be a complete and additional method for the issuance and sale of bonds by any governmental entity, and this Part shall constitute full authority for the issuance and sale of the bonds. No ordinance, resolution, filing, registration, approval, publication, or election, or right of referendum in respect to the issuance of any bonds hereunder or for the perfection of the statutory lien provided herein shall be necessary, except such as may be required by this Part. The recordation of any resolution, ordinance, or other proceeding relating to the issuance of any of the bonds hereunder shall not be necessary.

§521. Authority for specific bonds.

A. Any governmental entity may incur debt and issue general obligation bonds under the authority of Article VI, Section 33 of the Constitution of Louisiana and this Part, for the purpose of financing any capital expenditures related to the lawful purposes of the governmental entity, title to which shall be in the public. Such bonds may be issued only after having been approved by a majority of the electors voting in an election held in accordance with the Constitution and Statutes of Louisiana and this Part. Any publication prescribed hereby may be made in the official journal or in any newspaper of general circulation within the governmental entity.

SUBPART B. AUTHORITY FOR SPECIFIC BONDS

§521. General obligation bonds.

A. Any governmental entity may incur debt and issue general obligation bonds under the authority of Article VI, Section 33 of the Constitution of Louisiana and this Part, for the purpose of financing any capital expenditures related to the lawful purposes of the governmental entity, title to which shall be in the public. Such bonds may be issued only after having been approved by a majority of the electors voting in an election held in accordance with the Constitution and Statutes of Louisiana and this Part. Any publication prescribed hereby may be made in the official journal or in any newspaper of general circulation within the governmental entity.

B. After the results of the election have been promulgated in accordance with the Louisiana Election Code, the governing authority of the governmental entity may proceed to issue the bonds within the parameters and administration of this Part.

C. (1) The principal amount of bonds to be issued under this Section, together with the principal amount of outstanding general obligation bonds of the governmental entity, as calculated on the most recent assessment value prior to the delivery of the bonds, regardless of the date on which the election was held, shall not exceed:

(a) For municipalities and parishes, forty percent of the most recent assessment value of the governmental entity.

(b) For municipalities and parishes, ten percent for each authorized purpose or thirty-five percent in the aggregate for all purposes.

(c) For all other governmental entities twenty percent in the aggregate for all purposes.

(2) In the event that the total assessed value of the governmental entity does not appear on the most recent assessment value prior to the delivery of the bonds, or if the boundaries of the governmental entity have been enlarged or significant property added to the total assessed value since the most recent assessment, then the parish or municipal assessor for such governmental entity shall certify the total assessed value of the governmental entity as of the date of delivery of the bonds and such certification shall be binding on the governmental entity.

(3) Notwithstanding the foregoing, any governmental entity with a general obligation debt limit under any other provision of law that is in excess of the debt limit set forth in Paragraph (1) of this Subsection may issue general obligation bonds under this Part using such higher debt limit.

D. The full faith and credit of the governmental entity is hereby pledged to the payment of the principal and interest of the bonds issued under this Part.

E. Any governmental entity may incur debt and issue bonds for the purpose of providing for any capital projects similar to those for which the bonds were originally issued.

F. The employment of counsel by a governmental entity in conjunction with the issuance of bonds under this Part shall be subject to approval by the board of directors or other governing body of the governmental entity.

§522. Limited tax bonds secured by special ad valorem taxes.

A. Any governmental entity may anticipate the revenues to be realized from special ad valorem taxes that are authorized to be levied pursuant to provisions of the constitution and laws of Louisiana by borrowing money to be used only for the purpose for which such a tax may be levied. Such a borrowing shall be evidenced by the issuance of limited tax bonds of the governmental entity, such limited tax bonds to be payable solely from and secured by an irrevocable pledge and dedication of the revenues of such tax.

B. The principal and interest due in any year on limited tax bonds issued under this Section shall not exceed seventy-five percent of the revenues estimated to be realized from the levy of the tax for pledge or dedication purposes, which such revenues are estimated to be received during the fiscal year in which the revenues are anticipated to be received. A governmental entity shall not anticipate such revenues for a period that exceeds the remaining number of years for which the special ad valorem or limited tax, as the case may be, is authorized to be levied.

C. The principal of and interest on limited tax bonds shall be payable solely from and secured by the revenues of such tax.

§523. Sales tax bonds.

A. A governmental entity that is authorized to levy and collect a sales tax or a municipality or school board that receives an allocation of a sales tax levied by a parish, may fund sales revenue bonds to issue the bonds from time to time for the purpose or purposes for which such tax may be levied, the bonds to be payable from and secured by an irrevocable pledge and dedication of sales tax revenues subject only to the prior payment of the costs and expenses incurred in collecting such tax.

B. Any governmental entity, including the city of New Orleans, previously authorized to issue sales tax bonds under the provisions of Subpart F of Part III of Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950, is specifically authorized to issue sales tax bonds pursuant to this Section in the alternative, without the necessity of any further authorization or voter approval.

C. The interest on the sales tax bonds to be issued by any governmental entity shall be funded from the sales tax revenues collected by such entity and shall be payable annually not later than June first of each future year in which such principal falls due.

D. Bonds issued under this Section shall constitute a borrowing solely upon the credit of the governmental entity, and this Part shall constitute full authority for the issuance and sale of the bonds.

E. As specified by Act No. 688, Section 29 of the Constitution of Louisiana, when any bonds shall have been issued under this Section, neither the legislature, the governing authority, nor any other authority shall discontinue or decrease the sales tax or permit to be discontinued or decreased the sales tax in anticipation of the collection of which such bonds were issued, or in any way authorize the abandonment, discontinuance, or decrease of the sales tax, or the abandonment or discontinuance of any system or work of public improvement. Such bonds may be secured by a mortgage on the lands, buildings, machinery, and equipment so improved as well as by the pledge of the income and revenues derived or to be derived from the system or work of public improvement owned, leased, or
proposed bonds, then such bonds shall not be issued until approved by a vote of a majority of the issues of a newspaper of general circulation in the parish where the governmental entity is located, repayment therefor, and notice of this intention has been published in four consecutive weekly issue such revenue bonds, including a general description thereof and the security and source of governmental entity has adopted an appropriate resolution giving notice of its intention to those instances where bonds are issued payable from the revenues of one system or work of public improvement, and bonds may be so issued for the purpose of constructing, acquiring, extending, or improving any one or more of those systems or works of public improvement owned by the governmental entity, and bonds may be so issued for the purpose of any such revenue-producing system or work of public improvement, any governmental entity is authorized to accept, receive, receipt for, disburse, and expend federal and state monies and other monies, public or private, whether available by grant or loan, or both, for such purposes. Without creating a charge on such revenues, the governmental entity may, in the proceedings authorizing the issuance of revenue bonds under this Section, provide for the payment of any of other taxes or revenues either for the payment of the required debt service on such revenue bonds, or for the payment of reasonable and necessary expenses of operating and maintaining such system or work of public improvement.

D. The system or work of public improvement shall remain subject to such pledge of revenues or mortgage as may have been authorized by the governing authority under the authority of this Part until the payment in full of the principal and interest on said bonds, and the mortgage or pledge may be foreclosed by seizure and sale of the encumbered property in a manner provided by law for the foreclosure of conventional mortgages by the right of execution.

E. When any sale of the mortgaged property is held under the provisions of this Section, the purchaser at the sale, and his successor or assigns, shall be vested with any necessary permit and franchise to maintain and operate the property purchased, and to continue to supply to the public the commodities, products, or services previously supplied by the work of public improvement, with such rights, if any, as are provided by the governing authority of the governmental entity for the use of the proceeds of said work of public improvement. This franchise shall continue for such period, not exceeding thirty years, as may be fixed by the governing authority in the resolution authorizing the bonds and shall be subject to all statutory limitations pertaining to the granting of permits or franchises.

F. Any proceedings authorizing the issuance of bonds under this Section may provide for a creation of a sinking fund into which shall be paid from the pledged revenues of the system or work of public improvement, subject only to prior payment of the reasonable and necessary expenses of operating and maintaining the system or work of public improvement, sums sufficient to pay principal of and interest on such bonds and to create such reserve for contingencies as may be necessary for the purposes of the proceedings.

G. The proceedings authorizing the issuance of bonds under this Section may contain such covenants with the future owners of the bonds as to the management and operation of the system or work of public improvement, the imposition and collection of fees and charges for the products, commodities, or services furnished thereby, the disposition of fees and revenues, the issuance of future bonds, and the creation of future liens and encumbrances against the system or work of public improvement and the revenues thereof, the carrying of insurance on the properties constituting such work of system or work of public improvement, the disposition of the proceeds of the insurance, and other pertinent matters, as may be deemed necessary by the governing authority to assure the marketability of the bonds, provided these covenants are not inconsistent with the provisions of this Section.

H. When any governmental entity has issued revenue bonds and pledged the revenues of any system or work of public improvement in whole or in part for payment thereof, it shall impose and collect fees and charges for the products, commodities, and services furnished by such system or work of public improvement, including those furnished to the subdivision itself and its various agencies, by the governmental entity. If it shall appear that in such an event the proceeds from the pledge of revenues of the sale of the duly authorized bonds, from the sale of additional bond anticipation notes, from revenue sources from which the anticipated bonds are payable when issued, or from other lawfully available funds, are sufficient in amount to pay the principal of and the interest on such bonds, bonds may be issued in the manner provided by law for the issuance of such bonds.

§528. Bond anticipation notes
A. Any governmental entity that is authorized to levy a parcel fee or service charge may authorize the issuance of bond anticipation notes in one or more series in anticipation of the issuance of bonds which it has duly and lawfully authorized. The proceeds of the sale of such notes, exclusive of accrued interest, shall be used for the purpose of paying capitalized interest on such notes for renewing the principal amount of previously issued bond anticipation notes, and for the purpose for which the anticipated bonds were authorized.

B. Bonds or certificates of indebtedness issued under this Section shall be payable out of the revenues of subsequent years, after the payment from such revenues of:

(1) All charges required by law or regulation.
(2) Any contractual obligations.
(3) All necessary and usual charges provided for by ordinance or resolution, excluding depreciation.
(4) All payments in respect of bonds for which a pledge or dedication of specified taxes or revenues has been provided by law or in proceedings authorizing such bonds, regardless of the date of issue of such bonds.

C. Bonds or certificates of indebtedness issued under this Section shall have a maximum term not to exceed ten years.

§529. Grant anticipation notes
A. A governmental entity may issue a grant anticipation note or notes in anticipation of and upon the security of specified accounts receivable from the state or the federal government, including without limitation, grants, loans, or a combination of both, for which the governing authority of the governmental entity is authorized to accept, receive, receipt for, disburse, and expend federal and state monies and other monies, public or private, whether available by grant or loan, or both, for such purposes. Without creating a charge on such revenues, the governmental entity may, in the proceedings authorizing the issuance of grant anticipation notes under this Section, provide for such purposes.

B. The principal and interest due in any fiscal year of the governmental entity on such limited revenue bonds shall not exceed eighty percent of the revenues estimated to be realized from the levy of such parcel fee or service charge, as the case may be, for the fiscal year in which such limited revenue bonds are issued. In applying the aforesaid test, all revenues estimated to be realized from the levy of the parcel fee or service charge for the fiscal year in which the bonds are issued, regardless of the date on which the revenues are anticipated to be received, will be included in the estimated revenues for such fiscal year.

C. The principal of the limited revenue bonds shall be made due and payable annually not later than June first of each future year in which principal falls due; provided that such limited revenue bonds shall mature not later than June first in the year following the last year in which the parcel fee or service charge, as the case may be, securing the borrowing is authorized to be levied.

D. Limited revenue bonds issued under this Section are not revenue bonds within the meaning of Article VI, Section 37 of the Constitution of Louisiana.
associated with the facility or improvements being financed from such grant or loan.

D. No grant anticipation note shall be issued if the grant or loan to be received is for the construction of a facility or work of public improvement unless the grant or loan agreement is in existence at the time of issuance of the grant anticipation note.

E. Grant anticipation notes issued under this Section shall be payable not later than five years after the date of issue.

F. No grant anticipation note or notes shall be issued by a governmental entity pursuant to this Section in an amount which, when added to the amount of any other such type note or notes outstanding at the time and issued in anticipation of the same grant or loan, shall exceed ninety-five percent of the grant or loan funds committed and appropriated to the governmental entity by the granting or loaning authorities and payable within a thirty-six month period from the date of issuance of such note or notes then being issued.

§380. Assessment certificates

Governmental entities are authorized to issue bonds to finance works of public improvement secured by local or special assessments imposed pursuant to the provisions of Article VI, Section 36, Louisiana Constitution. The proceeds of the bonds shall be in accordance with the procedures set forth in Subpart A or Subpart B of Part I of Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950.

§531. Refunding bonds

A. In addition to any other authority therefor, any governmental entity is authorized to issue refunding bonds for the purpose of refunding, readjusting, restructuring, refinancing, extending, or unifying the whole or any part of its outstanding bonds in an amount sufficient to provide the funds necessary to effectuate the purpose for which the refunding bonds are being issued and to pay all costs associated therewith. Refunding bonds may be issued as part of a multi-purpose issue.

B. Notwithstanding any general obligation debt limit established by law, general obligation refunding bonds may be issued to refund outstanding general obligation bonds at the same or at a lower effective rate of interest in accordance with Article VI, Section 33(A) of the Constitution of Louisiana without the necessity that the outstanding bonds refunded shall not be extended and the principal and interest payments on the refunding bonds is less in each calendar year than the principal and interest in such calendar year on the outstanding bonds being refunded.

C. Refunding bonds issued to refund any bonds other than general obligation bonds may be issued in respect of the bonds being refunded or may be secured in such other manner as may be prescribed by the governing authority of the governmental entity. If refunding bonds issued under this Subsection are proposed to be additionally secured by the full faith and credit of the governmental entity then they must be authorized at an election held by the governmental entity in accordance with the requirements of the constitution and laws of Louisiana pertaining to elections for the issuance of general obligation bonds.

D. The refunded bonds shall not be considered outstanding for the purpose of debt limitation laws restricting the amount of bonds that may be issued by any governmental entity.

§562. Limit of indebtedness

C. Notwithstanding any contrary provision of this Part or of any other law, the Exception as otherwise provided by law, the governing authority of the parishwide school districts and of special school districts, including the city school boards of the cities of Bogalusa and Monroe, which cities shall be treated as special school districts, may incur debt and issue bonds therefor for the purposes set out in R.S. 39:554 which, including the existing bonded debt of the subdivision for such purposes, may exceed ten percentum limit but shall not exceed twenty-five percentum thirty-five percent of the assessed valuation of the taxable property of such subdivision, including both (1) homestead exempt homestead-exempt property, which shall be included on the assessment roll for the purposes of calculating debt limitation, and (2) nonexempt property, as ascertained by the last assessment for the parish or local purposes prior to delivery of the bonds representing such debt, regardless of the date of the election at which said bonds were approved.

D. Notwithstanding any contrary provision of this Section or of any other law, the Exception as otherwise provided by law, the governing authority of the parishwide school districts and of special school districts in the parishes of DeSoto, Livingston, and Sabine may incur debt and issue bonds therefor for the purposes set out in R.S. 39:554 which, including the existing bonded debt of such subdivision for such purposes, may exceed ten percentum but shall not exceed thirty-five percent of the assessed valuation of the taxable property of such subdivision, including both (1) homestead exempt homestead-exempt property, which shall be included on the assessment roll for the purposes of calculating debt limitation, and (2) nonexempt property, as ascertained by the last assessment for the parish or local purposes prior to delivery of the bonds representing such debt, regardless of the date of the election at which said bonds were approved.


Section 3. The provisions of Sections 1 and 3 of 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. The provisions of Section 2 of this Act shall become effective on July 1, 2021.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 570

SENATE BILL NO. 427

BY SENATOR CHABERT

AN ACT

To amend and reenact R.S. 36:4(Z), 41:1706(A)(2) and (4), and 1709(A), to enact Subpart B-1 of Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:214.8.1 through 214.8.17, and to repeal Chapter 17 of Subtitle 1 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2000.1 through 2000.12, and R.S. 36:359(U), relative to the transfer of the responsibilities of the Atchafalaya Basin Research and Promotion Board and the Atchafalaya Basin Program from the Department of Natural Resources to the Coastal Protection and Restoration Authority; to provide for the effect of such transfer on previously executed partnerships, memoranda of understanding, and cooperative endeavors; to provide for the transfer of all property; to provide for the effect of the transfer on employees, legal proceedings, and contractual obligations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(Z) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

Z(I). The Governor’s Advisory Commission on Coastal Protection, Restoration and Conservation (R.S. 49:214.4.1 and the Coastal Protection and Restoration Authority Board (R.S. 49:214.5.1 et seq.), and the Coastal Protection and Restoration Authority (R.S. 49:214.6.1 et seq.), shall be placed within the office of the governor and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.

(2) The responsibilities of the Atchafalaya Basin Program (R.S. 49:214.8.1 et seq.) shall be placed within the Coastal Protection and Restoration Authority and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.

Section 2. R.S. 41:1706(A)(2) and (4) and 1709(A) are hereby amended and reenacted to read as follows:

§1706. Classes of permits

A. (2) Class B Permits: Permits to construct bulkheads or flood protection structures in proximity to the bank or shore, excluding bank stabilization works and projects to facilitate the development, design engineering, implementation, operation, maintenance or repair of coastal or barrier island restoration integrated coastal protection projects by the Department of Natural Resources Coastal Protection and Restoration Authority under R.S. 49:214.4.1 214.6.1 et seq. or other applicable law or projects set the Atchafalaya Basin Program.

(4) Class D Permits: Permits to construct structures other than wharves or piers, excluding projects to facilitate the development, design engineering, implementation, operation, maintenance or repair of coastal or barrier island restoration integrated coastal protection projects by the Department of Natural Resources Coastal Protection and Restoration Authority under R.S. 49:214.4.1 214.6.1 et seq. or other applicable law or projects for the Atchafalaya Basin Program.

§1709. Terms and conditions of leases

A. Owners or occupiers of encroachments, constructed pursuant to a permit issued hereunder; and those existing upon state lands as of July 13, 1978, which are otherwise lawful except for a permit, shall apply to the office for a lease of the encroachment. No permit shall be required for projects to facilitate the design, engineering, implementation, operation, maintenance, or repair of coastal or barrier island restoration integrated coastal protection projects by the Department of Natural Resources Coastal Protection and Restoration Authority under R.S. 49:214.4.1 214.6.1 et seq. or other applicable law or projects for the Atchafalaya Basin Program. Where the best interests of the state and applicant will be served, a noncompetitive lease shall be granted upon the conditions contained in this Chapter. The term “noncompetitive lease” as used in this Chapter shall not refer to any proposed use for which the lease is granted. All such leases shall be for a cash consideration and such terms and other considerations as deemed most beneficial to the state of Louisiana, considering the type are deletions from existing law; words under -
and coordinate state and local activities, in developing and implementing the federally sponsored and funded Atchafalaya Basin Floodway System, Louisiana Project. §214.8.5. Powers and duties

A. The Atchafalaya Basin Program is hereby created as a program within the Coastal Protection and Restoration Authority.

1. The program shall include the director, the Coastal Protection and Restoration Authority Board, the technical advisory committee, and the staff for the authority.

2. (a) The director, in consultation with the board as desired, shall:

   (1) Develop, implement, and manage a comprehensive state master plan for the Atchafalaya Basin Floodway System, Louisiana Project.
   (2) Attend each year for its review and approval.
   (3) Coordinate state implementation of congressional mandates concerning the Atchafalaya Basin Floodway System, Louisiana Project.
   (4) Serve as primary liaison on behalf of the state with the United States Army Corps of Engineers on the Atchafalaya Basin Floodway System, Louisiana Project.
   (5) Provide recommendations to the board, legislature, and congress with respect to the implementation, management, and funding of the basin master plan.
   (6) Enter into partnerships, memoranda of understanding, and cooperative endeavors with state agencies and departments to implement the basin master plan or annual basin plan, including:
      (a) Department of Wildlife and Fisheries: to operate and maintain wildlife management areas created by the Atchafalaya Basin Floodway System, Louisiana Project, and to plan and monitor projects to improve water quality, interior circulation, water access, or improvements to general ecosystem function by means of sediment reduction, removal, or diversion.
      (b) Department of Culture, Recreation and Tourism: to operate and maintain tourist information centers and state parks funded by the Atchafalaya Basin Floodway System, Louisiana Project.
      (c) Department of Agriculture and Forestry: to monitor environmental easements as required by the Atchafalaya Basin Floodway System, Louisiana Project.
      (d) State land office: to monitor and enforce timber harvesting and campsite development on state-owned lands in the basin as required by the Atchafalaya Basin Floodway System, Louisiana Project.
      (e) Department of Transportation and Development, Department of Environmental Quality, and Louisiana Department of Health: to advise the program on departmental operations relating to the Atchafalaya Basin.
      (f) Independent public entities which have been appointed by the board, including the Atchafalaya Basin Levee Board, selected by the levee board who must be a professional in engineering, geotechnology, hydrology, or environmental science.
      (g) Other public and private agencies and departments.

3. (a) The director, in consultation with the board as desired, shall:

   (1) One member from the Atchafalaya Basin Levee Board, selected by the levee board who must be a professional in engineering, geotechnology, hydrology, or environmental science.
   (2) One member from the United States Fish and Wildlife Service.
   (3) One member from the United States Geological Survey.
   (4) One member from the United States Forest Service.
   (5) One member from the United States Army Corps of Engineers.
   (6) One member from the United States Fish and Wildlife Service.
   (7) One member from the United States Army Corps of Engineers.
   (8) One member from the United States Geological Survey.
   (9) One member from the United States Fish and Wildlife Service.

4. (a) The plan shall include:

   (1) A part of the basin master plan.
   (2) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
   (3) A water management or water quality project that meets the criteria developed by the technical advisory committee.

5. (a) The plan shall include:

   (1) The basin master plan.
   (2) The basin annual plan.
   (3) The Atchafalaya Basin Floodway System, Louisiana Project.

6. (a) The program shall include:

   (1) The basin master plan.
   (2) The basin annual plan.
   (3) The Atchafalaya Basin Floodway System, Louisiana Project.

7. The program shall include:

   (1) The basin master plan.
   (2) The basin annual plan.
   (3) The Atchafalaya Basin Floodway System, Louisiana Project.

8. (a) The program shall include:

   (1) The basin master plan.
   (2) The basin annual plan.
   (3) The Atchafalaya Basin Floodway System, Louisiana Project.

9. (a) The program shall include:

   (1) The basin master plan.
   (2) The basin annual plan.
   (3) The Atchafalaya Basin Floodway System, Louisiana Project.

10. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

11. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

12. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

13. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

14. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

15. (a) The program shall include:

    (1) A part of the Atchafalaya Basin Floodway System, Louisiana Project.
    (2) A water management or water quality project that meets the criteria developed by the technical advisory committee.

16. Administer and enforce the provisions of this Subpart relating to duties and activities of the program.

17. Perform such other acts and duties as necessary to effectuate the purposes of this Subpart.

18. Develop an annual basin plan as provided in R.S. 49:214.8.6 and present the annual basin plan to the board.

19. Develop and adopt criteria which must be met prior to a project being included in an annual basin plan.

20. Hold public hearings on the annual basin plan prior to adoption. The director shall hold a minimum of two public hearings on the annual basin plan each year with at least one hearing to be held at a location on the west side of the Atchafalaya Basin and at least one hearing to be held at a location on the Atchafalaya Basin. The director shall advertise in the official journal of the state the date, time, and location of the public hearings at least seven days prior to the hearings.

21. Promulgate rules in accordance with the Administrative Procedure Act in order to carry out the purposes of this Subpart and shall conduct its meetings in accordance with R.S. 42:11 et seq., the Open Meetings Law.

B. The director is authorized to:

1. Acquire one thousand five hundred acres of land in the Atchafalaya Basin for recreation purposes, and to construct new recreation areas, facilities, and water management features.


3. Operate and maintain public access features.

4. Enter into cooperative endeavors or agreements with federal, state, or local agencies or departments to implement the basin master plan or annual basin plan.

5. Enter into cooperative endeavors or agreements with federal, state, or local agencies or departments to implement the basin master plan or annual basin plan.

6. Use any federal funds that are, or that may become, available as matching funds or on any other basis for any of the projects contained in the annual basin plan or any other projects authorized by this Subpart.
A. There is hereby created, as a special fund in the state treasury, the Atchafalaya Basin Conservation Fund, hereinafter referred to as the “fund”. The source of monies for the fund shall be appropriations, donations, grants, and other monies which may become available for the purposes of the fund.

B. The monies in the fund shall be subject to appropriation and may be used only as provided in subsection C of this Section. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earnings shall be deposited in and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

C. Funds received from the sale of any water management or water quality projects approved by the technical advisory group for inclusion in an annual basin plan shall be used exclusively by the authority to fund projects contained in the state or federal basin master plans, an annual basin plan, or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project. The monies in the fund shall not be used to pay salaries or operating costs of the program or authority.

D. After receipt of the recommendations on all water management and water quality projects approved by the technical advisory group and receipt of recommendations from the staff, the board shall develop an annual basin plan. The board shall hold public hearings on the proposed deliberations. The date, time, and location of any meeting held to discuss projects for inclusion in the annual basin plan shall be advertised in the official journal of the state at least seven days prior to the meeting. Any project recommended by the technical advisory group for inclusion in an annual basin plan shall first be certified by that group as a project that would result in significant net benefits or yield improvements that will enhance the wildlife, fisheries, or forest resources of the Atchafalaya Basin.

E. Any project recommended by the technical advisory group for inclusion in an annual basin plan shall be advertised in the official journal of the state at least seven days prior to the adoption of the annual plan. Information received during the public hearings may be used by the board to amend the annual plan prior to presentation to the legislature.

§214:8.7. Atchafalaya Basin Conservation Fund

A. Any company selling kits for DNA testing for any purpose shall provide the user of such kit with notice in a concise and easy-to-read manner informing the user of all of the following to the extent they apply to the DNA testing kit being provided by the company:

(1) Whether the user’s DNA may be used for scientific research or analysis unrelated to the service that was purchased, and whether express consent is required for such research or analysis.

(2) Information on the nature of the scientific research and analysis unrelated to the service that was purchased that may be conducted with the user’s DNA.

(3) Whether the user has the option to withdraw consent to the use of his DNA for scientific research or analysis with respect to each sample of DNA analyzed in an annual basin plan.

(4a) Whether the user’s DNA may be shared with a third party for a purpose unrelated to the service that was purchased.

(b) Whether the user’s DNA may be sold to a third party for any purpose.

(5) Whether the user has the ability to have his DNA destroyed by the company upon his request.

(6) A statement as to whether the user relinquishes ownership of his DNA by submitting his DNA for testing.

C. The provisions of this Section shall not apply to a company that utilizes the DNA only for the testing service purchased, and does not provide the DNA or the test results to a third person for any other use or purpose.

§1401. DNA testing kits; notice to user

A. Any company selling kits for DNA testing for any purpose shall provide the user of such kit with notice in a concise and easy-to-read manner informing the user of all of the following to the extent they apply to the DNA testing kit being provided by the company:

(1) Whether the user’s DNA may be used for scientific research or analysis unrelated to the service that was purchased, and whether express consent is required for such research or analysis.

(2) Information on the nature of the scientific research and analysis unrelated to the service that was purchased that may be conducted with the user’s DNA.

(3) Whether the user has the option to withdraw consent to the use of his DNA for scientific research or analysis with respect to each sample of DNA analyzed in an annual basin plan.

(4a) Whether the user’s DNA may be shared with a third party for a purpose unrelated to the service that was purchased.

(b) Whether the user’s DNA may be sold to a third party for any purpose.

(5) Whether the user has the ability to have his DNA destroyed by the company upon his request.

(6) A statement as to whether the user relinquishes ownership of his DNA by submitting his DNA for testing.

C. The provisions of this Section shall not apply to a company that utilizes the DNA only for the testing service purchased, and does not provide the DNA or the test results to a third person for any other use or purpose.

§1401. DNA testing kits; notice to user

A. Any company selling kits for DNA testing for any purpose shall provide the user of such kit with notice in a concise and easy-to-read manner informing the user of all of the following to the extent they apply to the DNA testing kit being provided by the company:

(1) Whether the user’s DNA may be used for scientific research or analysis unrelated to the service that was purchased, and whether express consent is required for such research or analysis.

(2) Information on the nature of the scientific research and analysis unrelated to the service that was purchased that may be conducted with the user’s DNA.

(3) Whether the user has the option to withdraw consent to the use of his DNA for scientific research or analysis with respect to each sample of DNA analyzed in an annual basin plan.

(4a) Whether the user’s DNA may be shared with a third party for a purpose unrelated to the service that was purchased.

(b) Whether the user’s DNA may be sold to a third party for any purpose.

(5) Whether the user has the ability to have his DNA destroyed by the company upon his request.

(6) A statement as to whether the user relinquishes ownership of his DNA by submitting his DNA for testing.

C. The provisions of this Section shall not apply to a company that utilizes the DNA only for the testing service purchased, and does not provide the DNA or the test results to a third person for any other use or purpose.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:347.1(D) is hereby enacted to read as follows:

§ 147.1. Commission; purse supplements; additional or substitute races and race days; force majeure

D. Notwithstanding any provision of law to the contrary and upon agreement of the Horsemen's Benevolent and Protective Association and the involved licensed eligible facilities, the commission may approve the transfer of slot machine proceeds received for thoroughbred race purses from one licensed eligible facility to another licensed eligible facility to supplement thoroughbred purses at a thoroughbred race meet. Funds transferred pursuant to this Subsection shall be awarded within one year of the date of transfer.

Section 2. R.S. 4:183(B)(introductory paragraph) and (3) and 214.1(B), and R.S. 27:372(A) and R.S. 27:372(C), relative to horse racing, in pari-mutuel wagering, and protective associations, respectively, are hereby amended to read as follows:

E. (1) The authority to grant medical parole or medical treatment furlough pursuant to this Section shall rest solely with the committee on parole, and the committee shall establish additional conditions of the parole or medical treatment furlough in accordance with the provisions of this Subpart.

(2) The Department of Public Safety and Corrections shall identify those offenders who may be eligible for medical parole or medical treatment furlough based upon available medical information. In considering an offender for medical parole or medical treatment furlough, the committee may require that additional medical evidence be produced or that additional medical examinations be conducted.

(3) The committee on parole shall determine the risk to public safety and shall grant medical parole or medical treatment furlough only after determining that the offender does not pose a threat to public safety and only after the offender, as a condition of the medical parole or medical treatment furlough, waives his right to medical confidentiality and privacy as to the notice requirements in Paragraph (5) of this Subsection.

(4) An offender who is denied medical parole or medical treatment furlough may apply for a rehearing within the time frame applicable to a denial of parole under any other provision of this Part.

(5)(a) Within seven business days of the decision of the committee on parole to grant medical parole or medical treatment furlough to an offender, the department shall notify any off-site medical facility designated for an eligible offender's medical treatment of the decision.

(b) The off-site medical facility shall, not less than fourteen days before the offender begins treatment at the facility, provide notice to its patients or residents that the offender will be receiving treatment at that facility.

(c) The off-site medical facility shall, not less than fourteen days before the offender begins treatment at the facility, provide notice that the offender will be receiving treatment at that facility to each patient's or resident's next of kin, curator, tutor, or person having power of attorney for the patient or resident.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 575

SENATE BILL NO. 525
BY SENATOR LAFLEUR
AN ACT
To amend and reenact R.S. 4:183(B)(introductory paragraph) and (3), 214.1(B), and R.S. 27:372(A) and to enact R.S. 4:147.1(D) and R.S. 27:372(C), relative to horse racing, pari-mutuel wagering, and protective associations.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 574

SENATE BILL NO. 511
BY SENATOR BARROW
AN ACT
To enact R.S. 47:2156(D), relative to tax sales; to provide relative to tax sale and post-sale notice; to provide for the sufficiency of notice to certain persons; and to provide for related matters.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

**As it appears in the enrolled bill**

* * *
racing days provided for in this Subsection shall be conducted within a fifty-two-week period. The foregoing minimum racing requirements are mandatory unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days, including the minimum quarter horse racing days, required by this Section as a condition of operating the offtrack betting facility.

Section 3. R.S. 27:372(A) is hereby amended and reenacted and R.S. 27:372(C) is hereby enacted to read as follows:

§372. Slot machine gaming area limitations
A. The size of the designated gaming area in an eligible facility shall not exceed fifteen thousand square feet contain more than six hundred thirty-two gaming positions.
B. As used in this Section, “gaming position” means a slot machine seat. Each slot machine seat shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable.

C. As used in this Section, “gaming position” means a slot machine seat. Each slot machine seat shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable.

Section 4. The provisions of Sections 2 and 3 of this Act shall become effective if and when the Act which originated as SB No. 316 of the 2018 Regular Session of the Legislature is enacted by the legislature and is signed by the governor; becomes law without signature by the governor pursuant to Article III, Section 18 of the Constitution of Louisiana; or is vetoed by the governor but subsequently approved by the legislature.

Section 5. This Section and Sections 1 and 4 of 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 30, 2018.

A true copy: R. Kyle Ardoin Secretary of State

ACT No. 576 - - - SENATE BILL NO. 54 BY SENATOR MARTIN

To enact R.S. 14:52:2 and R.S. 15:562.1(3)(j), relative to arson; to create the crime of negligent arson; to provide definitions; to provide penalties; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:52.2 is hereby enacted to read as follows:

§52.2. Negligent arson
A. Negligent arson is the damaging of any building, as defined by R.S. 33:4771, of another by the setting of fire or causing an explosion, without consent of the owner or custodian of the building, when the offender’s criminal negligence causes the fire or the explosion.
B. If the offender knows or should have known that he has no possessory right to the building or other interest therein, or has not previously established a right of entry into or onto the building, it may be inferred that the setting of the fire or the causing of the explosion was without consent of the owner or custodian of the building.
C. Whoever commits the crime of negligent arson where it is not foreseeable that human life might be endangered shall be subject to the following:
1. On a first conviction, the offender shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. In addition, the offender shall be ordered to pay restitution for damages sustained.
2. On a second and subsequent conviction, the offender shall be fined not more than two thousand dollars and imprisoned, with or without hard labor, for not more than two years. In addition, the offender shall be ordered to pay restitution for damages sustained.
D. Whoever commits the crime of negligent arson where it is foreseeable that human life might be endangered shall be fined not more than three thousand dollars and imprisoned, with or without hard labor, for not more than three years. In addition, the offender shall be ordered to pay restitution for damages sustained.
E. Whoever commits the crime of negligent arson resulting in death or serious bodily injury to a human being shall be fined not more than five thousand dollars and imprisoned, with or without hard labor, for not more than five years. In addition, the offender shall be ordered to pay restitution for damages sustained.
F. “Serious bodily injury” means bodily injury that involves unconsciousness, extreme physical pain or protracted disfigurement, or protracted impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.
G. Any person convicted of a violation of this Section shall register with the state fire marshal.
H. The provisions of this Section shall not apply to commonly accepted practices of prescribed burning of agricultural and forestry land including prescribed burning done in accordance with R.S. 3:17.

Section 2. R.S. 15:562.1(3)(j) is hereby enacted to read as follows: §562.1. Definitions
For the purposes of this Chapter, the following shall apply:
1. “Essence involving arson” includes the following:
2. “Negligent arson” (R.S. 14:52.2).

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.

A true copy: R. Kyle Ardoin Secretary of State

ACT No. 577 - - - SENATE BILL NO. 202 BY SENATORS PEACOCK AND JOHNS

AN ACT

To enact Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1018 through 1020, relative to the Nurse Licensure Compact; to provide for enactment of the model language required to participate in the compact; to provide for appointment of an administrator to provide for enforcement and rulemaking authority; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1018 through 1020, is hereby enacted to read as follows:

§1018. Nurse Licensure Compact; adoption
The Nurse Licensure Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

ARTICLE I. Findings and Declaration of Purpose
(a) The party states find that:
1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.
2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.
3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation’s health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.
4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.
5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states.
6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

(b) The general purposes of this compact are to:
1. Facilitate the states’ responsibility to protect the public’s health and safety.
2. Facilitate and encourage the cooperation of party states in the areas of nurse licensure and regulation.
3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions.
4. Promote compliance with the laws governing the practice of nursing in each jurisdiction.
5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.
6. Decrease redundancies in the consideration and issuance of nurse licenses.
7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II. Definitions
As used in this compact:
(a) “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual’s license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other encumbrance on licensure affecting a nurse’s authorization to practice, including issuance of a cease and desist action.
(b) “Alternative program” means a nondisciplinary monitoring program approved by a licensing board.
(c) “Coordinated licensure information system” means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
(d) “Current significant investigative information” means:
1. Investigative information that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
(e) “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.
(f) “Home state” means the state which is the nurse’s primary state of residence.
(g) “Licensing board” means a party state’s regulatory body responsible for issuing nurse licenses.
(h) “Multistate license” means a license to practice as a registered or a licensed practical/vocational nurse (LP/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.
(i) “Multistate licensure privilege” means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LP/VN in a remote state.
(j) “Nurse” means RN or LP/VN, as those terms are defined by each party state’s practice
(k) “Party state” means any state that has adopted this compact.
(l) “Remote state” means a party state that is the home state.
(m) “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.
(n) “State” means a state, territory, or possession of the United States and the District of Columbia.
(o) “State practice laws” means a party state’s laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. “State practice laws” do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III. General Provisions and Jurisdiction
(a) A multistate license to practice registered or licensed vocational/nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.
(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of determining if the applicant is eligible for a multistate licensure privilege.
(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:
(1) Meets the home state’s qualifications for licensure or renewal of licensure, as well as all applicable state laws.
(2)(i) Has graduated or is eligible to graduate from a nursing program that is approved by the accrediting body in the home state.
(ii) A nurse who is enrolled in a foreign RN or LPN/VN prelicensure education program that is approved by the state’s board of nursing and has been completed by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program.
(d) An individual is not eligible for a multistate license if he or she
(1) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony punishable by imprisonment or fine for one year or more.
(2) Has been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor punishable by imprisonment or fine for one year or less.
(3) Has been convicted of any other crime.
(4) Has not met all applicable Article III.c. requirements to obtain a multistate license from the new home state.
(5) Is not currently enrolled in an alternative program.
(6) Is not enrolled in an alternative program that is approved by the state’s board of nursing.
(7) Has not met all applicable Article III.c. requirements.
(8) Does not meet all applicable Article III.c. requirements.
(9) Is not currently enrolled in an alternative program.
(10) Has not met all applicable Article III.c. requirements.

ARTICLE IV. Applications for Licensure in a Party State
(a) Upon receipt of an application for a multistate license, the licensing board in the issuing party state shall act on the application for the coordinated licensure information system. The applicant’s home state will be notified of the decision, and the issuance of the multistate license will be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators (“commission”).

ARTICLE V. Additional Authorities Invested in Party State Licensing Boards
(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:
(1) Issue adverse action against a nurse’s multistate licensure privilege to practice within that party state.
(i) Only the home state shall have the power to take adverse action against a nurse’s license issued by the home state.
(ii) If another party state takes adverse action against a nurse’s multistate license, the home state licensing board shall give the same priority and effect to required conduct received from a remote state as if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.
(2) Issue cease and desist orders or impose an encumbrance on a nurse’s authority to practice within that party state.
(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the commission and the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.
(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a remote state shall be served upon the provider of evidence in the state of residence of the remote state. The provider of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, and other fees required by the service statutes of the state in which the evidence or witnesses are located.
(5) Obtain and submit, for each nurse licensure applicant, fingerprint, or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use that information to take adverse action against a nurse.
(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.
(7) Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.
(b) If adverse action is taken by the home state against a nurse’s multistate license, the nurse’s multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse’s multistate license shall include a statement that the nurse’s multistate licensure privilege is deactivated in all party states during the pendency of the order.
(c) Nothing in this compact shall override a party state’s decision that participation in an alternative program will not be counted toward the practice requirements established by the state’s licensing board.

ARTICLE VI. Coordinated Licensure Information System and Exchange of Information
(a) All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.
(b) The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.
(c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications, revocation of a home state multistate license, and the granting of an alternative program to the commission and the administrator of the coordinated licensure information system regardless of whether such participation is deemed nonpublic or confidential under state law.
(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.
(e) Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing board.
(f) Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information. Such information may only be shared with other party states or disclosed to other entities or individuals without the express permission of the contributing board.
(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.
(h) The compact administrator of each party state shall furnish a uniform data set to the
(g) The commission shall have the following powers:
   (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of the compact. The rules shall have the force and effect of law and shall be binding in all party states.
   (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected.
   (3) To establish and maintain insurance and bonding programs, and to establish, maintain, and provide for the purpose of investigation of compliance with this compact, the personal and professional indemnification of the executive director and the officers of the commission.
   (4) To establish the fiscal year of the commission.
   (5) To provide for the conduct of the commission’s business.
   (6) To provide reasonable procedures for maintaining and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public’s interest, the privacy of individuals, and constitutional provisions, including trade secrets.
   (7) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and others as the commission shall determine.
   (8) To provide and receive information from, and to cooperate with, law enforcement agencies.
   (9) To adopt and use an official seal.
   (10) To perform such other functions as the commission deems necessary to achieve the purposes of this compact.
   (11) To establish a budget and make expenditures.
   (12) To borrow money.
   (13) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and others as the commission shall determine.
   (14) To provide and receive information from, and to cooperate with, law enforcement agencies.
   (15) To perform such other functions as the commission deems necessary to achieve the purposes of this compact.

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   (3) To establish and maintain insurance and bonding programs, and to establish, maintain, and provide for the purpose of investigation of compliance with this compact, the personal and professional indemnification of the executive director and the officers of the commission.
   (4) To establish the fiscal year of the commission.
   (5) To provide for the conduct of the commission’s business.
   (6) To provide reasonable procedures for maintaining and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public’s interest, the privacy of individuals, and constitutional provisions, including trade secrets.
   (7) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and others as the commission shall determine.
(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.
(2) The text of the proposed rule or amendment, and the reason for the proposed rule.
(3) A request for comments on the proposed rule from any interested person.
(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
(5) Upon adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
(6) The commission shall guarantee an opportunity for a public hearing before it adopts a rule or amendment.
(7) The commission shall publish the place, time, and date of the scheduled public hearing.
(8) The hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be considered by the commission at any hearing required by this Section.

3. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

4. (a) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

5. (i) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

6. (i) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. The promulgation purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

   (1) Meet an imminent threat to public health, safety or welfare.
   (2) Prevent a loss of commission or party state funds.
   (3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

7. (i) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors.

   (ii) Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person within a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

8. (a) Oversight

   (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

   (2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

   (b) Default, technical assistance, and termination

   (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

      (i) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.
      (ii) Provide remedial training and specific technical assistance regarding the default.
      (iii) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
      (iv) Termination of membership in this compact shall be imposed only after all other means of seeking compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.
      (v) A state whose membership in this compact has been terminated is responsible for all assessments due to the commission and any other obligations and liabilities that extend beyond the effective date of termination.
      (vi) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

   (b) Dispute resolution

   (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.

   (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

   (3) In the event the commission cannot resolve disputes among party states arising under this compact:

      (i) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.
      (ii) The decision of a majority of the arbitrators shall be final and binding.

   (d) Enforcement

   (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

   (2) In the event of a proposed rule, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded reasonable attorneys' fees and costs of such litigation, including reasonable attorneys' fees.

   (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X. Effective Date, Withdrawal, and Amendment

(a) This compact shall become effective upon the effective date of enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact, that also were parties to the prior Nurse Licensure Compact, superseded by this compact, (prior compact), shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant incidents of incompetence for the effective date of such withdrawal or termination.

(e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

(f) This compact may be amended by the party states. No amendment to this compact shall become effective unless and until it is enacted into the laws of all party states.

(g) Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nontaking basis, prior to the adoption of this compact by all states.

ARTICLE XI. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if they are held to be invalid, such invalidity shall not affect the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

§1019. Nurse Licensure Compact Administrator

A. The nurse licensure compact administrator for this state shall be appointed by the governor to serve as the single state designee on the Interstate Commission of Nurse Licensure Compact Administrators.

B. The administrator shall be a current board member or the executive director of the Louisiana State Board of Nursing for two years beginning in the year of enactment of this Part and shall remain in such position for a term of two years following his or her initial appointment with an appointment of a current board member or the executive director of the Louisiana State Board of Practical Nurse Examiners, §1020. Implementation; rulemaking

The Louisiana State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners shall:

(1) Ensure the publication and enforcement of the nurse licensure compact as it applies to their respective licensees and licensees from compact states performing nursing services under each board's respective practice act.

(2) Develop a reporting system to collect aggregate data from employers on the number and geographic representation of nurses and licensed practical nurses employed in Louisiana who are practicing nursing or licensed practical nursing pursuant to a multi-state license as determined by the respective licensing board in properly promulgated rules. The report shall be compiled prior to a nurse or licensed practical nurse furnishing any nursing services in this state. Failure of an employer to submit this data to the board shall not be a basis for disciplinary action against or revocation of a nurse or licensed practical nurse's license. Failure to voluntarily provide this information shall not be a basis for disciplinary action against or revocation of a nurse or licensed practical nurse's license.

(3) Develop a voluntary reporting system in which nurses holding a multi-state license under the nurse licensure compact and who engages in the practice of nursing or licensed practical nursing in Louisiana voluntarily provide their addresses and other workforce-related data as determined by the respective licensure boards in properly promulgated rules. Failure to voluntarily provide this information shall not be a basis for disciplinary action against or revocation of a nurse or licensed practical nurse's license.

(4) Promulgate rules and regulations necessary to implement the provisions of this Part in accordance with the Administrative Procedure Act.

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 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 40:1131(21) and 1131.1(D) and to enact R.S. 40:1131(22) and (23), 1133.13(F) and (G), and 1133.16, relative to emergency personnel; to provide for definitions; to provide for relative to telephone cardiopulmonary resuscitation; to provide for minimum training requirements in telephone cardiopulmonary resuscitation; to provide for certain terms, procedures, and conditions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(21) and 1131.1(D) are hereby amended and reenacted and R.S. 40:1131(22) and (23), 1133.13(F) and (G) and 1133.16 are hereby enacted to read as follows:

For purposes of this Chapter:

(21) “Public safety agency” means a functional division of a public or private agency which provides firefighting, police, medical, or other emergency services.

(22) “Public safety telecommunicator” means an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide telephone cardiopulmonary resuscitation (T-CPR) instructions to a caller before arrival of professional medical assistance by first responders.

(23) “Volunteer nonprofit organization” means an organization which has been recognized as being in the regular course of the organization’s purpose of assisting in emergency medical services training and set minimum standards for course approval, instruction, and examination. Public safety telecommunicators shall at a minimum successfully complete the telephone cardiopulmonary resuscitation training required by R.S. 40:1133.16.

§1131.1. Emergency medical services program; cooperation of other state departments.

D. The bureau shall identify all public and private agencies, institutions, and individuals that are engaged in training in telephone cardiopulmonary resuscitation and set minimum standards for course approval, instruction, and examination. Public safety telecommunicators shall at a minimum successfully complete the telephone cardiopulmonary resuscitation training required by R.S. 40:1133.16.

§1133.13. Civil immunity.

F. No public safety telecommunicator who instructs a caller on telephone cardiopulmonary resuscitation shall be liable for any civil damages arising out of the instruction provided to the caller, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions that result in harm to an individual. A caller may decline to receive instruction on cardiopulmonary resuscitation. When a caller declines cardiopulmonary resuscitation instruction the public safety telecommunicator has no obligation to provide the instruction.

G. No public safety agency shall be liable for any civil damages for employing individuals to answer 911 emergency calls who are not designated as public safety telecommunicators. Individuals who are not public safety telecommunicators, as defined in R.S. 40:1131(22), shall not be required to complete the telephone cardiopulmonary resuscitation training required by R.S. 40:1133.16 and shall have no obligation to offer and provide telephone cardiopulmonary resuscitation instruction to a caller.

§1133.16. Public safety telecommunicator instruction

A. A public safety telecommunicator who has been trained in telephone cardiopulmonary resuscitation (T-CPR) utilizing training that meets or exceeds nationally recognized emergency cardiovascular care guidelines adopted by the bureau every two years. At a minimum, this training shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instructions for callers, and continuing education as appropriate.

B. On or before January 1, 2020, each public safety telecommunicator in a parish with a population greater than one hundred thousand, according to the latest federal decennial census, shall complete the T-CPR training required by this Section.

C. On or before January 1, 2021, each public safety telecommunicator in a parish with a population less than one hundred thousand, according to the latest federal decennial census, shall complete the T-CPR training required by this Section.

D. The department shall adopt rules in accordance with the provisions of the Administrative Procedure Act as are necessary to implement the provisions of this Section.

E. A true copy:

BY SENATORS CARTER, ALARIO, APPEL, BARROW, BISHOP, BOUTREUX, CHABERT, CLA'TIOR, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LONG, LUEAU, MARTINI, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMAS, WALKER, WALSWORTH AND WITTMAN, REPRESENTATIVES BAGLEY, GARY CARTER, CHANEY, COX, HOFFMANN, HORTON, JACKSON, LEBAS, DUSTIN MILLER, POPE AND STOKES.

AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:976, relative to prescription drug pricing; to provide for confidentiality; to provide for disclosure; to provide for information available to the commissioner of insurance; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:976 is hereby amended to read as follows:

(976. Disclosure of prescription drug consumer cost burden; certification.

A. As used in this Section:

(1) “Excess consumer cost burden” means an amount charged to an enrollee for a covered prescription drug that is greater than the amount that an enrollee’s health insurance issuer pays, or would pay absent the enrollee cost sharing, after accounting for an insurer’s estimate of at least fifty percent of future rebate payments for that enrollee’s actual point of sale prescription drug claims.

(2) “Health benefit plan”, “plan”, “benefit”, or “health insurance coverage” means services consisting of medical care provided directly through insurance, reimbursement, or other means, and including items and services paid for as medical care under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization contract, or health maintenance organization contract offered by a health insurance issuer. However, excepted benefits are not included as a “health benefit plan.”

(3) “Health insurance issuer” means any entity that offers health insurance coverage through a plan, policy, or certificate of insurance subject to state law that regulates the business of insurance. “Health insurance issuer” shall also include a health maintenance organization, as defined and licensed pursuant to Subpart I of Part I of Chapter 2 of this Code. “Health insurance issuer” shall not include the Office of Group Benefits.

B. Rebates means both of the following:

(a) Negotiated price concessions, including but not limited to base rebates and reasonable estimates of any price protection rebates and performance-based rebates that may accrue directly or indirectly to the health insurance issuer that may serve to reduce the health insurance issuer’s prescription drug liabilities for the coverage year.

(b) Reasonable estimates of any fees and other administrative costs that are passed through to the health insurance issuer as a result of point of sale prescription drug claims processing and serve to reduce the health insurance issuer’s prescription drug liabilities for the coverage year.

C. In the case of a health insurance issuer that offers or renews a health benefit plan for sale in the state on or after January 1, 2020, if the health insurance issuer may charge enrollees cost-sharing amounts that may result in an excess consumer cost burden for covered prescription drugs, the health insurance issuer shall disclose to enrollees and prospective enrollees the fact that enrollees may be subject to an excess consumer cost burden. The notice shall be provided in the coverage agreement, formulary, or preferred drug guide issued by the health plan.

D. A health insurance issuer that offers or renews a health benefit plan for sale in the state on or after January 1, 2020, shall annually make available to the commissioner of insurance information regarding the value of rebates expressed as a percentage that the health insurance issuer made available to enrollees at the point of sale.

E. In complying with the provisions of this Section a health insurance issuer shall not publish or otherwise reveal information regarding the actual amount of rebates the health insurance issuer receives, including but not limited to information regarding the amount of rebates it receives on a product, manufacturer, or pharmacy specific basis. Such information is a trade secret, is not a public record as defined in R.S. 44:4.1 et seq., and shall not be disclosed directly or indirectly. A health insurance issuer shall impose the confidentiality protections of this Section on any third parties or vendors with which it contracts that may receive or have access to rebate information.

F. A true copy:

BY SENATORS MILLS AND BARROW

AN ACT

To amend Senate Bill No. 264 and to enact Senate Bill No. 282, relative to health care;
to provide for information and access to breast reconstructive surgery; and to provide for related matters. 

It is enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1103.1 is hereby amended and reenacted and R.S. 40:1103.5 is hereby enacted to read as follows:

§1103.1. Short title

This Part shall be known and may be cited as the “Carter Stokes Oraal and Written Summary of Breast Cancer Treatment Alternatives and Access to Breast Reconstruction Surgery Information Law”.

§1103.5. Information and access to breast reconstructive surgery

Every hospital licensed by the Louisiana Department of Health pursuant to R.S. 40:2100 et seq., and every Louisiana physician who provides mastectomy surgery, lymph node dissection, or a lumpectomy shall provide information to the patient concerning the option of reconstructive surgery following such procedures, including the availability of coverage for reconstructive surgery, in accordance with the state insurance law and applicable provisions of federal law. The information shall be provided to the patient in writing and in advance of obtaining consent to the surgical procedure. At a minimum, the information provided shall include the following:

(1) A description of the various reconstructive options and the advantages and disadvantages of each.

(2) A description of the provisions assuring coverage by public and private insurance plans of the costs related to reconstructive surgery under federal and state law.

(3) A description of how a patient may access reconstructive care, including the potential of transferring care to a facility that provides reconstructive care or choosing to pursue reconstruction after completion of breast cancer surgery and chemotherapy or radiotherapy, if warranted.

(4) Other information as may be required by the secretary of health, consistent with information developed by the Louisiana Department of Health and the Louisiana Cancer and Lung Trust Fund Board and circulated to providers and patients by the Louisiana State Board of Medical Examiners.

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 31, 2018. 
A true copy; 
R. Kyle Ardoin 
Secretary of State

ACT No. 581
SENATE BILL NO. 561 
(Submittee of Senate Bill No. 455 by Senator Barrow) 
BY SENATOR BARROW AND REPRESENTATIVES ANDERS, BISHOP, BRASS, ROBBY CARTER, COX, DUPLESSIS, GLOVER, HALL, HORTON, HUNTER, JACKSON, LEGER, LYONS, MARCELLE, NORTON AND STAGNI

AN ACT

To enact Chapter 5 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1055 through 1058, relative to empowering families to live well; to create the Empowering Families to Live Well Louisiana Council; to provide for a state strategic plan; to provide for membership and duties of the council; to provide for the Live Well Louisiana Fund; and to provide for related matters. 

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 5 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1055 through 1058, is hereby enacted as follows:

CHAPTER 5. EMPOWERING FAMILIES TO LIVE WELL LOUISIANA

§1055. Short title

This Chapter shall be named and may be cited as the “Empowering Families to Live Well Louisiana Act”.

§1056. Legislative findings; declaration of purpose
A. (1) The legislature finds that poverty is one of the greatest enemies of human dignity and the family unit and undermines the general welfare of the people of Louisiana and significant portions of the state suffer from the effects of poverty.

(2) The legislature further finds that the particular attention of state government could benefit families in poverty with a coordinated and well-managed plan provided by the departments of the state dedicated to empowering these families.

(3) It is declared that the effective administration and coordination of efforts to families in poverty is the responsibility of state government.

B. In order to meet these needs, the legislature hereby authorizes the creation of the Empowering Families to Live Well Louisiana Council and Strategic Plan, hereinafter referred to in this Chapter as the “plan”.

§1057. Empowering Families to Live Well Louisiana Council and Strategic Plan
A. There is hereby established the Empowering Families to Live Well Louisiana Council to assist and empower struggling families throughout Louisiana. The council is hereby established within the Department of Children and Family Services which shall exercise and perform its functions, duties, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of applicable state law.

B. The council shall be composed of the following members:

(1) The secretary of the Department of Children and Family Services, or designee.

(2) The secretary of the Louisiana Department of Health, or designee.

(3) The executive director of the Louisiana Workforce Commission, or designee.

(4) The president of the Louisiana Community and Technical College System, or designee.

(5) The secretary of the Department of Economic Development, or designee.

(6) The secretary of the Department of Revenue, or designee.

(7) The secretary of the Department of Transportation and Development, or designee.

(8) The superintendent of the Department of Education, or designee.

(9) The executive director of the Louisiana Housing Corporation, or designee.

(10) The executive director of the Louisiana Office of Student Financial Assistance, or designee.

(11) The chair of the Senate Committee on Health and Welfare, or designee.

(12) The chair of the House Committee on Health and Welfare, or designee.

(13) Two members of the Senate, appointed by the Senate president.

(14) Two members of the House of Representatives, appointed by the speaker of the House of Representatives.

(15) The president/CEO of the Louisiana Association of United Ways, or designee.

(16) The president of the Urban League of Louisiana, or designee.

(17) Two members representing regional economic development organizations, appointed by the governor.

(18) The president of the Louisiana AFL/CIO, or designee.

(19) One member of the Louisiana State University faculty with expertise in the area of poverty, appointed by the chancellor of the LSU system.

(20) One member of the Southern University system faculty with expertise in the area of poverty, appointed by the president of Southern University.

(21) One member of the University of Louisiana system faculty with expertise in the area of poverty, appointed by the president of the system.

(22) One member of a Louisiana-based philanthropic organization, appointed by the governor.

(23) One member of a Louisiana-based organization working to advance affordable housing, appointed by the governor.

(24) The executive director of the Louisiana Budget Project, or designee.

(25) The president of the Council for a Better Louisiana, or designee.

(26) The president of the Public Affairs Research Council, or designee.

(27) The executive director of the Louisiana Interchurch Conference, or designee.

(28) The executive director of the Children's Cabinet, or designee.

(29) The chair of the Children's Cabinet Advisory Board, or designee.

(30) Three at-large members appointed by the governor.

C. The council shall be composed of a subset of council members, as needed. 

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

F. The council shall make, or cause to be made, all such studies, reviews, or analysis which it finds necessary for its purpose.

(1) The council shall use the proceeds of its grants and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of the council.

H. The council shall submit an implementation plan to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, for approval by July 30, 2019. The plan shall include administrative and policy recommendations. An interim report may be filed prior to the 2019 Regular Session of the Louisiana Legislature with legislative recommendations.

I. Thereafter, the council shall present an annual report on the development of an implementation plan to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly. This report shall include a section from each state department that is a member of the council, outlining administrative policy changes that can further the mission of the council. The report shall also include legislative recommendations. The report shall be submitted for approval to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, together.

J. The plan shall not be funded by money appropriated by the legislature, including federal funds, any public or private donations, gifts, or grants from corporations, coalitions, nonprofits, or other business entities which may be made to the fund, and any other monies which may be provided by law. The plan shall be administered by an investment committee that may be appointed by the governor as special funds in the state general fund and interest earned on investment of monies in the fund shall be credited to the state general fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

K. Subject to an annual appropriation by the legislature, monies in the fund shall be used as directed by the council solely to fund grants and projects which will address the goals and objectives of reducing poverty and promoting well-being in the state.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by
To enact R.S. 40:2162, relative to behavioral health services providers; to provide relative to psychosocial rehabilitation and community psychiatric supportive treatment and rehabilitation for certain behavioral health services; to provide conditions that shall be met by provider agencies; to provide for audits and facility need review; to require recoupment of Medicaid funds under certain circumstances; to provide for the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2162 is hereby enacted to read as follows:

§2162. Specialized behavioral health rehabilitation services in the Louisiana medical assistance program

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

(1) “Behavioral health services provider” means a health care provider as defined in R.S. 40:2153(2).

(2) “CMS” means the Centers for Medicare and Medicaid Services.

(3) “Community psychiatric support and treatment services”, hereinafter referred to as “CPST” services, means CMS-approved specialized behavioral health rehabilitation services defined as services associated with assisting individuals with skill building to restore stability, support functional gains, and adapt to community living, designed to focus on reducing the disability from mental illness, restoring functional skills of daily living, and building natural supports and solution-oriented interventions; or such other successor services or requirements subsequently approved by CMS or the department for CPS1 services for the Louisiana medical assistance program.

(4) “Department” means the Louisiana Department of Health.

(5) “Louisiana medical assistance program” means the Louisiana Medicaid program.

(6) “Preliminary accreditation” means accreditation granted by an accrediting body to an unlicensed provider agency seeking full accreditation status.

(7) “Psychosocial rehabilitation services”, hereinafter referred to as “PSR” services, means CMS-approved Medicaid mental health rehabilitation services defined as psycho-educational services provided to individuals with mental illness in order to assist with skill building, restoration, and rehabilitation, designed to assist the individual with compensating for or eliminating functional deficits and any apersonal or environmental barriers associated with mental illness, or such other successor services or requirements subsequently approved by CMS or the department for PSR services for the Louisiana medical assistance program.

B. Medicaid reimbursement to behavioral health services providers that provide PSR and CPST services in the Louisiana medical assistance program shall comply with the requirements of this Section, subject to any required CMS approval.

C. In order to be eligible to receive Medicaid reimbursement, all behavioral health services providers providing PSR or CPST services to Medicaid recipients shall meet all of the following requirements:

(1) Be licensed as a behavioral health services provider agency.

(2) Be accredited by a department-approved accrediting organization and meet the following conditions:

(a) The behavioral health services provider shall show proof of full accreditation or obtain preliminary accreditation prior to being contracted with a Medicaid managed care organization.

(b) The behavioral health services provider shall maintain proof of full accreditation or proof of preliminary accreditation.

(c) If not fully accredited on or before July 1, 2018, the behavioral health services provider shall attain full accreditation within eighteen months of its initial accreditation application date and shall provide proof of full accreditation to each managed care organization with which it is contracted.

(d) The behavioral health services provider shall maintain continuous full or preliminary accreditation.

(e) The cost of attaining and maintaining accreditation is the responsibility of the behavioral health services provider.

(f) The behavioral health services provider shall report any loss of accreditation, suspension of accreditation, or any other action that could result in the loss of accreditation to the department within twenty-four hours of receipt of notification of the accreditation body.

(3) Effective January 1, 2019, have a National Provider Identification number, hereinafter referred to as “NPI”, The behavioral health services provider agency shall include its NPI number and the NPI number of the individual rendering the PSR or CPST services on its behalf on all claims for Medicaid reimbursement submitted for PSR or CPST services, for dates of service on or after January 1, 2019.

(4) Implement a member choice form to be signed by each recipient, or the legal guardian or representative of the recipient, receiving PSR or CPST in order to prevent or reduce duplication of services.

(5) Be credentialed and in the provider network of the managed care organization that the provider intends to submit claims for Medicaid services, unless the managed care organization has a single case agreement with a licensed and accredited provider agency not in its network.

(6) Meet any other requirements promulgated through rulemaking by the department to ensure the quality and effectiveness of services.

D. In order to be eligible to receive Medicaid reimbursement, all behavioral health services providers shall ensure that any individual rendering PSR or CPST services for the licensed and accredited provider agency meets all of the following requirements:

(1) Effective for services rendered on or after January 1, 2019, the individual rendering the PSR or CPST services for the licensed and accredited provider agency shall have an individual NPI number and that NPI number shall be included on any claim by that provider agency for reimbursement related to such services.

(2)(a) On and after July 1, 2018, any individual rendering PSR services for a licensed and accredited provider agency shall hold a minimum of a bachelor’s degree from an accredited university or college in the field of counseling, social work, psychology, or sociology. Any individual rendering PSR services who does not possess the minimum bachelor’s degree required in this Paragraph, but who met all provider qualifications in effect prior to July 1, 2018, may continue to provide PSR services for the same provider agency. Prior to the individual rendering PSR services at a different provider agency, he must comply with the provisions of this Section.

(b) Any individual rendering PSR services for a licensed and accredited provider agency shall hold a minimum of a bachelor’s degree from an accredited university or college in the field of counseling, social work, psychology, or sociology.

(3)(a) The individual rendering PSR or CPST services for the licensed and accredited provider agency shall meet all of the following requirements set forth in Medicaid rules, regulations, provider manuals, and policies.

(b) Within thirty days of the effective date of this Section, the department shall commence any actions that are required to amend any existing department rule or regulation that is in conflict with the requirements of this Section, including, but not limited to, any required approval by CMS.

(4) To be eligible for Medicaid reimbursement, all behavioral health services providers that provide PSR or CPST services shall have a single case agreement with a Medicaid managed care organization. No facility need review approval for a license to provide PSR or CPST services shall be granted to any applicant unless the department determines that the evidence and data submitted by the applicant establishes the probability of serious, adverse consequences to recipients’ ability to access services if the provider is not allowed to seek licensure.

E(1) In order to be eligible to receive Medicaid reimbursement, each behavioral health services provider that provides PSR or CPST services shall employ at least one full-time physician, or full-time equivalent mental health professional as defined in R.S. 40:2153(2), (b), (c), (d), (e), (f), or (g), to serve as a full-time mental health supervisor to assist in the design and evaluation of treatment plans for PSR and CPST services. For the purposes of this Section the term “full-time” shall mean employment by the behavioral health services provider for at least thirty-five hours per week.

(2) Each unlicensed individual rendering PSR or CPST services for the licensed and accredited behavioral health services provider agency shall be required to receive at least one hour per calendar month of personal supervision and training by the provider agency’s mental health supervisor.

G. The department shall implement a centralized credentialing verification organization, hereinafter referred to as “CVO”, for the Medicaid specialized behavioral health rehabilitation services program. The CVO shall be certified as a CVO by the National Committee for Quality Assurance, hereinafter referred to as “NCQA”. The CVO shall perform agency provider credentialing that meets the following criteria:

(1) NCQA standards.

(2) Verification of agency license.

(3) Verification of agency accreditation.

(4) Any additional requirements imposed by the department for becoming a Medicaid provider or renewal for the Medicaid specialized behavioral health rehabilitation services program.

H.(1) Effective July 1, 2018, the Medicaid managed care organizations shall take appropriate actions to recoup Medicaid payments or funds from any behavioral health services provider that renders Medicaid services in violation of the provision of this Section.

(2) The department may refer noncompliant behavioral health services providers to the Louisiana Medicaid Fraud Control Unit within the Louisiana attorney general’s office for further fraud investigation.

I. The department may promulgate any rules pursuant to the Administrative Procedure Act and may publish any Medicaid manuals or Medicaid policy to implement and enforce the provisions of this Section.

J. The legislative auditor may conduct performance audits of the department to ensure compliance with the provisions of this Section.

K. The department shall not take any final action that will result in the elimination of PSR or CPST services unless such action is affirmatively approved by the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

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 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 583

S E N A T E B I L L N O. 564

( Substitute of Senate Bill No. 519 by Senator Lungu)

BY SENATORS LUNEAU AND JOHNS

AN ACT

To enact R.S. 17:5069, relative to special treasury funds; to establish the TOPS Income Fund as a special treasury fund; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

Section 1. R.S. 17:5069 is hereby enacted to read as follows:

§5069. TOPS Income Fund

A. The TOPS Income Fund, hereinafter referred to as the “fund”, is hereby created within the state treasury as a special fund for the purpose of funding the Taylor Opportunity Program for Students (TOPS).

B. Any money appropriated to the fund or appropriated to the fund by the legislature shall be...
ACT No. 584

BY REPRESENTATIVES SHADOIN, DANAHAY, AND GREGORY MILLER

AN ACT

To amend and reenact R.S. 18:3, 23(A)(8), 423(C)(2), 423(A)(5), 463(A)(2)(a)(iii), 464(B) (3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1), 566(A) and (C), 571(A)(3) through (10), 572(A), 573(A)(2) and (3), (B), (C), and (E)(1) and (5), 574(A) (3) and (B)(1), 578(A)(1), (B)(1), (C)(1), (D)(1), (E), (F), (G), (H), and (I), 1333, 1355, and 1361(A), to enact R.S. 18:23(E)(3), 571(A)(11), 573(E)(4), and 1303(K) and (L), and to repeal R.S. 18:514, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to elections procedures and requirements, including petitions submitted to registrars of voters for certification, membership of the State Board of Election Supervisors and parish boards of election supervisors, the duties of the clerk of court, qualifying fees, establishing education and location of polling places, persons entitled to vote absentee by mail, duties of registrars of voters, the nursing home early voting program, voting machines and equipment, provisional voting for federal office, duties of commissioners on election day, compilation and promulgation of election returns, the qualifying period for candidates, and procedures for voting; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:3, 23(A)(8), 423(C)(2), 423(A)(5), 463(A)(2)(a)(iii), 464(B) (3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1), 566(A) and (C), 571(A)(3) through (10), 572(A), 573(A)(2) and (3), (B), (C), and (E)(1) and (5), 574(A) (3) and (B)(1), 578(A)(1), (B)(1), (C)(1), (D)(1), (E), (F), (G), (H), and (I), 1333, 1355, and 1361(A), to enact R.S. 18:23(E)(3), 571(A)(11), 573(E)(4), and 1303(K) and (L), are hereby amended and repealed, and R.S. 18:23(E)(3), and 1303(K) and (L) are hereby enacted to read as follows:

§ 3. Petitions submitted to registrars of voters

A. Notwithstanding any other provision of law to the contrary, every petition submitted to a registrar of voters for certification shall contain the following information:

(1) The handwritten signature of the voter who is signing the petition; however, if a person is unable to write, the incapacitated person shall affix his mark to the petition and the person circulating the petition shall affix the name of the incapacitated person provided he does so in the presence of two witnesses who shall also sign their names as witnesses to the mark.

(2) The date the voter signed the petition.

(3) The signer's ward, precinct, and date of birth.

(4) The address at which the signer is registered to vote, including municipal number, apartment number, rural route, and box number.

(5) Name of the signer either typed or legibly written.

(6) Name of the person who witnessed and who obtained the signature.

(7) Date on which the person witnessed and obtained the signature.

B. Notwithstanding any other provision of law to the contrary, the notice of endorsement of a petition to be submitted to the registrar for certification may be made by hand delivery. Whenever the registrar is required to certify signatures on a petition pursuant to any provision of the constitution or laws of this state, the registrar shall not honor the written request of any voter or signatory who either desires to have his signature stricken from the petition or desires to have his signature added to the petition unless such addition or deletion is expressly authorized by law. The chairperson or other person responsible for the filing of the petition with the registrar shall file notice with the registrar three days prior to submission of the petition for certification, unless such submission is done within three days prior to the expiration of the period for submission of the petition for certification. Such notice shall be a public record.

C. In determining the number of persons signing the petition who are electors in the voting area for the purpose of certifying the petition, the registrar shall not include any person who has not affixed to the petition his signature and the address at which he is registered to vote, any person whose signature has not been verified by the registrar, or any person whose name does not appear on the registrar's roll of electors. To verify a signature on a petition, the registrar shall compare the handwritten signature on the petition with the signature on the original application card or any subsequent signature in the records of the registrar, including but not limited to the use of any such candidate in the same election or any reorganization of the state or any of its political subdivisions. Such a record shall be maintained in the office of the clerk of court for the parish wherein such property is located and in addition shall be substantially posted in the office of the registrar of voters. After July 1, 1986, the list shall also be filed with the secretary of state. The secretary of state shall not pay a fee for a polling place if a copy of the list thereon has not been properly filed at least thirty days prior to the election, unless a change in the location of the polling place was necessitated immediately prior to the election and the governing authority lacked sufficient time to transmit a copy of the list to the secretary of state prior to the election. Let the bidders enter into an agreement to file the list with the secretary of state not later than ten days after the election.

THE ADVOCATE

* As it appears in the enrolled bill.

CODING: Words in struck through type are deletions from existing law. Words underlined are added. Words in footnotes are added.
for payment to be made by the secretary of state. Payments on leases filed later than ten days following an election will not be made by the secretary of state except for subsequent elections.

§1303. Persons entitled to vote in compliance with this Chapter

K. The secretary of state or an employee of the secretary of state who is a qualified voter and who submits to the registrar of voters of the parish where he or she resides the affidavit of payroll and nondisclosure shall count each vote cast, even though the voter has voted for fewer than the total number of candidates for each office. The voting machine used in an election shall be so constructed and equipped as to:

(1) Secure to the voter secrecy in the act of voting.

(2) Provide facilities for voting or against each question that is submitted.

(3) Permit the voter to vote for or against questions for an office as he is lawfully entitled to vote for, but no more. However, where the voter may vote for more than one person for an office, it shall count each vote cast, even though the voter has voted for fewer than the total number of votes he is entitled to cast for a particular office.

(4) Prevent the voter from voting more than once on the same candidate or on the same question.

(5) Permit the voter to vote for or against any question upon which he has a right to vote, but no other.

(6) When used in a primary election at which members of a political party committee are to be voted on, allow election officials to lock out all candidate counters except those of the party with which the voter is affiliated.

(7) Permit all unused vote indicators or devices to be locked out against use.

(8) Correctly register and record and accurately count all votes cast for each candidate and each question, and to enable the election commissioners to examine the counters or tabulators.

(9) Be capable of being operated by the voter verification mechanism.

§361. Approval of machines and equipment; certificate; expenses of examination

A. The secretary of state may examine any type or make of voting machine upon the request of a representative of the maker or supplier thereof, and if he determines that the machine complies with the requirements of this Chapter and that it meets standards acceptable to him as to durability, accuracy, efficiency, and capacity, he shall approve that type or make. The approval shall be for use in this state and shall issue his certificate of approval thereof. In addition, any electronic voting machine procured or used in the state must be certified according to the voluntary voting system guidelines developed and maintained by the United States Election Assistance Commission by the same standards as the one used in the testing of the voting system test laboratory accredited by the United States Election Assistance Commission. This certificate, together with any relevant reports, drawings, and photographs, shall be a public record.

Section 2. R.S. 18:566(A) and (C), 572(A), and 574(A)(3), (D)(1), (E), and (F), are hereby amended and reenacted to read as follows:

§566. Provisional voting for federal office; polling place and early voting

A. In an election for federal office, when an applicant’s name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by absentee registration and affidavit as provided in R.S. 18:562, the commissioner asserts that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office.

C. In an election for federal office during the period of early voting, when an applicant’s name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the registrar or deputy registrar asserts that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant shall be permitted to cast an early voting provisional ballot for candidates for federal office.

§572. Transmission of election returns; provisional ballots and envelopes

(a) Mail to the secretary of state the following: the envelope marked “Secretary of State’s Envelope”.

(b) Upon returning to the registrar’s office, the registrar shall unlock the metal box container containing the absentee ballots, remove them from the metal box container, and otherwise follow the procedures for the posting of the name, ward, and precinct of the voter, and other procedures as required by R.S. 18:1311 and other applicable provisions of the Election Code relating to absentee by mail and early voting ballots.

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

B. In addition to any other duties vested in him by law, the parish custodian shall:

(1) Ensure the proper functioning of the voting machines.

(2) Be responsible for the trucking and delivery of the machines to the polling places. Where necessary, he shall provide guards for the machines in transit and at the polling places, and for this purpose, he may use local law enforcement officers. Upon the request of the parish custodian, the chief administrative officer of the police force shall furnish law enforcement officers for this purpose, and his failure to do so shall be punishable as provided in R.S. 18:1461.3.

§1355. Construction and equipment of machines; requirements

A. Each voting machine used in an election shall be so constructed and equipped as to:

(1) Be capable of being operated by the voter power.

(2) Be capable of being reset, altered, or used except by operating the machine.

(3) Contain one or more automatic locks which, upon exposure of the vote count at any time before the polls are opened on election day, will automatically lock the machine against further operation.

(12) Contain a gong or other sound creating device which will audibly indicate that a voter has left the machine after casting his vote.

(13) Contain, for elections for president and vice president, those devices needed in order to comply with R.S. 18:1259.

(14) Have a lighting device which provides sufficient light to enable voters to read the ballot and to enable the election commissioners to examine the counters or tabulators.

(15) Be provided with a screen, hood, or curtain which is so made and can be so adjusted as to protect the privacy of the voter while voting.

(16) Be capable of being operated by battery power.

(17) Be incapable of being reset, altered, or used except by operating the machine.

(18) Be capable of being reset, altered, or used except by operating the machine.

(19) Be capable of being reset, altered, or used except by operating the machine.

(20) Be capable of being reset, altered, or used except by operating the machine.
no action has been timely filed contesting the election to the office of a state candidate, the secretary of state shall promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the boards of election from the parish to the parish where the election was held by the parish boards of election supervisors. In a parish containing a municipality with a population of three thousand or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors. On or before the fourteenth day after the primary or general election, if no action has been timely filed contesting the election to the office of a candidate other than a state candidate, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capitol is located a notice containing the results of the elections for candidates other than state candidates. The clerk of court shall post this notice in a prominent place in his office. The number on the primary or general election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state does not promulgate said returns prior to the fourteenth day after the primary or general election, the commissioners shall promulgate the returns on the next day which is not a Saturday, Sunday, or other legal holiday.

Computation of all time intervals in this Section shall include Saturdays, Sundays, and other legal holidays. However, if the final day in a time interval falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day of the time interval. If one or more of the duties in this Section required to be performed on the fifth, sixth, seventh, or fourteenth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

Section 3. R.S. 18:463(A)(2)(a)(ii), 495(A) and (E), 533(D), 553, 562(B), 563(C) and (D)(1), 573(A)(1) through (10), 573(A)(2) and (3), (B), (C), and (D)(1), and (3), and 574(B) are hereby amended and reenacted and R.S. 18:571(A)(11) and 573(E)(4) are hereby enacted to read as follows:

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties

A. * * *

(2)(a) * * *

(iii) That he is not currently under an order of imprisonment for conviction of a felony and that he has not voted absentee or candidate for election of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana.

§495. Initiation of action by district attorney; attorney general; court costs and attorney fees

A. If after investigation the district attorney has reason to believe that a convicted felon who is qualified to vote has voted absentee or candidate for election of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana R.S. 18:451 has filed a notice of candidacy, the district attorney shall immediately bring an action objecting to the candidacy of such person. However, if the district attorney has a conflict or is otherwise unable to bring the action objecting to the candidacy of such person, he shall request the attorney general to bring such action.

E. The court shall assess all court costs, including any applicable attorney fees, incurred in the institution of the action required by this Section against the subject of the action if such person qualified for office in violation of Article I, Section 10 of the Constitution of Louisiana R.S. 18:451.

§533. Establishment and location of polling places; responsibility for acts or omissions

D. Payment for use of private property. When it is necessary to pay for the use of private property as a polling place, the payment shall not exceed one hundred fifty dollars for each election unless written approval is received from the secretary of state or his designee.

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

A. Delivery of the key envelope. The parish custodian of voting machines shall seal the keys, if applicable, to the voting machines at each polling place in an envelope on which shall be written the ward and precinct number of the polling place, the location of the polling place, and the numbers of the seal and protective counter of each voting machine at the polling place, and the number of the seal for each precinct register. The parish custodian shall deliver the sealed key envelope to the deputy parish custodian appointed for the polling place, and the deputy parish custodian shall deliver the sealed key envelope to the commission-in-charge at the polling place not later than thirty minutes prior to the time for opening the polls.

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place at least thirty minutes before the time for opening the polls on election day.

* As it appears in the enrolled bill

(2)(a) After the voting machines are set up and powered on and the polls are opened, the commissioners shall compare the public and protective counter numbers on the key envelope with the public and protective counter numbers on the machines.

(b)(i) The commissioners shall cause each machine to produce a zero proof sheet. Determine, determine, determine the zero proof sheet that each counter on that machine is set at zero, sign, and certify to the correctness of each zero proof sheet. Immediately, and immediately post each zero proof sheet with the polling place name and jurisdiction of the polling place in the voting machine.

(ii) If any zero proof sheet is illegible or damaged, the commissioners shall immediately notify the parish custodian who shall take action necessary to make the machine operative.

(iii) If any zero proof sheet indicates that any candidate or question counter does not register zero, the commissioners shall immediately notify the parish custodian, who shall immediately correct the machines.

The commissioners shall make a statement of the letter and number designation on each counter and the number of votes received in the cross columns and presidential column, and shall sign and certify to the correctness of each cross column. The commissioners shall compare the zero proof sheets, and irregularity by completing in triplicate a notation of irregularities form to preserve the statement as part of the election returns.

(3) Check The commissioners shall check the ballot on the face of each voting machine against the sample ballot supplied by the custodian of voting machines to make certain it is correct. If the ballot is not correct, the commissioners shall notify the parish custodian, and the parish custodian shall not use the ballot until the ballot has been corrected under supervision of the parish custodian or his representatives.

(4) The commissioners shall set up the audio unit for use of the audio ballot by voters during the election.

(5) Post The commissioners shall post the instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place, where they shall remain posted throughout the absence of the voting.

(6) (a) The commissioners shall leave the voting machines locked against voting until the polls are formally opened, and thereafter they shall be operated only by the commissioners to allow voters to cast their votes.

(b) (a) Complete When the polls are opened, the commissioners shall complete in triplicate Certificate No. 1 of the composite certificate designated “Machine Certificates”, which shall be prepared and furnished by the secretary of state. This certificate shall state:

(a) The exact time when the keys to the voting machines were delivered.

(b) The serial number on each voting machine.

(c) The number of the seal on each voting machine or cartridge, if applicable.

(d) The number of the seal on each precinct register.

(e) The number shown on the public and protective counter on each voting machine.

(f) If that the public counter on each machine numbered zero and whether any visible damage was seen on any voting machine prior to the start of the campaign.

(g) That the voting machines are unlocked for voting. After closing and locking the back of the voting machine, the commissioners shall place the keys to the voting machines in the envelope provided for that purpose. The commissioners, in the presence of the watchers, shall seal and sign the envelope containing the voting machine keys, and the sealed envelope shall be kept with the other election materials until the election.

(h) The keys to the voting machines shall not be used during the election except by mechanics or experts repairing or adjusting a voting machine under the supervision and control of the parish custodian.

(3) The parish custodian of voting machines shall be responsible for delivering to the precinct a supplement to the official list of voters, if necessary.

(4) Upon receipt of any supplement to the official list of voters, the commissioners shall add the supplement to the precinct register behind the “supplemental absentee precinct register” tab.

§562. Prerequisites to voting

B. Review of precinct register then determine

(1) If the applicant’s name is found in the precinct register on the official list of voters or the supplemental list of voters and he has not voted absentee by mail or during early voting, one of the commissioners shall announce the applicant’s name again.

(2) If the applicant’s name is found in the inactive list of voters, the applicants shall be required to present the correct proof of address and a current driver’s license to the parish custodian.

(3) The parish custodian of voting machines shall be responsible for delivering to the precinct a supplement to the official list of voters, if necessary.

(4) Upon receipt of any supplement to the official list of voters, the commissioners shall add the supplement to the precinct register behind the “supplemental absentee precinct register” tab.

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print the voter’s name in the precinct register behind the precinct register correction affidavit tab.  
(c) Preserve the applicant’s original affidavit as part of the election records by placing it in the envelope marked “Put in Voting Machine” and place the duplicate affidavit in the envelope marked “Registrar of Voters” and attach the envelope to the precinct register after the termination of voting.  
(d) If the name of a qualified voter was incorrectly printed on the precinct register, the commissioner shall:

- Allow the applicant to complete a voter registration application to update his voter registration record.  
- Preserve the voter registration application as part of the election records by placing it in the envelope marked “Registrar of Voters” and attach the envelope to the precinct register after the termination of voting.  

§563.  Procedure for voting  

C.(1) A voter shall not remain in a voting machine longer than three minutes. If a voter fails to leave a voting machine promptly after a commissioner has notified him that three minutes have elapsed, the commissioners shall have order the voter removed from to complete voting and leave the voting machine.  

(2) If a voter fails to leave a voting machine promptly after a commissioner has notified him that twenty minutes have elapsed, the commissioners shall have order the voter removed from to complete voting.  

D.(1)(a) In order to cast a vote on a voting machine, a voter shall make at least one selection in a candidate or proposition election. Voting is completed by activating the cast vote mechanism.  

- If, after reviewing a voter has made any selection in a candidate or proposition election but has failed to activate the cast vote mechanism, a commissioner observed by at least one other commissioner shall activate the cast vote mechanism for the voted voter without altering any selections made by the voter.  
- If a voter has failed to make any selection before leaving the voting machine and, therefore, a commissioner cannot activate the cast vote mechanism for the voted voter, a commissioner shall complete in triplicate the notation of irregularities form provided by the secretary of state and the voting machine.  

§571.  Procedures for commissioners after termination of voting  

A. At the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated. The commissioners in the presence of the watchers shall immediately:

- Close the polls  

(4)(a) Complete in triplicate Certificate No. 2 of the composite certificate designated “Machine Certificates”, which shall state (i) that the voting machines were secured against further voting, (ii) the exact time the voting machines were secured against further voting, (iii) the serial number on each voting machine, and (iv) the number shown on the public counter of each voting machine, which shall be the total number of voters casting votes on that machine in the election, and (v) the number shown on the protective counter of each voting machine, which shall be the total number of times the machine has been voted in its lifetime; (vi) the number of the seal placed on the precinct register by the commissioners, and (vii) whether any visible damage occurred to any voting machine during the election.  

(5) Sign the completed machine certificates.  

(6) Post the printouts from the voting machines at a conspicuous place at the polling place for public viewing.  

(7) Complete an affidavit of payroll and nondisclosure. The affidavit shall be prepared by the secretary of state and shall contain the name, address, and last four digits of the social security number of each commissioner and an acknowledgment that the law prohibits disclosure of any personal information listed in the precinct register. The affidavit shall be signed by each commissioner and placed in the bag that is delivered to the clerk of court.  

(8) Place one copy of the official election results reports, one of the duplicate poll lists, all duplicate records of challenges, all duplicate precinct register corrections, all voter identification affidavits, all physical disability affidavits, any physicians’ certificates, any copies of disability documentation, a copy of each completed notation of irregularities form, and any address confirmation cards in the envelope marked “Registrar of Voters”, seal it and attach it to the precinct register after the termination of voting, and place a new protective seal on the precinct register.  

B. By a majority vote of the members, the parish board of election supervisors may:

- Close the polls  

(10)(a) Lock the doors of the voting machines.  

(11) Place the keys to the voting machines in an envelope, which then shall be sealed and signed by all of the commissioners.  

§573.  Evidence of election results  

A. Opening the voting machines  

- On the day immediately preceding the election, the clerk of court shall prominently post in his office a notice of the time and place where the election day voting machines will be opened after the election. If no order requiring an earlier opening has been issued, then at the time and place designated in the notice, the clerk of court, assisted by at least one member of the parish board of election supervisors, in the presence of the candidates or their representatives who do not have an objection, shall open the voting machines and, if applicable, break the seals. Public and protective counter numbers shall be recorded. Verification of the election results on each machine, as provided for in Subsection B and subject to Subsection C of this Section, shall be completed before another machine is opened.  

(3) Each election day voting machine shall be relocked or otherwise secured and, if applicable, resealed by the candidates or their representatives if they have had a reasonable opportunity to inspect the machine, which shall not be less than thirty minutes after the time designated for opening the machines by the clerk of court in the notice posted in his office. The clerk of court, in the presence of a majority of the parish board of election supervisors, shall reopen any voting machine which was relocked or otherwise secured by the candidates or their representatives.  

- Each request for reinspection of voting machines shall be filed with the clerk of court. The deadline for filing a request for reinspection shall be the last working day prior to the date of the reinspection. Immediately upon receiving any request, the clerk of court shall promptly post in his office a notice of the time and place where the voting machines will be reopened and the name of the candidate requesting that the machines be reopened. The candidate requesting the reinspection shall be responsible for all reasonable costs associated with such reinspection, including technical support by the secretary of state’s technicians, which shall be payable to the clerk of court. The costs shall be estimated and paid at the time the written request for reinspection of voting machines is filed with the clerk of court and shall be paid in cash or by cashier’s check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union. The parish board of election supervisors shall be entitled to reimbursement for attending the reinspection at the rate established in R.S. 18:423(E); however, such reimbursement shall not be counted toward the six-day limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine which has been relocked or otherwise secured and, if applicable, resealed to conduct a reinspection thereof, the clerk of court shall relock or otherwise secure and, if applicable, reseal the machine after the reinspection is completed.  

B. Verification of election results. After the machines are opened, the clerk of court, in the presence of the parish board of election supervisors or the members of the board selected by the board as its representatives and the candidates or their representatives, shall immediately verify the total votes cast for each candidate or proposition election.  

- Each request for reinspection of voting machines shall be filed with the clerk of court.  

(3) Each of the parish board of election supervisors shall be entitled to reimbursement for attending the reinspection at the rate established in R.S. 18:423(E); however, such reimbursement shall not be counted toward the six-day limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine which has been relocked or otherwise secured and, if applicable, resealed to conduct a reinspection thereof, the clerk of court shall relock or otherwise secure and, if applicable, reseal the machine after the reinspection is completed.  

C. Use of employees. The clerk of court may utilize deputy clerks and other employees of his office to assist him in opening the voting machines and verifying the election results as required in Subsections A and B of this Section. Nothing in this Section shall prohibit the clerk from utilizing more than one team of his deputies or employees to perform the duties required of him. To facilitate the verification of election results, two or more voting machines may be opened simultaneously and the results then verified.  

E. Transmission and disposition of duplicate challenges, duplicate voters’ affidavits, and address confirmation cards.  

(1) At the opening of the voting machines, the sealed precinct registers, the sealed voter identification affidavits, all physical disability affidavits, any physicians’ certificates, any copies of disability documentation, a copy of each completed notation of irregularities form, and any address confirmation cards in the envelope marked “Registrar of Voters”, seal it and attach it to the precinct register after the termination of voting, and place a new protective seal on the precinct register.  

(2) Secure any original precinct register corrections and original challenges of voters that have been executed, the official election zero proof report, one copy of the official election results reports, one of the duplicate poll lists, a copy of each completed notation of irregularities form, and a copy of the machine certificates in the envelope marked “Put in Voting Machine and place in a plastic voting machine envelope and put the sealed precinct register “Secretary of State’s Envelope”.  

(3) The registrar shall scan the address confirmation card, voter identification affidavit, disability documentation, or voter registration application and add it to the voter’s record in the state voter registration computer system after processing.  

§574.  Compilation and promulgation of returns  

B. By a majority vote of the members, the parish board of election supervisors may complete in triplicate and attach to the compiled statements a notation of any irregularities form prepared by the secretary of state to document irregularities observed by the board with respect to:  

(1) The security of the place in which the voting machines are located,
(2) The security of the voting machines;
(3) The physical condition of the voting machines;
(4) The physical condition of the election materials in the voting machines;
(5) The substantive contents of the election materials in the voting machines;
(6) Any other matter affecting the verification of the vote totals by the clerk of court.

Section 4. R.S. 18:514 is hereby repealed in its entirety.

Section 5. (A) This Section and Sections 1 and 4 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, this Section and Sections 1 and 4 of this Act shall become effective on the day following such approval.

(B) Section 2 shall become effective on August 1, 2018.

(C) Section 3 shall become effective January 1, 2019. * * *

Mayor approved by the Governor, May 28, 2018. * * *

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 585

HOUSE BILL NO. 754

BY REPRESENTATIVES FOIL, ARMES, STEVE CARTER, COX, CREWS, GAINES, GISCLAIR, HAZEL, HOWARD, TERRY LANDRY, AND PIERRE AND SENATORS ALARIO, APPLE, BARROW, BISHOP, CARTEH, CHABERT, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, JOHNS, LAFLEUR, LONG, LUNEAU, MILKOVICH, MILLS, MIZEZL, MORRELL, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSOWORTH, WARD, AND WHITE

To amend and reenact R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D), relative to entrepreneurships as subcontractors.

R. Kyle Ardoin

A true copy:

ACT No. 585

HOUSE BILL NO. 754


To amend and reenact R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D), relative to entrepreneurships as subcontractors.

R. Kyle Ardoin

A true copy:

ACT No. 585

HOUSE BILL NO. 754


To amend and reenact R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D), relative to entrepreneurships as subcontractors.

R. Kyle Ardoin

A true copy:

ACT No. 585

HOUSE BILL NO. 754


To amend and reenact R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D), relative to entrepreneurships as subcontractors.

R. Kyle Ardoin

A true copy:
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 following day such approval.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 586
HOUSE BILL NO. 771
BY REPRESENTATIVE BACALA
AN ACT
To amend and reenact R.S. 11:2225.4, relative to the payment of unfunded accrued liability by participating employers in the Municipal Police Employees’ Retirement System; to provide for payment of unfunded accrued liability upon dissolution of a department or the reduction of the number of participating employees; to provide for the reinstatement of the number of participating employees; to provide for the amortization of payments; to provide for the collection of payments due; to provide definitions; 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. 11:2225.4 is hereby amended and reenacted to read as follows:

§2225.4. Unfunded accrued liability; payment by employer
A.(1) If any employer participating in the system fully dissolves its police department and contracts for police services with another entity, the employer shall remit to the system, at the time of dissolution, the actuary employed by the system for a fiscal year of the thirty first or thirty second immediately preceding the dissolution, that portion of the unfunded accrued liability existing on the June thirtieth immediately prior to the date of dissolution of the police department, attributable to such employer and calculated using the allocation percentage included in the prior fiscal year's actuary report, which must be adopted by the board of trustees of the system before the employer has run out of participating employees, at a valuation rate not to exceed the system's valuation rate, if the amount due on such valuation rate is less than seventy percent of the amount due on the system's valuation rate.

B.(1) Notwithstanding any other law to the contrary, title to property and improvements thereon acquired by a port, harbor, or terminal district shall vest in the district.

C. The provisions of Subsection B of this Section shall not apply to the Caddo Bossier Parishes Port Commission.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 587
HOUSE BILL NO. 804
BY REPRESENTATIVE THIBAULT
AN ACT
To amend and reenact R.S. 34:340.11, relative to leases and subleases of land and buildings; to provide for leasing or subleasing of land or buildings owned by ports, harbors, or terminal districts for processing, manufacturing, or commercial business purposes; to provide for a maximum term for the lease or sublease; to provide for an extension of the term upon expiration of the original term; to provide for the ratification, confirmation, and approval of a lease or sublease; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:340.11 is hereby amended and reenacted to read as follows:

§340.11. Title to property
A. Title to property shall vest in the landlord or sublandlord holding the lease or sublease.

B. (1) Notwithstanding any other provision of law to the contrary, any port, harbor, or terminal district may lease any land or buildings owned or acquired by it or sublease any land or buildings leased as lessee by it, for processing, manufacturing, or commercial business purposes.

(2) The lease or sublease may run for any term not to exceed forty years at a fixed rate. Upon expiration of a primary term of forty years, the lease or sublease may be extended for a term not to exceed ninety-nine years, provided the lease contains a clause for readjustment of the rentals upon expiration of the primary term.

(3) Any port, harbor, or terminal district may ratify, confirm, or approve any lease or sublease entered into pursuant to this Subsection, whether as lessee or lessor, provided the governing authority of the port, harbor, or terminal district authorizes the lease or sublease.

C. The provisions of Subsection B of this Section shall not apply to the Caddo Bossier Parishes Port Commission.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 588
HOUSE BILL NO. 810
BY REPRESENTATIVES CHANEY AND ANDERS
AN ACT
To enact R.S. 42:1123(18)(b), relative to ethics; to allow a physician who serves on the board of a hospital service district in certain parishes to be employed by the hospital over which the board exercises jurisdiction; to require recusals under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(18)(b) is hereby enacted to read as follows:

§1123. Exceptions
This Part shall not preclude: * * * *(18)(b) A licensed physician who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of twenty-nine thousand or less from being employed with the hospital over which the board exercises jurisdiction or from owning an interest in an entity that contracts with such hospital. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to his employment with the hospital or to any contracts entered into by him, or by a provider with which he subcontracts, or by any entity in which he owns an interest, and permitted by this Paragraph.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:995(A)(1) is hereby amended and reenacted to read as follows:

§995. Selection of type of treatment; reimbursement
A.(1) Notwithstanding any provision of any policy or contract of insurance or health benefits issued after the effective date of this Section, whenever such policy or contract provides for payment or reimbursement for any service, and such service may be legally performed by a chiropractor licensed in this state, such payment or reimbursement under such policy or contract shall not be denied the chiropractor when such service is rendered by a person so licensed. Terminology in such policy or contract deemed discriminatory against any such person or method of practice, including but not limited to the manner of payment or reimbursement under the policy, shall be null and void. The provisions of this Paragraph shall not affect any provision of the policy or contract regarding payment for services provided by a non-contracted provider.

Section 2. R.S. 37:2801(3)(a) is hereby amended and reenacted to read as follows:

§2801. Definitions
(3)(a) “Practice of chiropractic” means holding one’s self out to the public as a chiropractor and as being engaged in the business of, or the actual engagement in, the diagnosing of conditions associated with the functional integrity of the spine and treating by adjustment, manipulation, and the use of the physical and other properties of heat, light, water, electricity, sound, massage, therapeutic exercise, mobilization, mechanical devices such as mechanical traction and mechanical massage, and other physical rehabilitation measures for the purpose of correcting interference with normal nerve transmission and expression. A chiropractor may also make recommendations relative to personal hygiene and proper nutritional practices for the rehabilitation of the patient. A chiropractor may also order such diagnostic tests as are necessary for determining conditions associated with the functional integrity of the spine.

Approved by the Governor, May 28, 2018.
R. Kyle Ardoin
Secretary of State

To amend and reenact R.S. 40:4(A)(1)(c), relative to the state sanitary code; to provide relative to retail food establishments regulated by the state health officer; to provide limitations on water system testing requirements for certain retail food establishments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4(A)(1)(c) is hereby amended and reenacted to read as follows:

§4. Sanitary Code
A. The state health officer acting through the office of public health of the Louisiana Department of Health shall prepare, promulgate, and enforce rules and regulations embodied within the state’s Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the Administrative Procedure Act, and further, in conformity with the following guidelines and directives:

(1) In order to protect the public health, the state health officer shall promulgate rules and regulations relative to retail food establishments.

(ii) The rules and regulations required by this Subparagraph shall not require a retail food establishment which serves alcoholic beverages and consists of five hundred square feet or less of usable floor area which is accessible to customers to have more than one restroom facility consisting of one water closet and one lavatory. Such limited number of restroom facilities and fixtures shall not apply to retail food establishments which contain wet bars. For the purposes of this Subsection Subparagraph, “wet bar” shall be defined as a bar within a food service establishment at which patrons may walk up to, order, and receive an alcoholic beverage directly from a bartender.

(iii) The requirements of the sanitary code found in LAC 51-XII shall not apply to a water supply that services a retail food establishment that does not meet the definition of a “public water system” as set forth in R.S. 40:5.8.

Approved by the Governor, May 28, 2018.
R. Kyle Ardoin
Secretary of State

To amend and reenact R.S. 22:361(5), (9), and (10) and 362(B) and to enact Chapter 58 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3151 through 3156, and to repeal R.S. 22:361(3), relative to motor vehicle service contracts; to move the registration of motor vehicle service contract providers from the Department of Insurance to the secretary of state; to provide for definitions; to provide for exemptions; to establish financial and registration requirements for service contract providers; to require certain disclosures to consumers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:361(5), (9), and (10) and 362(B) are hereby amended and reenacted to read as follows:

§361. Definitions
As used in this Subpart:

(5) “Reinsurer” means a person licensed under this Subpart engaged in the reinsuring of vehicle mechanical reimbursement insurance, residual value insurance, or credit disability insurance policies, or any combination of kinds of insurance.

(9) “Vehicle mechanical breakdown insurance policy” means any contract, agreement, or instrument whereby a person other than the owner, seller, or lessor of a vehicle assumes the risk of or the expense or portion thereof for the mechanical breakdown or mechanical failure of a motor vehicle and may include other customer assistance and convenience services, such as vehicle rental assistance, towing assistance, trip interruption, and roadside assistance, and shall include those agreements commonly known as vehicle service agreements or extended warranty agreements where the assumption of risk is made by an entity other than the owner, seller, or lessor of the vehicle. The term “vehicle mechanical breakdown insurance policy” shall not include a service contract covering motor vehicles offered pursuant to R.S. 51:3151 et seq.

(10) “Vehicle mechanical breakdown insurer” means any person or organization, whether domestic, foreign, or alien, issuing or attempting to issue vehicle mechanical breakdown policies or vehicle component coverage contracts as defined herein. The term “vehicle mechanical breakdown insurer” shall not include a provider of service contracts covering motor vehicles offered pursuant to R.S. 51:3151 et seq.

§362. License required of vehicle mechanical breakdown insurer

B. Each vehicle mechanical breakdown insurer may also act as a reinsurer in accordance with regulations adopted by the commissioner. All reserves for credit disability insurance shall be retained and held by the credit disability insurer. Except as otherwise provided in this Subsection, a vehicle mechanical breakdown insurer shall be allowed credit for reinsurance ceded to an assuming insurer that satisfies the requirements of this Subsection, R.S. 22:651 or

* As it appears in the enrolled bill
Section 2. Chapter 58 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3151 through 3156, is hereby enacted to read as follows:

CHAPTER 58. MOTOR VEHICLE CONTRACT PROVIDERS

§3151. Scope and purpose: exemptions

A. The provisions of this Part are the following:

1. To create a registration and assurance mechanism for motor vehicle service contract providers in this state.

2. To encourage innovation in the marketing and development of more economical and effective means of providing services under motor vehicle service contracts while placing the risk of innovation on the provider rather than on consumers.

3. To permit and encourage fair and effective competition among different systems of providing and paying for these services.

B. The following shall be exempt from this Chapter:

1. Warranties as defined in this Chapter.

2. Maintenance-only agreements as defined in this Chapter.

3. Service contracts sold or offered for sale to persons other than consumers.

4. Service contracts sold or offered for sale on a single item of property sold at the time of sale of the property or within a year of the date of sale.

5. In the single mechanical breakdown insurance policy or vehicle component coverage contract offered by a vehicle mechanical breakdown insurer in compliance with the applicable provisions of Title 22 of the Louisiana Revised Statutes of 1950.

6. Tire and wheel coverage sold by a retailer as a part of a service package in concert with the sale of one or more tires or one or more wheels in compliance with the applicable provisions of Title 22 of the Louisiana Revised Statutes of 1950.

C. The types of agreements referred to in Paragraphs (B)(1) through (4) of this Section are not insurance in this state and shall be exempt from any provision of the Louisiana Insurance Code.

§3152. Definitions

As used in this Chapter, unless the context otherwise requires, the following words and phrases shall be defined as follows:

1. “Administrator” means the person who is responsible for the administration of the motor vehicle service contract service contract plan or who is responsible for any submission required by this Chapter.

2. “Consumer” means a natural person who buys, other than for purposes of resale, any corporeal movable property, including a motor vehicle, that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes.

3(a) “Maintenance-only agreement” means a contract of limited duration that provides only for scheduled maintenance.

4. “Motor vehicle manufacturer” means a person who is any of the following:

(a) A manufacturer or producer of motor vehicles who sells motor vehicles under the manufacturer's or producer's own name or label.

(b) The wholly owned subsidiary of a person who manufactures or produces motor vehicles.

(c) A corporation which owns one hundred percent of a person who manufactures or produces motor vehicles.

(d) A manufacturer or producer of motor vehicles, but sells motor vehicles under the trade name or label of another person who manufactures or produces motor vehicles.

(e) A manufacturer or producer of motor vehicles who sells the motor vehicles under the trade name or label of another person who manufactures or produces motor vehicles.

(f) A manufacturer or producer of motor vehicles but who, pursuant to a written contract, licenses the use of its trade name or label to another person who manufactures or produces motor vehicles that sells motor vehicles under the licensor's trade name or label.

5. “Motor Vehicle Service Contract” means a contract or agreement for a separately stated consideration for any duration to perform the service, repair, replacement, or maintenance of property or indemnification for service, repair, replacement, or maintenance, for the operational or structural failure of any motor vehicle due to a defect in materials, workmanship, inherent defect, or normal wear and tear, with or without additional provisions for reimbursement, including circumstances but not limited to towing, rental, and emergency road service and road hazard protection.

6. “Motor vehicle service contract” also includes a contract or agreement for a separately stated consideration for any duration to perform any one or more of the following:

(a) The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards including, but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

(b) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent repair without affecting the existing paint finish and without replacing vehicle body panels, glass, or painting.

(c) The repair of chips or cracks in or the replacement of motor vehicle windshields as a result of damage caused by road hazards.

(d) The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen.

(e) A motor vehicle service contract is not insurance in this state or otherwise regulated under any provision of the Louisiana Insurance Code.

(f) “Person” means an individual, partnership, corporation, incorporated or unincorporated association, business trust, company, reciprocal, syndicate, or any similar entity or combination of entities acting in concert.

7. “Provider” means a person who is contractually obligated to provide the services or indemnification under a motor vehicle service contract.

8. “Provider fee” means the consideration paid for a motor vehicle service contract.

9. “Reimbursement insurance policy” means a policy of insurance issued to a provider to do either of the following:

(a) Provide reimbursement to the provider pursuant to the terms of the insured motor vehicle service contracts issued or sold by the provider.

(b) In the event of the provider's nonperformance, pay on behalf of the provider all covered contractual obligations incurred by the provider under the terms of the insured motor vehicle service contracts issued or sold by the provider.

10. “Road hazard” means a hazard that is encountered while driving a motor vehicle including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

11. “Road hazard” shall not include any damage caused by collision with another vehicle, vandalism, or other causes not usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy.

12. “Solvency” means having a current financial statement in which assets exceed liabilities as calculated in accordance with generally accepted accounting principles.

13. “Service contract holder” or “contract holder” means a person who is the purchaser or holder of a service contract and any provider thereon.

14. “Warranty” means a warranty made solely by the motor vehicle manufacturer, importer, or seller of a vehicle that is not negotiated or separated from the sale of the vehicle and is incidental to the sale of the vehicle, that guarantees indemnity for defective parts, mechanical or body damage, in labor, or in this case, remedial measures, such as repair or replacement of the vehicle, or repetition of services.

§3153. Requirements for doing business

A. Motor vehicle service contracts shall not be issued, sold, or offered for sale in this state unless the provider has done each of the following:

1. Registered with the secretary of state and remains in good standing.

2. Provided a receipt for, or other written evidence of, the purchase of the motor vehicle service contract to the contract holder.

3. Provided a copy of the motor vehicle service contract to the service contract holder within a reasonable period of time from the date of purchase.

B. Beginning February 1, 2019, each provider of a motor vehicle service contract sold in this state shall file an application for an initial registration with the secretary of state consisting of the provider's name, address, telephone number, and contact person, designating a person in this state for service of process, and a current listing of all officers, directors, and owners of ten percent or more of the business. Additionally, the provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. Each application for registration shall be accompanied by a fee of six hundred dollars. All fees shall be paid to the secretary of state.

C. Each registrant shall notify the secretary of state of any material change in the registration information within sixty days of the effective date of such change. The notice shall be accompanied by supporting documentation.

D. In order to assure the faithful performance of a provider's obligations to its contract holders and to insure its outstanding obligations, each provider shall comply with the following:

1. Maintain surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least equal to ten million dollars and maintain a ratio of net written premiums, written to surplus, as to policyholders and paid-in capital of not greater than three to one.

E. An insurer issuing a reimbursement insurance policy to a provider for any motor vehicle service contracts issued, offered for sale, or sold in this state shall join complying with all of the following:

1. Be deemed to have received the premium for the insurance upon the payment of the premium by a consumer for a service contract issued by an insured provider.

2. Provide reimbursement to, or payment on behalf of, the provider under the terms of the insured service contracts issued or sold by the provider or, in the event of the provider's nonperformance, provide or pay, on behalf of the provider, all covered contractual obligations incurred by the provider under the terms of the insured service contracts issued or sold by the provider.

3. Accept a claim arising under the contract directly from a contract holder, if the provider of the provider does not comply with any contractual obligation pursuant to the contract within sixty days of presentation of a valid claim by the contract holder.

4. Keep a record of all reimbursement service contracts issued in this state only after a notice of termination or nonrenewal is presented to the secretary of state and commissioner of insurance, at least ten days prior to the expiration of a registration, a provider shall submit a renewal application on a form prescribed by the secretary of state and a renewal fee of two hundred fifty dollars. All fees shall be paid to the secretary of state.

5. Each registrant shall notify the secretary of state of any material change in the registration information within sixty days of the effective date of such change. The notice shall be accompanied by supporting documentation.

6. Except for the registration requirements of this Section, providers, administrators, and persons marketing, selling, or offering to sell motor vehicle service contracts are exempt from any licensing requirements of this state and shall not be subject to other registration information.

H. The marketing, sale, offering for sale, issuance, making, proposing to make, and administration of motor vehicle service contracts by providers and related service contract sellers, administrators, and other persons is not insurance and shall be exempt from all licensing requirements of this state and shall not be subject to other registration information.

I. Motor vehicle manufacturers are exempt from the registration and financial responsibility requirements of this Section.

J. Nothing in this Section shall be construed to limit the right of the insurer to seek indemnification or subrogation against the provider if the insurer provides or pays, or is
obligated to provide or pay, for any covered contractual obligation incurred by the provider.

(3) Required disclosures, service contracts

A. Each motor vehicle service contract marketed, sold, offered for sale, issued, made, proposed to be made, or administered in this state shall be written, printed, or typed in clear, understandable language that is easy to read and shall disclose the requirements set forth in this Section, as applicable.

B. Every motor vehicle service contract shall contain all the following information:

(1) The name and address of the provider and shall identify any administrator if different from the provider.

(2a) Motor vehicle service contracts insured under a reimbursement insurance policy shall contain a statement in substantially the following form: “Obligations of the provider under this service contract are insured under a service contract reimbursement insurance policy.”

The motor vehicle service contract shall also state the name and address of the insurer.

(b) This paragraph shall not apply to a motor vehicle manufacturer’s service contracts on the motor vehicle manufacturer’s products.

(3) The name of the motor vehicle service contract seller and name of the service contract holder to the extent that the name of the service contract holder has been furnished to the service contract provider. The identities of parties are not required to be preprinted on the service contract and may be added to the service contract at the time of sale.

(4) The total purchase price and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale with the service contract holder.

(5) The existence of any deductible amount, if applicable.

(6) The goods and services to be provided and any limitations, exceptions, or exclusions.

(7) Any restrictions governing the transferability of the service contract, if applicable.

(8) The terms, restrictions, or conditions governing cancellation of the service contract prior to the termination or expiration date of the service contract by either the provider or the service contract holder. The provider of the service contract shall mail a written notice to the contract holder at the last known address of the contract holder within a reasonable time after the provider has canceled the service contract holder at least fifteen days prior to cancellation by the provider. Prior notice is not required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the service contract holder to the provider, or a substantial breach of duties by the service contract holder relating to the covered product or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation.

(9) The obligations and duties of the service contract holder, including but not limited to the duty to protect against any further damage and any requirement to follow an owner’s manual.

(10) A statement as to whether or not the service contract provides for or excludes coverage of injuries or preexisting conditions if applicable. Service contracts may, but are not required to, cover damage resulting from rust, corrosion, or damage caused by a noncovered part or system.

(11) If prior approval of repair work is required, the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

(12) A statement that contains all of the following provisions:

(a) The motor vehicle service contract is not insurance.

(b) The motor vehicle service contract is not regulated by the Department of Insurance.

(c) Any concerns or complaints regarding the motor vehicle service contract may be directed to the attorney general.

3155. Consumer’s right to cancel

A motor vehicle service contract shall require every provider to permit the service contract holder to return the motor vehicle service contract within twenty days of the date the motor vehicle service contract was mailed to the service contract holder or within ten days of delivery if the motor vehicle service contract is delivered to the service contract holder at the time of sale or within a longer time period permitted under the motor vehicle service contract. Upon return of the motor vehicle service contract to the provider within the applicable time period, if no claim has been made under the motor vehicle service contract prior to its return to the provider, the motor vehicle service contract is void and the provider shall refund to the service contract holder, credit the account of the service contract holder, with the full purchase price of the motor vehicle service contract. The right to void the motor vehicle service contract provided is not transferable and shall apply only to the original service contract holder and only if no claim has been made prior to its return to the provider. A ten percent penalty per month shall be added to a refund that is not paid or credited within forty-five days after return of the motor vehicle service contract to the provider.

3156. Prohibited acts

A. A provider shall not use in its name the words “insurance”, “casualty”, “surety”, “mutual”, or any other words descriptive of the insurance, casualty, or surety business or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other provider. The word “guaranty” or similar word may be used by a provider if the provider shall include a written statement that is not an insurance contract in substantially the following form: “This agreement is not an insurance contract.”

B. A provider or its representative shall not in its motor vehicle service contracts or literature make, permit, or cause to be made any false or misleading statement, or otherwise omit any material statement that would be considered misleading if omitted.

Section 3. R.S. 22:361(3) is hereby repealed in its entirety.

Section 4. This Act shall become effective on January 1, 2019.

Approved by the Governor, May 28, 2018.

A. Basile

R. Kyle Ardoin

Secretary of State

THE ADVOCATE

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* As it appears in the enrolled bill

CODING: Words in *bold type* are additions from existing law; words under *scored* (House Bills) and underlined and *boldfaced* (Senate Bills) are additions.
their successors are elected and qualified.  
F. The committee shall meet at least semiannually and shall hold additional meetings at the call of the chair or at such times as may be determined by the board.  
G. Advisory committee members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.  
H. The advisory committee shall have all of the following duties: 
(1) To draft rules for promulgation by the board as are necessary to regulate the practice of genetic counseling.  
(2) To draft policy for consideration by the board.  
(3) To advise the board on budgetary matters with respect to genetic counselor licensing.  
(4) To receive, review, and recommend to the board the approval or disapproval of applications referred by the board for license issuance, renewal, and reinstatement.  
(5) To retain records of its actions and proceedings in accordance with the Public Records Law, R.S. 44:1 et seq.  
§360.103. Collaborative practice agreement: requirements  
A. Each genetic counselor licensed in accordance with the provisions of this Part shall enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.  
B. The collaborative practice agreement shall be established as a formal written document that memorializes the relationship between the genetic counselor and the physician and establishes the criteria governing the genetic counselor’s performance of each of the following functions: 
(1) Ordering genetic tests or other tests for the purpose of diagnosing a medical condition or inherited disorder or determining the carrier status of one or more family members of the patient.  
(2) Selecting the most appropriate, accurate, and cost-effective methods of diagnosis.  
(3) Establishing the role of the genetic counselor.  
B. The board shall adopt rules in accordance with the Administrative Procedure Act that are consistent with the provisions of this Part, provide for enforcement of this Part, and regulate the conduct of the practice of genetic counseling.  
A. The board shall be responsible for enforcement of the provisions of this Part.  
B. The board shall adopt rules in accordance with the Administrative Procedure Act that are consistent with the provisions of this Part, provide for enforcement of this Part, and regulate the conduct of the practice of genetic counseling.  
§360.104. Genetic counselor; requirements for licensure  
A. To qualify for licensure as a genetic counselor, an applicant shall do all of the following: 
(1) Submit an application for a license on a form developed by the board.  
(2) Pay the license fee required by the board.  
(3) Provide written evidence that he has earned at least one of the following degrees: 
   (a) A master’s degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling.  
   (b) A doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics and Genomics.  
(4) Meet the examination requirement for certification as either of the following: 
   (a) A genetic counselor certified by the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics, or the successor of these entities.  
   (b) A medical geneticist certified by the American Board of Medical Genetics and Genomics or its successor.  
B. (1) The board may issue a temporary license to an applicant who meets all of the following conditions: 
   (a) He meets all requirements for licensure pursuant to this Part except the examination for certification.  
   (b) He has an active candidate status for the certification.  
   (2) All of the following requirements and authorizations shall apply to an individual who is issued a temporary license pursuant to this Subsection: 
   (a) He shall apply for and take the next available examination for certification.  
   (b) He may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician who is licensed pursuant to Part I of this Chapter, and only in accordance with a genetic supervision contract.  
C. A temporary license issued pursuant to this Section expires upon the earliest of the following dates: 
   (a) The date on which the individual meets the applicable requirements of this Part and is issued a license.  
   (b) The date that is thirty days after the individual fails the examination for certification provided for in Subsection A of this Section.  
   (c) The date printed on the temporary license.  
D. A person who has been issued a temporary license pursuant to this Subsection shall inform the board of the results of the license examination for certification provided for in Subsection A of this Section.  
E. The board may issue a license to an individual who meets all of the following qualifications and authorizations: 
   (1) He is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in this Part.  
   (2) His license is in good standing in the other state or territory in which he is licensed.  
   (3) He has passed the examination required by the board.  
   (4) He pays an application fee required by the board.  
§360.106. Exceptions to licensure requirement  
A. The following persons are not required to be licensed in accordance with this Part: 
(1) A physician who is license pursuant to Part I of this Chapter.  
(2) A medical geneticist certified by the American Board of Medical Genetics and Genomics.  
B. No physician shall use the title “genetic counselor” or any other title that indicates that he is a genetic counselor unless he is licensed in accordance with this Part.  
C. A student or an intern from an accredited school who is participating in a supervised genetic counseling training program.  
D. An individual from another state who is certified by the American Board of Medical Genetics and Genomics or the American Board of Genetic Counseling when providing a true consultation as defined by rules of the board.  
§360.107. Expiration of license; renewal; fee, expired license  
A. A license issued by the board shall be subject to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the board.  
B. To renew a license, a genetic counselor shall pay a renewal fee required by the board no later than the expiration date of the license, and meet all other requirements for renewal provided in this Part.  
C. If an individual fails to pay a renewal fee on or before the expiration date of a license, the license shall become invalid without further action by the board.  
D. (1) To renew a license issued in accordance with this Part, an applicant shall satisfy at least one of the following continuing education requirements: 
   (a) Completing at least twenty-five contact hours that have been approved by the National Society of Genetic Counselors.  
   (b) Successful completion of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics and Genomics.  
(2) The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions: 
   (1) Service in the armed forces of the United States during a substantial part of the renewal period.  
   (2) An incapacitating illness or injury.  
   (3) Other circumstances as determined by the board.  
§360.108. Improper and unprofessional conduct  
A. The board may, after a hearing conducted pursuant to the Administrative Procedure Act or after a hearing conducted by a person licensed by the American Board of Medical Genetics and Genomics or its successor, order the taking of any of the following actions: 
   (1) He has obtained or attempted to obtain a license by fraud or deception.  
   (2) He has been convicted of a felony under state or federal law or committed any other offense involving moral turpitude.  
   (3) He has been adjudged to have a mental illness or incompetent by a court of competent jurisdiction.  
   (4) He has used illicit drugs or intoxicating liquors to the extent which adversely affects his practice.  
   (5) He has engaged in unethical or unprofessional conduct including, without limitation, willful acts, negligence, or incompetence in the course of professional practice.  
   (6) He has violated any lawful order, rule, or regulation rendered or adopted by the board.  
   (7) He has been refused issuance of a license or been disciplined in connection with a license issued in another state or country, or has surrendered a license issued by another state or country when criminal or administrative charges are pending or threatened against him.  
   (8) He has refused to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into his physical or mental fitness and ability to practice as a genetic counselor with reasonable skill or safety.  
   (9) He has practiced or otherwise engaged in conduct of functions beyond the scope of genetic counseling as defined by this Part.  
B. Any license suspended, revoked, or otherwise restricted may be reinstated by the board.  
C. An individual who is issued a temporary license pursuant to this Part and is issued a license provided for in Subsection A of this Section, other than by agreement or other informal disposition, shall constitute a public record.  
§360.109. Unlawful practice; injunctive relief; penalty  
A. An individual who does not have a valid license or temporary license as a genetic counselor issued in accordance with this Part may not use the title “genetic counselor,” “licensed genetic counselor,” any word, letter, abbreviation, or insignia that indicates or implies that he has been issued a license or has met the qualifications for licensure established by this Part.  
B. (1) If the board believes that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of this Section, the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice.
(2) If the board determines that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of this Section, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

C. Any person who violates this Section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars for the first offense and two thousand dollars for each subsequent offense. In addition to any other penalty imposed for a violation of this Section, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates this Section from practicing genetic counseling.

§1360.110. Protected actions and communication
A. There shall be no liability on the part of and no action for damages against any member of the board, or any agent or employee of the board, in any civil action for any act performed in good faith in the execution of his duties in accordance with this Part.
B. No person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to any law of this state or any political subdivision thereof for providing information to the board without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

§1360.111. Rulemaking
The board shall promulgate all rules in accordance with the Administrative Procedure Act as are necessary for the regulation of the profession of genetic counseling in accordance with the provisions of this Part.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 594

HOUSE BILL NO. 844
BY REPRESENTATIVE GAROFALO

AN ACT
To amend and reenact R.S. 42:1441(A) and to enact R.S. 42:1441(E), relative to limitation of liability of the clerks of court and their employees; to provide for indemnification; to provide for legislative appropriation and review to require reporting of certain information; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1441(A) is hereby amended and reenacted and R.S. 42:1441(E) is hereby enacted to read as follows:

§1441. Limitation on the liability of the state of Louisiana; indemnification
A. The state of Louisiana shall not be liable for any damage caused by a district attorney, except as provided in Subsection D of this Section, a coroner, assessor, sheriff, clerk of court, except as provided for in Subsection E of this Section, or public officer of a political subdivision within the course and scope of his official duties, or damage caused by an employee of a district attorney, except as provided for in Subsection D of this Section, a coroner, assessor, sheriff, clerk of court, except as provided in Subsection E of this Section, or public officer of a political subdivision.

B.(1) If the board determines that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of this Section, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

C. Any person who violates this Section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars for the first offense and two thousand dollars for each subsequent offense. In addition to any other penalty imposed for a violation of this Section, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates this Section from practicing genetic counseling.

§1360.110. Protected actions and communication
A. There shall be no liability on the part of and no action for damages against any member of the board, or any agent or employee of the board, in any civil action for any act performed in good faith in the execution of his duties in accordance with this Part.
B. No person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to any law of this state or any political subdivision thereof for providing information to the board without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

§1360.111. Rulemaking
The board shall promulgate all rules in accordance with the Administrative Procedure Act as are necessary for the regulation of the profession of genetic counseling in accordance with the provisions of this Part.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 595

HOUSE BILL NO. 37
BY REPRESENTATIVES TERRY BROWN, ANDERS, BACALA, BAGLEY, BAGNERS, BERTHELOT, BILLIOT, COX, DAVIS, EDMONDS, LANCE HARRIS, HOFFMAN, JACKSON, JEFFERSON, JENKINS, MCFARLAND, PEARSON, POPE, REYNOLDS, RICHARD, AND SCHEXNAYDER and SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CORTEZ, DONAHUE, ERDEY, GATTI, HEWITT, JOHNS, LUNEAU, MILKOVICH, MILLS, PEACOCK, PERRY, PRICE, GARY SMITH, JOHN SMITH, AND WALSORTH

THE ADVOCATE
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* As it appears in the enrolled bill

AN ACT
To amend and reenact R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory paragraph), and 603(A) to add to the law R.S. 11:583(B)(3) and 3686(B)(1)(d), relative to members of the Louisiana State Employees' Retirement System permanently injured in the line of duty; to provide for retirement benefits; to provide for an effective date; 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. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory paragraph), and 617(A) are hereby amended and reenacted and R.S. 11:583(B)(3) and 3686(B)(1)(d) are hereby enacted to read as follows:

§121. Louisiana State Employees' Retirement System

B.(1) Subject to the appropriation of funds for this purpose, a member of the Louisiana State Employees' Retirement System whose first employment making him eligible for membership in one of the state systems occurred on or before December 31, 2010, who is a correction officer, probation or parole officer, or security officer of the Department of Public Safety and Corrections, and who, upon medical examination and certification as provided in this Subpart, is found to be either totally disabled or partially disabled solely as a result of injuries sustained in the performance of official duties of a hazardous nature, shall be entitled to disability benefits under the provisions of R.S. 11:461(B) regardless of the number of years of service, provided the member has been a correction officer, probation or parole officer, or a security officer of the Department of Public Safety and Corrections.

§461. Eligibility; certification
B. The board of trustees shall award disability benefits to eligible members who have been officially certified as disabled by the State Medical Disability Board. The disability benefit shall be determined as follows:

(2a) Subject to the appropriation of funds for this purpose, a correction officer, probation or parole officer, or a security officer of the Louisiana Department of Public Safety and Corrections who becomes disabled solely as a result of disabilities sustained in the official performance of official duties of a hazardous nature shall receive a maximum disability benefit of sixty percent of average compensation. The agency shall certify that the disability was sustained while the member was performing official duties while on active status and the disability must be certified by a physician on the State Medical Disability Board. Any such officer whose first employment making him eligible for membership in one of the state systems occurred on or after January 1, 2011, shall be subject to provisions of R.S. 11:617.

(2a) A corrections officer, probation or parole officer, or a security officer of the Louisiana Department of Public Safety and Corrections who becomes totally and permanently disabled solely as a result of injuries sustained while on active duty status and in the line of duty as the result of an intentional act of violence shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

§583. Disability retirement
B. The board of trustees shall award disability benefits to eligible members who have been officially certified as disabled by the State Medical Disability Board. The disability benefit shall be determined as follows:

(3) In the case of total and permanent disability of a member resulting from injuries received while on active duty status and in the line of duty as the result of an intentional act of violence, the member shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

§603. In line of service disability
A.(1) Upon approval of a member's retirement based upon a total and permanent disability resulting solely from injuries sustained in the performance of his official duties, a member shall receive a disability benefit equal to forty percent of his average compensation regardless of years of service.

(2) Upon approval of a member's retirement based upon a total and permanent disability resulting solely from injuries sustained while on active duty status and engaged in the performance of his official duties and as the result of an intentional act of violence, the member shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

(2) Upon approval of a member's retirement based upon a total and permanent disability resulting solely from injuries sustained while on active duty status and engaged in the performance of his official duties and as the result of an intentional act of violence, the member shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

§3686. Disability retirement
B. If a member would have otherwise been eligible for a disability retirement under R.S. 11:461 and the disability is not the result of an intentional act of violence, then he shall receive the greater of:

§617. Disability retirement
A.(1) Upon approval of a member’s retirement based upon a total and permanent disability resulting solely from injuries sustained in the performance of his official duties, a member shall receive a disability benefit equal to seventy-five percent of his average compensation regardless of years of service.

(2) Upon approval of a member’s retirement based upon a total and permanent disability resulting solely from injuries sustained while on active duty status and engaged in the performance of his official duties and as the result of an intentional act of violence, the member shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

§3686. Disability retirement

* * *
(d) Upon approval of a member's retirement based upon a total and permanent disability resulting solely from injuries received while on active duty status and in the line of duty and as the result of an intentional act of violence, the member shall receive a disability benefit equal to one hundred percent of his average compensation regardless of years of service.

Section 2. The provisions of this Act shall apply to any disability retiree who is receiving a benefit on the effective date of the Act, and who is otherwise eligible for benefits under the provisions of this Act except that his disability was approved prior to the effective date of this Act. In order to receive the increased benefits provided for in this Act, the retiree shall apply to the system for a determination of whether his disability is the result of an intentional act of violence. Upon approval, the retiree's benefit shall be increased beginning July 1, 2018.

Section 3. A. In compliance with Article X, Section 29(F) of the Constitution of Louisiana, the cost of this Act, if any, shall be funded with additional employer contributions from employers whose employees are members of the Wildlife Agents Plan, Public Safety Services Plan, Hazard Duty Services Plan, or Harbor Police Retirement Plan within the Louisiana State Employees' Retirement System or are eligible for benefits provided by R.S. 11:461(B).

B. This Act, each retiree whose benefit is increased pursuant to Section 2 of this Act, the board of trustees of the system shall direct the system actuary to calculate the actuarial liability created by providing the benefit increase. The employing agency shall, in accordance with the requirements of Article X, Section 29(F) of the Constitution of Louisiana, pay the system the actuarial cost so calculated within ten years. The payments may be structured by agreement of the agency and the system. In the absence of an agreement, the agency shall pay the cost determined by the actuary in one hundred twenty equal monthly installments beginning July 1, 2018.

Section 4. The Louisiana State Employees' Retirement System board of trustees shall electronically notify all members of the legislature when a disability benefit is granted pursuant to the provisions of this Act.

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, contingent upon the Act being approved prior to the effective date of this Act. In order to receive the increased benefits provided for in this Act, the retiree shall apply to the system for a determination of whether his disability is the result of an intentional act of violence. Upon approval, the retiree's benefit shall be increased beginning July 1, 2018.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 596

HOUSE BILL No. 281

BY REPRESENTATIVES TABLOT, AMEDEE, ANDEARS, BACAULA, BAGLEY, BAKHMERS, BARRAS, BERTHELOT, BILLIOT, BOULIE, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, COUSSAN, COX, DAVIS, EDMONDS, FOIL, GAROFALO, GISCALIER, GLOVER, GUINN, HALL, JIMMY HARRIS, LANCE HARRIS, HILFERTY, HODGES, HOLLIS, HORTON, HUNTER, IVEY, JACKSON, JEFFERSON, JONES, NANCY LANDRY, LYONS, MIGUEZ, GREGORY MILLER, MORENO, JAY MORRIS, JIM MORRIS, NORTON, PIERRE, PYLANT, REYNOLDS, SCHEXNAEDER, SHADOIN, SMITH, STAGNI, STOKES, THIBAUT, THOMAS, WHITE, WRIGHT, AND ZERINGUE

AN ACT

To enact Part VII of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1193.1 through 1193.11, and R.S. 40:2010.8(A)(24), relative to rights of nursing home residents; to authorize a nursing home resident or a legal representative to have a monitoring device installed in the room of the resident; to establish conditions for the installation and use of monitoring devices in nursing homes; to provide for consent relative to the installation and use of such devices; to provide limitations on the use of such devices; to require nursing homes to make certain accommodations relative to such devices; to limit liability in cases in which a monitoring device is installed without proper authorization or used improperly; to prohibit certain conduct by nursing homes; to establish penalties; to provide for administrative enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1193.1 through 1193.11, and R.S. 40:2010.8(A)(24) are hereby enacted to read as follows:

PART VII. MONITORING OF NURSING HOME CARE

§1193.1. Short title
This Part shall be known and may be cited as the "Nursing Home Virtual Visitation Act".

§1193.2. Definitions
As used in this Part, the following terms have the meaning ascribed in this Section:

(1) "Department" means the Louisiana Department of Health.

(2)(a) "Monitoring device" means a surveillance instrument that transmits and records activity and is not connected to the facility's computer network.

(b) The term "monitoring device" shall not include a camera that records still images exclusively.

(3) "Nursing home" means a nursing facility or nursing home as defined in R.S. 40:2009.3.

(4) "Ombudsman" means the administrator of the office of the state long-term care ombudsman established within the office of the governor and affairs by the provisions of R.S. 40:2010.2.

(5) "Resident" means a person who is a resident of a nursing home.

(6) "Legal representative" means a legal guardian or a legally appointed substitute decision-maker who is authorized to act on behalf of a nursing home resident.

§1193.3. Monitoring device; authorization and use
A. A resident who has the capacity to consent as determined by emergency rules promulgated by the department pursuant to this Part or his legal representative may authorize the installation and use of a monitoring device in a nursing home if all of the following conditions are met:

(1) The resident or his legal representative gives notice of the installation to the nursing home.

(2) If the monitoring device records activity visually, the recordings made by the device include a video of the resident's face during the dwell time.

(3) The resident pays for the monitoring device and all installation, operation, maintenance, and removal costs associated with the device.

(4) Each resident occupying the same room who has the capacity to consent as determined by emergency rules promulgated by the department pursuant to this Part, or that resident's legal representative, gives consent to the installation of the monitoring device.

B. If the structure of the resident's room must be altered in order to accommodate a monitoring device, then the renovation to the room may be done only by a licensed contractor, subject to approval by the facility.

C. The person or resident chosen to install and use the monitoring device provided in accordance with the provisions of this Chapter shall be in compliance with the National Fire Protection Association Life Safety regulations.

§1193.4. Monitoring device option; installation; consent of residents in shared rooms; accommodation by nursing home
A. At the time of a person's admission to a nursing home, the nursing home shall notify the person of his right to have a monitoring device installed in his room, and shall offer the person the option to have a monitoring device. The resident or his roommate may exercise the right to install or remove a monitoring device at any time during which he resides in the nursing home. The nursing home shall keep a record of the person's authorization or choice not to have a monitoring device.

B. The nursing home shall make the record provided for in Paragraph (1) of this Subsection accessible to the ombudsman.

C. If a resident who is residing in a shared room wishes to have a monitoring device installed in his room and another resident living in or moving into the same shared room refuses to consent to the use of the monitoring device, then the nursing home shall make a reasonable attempt to accommodate the resident who wishes to have the monitoring device installed. A nursing home shall be deemed to have met this accommodation requirement when, upon notification that a roommate has not consented to the use of an electronic monitoring device, the resident shall have the option either to move either resident to another shared room that is available at the time of the request.

D. If a resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device, the resident shall pay the private room rate. If a nursing home is unable to accommodate a resident due to lack of space, the nursing home shall reevaluate the request at least once every two weeks until the request is fulfilled.

E. Consent to the installation and use of a monitoring device may be given only by the resident or his legal representative.

F. Consent to the installation and use of a monitoring device shall include a release of liability for the nursing home for a violation of the resident's right to privacy insofar as the use of the monitoring device is concerned.

G. A resident or his legal representative may reverse a choice to have or not have a monitoring device installed and used at any time after notice of such reversal has been made to the nursing home, to the ombudsman, upon a form prescribed by the department.

§1193.5. Consent waiver
A. Consent to the authorization for installation and use of a monitoring device may be given only by the resident or his legal representative.

B. Consent to the installation and use of a monitoring device shall include a release of liability for the nursing home for a violation of the resident's right to privacy insofar as the use of the monitoring device is concerned.

C. A resident or his legal representative may reverse a choice to have or not have a monitoring device installed and used at any time after notice of such reversal has been made to the nursing home, to the ombudsman, upon a form prescribed by the department.

§1193.6. Authorization form; content
The form for the authorization of installation and use of a monitoring device shall provide for all of the following:

(1) Consent of the resident or his legal representative authorizing the installation and use of the monitoring device.

(2) Notice to the nursing home of the resident's installation of a monitoring device and specifies as to the type, function, and use of the device.

(3) Consent of any other resident sharing the same room, or that resident's legal representative, to the installation and use of a monitoring device.

(4) Notice of release from liability for violation of privacy through the use of the monitoring device.

§1193.7. Immunity; unauthorized use
A. In any civil action against a nursing home, material obtained through the use of a monitoring device shall not be used if the device was installed or used without the knowledge of the nursing home, or installed or used without the prescribed form.

B. Compliance with the provisions of this Part shall be a complete defense to any civil action brought against the resident, legal representative, or nursing home for the use or presence of a monitoring device.

§1193.8. Prohibited acts; civil and criminal penalties
A. It is prohibited for a resident admission or to discharge from a nursing home, or otherwise discriminate or retaliate against a person or resident, because the person or resident chooses to authorize installation and use of a monitoring device.

B. Any person who knowingly or willfully violates the provisions of Paragraph (1) of this Subsection shall be subject to appropriate action by the department as set forth in rules promulgated pursuant to this Part.

C. Except as provided in Paragraph 2 of this Subsection, no person shall intentionally hamper, obstruct, tamper with, or destroy a monitoring device or a recording made by a monitoring device installed in a nursing home.

D. The prohibition and penalties provided in this Subsection shall not apply to the resident
who owns the monitoring device or recording, or to his legal representative.

§1192.3. Public notice; signage of electronic monitoring device

1. The requirements of this Section shall apply to the use of electronic monitoring or electronic recording. A sign shall be clearly and conspicuously posted at the main entrance of the facility to alert and inform visitors. The sign shall be in a clear, large, legible type and font and contain the words “Electronic Monitoring” and shall further state in equal, clearly legible type and font: “The rooms of some residents may be equipped with electronic monitoring devices installed by or on behalf of the resident.”

2. A sign shall be clearly and conspicuously posted at the entrance of a resident’s room where the electronic monitoring device is being conducted. The sign shall be in a large, clearly legible type and font and bear the words “This room is electronically monitored.”

3. The nursing facility shall be responsible for reasonable costs of installation and maintenance of the sign required by Subsection A of this Section. The resident or his legal representative shall be responsible for installing and maintaining the sign required pursuant to Subsection B of this Section, which shall also be in accordance with the written policy of the nursing facility.

§1193.10. Reporting abuse and neglect

Any person who views an incident which a reasonable person would consider abuse or neglect after viewing a recording made in a nursing facility shall report the incident to the facility as soon as is practicable after the viewing. The facility shall be provided with a copy of the report and the facility shall, in the event of the suspected incident of abuse or neglect occurring. If the recording must be transferred to a different format to be viewed, the transfer shall be done at the expense of the facility by a qualified professional who can certify that the contents of the recording were not altered.

§1193. Administrative rulemaking

The department shall adopt all rules in accordance with the Administrative Procedure Act as are necessary for implementation of the provisions of this Part.

§2010.8. Residents’ bill of rights

1. All nursing homes shall adopt and make public a statement of the rights and responsibilities of the residents residing therein and shall treat such residents in accordance with the provisions of the statement. The statement shall assure each resident the following:

2. The right to have a monitoring device installed in his room in accordance with the Nursing Home Virtual Visitation Act, R.S. 40:1193.1 et seq.

§2010.9. Residents’ bill of rights—administration

Section 2.(A) On or before January 1, 2019, each nursing home licensed by the Louisiana Department of Health shall provide to each resident of the nursing home or, if applicable, the legal guardian or legally appointed substitute decision-maker authorized to act on behalf of the resident, a form prescribed by the department explaining the provisions of the Nursing Home Virtual Visitation Act, as enacted by Section 1 of this Act, and giving each resident or his legal representative a choice to have a monitoring device installed in the room of the resident.

(B) Each nursing home shall retain a copy of each form completed in accordance with this Section, and shall make all such forms accessible to the administrator of the office of the state long-term care ombudsman within the office of elderly affairs.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 597

HOUSE BILL NO. 436

BY REPRESENTATIVES JOHNSON AND LEBAS

2016

AN ACT

To amend and reenact R.S. 22:1060.6(B), 1863(introductory paragraph), (1), and (6), 1864(A) (introductory paragraph) and (3) and (B)(introductory paragraph), and 1865 and to enact R.S. 22:1060.6(C), 1860.3, 1863(8), 1864(A)(4), and 1866, relative to coverage of prescription drugs; to prohibit limitations on certain disclosures by pharmacists; to update terminology; to provide for reimbursements to nonaffiliated pharmacies; to require disclosures by pharmacy benefit managers; to provide for appeals relative to maximum allowable cost; to impose a fee on pharmacy benefit managers; to provide for an effective date; and to provide for related matters.

BE IT ENACTED BY THE LEGISLATURE OF LOUISIANA:

Section 1. R.S. 22:1060.6(B), 1863(introductory paragraph), (1), and (6), 1864(A) (introductory paragraph) and (3) and (B)(introductory paragraph) and 1865 are hereby amended and reenacted and R.S. 22:1060.6(C), 1860.3, 1863(8), 1864(A)(4), and 1866, are hereby enacted to read as follows:

§1060.6. Limitation; patient payment

B. The provision established in Subsection A of this Section shall become effective on January 1, 2019.

C. No pharmacy benefit manager, insurer, or other entity that administers prescription drug benefits programs in this state shall prohibit by contract a pharmacy or pharmacist from informing a patient of all relevant options when acquiring his prescription medication, including but not limited to the cost and clinical efficacy of a more affordable alternative if one is available. In the event a patient is denied coverage for a prescription and requests the drug, the pharmacy must be permitted to dispense at a reduced price. If a cash price for the same drug is less than an insurance copayment or deductible payment amount, those costs shall be reimbursed.

C. Any provision of a contract that violates the provisions of this Section shall be unenforceable and shall be deemed an unfair or deceptive act and practice pursuant to R.S. 22:1651 et seq.

§1860.3. Reimbursements

A pharmacy benefit manager or person acting on behalf of a pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this state an amount less than the amount that the pharmacy benefit manager reimburses an affiliate of the pharmacy benefit manager for providing the same services. The amount shall be calculated on a per-unit basis using the same generic product identifier or generic code number.

§1863. Definitions

As used in this Subpart, the following definitions shall apply:

1. “Maximum Allowable Cost List” means a listing of the National Drug Code used by a pharmacy benefit manager to determine the maximum allowable cost on which reimbursement is to be made.

2. “Pharmacy benefit manager” means an entity that administers or manages a pharmacy benefits plan or program.


§1864. Requirements for use of the National Drug Code by a pharmacy benefit manager

A. Before a pharmacy benefit manager places or continues a particular NDC or submits a claim for reimbursement, the pharmacy benefit manager shall make available to all pharmacies both of the following:

1. Information identifying the national drug pricing compendia or sources used to obtain the drug price data.

2. The comprehensive list of drugs subject to maximum allowable cost by plan and the actual maximum allowable cost by plan for each drug.

B. A pharmacy benefit manager shall be required to do all of the following:

1. According to the classification established in Subsection B of this Section, to provide pharmacies with information identifying the national drug pricing compendia or sources used to obtain the drug price data.

2. According to the classification established in Subsection B of this Section, the comprehensive list of drugs subject to maximum allowable cost by plan and the actual maximum allowable cost by plan for each drug.

§1865. Appeals

A. The pharmacy benefit manager shall provide a reasonable administrative appeal procedure to allow pharmacies to challenge maximum allowable costs for specific NDC or NDCs as set or being below the costs which the pharmacy may obtain the NDC. Within fifteen business days after the applicable fill date, a pharmacy may file an appeal by following the appeal process as provided for in this Subpart. The pharmacy benefit manager shall respond to a challenge within fifteen business days after receipt of the challenge.

B. If an appeal made pursuant to this Section is upheld, granted, the pharmacy benefit manager shall take all of the following actions:

1. The change in the Maximum Allowable Cost List to the initial date of service the appealed drug was dispensed is made.

2. If the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall make available to all pharmacies both of the following:

(a) Information identifying the national drug pricing compendia or sources used to obtain the drug price data.

(b) The comprehensive list of drugs subject to maximum allowable cost by plan and the actual maximum allowable cost by plan for each drug.

3. The make change effective for each similarly situated pharmacy as defined by the payor subject to the Maximum Allowable Cost List and individually notify all pharmacies in the network of that pharmacy benefit manager of both of the following:

(a) That a retrospective maximum allowable cost adjustment has been made as a result of a granted appeal effective to the initial date of service the appealed drug was dispensed.

(b) That the pharmacy may resubmit and receive payment based upon the adjusted maximum allowable cost price.

4. (a) Make retrospective price adjustments in the next payment cycle.

B. If an appeal made pursuant to this Section is denied, the pharmacy benefit manager shall provide the challenging pharmacy or pharmacist the NDC number of a drug product and source where it may be purchased for a price at or below the maximum allowable cost from national or regional wholesalers operating in Louisiana.

C. If a violation of this Subpart shall be deemed an unfair or deceptive act and practice pursuant to R.S. 22:1651 et seq.

D. For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall make available to the commissioner, upon request, information that is needed to resolve the complaint. If the commissioner is unable to obtain information from the pharmacy benefit manager that is necessary to resolve the complaint, the reimbursement amount requested in the pharmacist’s appeal shall be granted.

E. A pharmacist or pharmacy may file a complaint with the commissioner following an appeal determined to be denied by the pharmacy benefit manager.

F. A complaint shall be submitted to the commissioner, on a form and in a manner set forth by the commissioner, no later than fifteen business days from the date of the pharmacy benefit manager’s final decision.

G. The commissioner may request additional information necessary to investigate a complaint from any party.

H. If the complaint investigation determines that the pharmacy benefit manager’s final decision was not in compliance with the provisions of this Section, the appealing pharmacy shall be reimbursed the higher of the pharmacy’s actual acquisition cost of the drug or the maximum allowable cost price.

I. Information specifically designated as proprietary by the pharmacy benefit manager shall be given confidential treatment pursuant to R.S. 22:1656. The commissioner shall determine the appropriateness and validity of the designation.

J. The commissioner may impose a reasonable fee upon pharmacy benefit managers, in accordance with the Administrative Procedure Act, in addition to a license fee and annual report fee, in order to cover the costs of implementation and enforcement of this Section and R.S. 22:1641 through 1637, 1851 through 1864, and 1961 through 1995, including fees to cover the cost of all of the following:

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in *marked* type are deletions from existing law; words under *lined* type are additions from existing law. Words in **boldfaced** type are additions.
(1) Salaries and related benefits paid to the personnel of the department engaged in the investigation and enforcement.
(2) Reasonable technology costs related to the investigatory and enforcement process.
(3) Technology costs shall include the actual cost of software and hardware used in the investigation and enforcement process and the cost of training personnel in the proper use of the software or hardware.
(4) Reasonable education and training and costs incurred by the state to maintain the proficiency and competency of investigatory and enforcement personnel.
§1866. Rulemaking authority; administrative appeals
A. The commissioner may promulgate rules and regulations in accordance with the Administrative Procedure Act that are necessary or proper to carry out the provisions of this Subpart.
B. Any pharmacy benefit manager, insurer, or other entity that administers prescription drug benefit programs in the state that is aggrieved by an act of the commissioner may apply for a hearing pursuant to Chapter 12 of this Title, R.S. 22:219 et seq.

Section 2. This Act shall become effective on January 1, 2019. Approved by the Governor, May 31, 2018.
A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 598
BY REPRESENTATIVE SIMON
AN ACT
To amend and reenact R.S. 40:1646(A) through (C), 1664.9(A), (B)(introductory paragraph), (4), and (37), 1664.5, 1664.9(A), (C)(introductory paragraph), and (D) through (J), 1664.11(A)(introductory paragraph), 1664.12(introductory paragraph) and (3) and to enact R.S. 40:1646(E) and (F), 1664.3(2) through (6), 1664.9(C)(11), (K), and (L), 1664.10(9), 1664.16(C), and 1664.17, relative to life safety systems and equipment under the authority of the state fire marshal; to provide for the inclusion of conveyance devices and related regulatory provisions; to add and expand with respect to certain definitions; to provide with respect to certain license endorsements and related fees; to amend relative to a certain board; to require certifications; to provide exemptions relative to local governing authorities; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1646(A) through (C), 1664.9(A), (B)(introductory paragraph), (4), and (37), 1664.5, 1664.9(A), (C)(introductory paragraph), and (D) through (J), 1664.11(A)(introductory paragraph), (1)(a), and (D), and 1664.12(introductory paragraph) and (3) are hereby amended and reenacted and R.S. 40:1646(E) and (F), 1664.3(2) through (6), 1664.9(C)(11), (K), and (L), 1664.10(9), 1664.16(C), and 1664.17 are hereby enacted to read as follows:

§1664. Fire marshal; owners; life safety systems and equipment inspections; exceptions
A. The fire marshal 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, during installation or immediately after installation to determine compliance with applicable codes, standards, and manufacturer specifications.

B.(1) The owner of any building containing a life safety system and equipment shall cause at a minimum an annual inspection and 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.

(2a) The provisions of this Subsection shall not apply to the owner of a building with two stories occupied by a single tenant wherein employees of the tenant are regularly inside of the building. The building described in the paragraph shall not be construed to include a one- or two-family dwelling as defined in R.S. 40:1575.

(2b) The owner of a building described in this Paragraph shall cause, at a minimum, a safety test of the conveyance device in five-year intervals 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 the owner’s conveyance device.

C. Life safety systems and equipment includes but is not limited to fire sprinkler, fire alarm, fire suppression, special locking systems and equipment, and portable fire extinguishers, fire hoses and conveyance devices.

D. A licensed conveyance device mechanic shall be onsite for the final acceptance inspection by a conveyance device inspector.

E. The provisions of this Subsection apply only to inspections of conveyance devices.

F. The provisions of this Subsection apply only to inspections of conveyance devices.

G. (1) When the fire marshal finds that the owner has failed to comply with the provisions of this Subsection, the owner shall be issued an order by the fire marshal.

(2) When the fire marshal finds a conveyance device to be inoperable or not in compliance with applicable safety standards, he shall order the owner to have the conveyance device inspected and brought into compliance with applicable safety standards.

(3) Whoever fails to comply with an order issued by the fire marshal shall be issued a warning and ordered to comply with such order.

§1664.3. Definitions
As used in this Subpart, the following terms shall have the meanings specified in this Section:

(4) “Certify” means to attest to the proper functionality, inspection, installation, integration, programming, and service of life safety and property protection systems and equipment in accordance with all applicable engineered specifications, manufacturer’s manufacturer specifications, and submitted plans and procedures, and to perform the inspection, testing and maintenance chapters as set forth in the applicable NFPA codes and standards NFPA, ASME, ANSI, and ASCE codes, standards, and manufacturer specifications.

(37a) “Life safety and property protection contracting” means performing certification, inspection, installation, integration, programming, sale, or service of systems and equipment designed to protect life and property. Life safety and property protection systems and equipment includes, but is not limited to, fire alarm systems and equipment, security systems and equipment, fire sprinkler systems and equipment, fire detection and alarm systems and equipment, fire suppression systems and equipment, portable fire extinguishers, and conveyance devices.


(63) “ASCE” means the American Society of Civil Engineers.

(64) “ASE” means the American Society of Mechanical Engineers.

(65) “Conveyance” or “conveyance device means the following, except those located in one- or two-family dwellings as defined in R.S. 40:1573:

(a) Hoisting and lowering mechanisms, including elevators, platform lifts, and stairway chair lifts operated with a car or platform, which move between two or more landings.

(b) Power-driven stairs and walkways, including escalators and moving walks, for carrying persons between landings.

(c) Hoisting and lowering mechanisms, including dumbwaiters and material lifts with dumbwaiters with automatic transfer devices equipped with a car and, which serve two or more landings.

(8) Any merchant or retail store that is in the business of selling, servicing, or installing closed circuit television systems or household fire warning systems at retail to an individual end user for self-installation and which, for the purpose of printing the labels on the lock or locked motor vehicle while engaged in the performance of his official duties within the course and scope of his employment, provided in this Subpart may

(9) Any merchant or retail store that is in the business of re-coding new locks on the retail premises only or duplicating keys, except for those keys which are proprietary and those keys

(10) Any manufacturer, and his employee or representative, who acts as a consultant to a licensed contractor who is engaged in the erecting, installing, integrating, programming, selling, and servicing of life safety and property protection systems regulated by this Subpart while under the direct supervision of the licensed firm.

(11) Any gate manufacturer or merchant that is in the business of installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices. This type are deletions from existing law; words underlined are deletions from existing law; words underlined and doubled are new words. Words in italics are new words. Words in italics and underlined are new words.
exception from licensure shall also apply to the employees of the manufacturer or merchant but only as to work performed by them on behalf of the exempted employer.

(12) Any person licensed to practice as an electrical or mechanical contractor by the State Licensing Board for Contractors pursuant to R.S. 37:2156:1 and 2156:2 who installs wire, conduit, or other wire raceways, its associated boxes or fittings, or installs fire alarm initiating and notification devices or intrusion alarm systems or closed circuit television systems or special locking systems in either commercial or residential property. This exception from licensure shall also apply to the employees of the person exempted by this Subpart, but only as to work performed by them on behalf of the exempted employer. The provisions of this Subpart shall not apply to a person or entity selling, installing, servicing, or maintaining wireless security and fire systems.

(13) A mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board who only certifies, inspects, installs, and services water supply piping supplying sprinkler systems, stand pipe, and hose station systems, or fire pumps.

B. The provisions of this Subpart shall not apply to: (a) a person or entity selling, installing, servicing, or maintaining wireless security and fire systems.

(14) A mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board who only installs piping within a fixed fire suppression system.

A. The provisions of this Subpart shall not apply to a conveyance device located within a one- or two-family dwelling as defined in R.S. 40:1573.

§1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana Life Safety and Property Protection Trust Fund

A. The state fire marshal is authorized to assess and collect fees pursuant to this Subpart.

License endorsements are separated into the two general categories of Property Protection and Life Safety. The Property Protection category is subdivided into the Technical Endorsements of Locksmith, Door Hardware, and Security. The Life Safety category is subdivided into the Technical Endorsements of Fire Sprinkler System Suppression, Fire Alarm, Portable Fire Extinguishers and Hoses, Conveyance Devices, and DOT Hydrostatic Testing. Technical endorsements may further be divided into specialty endorsements. A technical endorsement holder is authorized to perform all life safety and property protection contracting authorized by the specialty endorsements within the specific technical endorsement category. Specialty endorsement holders are limited to only life safety and property protection contracting authorized by that specialty endorsement.

C. The amount of licensing fees for a person shall be as follows:

(1) Technical Endorsement - Conveyance Device

(a) Conveyance Device Inspector $100 $50

(b) Conveyance Device Mechanic $100 $50

D. The technical endorsements provided for in Paragraph (C)(1) of this Section shall be issued to a person who has received certification developed and approved in accordance with R.S. 40:1664:11(G) or (H), or one of the following as applicable:

(1) Certified Elevator Technician (CET) certification provided by the National Association of Elevator Contractors

(2) Certification provided by the National Elevator Industry Educational Program.

(3) Qualified Elevator Inspectors (QEI) certification provided by the National Association of Elevator Safety Authorities or the Qualified Elevator Inspectors Training Fund.

(2) Notwithstanding the provisions of Paragraph (1)(A) of this Subsection, a person may obtain a technical endorsement as provided for in Paragraph (C)(1) of this Section and shall not be prohibited from actively working pursuant to the issuance of the license endorsement; however, such person shall obtain the certification as required in Paragraph (1)(A) of this Subsection within one year from the date the technical endorsement was issued.

(3) All existing endorsement requirements developed and approved for persons who hold technical endorsements provided for in Paragraph (C)(1) of this Section shall be in accordance with R.S. 40:1664:11(G) or (H).

E. All licenses are valid for one year, unless a multi-year license is created, and shall be renewed within thirty days of its expiration date to remain valid. The state fire marshal may create a prorated fee system to allow employee license renewal dates to coincide with the firm license renewal date.

F. A license not renewed within thirty days of its expiration date shall be considered past due and subject to late fees. The late fee penalty shall be twenty-five dollars for a license not renewed before thirty-one to forty-five days past the expiration date and fifty dollars for a license not renewed before forty-six to sixty days past the expiration date.

G. A license shall be suspended if not renewed within sixty days of its expiration date or if the license holder has not maintained the license. The cost to reinstate a suspended license shall be the cost of the initial fees plus twenty dollars.

H. The cost for a duplicate or replacement firm or individual license is twenty dollars, regardless of how many endorsements are carried.

I. The cost to transfer an individual license from one firm to another is twenty dollars.

J. The fees established in this Section shall not be refundable except under such conditions as the state fire marshal may establish.

K.(1) The owner or his designee of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(2) The firm that installs a conveyance device shall register the conveyance device with the office of state fire marshal within thirty days of its installation.

(3) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the state fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the state fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Louisiana Life Safety and Property Protection Trust Fund.

(2) The monies in the Louisiana Life Safety and Property Protection Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart, and thereafter, for fire education or emergency response by the state fire marshal and only in the amounts appropriated each year to the state fire marshal or the board by the legislature. Any surplus monies and interest remaining at the end of the fiscal year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

§1664.10. Powers and duties of state fire marshal

The state fire marshal shall:

(1) Upon notification by a fire chief or his designee, order a special investigation of any conveyance device accident resulting in any human injury or death within this state.

(2) The state fire marshal is authorized to assess and collect fees pursuant to this Subpart.

A. The Life Safety and Property Protection Advisory Education Board is hereby created and placed within the Department of Public Safety and Corrections as further provided by R.S. 36:409(M) and 919.3. The board shall be composed of thirteen members, as follows:

(1) Twelve members shall be appointed by the governor from a list of nominees submitted to the governor by any licensed firm, the Louisiana Life Safety and Security Association, the Louisiana Fire Sprinkler Association, and or any conveyance device trade association.

D. Five members shall be elected to the board for the transaction of business. The board may take action by a majority vote of its members present and voting.

§1664.12. Prohibited acts

A. No person or firm shall not do any of the following:

(1) Certify, dismantle, inspect, install, integrate, program, sell, or service life safety and property protection systems contrary to plans submitted for review, applicable NFPA ASME ANSI or ASCE codes, standards, or manufacturer specifications without specific written authorization from the firm of the state fire marshal.

§1664.16. Effect on local regulation, effective date

C. This Subpart shall not prevent local governing authorities of any municipality or parish from enacting ordinances governing false alarm activations and responses. However, security firms and their employees and security monitoring firms and employees shall not be subject to or liable for civil penalties and fines assessed or imposed by a municipality or parish for false alarms.

§1664.17. Local governing authorities; exemption

A municipality or parish that has adopted and is enforcing a nationally recognized standard or code for conveyance devices may continue to enforce such standard or code, and in such instances, no additional inspections shall be required under the provisions of this Subpart; however, such standard or code shall contain requirements that are substantially equal to the fire marshal’s code with respect to conveyance devices.

Section 2. The registration required in R.S. 40:1664.9(K)(1) as enacted by Section 1 of this Act shall be applicable to the owner or his designee of a conveyance device installed prior to July 1, 2019.

Section 3. The registration required in R.S. 40:1664.9(K)(2) as enacted by Section 1 of this Act shall be applicable to a firm that installs a conveyance device on or after July 1, 2019.

Section 4. The inspection and certification requirements of R.S. 40:1646(B)(1) as amended and reenacted by Section 1 of this Act shall be applicable to the owner of a building containing a conveyance device if such conveyance device is effective July 1, 2024.

Section 5. R.S. 40:1646(B)(2)(b) and (F) as enacted by Section 1 of this Act shall become effective on July 1, 2024.

Section 6. R.S. 40:1664.9(D)(2) as enacted by Section 1 of this Act shall cease to be effective on January 1, 2022.

Section 7. R.S. 40:1664.5(12) and R.S. 40:1664.16(C) as enacted by Section 1 of 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, R.S. 40:1664.5(12) and R.S. 40:1664.16(C) as enacted by Section 1 of this Act and this Section shall become effective on the day following such approval.

Section 8. The remaining provisions of this Act shall become effective January 1, 2019.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT NO. 599

HOUSE BILL NO. 778

BY REPRESENTATIVES JACKSON, BAGNERIS, TERRY BROWN, STEVE CARTER, CHANEY, Cox, FALCONER, FOIL, HAZEL HOWARD, JORDAN, LYONS, MARCELLE, NORTON, SMITH, AND STAGNI AND SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 37:1263(A) through (C), 1267, and 1285.2(A) and (D) and to enact R.S. 37:1270(A)(9) and 1285.2(E) through (G), relative to regulation of the practice of security and fire system contract management by entity and or individual contractors under the supervision of a licensed or registered firm or individual licensed or registered firm or individual licensed contractor by the state fire marshal, and to provide for the membership, powers, and duties of the Louisiana State Board of Medical Examiners; to provide requirements relative to investigations of physicians by the Louisiana State Board of Medical Examiners; to establish restrictions relative to such investigations; and to provide for related matters.

THE ADVOCATE

* As it appears in the enrolled bill
Beginning July 1, 2015, the board shall report monthly on the progress of the promulgation of the required rules to the House and Senate committees on health and welfare. Prior to the board’s conducting any site visit or requesting medical records from an individual licensed by the board who is not subject to an active investigation the executive director shall request approval of the board through a duly adopted motion by two-thirds vote of the board, meeting in executive session, to conduct the site visit or make the records request. The executive director shall include in the request for Board approval the facts that the site visit or records request is warranted, the number of records to be requested, if applicable, the date, time, and anticipated length of the proposed site visit, and the dates of any previous site visits. The board shall be prohibited from disclosing the identity of any individual included in the request for approval.

Section 1. R.S. 37:1263(A) through (C), 1267, and 1285.2(A) and (D) are hereby amended and reenacted and R.S. 37:1270(A)(9) and 1285.2(E) through (G) are hereby enacted to read as follows:

§1263. Louisiana State Board of Medical Examiners; membership; qualifications; appointment; removal; terms.

A. The Louisiana State Board of Medical Examiners is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803.

B. Beginning on January 1, 2017, the board shall consist of seven ten voting members, all appointed by the governor and subject to Senate confirmation as follows:

(1) Two members from a list of names submitted by the Louisiana State Medical Society.

(2) One member from a list of names submitted by the Louisiana State University Health Sciences Center at New Orleans. At least every other member appointed from a list provided for in Paragraph (2) shall be a minority appointee. Nothing in this Paragraph shall preclude consecutive minority appointments from lists provided for in this Paragraph.

(3) One member from a list of names submitted by the Louisiana State University Health Sciences Center at Shreveport. At least every other member appointed from a list provided for in this Paragraph shall be a minority appointee. Nothing in this Paragraph shall preclude consecutive minority appointments from lists provided for in this Paragraph.

(4) One member from a list of names submitted by the Tulane Medical School.

(5) Two members from a list submitted by the Louisiana Medical Association.

(6) One member from a list submitted by the Louisiana Academy of Family Practice Physicians.

(7) One member from a list submitted by the Louisiana Hospital Association. At least every other member appointed from a list provided for in this Paragraph shall be a minority appointee. Nothing in this Paragraph shall preclude consecutive minority appointments from lists provided for in this Paragraph.

(8) One consumer member. At least every other consumer member appointed to the board shall be a minority appointee. Nothing in this Paragraph shall preclude consecutive minority appointments of consumer members.

(9) Appoint a director of investigations to act as the lead investigator for any complaint regarding a physician who is alleged to be practicing medicine in this state. The director of investigations shall be appointed by the Louisiana Board of Medical Examiners and may be removed by the board as provided by law. The director of investigations shall serve at the pleasure of the board.

C. Each physician member of the board shall, at the time of appointment, meet all of the following qualifications:

(1) He has been a resident of this state for not less than six months.

(2) He is currently licensed and in good standing to engage in the practice of medicine in this state.

(3) He is actively engaged in the practice of medicine in this state.

(4) He has had five years of experience in the practice of medicine in this state after licensure.

(5) He has not been convicted of a felony.

(6) He has not been placed on probation by the board.

§1267. Quorum.

Six members of the board constitute a quorum for all purposes including the holding of examinations, the granting of licenses and permits, rulemaking, and, except as provided in R.S. 37:1285.1, the adjudication functions of the board.

§1270. Duties and powers of the board.

A. The board shall:

(1) Have all files and records which pertain to the case against him before the board, and which are not otherwise privileged shall be disclosed to the physician whether or not requested and whether or not reduced to recorded or documentary form.

(2) Review all relevant information, documents, and records gathered in an investigation of a physician and provide a report to the board for its consideration.

(3) The number of preliminary reviews conducted in accordance with Subsection A of this Section.

(4) The number of formal investigations that the board initiated.

(5) The number of complaints that the board received.

(6) The number of formal investigations that the board initiated.

(7) The number of consent decrees that licensees of the board entered into and other disciplinary actions that the board took.

§1285.2. Investigations and adjudications; staff; complaints; board procedure; rulemaking authority.

A. (1) Any staff member of the board, except the executive director, may be appointed to act as the lead investigator for any complaint regarding a physician received by the board or any investigation resulting from a complaint initiated by the board upon its own motion in accordance with R.S. 37:1263(A). The director of investigations shall serve at the pleasure of the board and be answerable directly to the board. The director of investigations shall be prohibited from concurrently serving as the executive director of the board. Any person appointed by the board to serve as director of investigations shall be licensed to practice medicine in this state.

(2) Any report from a law enforcement agency, federal or state regulatory agency, or a health professional who is subject to the provisions of R.S. 36:803. The adjudication functions of the board.

(3) Be it enacted by the Legislature of Louisiana:

Be it enacted by the Legislature of Louisiana:

B. The advisory council shall be composed of twenty four twenty-nine members as
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1883(I) is hereby amended and reenacted to read as follows:

§1883. Compensation of marshal

I. The marshal of the City Court of Natchitoches shall be paid thirty-two thousand dollars annually by the governing authority of the city of Natchitoches. The governing authority of the parish of Natchitoches shall contribute one thousand two hundred dollars annually towards the salary of the marshal and shall remit this amount to the governing authority of the city of Natchitoches to be deposited into the general fund of the city.

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 30, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 601

SENATE BILL NO. 476
BY SENATOR LONG AND REPRESENTATIVES TERRY BROWN AND COX
AN ACT
To amend and reenact R.S. 13:1883(I), to increase the salary of the marshal of the City Court of Natchitoches; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1883(I) is hereby amended and reenacted to read as follows:

§1883. Compensation of marshal

I. The marshal of the City Court of Natchitoches shall be paid thirty-two thousand dollars annually by the governing authority of the city of Natchitoches. The governing authority of the parish of Natchitoches shall contribute one thousand two hundred dollars annually towards the salary of the marshal and shall remit this amount to the governing authority of the city of Natchitoches to be deposited into the general fund of the city.

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 30, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 602

SENATE BILL NO. 477
(Substitute of Senate Bill No. 189 by Senator LaFleur)
BY SENATOR LAFLEUR
AN ACT
To enact R.S. 37:1164(S) and 1226:4; relative to electronic prescribing of noncontrolled legend drugs; to provide for a definition of chart order; to provide for bidirectional transmission; to provide for authority to the Louisiana State Law Institute to alphabetize the definition list; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1164(S) and 1226:4 are hereby enacted to read as follows:

§1164. Definitions

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

* * * *

(59) “Chart Order” is a lawful order entered on the electronic or paper chart or medical record of an inpatient or resident of an institutional facility by a practitioner or a licensed healthcare designee for a drug or device and shall be considered a prescription drug order provided it contains the following:

(a) Full name of the patient,
(b) Date of issuance,
(c) Name, strength, and dosage form of the drug prescribed,
(d) Directions for use,
(e) Name of the prescribing practitioner,
(f) The prescribing practitioner’s written or electronic signature or the written or electronic signature of the practitioner’s licensed healthcare designee, who shall be a licensed nurse, pharmacist, or physician practicing in a long-term care facility. The licensed healthcare designee shall be authorized to document a chart order in the patient’s medical record on behalf of the prescribing practitioner providing the prescribing practitioner’s signature, or to communicate a prescription to a pharmacy whether telephonically, by facsimile transmission, or electronically.

§1226.4. Chart orders; bidirectional transmission; renewal

A. The institutional facility is the only party to the prescription drug chart order that shall be required to maintain a copy of the prescriber’s signature unless otherwise required by federal law.
B. Bidirectional transmission of chart orders between the institutional facility and the pharmacy shall be permitted when transmission occurs in a manner that complies with rules promulgated by the Centers for Medicare and Medicaid Services and other federal rules or regulations.
C. Renewal of ongoing chart orders shall be signed by the prescriber at the appropriate time interval based on facility type and federal regulation, state law, or rule. Unless otherwise indicated, chart orders shall be ongoing until such time as the practitioner discontinues the order and such discontinuation is communicated to the pharmacy.
D. The board may promulgate rules to recognize and regulate the use of chart orders that are not otherwise specifically authorized for in the medical record.

E. The chair shall be elected by the members of the council. By February 15 of each calendar year, the members of the council shall elect a new chair from among its membership.

* * * *

E. Notwithstanding any provision of law, to the contrary, any person with a developmental disability who acquired such disability prior to attaining the age of twenty-one, with one parent who is an employee, as defined in Paragraphs (A)(1) and (3) of this Section, who is covered as a dependent of such parent participating in life, health, or other benefit programs sponsored by the Office of Group Benefits, regardless of the age of the person with a developmental disability, and in particular the provisions of R.S. 22:1001, 1003, and 1003.1, the Office of Group Benefits is authorized to offer group insurance coverage to the following dependents of an enrollee:

(1) The spouse of the enrollee, as defined by the office.

(2) A child of the enrollee, until the end of the month the child attains the age of twenty-six, unless coverage is terminated earlier as provided in this Section.

(3) For purposes of this Section, “child” means:

(a) The issue of a marriage of the enrollee,
(b) A natural child of the enrollee,
(c) A legally adopted child of the enrollee or a child placed for adoption with the enrollee,
(d) The child of a male enrollee, if a court of competent jurisdiction has issued an order of filiation declaring the paternity of the enrollee for the child or the enrollee has formally acknowledged the child for use,
(e) The issue of a previous marriage or a natural or legally adopted child of the enrollee’s legal spouse, hereinafter “stepchild”, which stepchild has not been adopted by the enrollee and for whom the enrollee does not have court-ordered legal custody, until the earliest of:

(i) The end of the month the enrollee is no longer married to the stepchild’s parent,
(ii) The end of the month of the death of the enrollee’s spouse who is the stepchild’s parent,
(iii) The end of the month the stepchild attains the age of twenty-six.

(f) A grandchild in the court-ordered legal custody of and residing with the grandparent enrollee, until the end of the month the grandchild attains the age of twenty-six. For purposes of this Paragraph, “grandchild” means a child of a child of the enrollee.

THE ADVOCATE
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CODING: Words in italics are additions. Words in bold type are deletions from existing law; words underlined (House Bills) and underscored and scored (Senate Bills) are additions.
To amend and reenact R.S. 13:783(F)(7), relative to clerks of court; to provide for the payment of premium costs for retirees from certain clerk of court offices; to provide for requirements; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(7) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk's office

(1) ...

(7) In the parishes of Avoyelles, Bossier, Caddo, Calcasieu, Cameron, Franklin, Grant, Iberia, Lafourche, LaSalle, Orleans, Ouachita, Pointe Coupee, St. Martin, Terrebonne, Webster, West Feliciana, and Winn, the clerk of court 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 employee who retires from the Avoyelles Parish clerk of court’s office, Bossier Parish clerk of court’s office, the Caddo Parish clerk of court’s office, the Calcasieu Parish clerk of court’s office, the Cameron Parish clerk of court’s office, the Franklin Parish clerk of court’s office, the Grant Parish clerk of court’s office, the Iberia Parish clerk of court’s office, the Lafourche Parish clerk of court’s office, the LaSalle Parish clerk of court’s office, the Orleans Parish Civil District Court clerk of court’s office, the Orleans Parish Criminal District Court clerk of court’s office, the Ouachita Parish clerk of court’s office, the Pointe Coupee Parish clerk of court’s office, the St. Martin Parish clerk of court’s office, the Terrebonne Parish clerk of court’s office, the Webster Parish clerk of court’s office, the West Feliciana Parish clerk of court’s office, or the Winn 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 Avoyelles Parish, Bossier Parish, Caddo Parish, Calcasieu Parish, Cameron Parish, Franklin Parish, Grant Parish, Iberia Parish, Lafayette Parish, LaSalle Parish, Ouachita Parish, Pointe Coupee Parish, St. Martin Parish, Terrebonne Parish, Webster Parish, West Feliciana Parish, or Winn Parish; Orleans Parish Civil District Court, or Orleans Parish Criminal District Court, who 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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 605

SENATE BILL NO. 500
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 26:85(6) and the introductory paragraph of 359(B)(1) and (f), relative to alcoholic beverages; to provide for the direct shipment of certain alcoholic beverages to consumers; to provide for requirements for the receipt of shipments of certain alcoholic beverages; to provide for proof of age; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:85(6) and the introductory paragraph of 359(B)(1) and (f) are hereby amended and reenacted to read as follows:

§359. Distribution of alcoholic beverages through wholesalers only

(1) Notwithstanding the provisions of Subsection A of this Section, sparkling wine or still wine shall be sold and shipped directly to a consumer, not to a retailer's location that is permitted by the Office of Alcohol and Tobacco Control, in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply:

(a) The package in which such sparkling wine or still wine is shipped shall be received by a person twenty-one years of age or older. A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:90 at the time of delivery.

(b) The licensee shipping such sparkling wine or still wine shall require the person receiving the package to present proof of age as provided in R.S. 26:286 at the time of delivery.

(c) No person shall at the same time engage in business as a manufacturer or wine producer and as a wholesaler, as a manufacturer or producer and as a retailer, as a retailer and as a manufacturer or wine producer, as a wholesaler and as a retailer, or as a retailer and as a wholesaler of any regulated beverage. However,

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

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 606

SENATE BILL NO. 508
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 13:783(F)(7), relative to clerks of court; to provide for the payment of premium costs for retirees from certain clerk of court offices; to provide for requirements; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(7) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk's office

(1) ...

(7) In the parishes of Avoyelles, Bossier, Caddo, Calcasieu, Cameron, Franklin, Grant, Iberia, Lafourche, LaSalle, Orleans, Ouachita, Pointe Coupee, St. Martin, Terrebonne, Webster, West Feliciana, and Winn, the clerk of court 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 employee who retires from the Avoyelles Parish clerk of court’s office, Bossier Parish clerk of court’s office, the Caddo Parish clerk of court’s office, the Calcasieu Parish clerk of court’s office, the Cameron Parish clerk of court’s office, the Franklin Parish clerk of court’s office, the Grant Parish clerk of court’s office, the Iberia Parish clerk of court’s office, the Lafourche Parish clerk of court’s office, the LaSalle Parish clerk of court’s office, the Orleans Parish Civil District Court clerk of court’s office, the Orleans Parish Criminal District Court clerk of court’s office, the Ouachita Parish clerk of court’s office, the Pointe Coupee Parish clerk of court’s office, the St. Martin Parish clerk of court’s office, the Terrebonne Parish clerk of court’s office, the Webster Parish clerk of court’s office, the West Feliciana Parish clerk of court’s office, or the Winn 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 Avoyelles Parish, Bossier Parish, Caddo Parish, Calcasieu Parish, Cameron Parish, Franklin Parish, Grant Parish, Iberia Parish, Lafayette Parish, LaSalle Parish, Ouachita Parish, Pointe Coupee Parish, St. Martin Parish, Terrebonne Parish, Webster Parish, West Feliciana Parish, or Winn Parish; Orleans Parish Civil District Court, or Orleans Parish Criminal District Court, who 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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE
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* As it appears in the enrolled bill
To amend and reenact Code of Civil Procedure Articles 4272 and 4521, relative to placements of a minor's funds from settlements or judgments; to provide for court order and approval concerning payment into the court registry; structured agreements, investments, trusts and other actions for funds from such judgments or settlements; to provide certain terms, conditions, procedures, requirements and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 4272 and 4521 are hereby amended and reenacted to read as follows:

Art. 4272. Court approval of payments to minor
A. In approving any proposal by which money will be paid to the minor as the result of a judgment or settlement, the court may order that the money be placed in trust in accordance with the Louisiana Trust Code and the provisions of Article 4269.1.

B. In approving any proposal by which money will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services, the court shall order that the money be placed in trust in accordance with the Louisiana Trust Code and the provisions of Article 4269.1.

C(1) In approving any proposal by which money will be paid to the minor as the result of a judgment or settlement, the court may order that the money be paid under a structured settlement agreement which provides for periodic payments and is underwritten by a financially responsible entity that assumes responsibility for future payments.

(2) In determining whether a proposed payment schedule is in the best interest of the minor, the court shall consider the following factors:
(a) Age and life expectancy of the minor.
(b) Current and anticipated financial needs of the minor.
(c) Income and estate tax implications.
(d) Impact on eligibility for government benefits.

(3) Present value of proposed payment arrangement and the method by which the value is calculated.

C. Court approval of payments to a minor shall be governed by the provisions of Article 4521.

Art. 4521. Payments to minor
A. When in approving any proposal by which a minor is to be paid funds as the result of a judgment or settlement, the court may order any of the following:
(1) That the funds be paid directly into the registry of the court for the minor's account, to be withdrawn only upon approval of the court and to be invested directly in an investment approved by the court.
(2) That the funds be invested directly in an interest-bearing investment as approved by the court unless the court for good cause approves another disposition.

B. In approving any proposal by which funds will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services, the court shall order that the funds be placed in trust in accordance with the Louisiana Trust Code.

C. In determining whether a proposed periodic payment schedule is in the best interest of the minor, the court shall consider the following factors:
(1) Age and life expectancy of the minor.
(2) Current and anticipated financial needs of the minor.
(3) Income and estate tax implications.
(4) Impact on eligibility for government benefits.

D. Court approval of payments to a minor shall be governed by the provisions of Article 4521.
tourist commission. The percentages retained by the commission for attending meetings of the commission as is normally provided for meetings of legislative committees. Other members of the commission shall serve without compensation.

E. The legislature shall provide the facilities needed by the commission to accomplish its tasks and shall be provided with any necessary statutory and regulatory changes to the legislature and the Department of Agriculture and Forestry related to the study.

F. The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development shall appoint a staff coordinator to the commission.

G. The commission may hold public hearings as part of its evaluation process, and may appoint advisory groups to conduct studies, research, or analyses, and make reports and recommendations with respect to a matter within the jurisdiction of the commission. At least one member of the commission shall serve on any advisory group.

H. The names of the persons who are to serve on the commission shall be submitted to the president of the Senate and the speaker of the House of Representatives on or before August 15, 2018.

I. At a minimum, the commission shall study and make recommendations on the following:

(1) The retail price of milk and milk products in Louisiana, including an analysis of how cost markups of milk and milk products at the retail level affect the prices paid to milk processors, milk distributors, and dairy farmers.

(2) A comparison of other state programs which set minimum prices paid to milk processors, milk distributors, and dairy farmers.

(3) A comparison of other state programs which regulate or establish wholesale or retail prices of milk and milk products.


(5) An analysis of whether supply and demand forces influenced by federal and state dairy programs and new dairy farmers receive for raw milk.

J. Except as provided in R.S. 4:1110, the commission shall be authorized to request and receive such records, data, and information produced by any public entity and such entity shall respond to the request in a timely manner.

K. The commission shall submit a written report of its findings and recommendations to the president of the Senate, the speaker of the House of Representatives, the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development and the House Committee on Agriculture, Forestry, Aquaculture and Rural Development not later than sixty days prior to the beginning of the 2019 Regular Session of the Legislature of the State of Louisiana. The report shall include recommendations for any changes to laws, rules, regulations, or guidelines that the commission deems necessary in order to strengthen the dairy industry in Louisiana and protect consumers against excessive prices for milk and dairy products.

L. The commission shall terminate on or before July 30, 2019.

Approved by the Governor, May 30, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
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* As it appears in the enrolled bill