Section 3. R.S. 9:154.3 is hereby amended and reenacted to read as follows:

§154.3. Crescent City Connection amnesty program; Crescent City Amnesty Refund Fund disposition.

A. Notwithstanding the provisions of R.S. 47:7014 or any other provision of law to the contrary, the provisions of this Section shall apply to monies as collected as a result of the amnesty program provided for in R.S. 47:7014 for those persons who have been found guilty of a violation of the provisions of Title 23 of the Louisiana Revised Statutes of 1950, Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, or any unclaimed property in accordance with the provisions of this Section. 

B. Funds that are deemed abandoned funds pursuant to this Section shall be immediately transferred from the Crescent City Connection Fund by the state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. The state treasurer shall deposit these funds into the Crescent City Amnesty Refund Fund as provided in this Section, and shall provide for the return of such funds to their owners in accordance with the Uniform Unclaimed Property Act. The provisions of this Act are in addition to any other provisions of law.

C. The provisions of this Section shall supersede and control to the extent of conflict with any other provision of law. 

D. Any amount not to exceed thirty percent of the monies in the fund shall be appropriated to the Department of Transportation and Development for operational and maintenance costs for the Crescent City Connection Bridge and cable-stayed bridge.
(a) Statewide and regional degree and certificate production and research priorities based on an analysis of workforce demand at all Louisiana postsecondary education institutions and workforce demand.

(b) A prioritization of high-demand degree and certificate production based on data provided by the Department of Economic Development and the Louisiana Workforce Commission.

(4)(1) The WISE Council shall review and approve implementation plans submitted by institutions. The implementation plans shall include at least a minimum plan for expenditure of monies and outcomes expected.

(4)(2) The WISE Council shall report annually to the WISE Council on progress towards degree and certificate and research priorities in accordance with the implementation plans.

(5) The statewide workforce demand and gap analysis, including any revisions to the analysis, distribution of funds, and implementation plans shall be posted on the Board of Regents’ website.

(6) The WISE Council may create policies and procedures for its own management but shall meet no less than two times per year.

(7) The Board of Regents, on behalf of postsecondary education, shall provide annual reporting to the Senate Committee on Education, the Senate Committee on Finance, the Senate Committee on Appropriations, and the House Strategic Planning Council.

(8) The Board of Regents shall promote rules developed jointly and collaboratively by the commissioner of higher education and the system presidents for the administration of the fund. Prior to final adoption, the rules shall be approved by the WISE Council.

I. The Board of Regents shall promulgate rules developed jointly and collaboratively by the commissioner of higher education and the system presidents for the administration of the fund. Prior to final adoption, the rules shall be approved by the WISE Council.

J. The fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board. Allocations from this fund shall not be included in the state general fund as an appropriation or fiscal year fund allocations provided to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal law.

K. All actions of the WISE Council and the implementation of this Section shall be subject to the approval of the Board of Regents.

Section 6. R.S. 22:1071(D)(3)(b) and (c) and 1476(A)(2) are hereby amended and reenacted to read as follows:

§318.4. Workforce and Innovation for a Stronger Economy—Funds Strategic Planning Council

A. The “Workforce and Innovation for a Stronger Economy Fund Strategic Planning Council” (hereafter referred to in this Section as the “Fund”) is hereby created within the state treasury as a special fund for the purpose of funding degree and certificate production and research priorities in high-demand fields through programs offered by Louisiana’s postsecondary education institutions to meet the workforce demand.

B. Monies in the fund shall be invested in the same manner as monies in the state general fund, with interest earned on the investment of these monies credited to this fund with the requirement of Article VII, Section 9(B), relative to the Bond Security and Redemption Fund.

C. The monies in the Fund Strategic Planning Council Account shall be used solely by the department to supplement appropriated funds for salaries and other category expenditures within the office of juvenile justice deemed necessary by the secretary of the department, and to promote and support the collection and disbursement of monetary assessments imposed as a condition of probation and parole, including reasonable attorney fees.

Section 5. R.S. 17:3138.4 is hereby amended and reenacted to read as follows:

§3138.4. Workforce and Innovation for a Stronger Economy—Funds Strategic Planning Council

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workers’ compensation judge, of no more than two hundred fifty dollars per employee for a first offense, and liable for a civil penalty of no more than five hundred dollars per employee for a second or subsequent offense; and liable for a civil penalty of two thousand dollars per employee for a minimum level of unsecured bond. Where the amount of a bond is not more than one thousand dollars, or for not paying any ten thousand dollars for all related series of violations. All civil penalties collected shall be deposited in the Office of Workers’ Compensation Administrative Fund established in R.S. 23:1291.1(E). 

§1172. Criminal penalties
A. Any employer who willfully fails to provide security for compensation required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars per day that the employer willfully failed to provide security for compensation or imprisonment with or without hard labor, for not less than one year nor more than ten years, or fined up to two hundred fifty dollars per day that the employer willfully failed to provide security for compensation, or both. All fines collected shall be deposited in the Office of Workers’ Compensation Administrative Fund established in R.S. 23:1291.1(E). 

§1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties; civil immunity
C. Whoever violates any provision of this Section shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, or fined up to two hundred fifty dollars per day that such person's violation of any provision of this Section resulted in failure to properly provide security for compensation, or both. All fines collected shall be deposited in the Office of Workers’ Compensation Administrative Fund established in R.S. 23:1291.1(E). 

§1178. Cost containment meeting; incentive discount
D. Any eligible employer who has been given notice of a cost containment meeting, and fails to attend shall be fined an amount equaling two percent of the Louisiana workers' compensation premium for the succeeding policy year. The fine shall be payable to the executive director of the commission and shall be remitted to the state treasurer for deposit in the Office of Workers’ Compensation Administrative Fund. 

§1291.1. Annual reports; assessment; collection
C.(1) The director of the office of workers’ compensation administration shall provide by regulation for the collection of the amounts assessed against each insurer and employer. Collection of funds under the provisions of this Subsection shall be accomplished by the office of workers’ compensation administration, the amount collected to be determined by the director. Such amounts shall be paid into the Office of Workers’ Compensation Administrative Fund within thirty days from the date that notice is served upon such insurer or employer. 

E. There is hereby created and established in the state treasury a special fund agency account, which shall be designated as the “Office of Workers’ Compensation Administrative Fund Account”. The fund account shall be maintained as a separate account in the treasury for the sole purpose of funding the administrative expenses of the office of worker's compensation administration of the Louisiana Workers’ Compensation Commission as set forth in R.S. 23:1291 et seq. Funds shall be withdrawn therefrom only pursuant to legislative appropriation and shall be subject to budgetary control as provided by law. All remaining and unencumbered balances at the end of any fiscal year shall remain to the credit of the fund account and shall be used solely for the purpose stated in this Section. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for nonappropriated obligations. 

§1310.3. Initiation of claims; voluntary mediation; procedure
E. If any party fails to appear at a mediation conference ordered by the judge or requested by the parties after proper notice, the workers’ compensation judge upon request of a party may fine the delinquent party an amount not to exceed five hundred dollars, which shall be payable to the Office of Workers’ Compensation Administrative Fund Account. In addition, the workers’ compensation judge may assess against the party failing to attend costs and reasonable attorney fees incurred by and on behalf of the opposing party in connection with the conference. The penalties provided for in this Subsection shall be assessed by the workers’ compensation judge only after a contradictory hearing which shall be held prior to the hearing on the merits of the dispute.

§1310.13. Expenses of director; penalties imposed by Act; payment into special state treasury fund
All penalties imposed by the Worker's Compensation Act, except those specifically payable to claimants, or as otherwise specifically provided by law, shall be deposited into the Office of Worker’s Compensation Administrative Fund and used in those amounts appropriated by the legislature as provided for in R.S. 23:1291.1(E). 

§1514. Worker training fund; purpose; training programs; eligibility criteria; program administration
D. 

(5) The administrator may annually set aside an amount up to ten percent of the amount appropriated to the fund by the state legislature for preemployment training in any year in which the legislature appropriates funds for training equal to or exceeding those funds appropriated in the previous year to the Rapid Response Fund created by R.S. 51:2361 or to the Economic Development Fund created by R.S. 51:2351 to be used exclusively for the Louisiana FastStart Program. All preemployment training shall require an employer matching contribution of not more than fifty percent, and job placement outcomes at wage rates commensurate with training, as determined by the administrator pursuant to duly promulgated rules and regulations. 

Section 8. R.S. 24:653(N)(3) is hereby amended and reenacted to read as follows: 

653. Duties and functions

N. 

(3) No later than September 1, 2017, and every two years thereafter, the committee shall provide for the dedicated fund review subcommittee. 

Section 9. R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and (E), 2035(B)(1), 2054(B)(6), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), 2195.2A(4), 2195.4(C)(1) and (2), 2195.5, 2505(A)(1), and 2552(A), (B), and (C) are hereby amended and reenacted and R.S. 30:2015(C)(8) is hereby enacted to read as follows: 

§2004. Definitions

The following terms as used in this Subtitle, unless the context otherwise requires or unless redefined by a particular Chapter hereof, shall have the following meanings: 


§2014. Permits, licenses, registrations, variances, and fees

B. In order to provide for adequate permitting, monitoring, investigation, administration, and other activities required for the maintenance of a healthful and safe environment, an initial fee for all new permits, licenses, monitoring and maintenance fees shall be charged for all permits, licenses, registrations, or variances authorized by this Subtitle. These fees shall be determined, except as otherwise provided in this Subtitle relative to maximum amounts of fees, using a formula developed by rules to be based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required therewith, including any effects the volume of emissions or effluents may have on such activities. Any such formula or fees shall be adopted by the department by rule in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. Funds generated from these fees shall be deposited in the Environmental Trust Fund as provided in R.S. 30:2015.

D. 

(4)(a) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law, the Department of Environmental Quality may modify any fee that is in effect on June 30, 2002, is authorized by this Title, and is required to be deposited into the Environmental Trust Fund Account. Such a modification may increase the rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows: the department may increase any such fee by a maximum of twenty percent, effective on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on June 30, 2003, effective on or after July 1, 2003. Within ninety days of the promulgation and adoption of any regulation necessary to implement the fees herein, the Department of Environmental Quality shall submit a written report to the Joint Legislative Committee on the Budget for its approval which details the proposed use for the fee increase, efforts to decrease the processing time for permits, efforts to increase the number of inspections conducted at regulated facilities, enforcement activities, and efforts to increase the collection of fines imposed by the Department of Environmental Quality. 

(5) Notwithstanding any other provision of law to the contrary, the Department of Environmental Quality may increase the following fees from the amounts in effect on March 14, 2015, as authorized by this Title or any rule or regulation promulgated pursuant thereto, and is required to be deposited into the Environmental Trust Fund as follows: 

§2015. Environmental Trust Fund Account
A. In order to fulfill the constitutional mandate of Article IX of the Louisiana Constitution to protect, conserve, and replenish the natural resources of the state, the legislature hereby declares that sufficient funds shall be available to the Department of Environmental Quality to carry out its mandate in the State of Louisiana in accordance with the provisions of this Section and other sources as provided for by law. All unexpended and unencumbered monies in the account at the end of the fiscal year shall remain to the credit of the fund account and shall be used solely for the purpose stated in this Section. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for nonappropria...
year. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

The Environmental Trust Fund Account shall consist of all revenues generated from the following sources:

E. In any cases where monies from the trust account are expended, the attorney general shall institute a civil action to recover from the responsible persons all such monies expended from the trust fund account and the attorney general shall institute a civil action to recover monies expended from the trust account and the attorney general declines to institute such action or does not respond within sixty days of such request and agree to institute a civil action, an attorney from the department may, with the concurrence of the attorney general, institute a civil action to recover monies expended from the trust account. Any monies so recovered shall be paid into the trust account.

§2035. Environmental Emergency Response Training Program
B.(1) The chief of each eligible agency including any municipality or parish may apply to the department for allocation of funds from the Environmental Trust Fund Account to provide or secure the training authorized by this Section.

§2054. Air quality control; secretary of environmental quality; powers and duties
B. The secretary shall have the following powers and duties:

(8) To establish and implement a program for the control and abatement of motor vehicle emissions in accordance with R.S. 30:2060 and other applicable state and federal laws, particularly the Clean Air Act as amended, but not to exceed the requirements provided in such act unless specifically authorized. Such program shall be applicable only in parishes and municipalities as necessary to comply with the requirements of the federal Clean Air Act or regulations promulgated by the United States Environmental Protection Agency. If such program includes the periodic inspection of motor vehicles, the frequency of performing such inspections shall be established by rule of the secretary.

§2109. Nuclear power facilities; emergency planning; findings
A. The legislature finds and declares that it is necessary that the secretary of environmental quality be empowered upon a declaration of a state of disaster emergency, as provided for in Subsection C of this Section, and which is related to a source of radiation, to enter into contracts and agreements necessary to perform duties assigned under any radiological response plan and to expend funds from the Environmental Trust Fund Account for such purposes, according to the provisions of R.S. 30:2015.

C. Upon a declaration of a state of disaster emergency pursuant to and in accordance with R.S. 30:205 or R.S. 30:706 Chapter 6 of Title 29 of the Louisiana Revised Statutes of 1950 related to a source of radiation, the secretary of the Department of Environmental Quality is authorized to enter into any contracts or agreements necessary to perform any duty or function required of the secretary in any radiological response plan. The secretary is authorized to expend funds from the Environmental Trust Fund Account in the performance of such duties in accordance with the provisions of R.S. 30:2015.

§2192. Treatment, storage, and disposal facilities
B. The regulations at a minimum shall require:

(4) A surety bond in favor of the state, a certificate of public liability insurance, payments into the Environmental Trust Fund Account, other financial assurance, or any combination thereof, sufficient to assure financial responsibility for damages resulting from accidents or negligence, when corrective action is required or as specified in the permit, and to assure closure and post-closure care, said assurance to be consistent with the degree and duration of risks associated with the treatment, storage, or disposal of the type of hazardous waste handled.

§2195. Motor Fuels Underground Storage Tank Trust Fund
B. There is hereby established a special custodial trust fund in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund, hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the fees as established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2193 to enter into an agreement with a private legal entity to receive and administer the Tank Trust Fund for the purpose of providing financial responsibility for underground motor fuel storage tanks. On an annual basis, all owners of registered tanks shall remit to the department a tank registration fee of sixty dollars for each tank. The revenue from the tank registration fees shall be deposited directly into the Environmental Trust Fund Account as provided by R.S. 30:2015 and utilized for underground storage tank activities only, and any deviation from the aforesaid shall be documented and reported to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality. Revenues received from annual maintenance and monitoring fees, other than those established in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Fund Account. The department shall promulgate rules and regulations for the implementation of this Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Environmental Trust Fund Account shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to R.S. 30:2195.2(A) and (B) will be deposited into the Tank Trust Fund. The Tank Trust Fund may be used for the loan authorized by R.S. 30:2195.12(E). The secretary shall also be responsible for the collection of fees charged to non-state residents, which are used to pay service charges of matching funds for federal grants involving underground storage tanks. At the end of each fiscal year, all monies that were deposited into the Environmental Trust Fund Account from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent, including all accrued interest, shall be transferred to the Tank Trust Fund.

E. Annually, the department shall prepare a report for the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality of all expenditures from the trust fund. The report shall include all loans made from the Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for the Tank Trust Fund during the previous fiscal year, and the number of sites that have been granted “No Further Action”, and the department has received the last application for reimbursement during the previous fiscal year. Regarding monies disbursed from the Tank Trust Fund as provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, all pending reimbursements, the date the application was made for reimbursement, and the date reimbursement was made by the department. The report shall be delivered to the respective legislative committees no later than March first of each year.

§2195.2. Uses of the Tank Trust Fund
A. The department shall administer the Tank Trust Fund and shall make disbursements from the trust fund for all necessary and appropriate expenditures. Pursuant to the authorization in R.S. 30:2195, the secretary of the Department of Environmental Quality shall use the Tank Trust Fund as follows:

(4) The Environmental Trust Fund Account may be used to reimburse or pay for any costs associated with the review of applications for reimbursement from the trust fund fees associated with the collection of fees from parties who are not eligible participants, audits of the Tank Trust Fund and bulk operators, and accounting and reporting of the uses of the trust. The Environmental Trust Fund Account will also reimburse the Department of Environmental Quality for costs associated with administering the underground storage tank program in accordance with R.S. 30:2195(C) up to the amount appropriated pursuant to R.S. 30:2195(B).

§2195.4. Procedures for disbursements from the Tank Trust Fund
C.(1) For any month during which the collection of fees assessed pursuant to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty percent of the average monthly fee amount collected according to the schedule specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust Fund Account for use as provided by R.S. 30:2195.3(A) and (B) or (C). (2) If the secretary determines that the funds deposited on a monthly basis into the Environmental Trust Fund Account pursuant to R.S. 30:2195(B) are insufficient relative to the legislatively approved fiscal appropriation for the department during a given year, the secretary may order the treasurer to transfer from the Tank Trust Fund to the Environmental Trust Fund Account only that amount necessary to reach the authorized ceiling.

§2195.5. Audits
An independent audit of the Tank Trust Fund shall be conducted. Such funds as are necessary to perform the audit shall be authorized from the Tank Trust Fund. The secretary shall authorize funding from the Environmental Trust Fund Account, R.S. 30:2015, for the purpose of auditing bulk operators regarding the remittance of motor fuel delivery fees.

§2205. Hazardous Waste Site Cleanup Fund
A. (1) All sums recovered through judgments, settlements, assessments of civil or criminal penalties, funds recovered by suit or settlement from potentially responsible parties for active or abandoned site remediation or cleanup, or otherwise under this Subtitle, or other applicable law, each fiscal year for violation of this Subtitle, shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay into a special fund, which is hereby created in the state treasury, the balance in the fund shall be paid into the bond security and redemption fund. If the remaining funds are used to pay penalties, funds recovered by suit or settlement from potentially responsible parties for active or abandoned site remediation or cleanup, or otherwise, for violation of this Subtitle, as provided in R.S. 30:2025 and 2198; however, the balance in the fund shall not exceed six million dollars at any time and upon the accumulation of six million dollars in the fund, the treasurer shall pay all remaining sums provided for in this Subsection into the Environmental Trust Fund Account, R.S. 30:2015.

§2252. Brownfield Cleanup Revolving Loan Fund Program; authority
A. (1) Any political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity, except as provided in R.S. 30:2551(C) other than a responsible person, is hereby authorized to make loans from and incur debt payable to the department in accordance with the provisions of this Section. The making of a loan from the Brownfield Cleanup Revolving Loan Fund and the issuance of debt evidencing such loan by any political
subdivision, eligible nonprofit organization, or eligible private entity shall be approved by the State Bond Commission. This Section shall not be deemed to be the exclusive authority under which any subdivision, eligible nonprofit organization, or eligible private entity may borrow money from or incur indebtedness to the department. The department shall aggressively pursue leveraging of all funds to the maximum amount allowable by law.

B. All bonds, notes, or other evidence of indebtedness of any political subdivision, public trust, quasi governmental entity, eligible nonprofit or private entity issued, assumed, or incurred in connection with such obligation or any related project, including but not limited to a credit enhancement device, indenture of trust, loan agreement, pledge, or other agreement or contract executed in connection with such obligation or any related project, including but not limited to a credit enhancement device, indenture of trust, loan agreement, pledge, or other agreement or contract executed in connection with such obligation or any related project, including but not limited to a credit enhancement device, indenture of trust, loan agreement, pledge, or other agreement or contract entered into shall be accomplished for the purposes for which the evidence of indebtedness is given, in substantially the form attached to said resolution, but which final executed bond, note, or agreement of trust, loan agreement, pledge, or other agreement or contract may contain such changes, additions, and deletions as shall be in the sole opinion of the executing officer be appropriate under the circumstances. Any such resolution shall include a statement as to the maximum principal amount of any such obligation, the maximum interest rate to be incurred or borne by the issuer or other evidence of indebtedness. Any such resolution shall include a statement as to the maximum principal amount of any such obligation, the maximum interest rate to be incurred or borne by the issuer or other evidence of indebtedness.

C. Notwithstanding any other provision of law to the contrary, a political subdivision, public trust, quasi governmental organization, or any eligible nonprofit organization, shall be approved by the State Bond Commission. This Section shall not be deemed to be the exclusive authority under which any subdivision, eligible nonprofit organization, or eligible private entity may borrow money from or incur indebtedness to the department. The department shall aggressively pursue leveraging of all funds to the maximum amount allowable by law.

§52. Cancellation of unexpended portions of appropriations; exceptions

A. Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, the commissioner of administration shall cancel any unexpended portion and on the first day of the following fiscal year shall return the unexpended amount to the state general fund, and deposit any unexpended portion of the proceeds of any investments created in the fiscal year as provided in R.S. 39:100.11 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.146.

B. All economic damages proceeds from the DWH litigation in excess of the first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit Elimination Fund shall be deposited by the treasurer as follows:

(1) Forty-five percent of each such receipt of economic damages proceeds to the Budget Stabilization Fund until that fund reaches the amount statutorily mandated by R.S. 39:94.

(2) Forty-five percent of each such receipt of economic damages proceeds to the Medicaid Trust Fund for the Elderly provided for in R.S. 46:2691 until an amount not to exceed seven hundred million dollars has been deposited into such fund.

(3) Ten percent of each such receipt of economic damages proceeds to the Higher Education Financing Fund for the Louisiana's Promise Grant Program shall be deposited into the fund pursuant to the requirements of R.S. 47:6351. Monies in the fund shall be deposited in the same manner as those in the state general fund.

C. Monies in the fund account shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development. The monies in the fund account shall be allocated and disbursed by the secretary of the Department of Transportation and Development and used solely for bicycle and pedestrian safety.

§402.3. Motorcycle Safety, Awareness, and Operator Training Program; fund account

A. The Motorcycle Safety, Awareness, and Operator Training Program Fund Account, provided for in R.S. 32:412(C)(2) shall continue to fund the operator training, instructor training, and motorcycle safety and awareness programs under the operation of the Department of Public Safety and Corrections.

B. The source of monies for the fund account shall be the portion of the monies derived from fees imposed and dedicated to the fund pursuant to the provisions of R.S. 47:463.148, and grants, gifts, and donations and any other monies received by the state for the purposes of bicycle and pedestrian safety and which are appropriated to the fund account.

C. The fund account shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development.

D. The monies in the fund account shall be used solely for operator training, instructor training, and motorcycle safety and awareness programs. Any unexpended and unencumbered monies remaining to the credit of the fund account pursuant to this paragraph as a result of any legislation shall be carried forward to the next fiscal year and remain in the state general fund. The monies in the fund account shall be expended solely from year to year as appropriated by the legislature for the purposes of motorcycle safety and awareness and operator training. Any amounts earned through investment of the monies in the fund account shall revert to the state general fund.

Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

Section 11. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year; reports

A. All cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board regardless of the date of passage and state agency that will withdraw the money in accordance with the requirements of R.S. 39:1500 shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year. Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year only as such liabilities come due for payment. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being for economic damages proceeds to the Budget Stabilization Fund, retirement systems, and other funds as required by R.S. 47:463.148, may dedicate and pledge a portion of the monies in the fund to the Bond Security and Redemption Fund pursuant to this Paragraph into a special fund for the Louisiana Bond Security and Redemption Account and the Specialized Educational Institutions Account.

B. Unexpended portions of the proceeds of any investments created in accordance with the fund as provided in R.S. 30:2551 shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

C. Monies in the fund account shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development. The monies in the fund account shall be allocated and disbursed by the secretary of the Department of Transportation and Development and used solely for bicycle and pedestrian safety.

D. The monies in the fund account shall be used solely for operator training, instructor training, and motorcycle safety and awareness programs. Any unexpended and unencumbered monies remaining to the credit of the fund account pursuant to this paragraph as a result of any legislation shall be carried forward to the next fiscal year and remain in the state general fund. The monies in the fund account shall be expended solely from year to year as appropriated by the legislature for the purposes of motorcycle safety and awareness and operator training. Any amounts earned through investment of the monies in the fund account shall revert to the state general fund.

Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

THE ADVOCATE PAGE 292 CODING: Words in italics through type are deletions from existing law. Words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
*(c) Ten Million Dollars for the Louisiana State University Agricultural Center.
*(d) Five Million Dollars for the Pennington Biomedical Research Center.
*(e) Five Million Dollars for the Southern University Agricultural Research and Extension Center.

* Appropriations from the UAL Account shall be exclusively for additional payments against the unfunded accrued liability of the public retirement systems as provided in Subsection B of this Section.

Section 13. R.S. 40:1135.10 is hereby amended and reenacted to read as follows:

§1135.10. Emergency medical technician fund account
A. There is hereby established a special fund to be known as the Emergency Medical Technician Fund Account. The revenues in the Emergency Medical Technician Fund Account are hereby appropriated and reenacted to provide the following:

B. All monies collected pursuant to R.S. 47:463.47 shall be deposited in the Bond Security and Redemption Fund as required by Article VII, Section 9B of the Constitution of Louisiana.

C. The monies in the fund account shall be appropriated to the Louisiana Department of Health solely for purchasing equipment for the testing of applicants for certification as an emergency medical technician and to cover other testing-related costs. All unexpended and unencumbered monies remaining in the fund account at the close of each fiscal year shall remain in the fund account. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited and retained in the credit of the fund.

* §1301. Services to autistic persons; center of excellence for autism spectrum disorder; responsibility
A. The Louisiana Department of Health shall be responsible for providing services to autistic persons, with the exception of those delineated by Part I of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by the Department of Education or any other funds administered by the Louisiana Office of Students with Disabilities or otherwise by law to be provided by the Department of Education or the local school board. The Louisiana Department of Health shall be responsible for:

1. The establishment of a center of excellence for autism spectrum disorder within the office for citizens with developmental disabilities. This center may be operated by the office through formal agreements with the Department of Education and other appropriate public and private agencies including but not limited to Louisiana State University Health Sciences Center-New Orleans, Louisiana State University Health Sciences Center-Shreveport, and St. Mary's Residential Training School in Alexandria, or others.

D. After satisfying the requirements of Subsection B of this Section, the remaining portion of the amount determined pursuant to Subsection A of this Section shall be deposited in the Louisiana Economic Development Fund created by R.S. 51:2315 dedicated exclusively to the Louisiana FastStart Program.

§ 463.48. Special prestige license plates; emergency medical technicians

D. The department shall collect the fee for the special license plates and forward twenty-four dollars to the state treasurer for deposit into the Emergency Medical Technician Fund Account created by the provisions of R.S. 40:1226.5 40:1135.10. The remaining portion of the fee shall be retained by the department to offset administrative costs.

§463.60. Special prestige license plates; “Animal Friendly” prestige license plate; animal population control-Pet Overpopulation Fund

F. Any veterinarian licensed in this state, veterinary hospital, or organization qualified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, may apply for grants from the state general fund, on an application approved by the Pet Overpopulation Advisory Council. Grants shall be distributed solely for purposes of providing low-cost pet sterilizations by licensed veterinarians.

§463.148. Special prestige license plate; “Share the Road”

E. The monies received from the additional twenty-five-dollar fee shall be deposited into the Louisiana Bicycle and Pedestrian Safety Fund Account, R.S. 32:202, for use by the Department of Transportation and Development for the sole purpose of promoting bicycle and pedestrian safety.

* §463.167. Special prestige license plates; “Hunters for the Hungry Louisiana”

E. The annual royalty fee collected by the department shall be forwarded to the Wildlife and Fisheries Conservation Fund special account known as the “Hunters for the Hungry Escrow Account.” No more than ten percent of the fees collected from the escrow account shall be used for administrative costs. The balance shall be used solely by Hunters for the Hungry Louisiana to pay for the processing and distribution of meats, when such meats shall be used by a nonprofit entity or charitable organization in food or meal distribution at no cost to an individual pursuant to R.S. 56:644.

§6351. Rebates; contracts for certain state sales and use tax rebates

G. Disposition of collections resulting from new taxpayable sales.

The state sales tax revenues generated as a result of the activities of purchasing companies pursuant to this Section which are deposited into the state general fund shall thereafter be disbursed during each fiscal year in the following order of priority:

1. The payment of rebates to procurement processing companies by the secretary of the Department of Revenue in accordance with the provisions of a contract, which payments shall be made from current sales tax collections pursuant to Paragraph (D)(1) of this Section.

2. Retention by the department of amounts necessary to provide for the expenses of the department pursuant to the provisions of Subsection F of this Section.

The monies remaining after satisfaction of the requirements of Paragraphs (1) and (2) of this Subsection as determined by the secretary pursuant to Subsection H of this Section, the state treasurer is hereby authorized and directed to transfer the amount of thirty million dollars, or as much thereof as is available, from the state general fund to the Uncovered Accrued Liability and Specialized Educational Institutions Support Fund Specialized Educational Institutions Support Fund-UAL Account Fund an amount equal to ten percent of the remaining state sales tax revenues collected in and attributable to that fiscal year as a result of the activities of purchasing companies. The transfer shall occur no less than August tenth of each year.

§7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge; amnesty program; refunds

B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property Act, shall establish a program to refund monies collected during the amnesty period for a toll violation from any person who satisfies one of the circumstances provided in Subsection A of this Section.

D. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Natural Resources as specified in R.S. 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund Account, or any other funds administered by the Department of Environmental Quality under the Environmental Quality Act. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Transportation and Development. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from judgments, settlements, or recoveries arising from the DWI litigation, including but not limited to litigation expenses, assessment costs, court costs or attorney fees.

§308.3. Special funds and dedication of money

B. This Section shall not apply to or affect the laws which dedicate or otherwise provide for the use of the following money or the laws which provide for the following special funds in the state treasury:

(7) The Hazardous Waste Site Cleanup Fund created and maintained pursuant to R.S. 36:2205 and the Environmental Trust Fund Account created and maintained pursuant to R.S. 30:2015.

D. This Section shall not apply to the Motorcycle Safety, Awareness, and Operator Training Program Fund Account as provided in R.S. 32:412(C)(2), the Proprietary School Student Protection Fund as provided for in R.S. 17:3141.16.

§308.5. Legislative review and recommendation on special funds and dedication of money

B. (a) No later than October 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the Joint Legislative Committee on the Budget that specifies at least fifty percent of the special dedicated funds in law as of the date of the submission of the plan. The Joint Legislative Committee on the...
Section 17. R.S. 51:2315 is hereby amended and reenacted to read as follows:

§2315. Louisiana Economic Development Fund

A. There is hereby established within the state treasury a fund to be known as the “Louisiana Economic Development Fund”. All monies received by the corporation shall be deposited to the account of the Louisiana Economic Development Fund. Monies received by the corporation pursuant to R.S. 47:318(A) shall be used solely for the Louisiana FastStart Program.

B. The legislature may appropriate monies for the benefit of the programs administered by the Louisiana Economic Development Fund. The monies in such fund shall be used to accomplish the purposes of this Chapter.

C. All monies received or appropriated to such fund shall remain in the fund and shall not be returned to the state general fund at the end of any fiscal year.

D. Any monies earned on monies from such fund invested by the state treasurer shall be deposited in the Louisiana Economic Development Fund.

* * *

Section 18. R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D), and (E) are hereby amended and reenacted to read as follows:

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

* * * *  

B. (1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from such fund to all obligations, not in default, of the state of Louisiana, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

(3) Any federal monies made available to the state for enforcement of anti-poaching laws.

(4) The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund.

* * *

§70.4. Rewards; payments

A. (1) The secretary of the Department of Wildlife and Fisheries, or his designee, shall determine which informers are to be granted rewards, specify the amount of each reward, and direct the payment of the rewards from the Louisiana Help Our Wildlife Conservation Fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state treasury.

B. (1) The Joint Legislative Committee on the Budget shall review the plan and may add special funds to the plan submitted by the division of wildlife and fisheries. The Joint Legislative Committee on the Budget shall review the plan and may add special funds to the plan submitted by the division of wildlife and fisheries.

C. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

D. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

E. The Louisiana Help Our Wildlife Fund shall be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

F. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

G. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

H. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

I. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

J. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

K. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

L. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

M. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

N. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

O. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

P. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

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R. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

S. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

T. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

U. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

V. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

W. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

X. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

Y. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

Z. The Louisiana Help Our Wildlife Fund may be used solely for the purposes specified in this Subpart and only in the amounts appropriated each year by the legislature.

§728. Louisiana Alligator Advisory Council

A. The Louisiana Alligator Advisory Council is hereby created in the Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council shall be responsible for reviewing and approving recommended marketing, research, and educational programs to be funded by the Louisiana Alligator Resource Fund Account from the state general fund or sources other than alligator-related fees established pursuant to this Title. Revenues received by the state pursuant to this Paragraph shall be distributed as provided in R.S. 56:266 and 279.

* * *

§729. Louisiana Alligator Resource Fund Account

A. Recognizing that the Louisiana alligator industry is a vital aspect of Louisiana’s economic base and that in recent years worldwide markets and prices have expanded at a tremendous rate; and recognizing the rapid expansion of Louisiana alligator farming industry statewide; and recognizing the uniqueness of the state’s alligator farming industry, one state agency, the Department of Wildlife and Fisheries, has provided the impetus for inception and development of the total alligator conservation program; and recognizing the many beneficial influences that Louisiana alligators have had on Louisiana’s economy by being recognizing the need to educate the public concerning alligator hunting as a sound wildlife management practice; and recognizing the urgent need to support the alligator industry with a comprehensive research and development program; and recognizing the need to staff and fund the Department of Wildlife and Fisheries to serve this industry’s needs, the legislature of Louisiana does hereby establish the Louisiana Alligator Resource Fund Account within the Louisiana Wildlife and Fisheries Conservation Fund. The Alligator Resource Fund Account is intended to help defray the cost of alligator programs within the office of wildlife of the Department of Wildlife and Fisheries.

C. (1) Except as otherwise provided by law, all revenues received by the state from the sale of alligator licenses as provided in R.S. 56:251(A)(3), (2) from tag fees imposed on alligator hunters, alligator harvesters, and alligator farmers on the sale of alligator licenses, all revenues derived from the sale of alligator, alligator skins, or alligator eggs harvested from department-administered ...
lands, all fees derived from alligator lottery harvest programs on department-administered lands and public waters, and all revenues derived from any other alligator-related fees and from the permit system established in R.S. 56:316 shall be transmitted, deposited, appropriated, and used in accordance with the provisions for the Louisiana Alligator Resource Fund Account as provided in Subsection C of this Section.

E. At the end of each calendar year, Hunters for the Hungry shall submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report that at a minimum contains a detailed explanation of the revenues and expenditures of the escrow account, as well as a description of the organization’s activities related to the escrow account. The committee may summon any person employed by or associated with Hunters for the Hungry to provide testimony with respect to the report.

F. When the court places the defendant on supervised probation, it shall order as a condition of probation the payment of a monthly fee of eleven dollars. The monthly fee established in this Subsection shall be collected by the Department of Public Safety and Corrections and the treasurer shall classify and consider as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference, and prior to placing such funds in the state general fund, shall pay into the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

G. §494. Louisiana Shrimp Task Force

E. The task force is hereby charged with responsibility to do the following:

(1) Administer the funds in the Shrimp Marketing and Promotion Fund and the ‘Shrimp Trade Petition Account’, which fund shall be used to create new markets for shrimp and promote the sale of shrimp harvested from Louisiana waters.

F. The activities of the Task Force shall be funded through the Shrimp Marketing and Promotion Fund (R.S. 56:10(B)(1)(b)(ii)) and the ‘Shrimp Trade Petition Account’ (R.S. 56:10(B)(1)(b)(v)).

§464. Fishing and hunting license checkoff; donation for Hunters for the Hungry

B. There is hereby created within the Conservation Fund a special account known as the “Hunters for the Hungry Escrow Account”. The escrow account is created to receive deposits of donations for the benefit of Hunters for the Hungry made when an individual purchases a fishing and hunting license. Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected from the donations made under the provisions of this Section shall be paid into 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 due and payable within each fiscal year, the treasurer shall classify and consider as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference, and prior to placing such funds in the state general fund, shall pay into the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, any monies being placed in the state general fund shall be appropriated to the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

(3) The monies in the Sex Offender Registry Technology Fund Account shall be appropriated as follows:

(b) For Fiscal Year 2010-2011 and each year thereafter, an amount equal to fifteen percent of the total residual monies available for appropriation from the fund shall be appropriated to the Department of Public Safety and Corrections, office of adult services, division of probation and parole.

(c) After providing for the allocations in Subparagraphs (a), (b), (c), and (d) of this Paragraph, the remainder of the residual monies in the Sex Offender Registry Technology Fund Account shall be available for appropriation as provided in Subparagraph (e). The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

(d) After satisfaction of the requirements of Subsection A of this Section, all remaining monies collected pursuant to this Act shall be paid into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, any monies being placed in the state general fund shall be appropriated to the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

(4) If a condition of probation includes the payment of a monthly fee of eleven dollars, the monthly fee shall be collected by the Division of Probation and Parole and shall be transmitted to the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

(5) For Fiscal Year 2010-2011 and each year thereafter, an amount equal to fifteen percent of the total residual monies available for appropriation from the fund shall be appropriated to the Department of Public Safety and Corrections, office of adult services, division of probation and parole.

B.(1) After satisfaction of the requirements of Subsection A of this Section, all remaining monies collected pursuant to this Act shall be paid into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, any monies being placed in the state general fund shall be appropriated to the Louisiana Alligator Resource Fund Account, a special agency account to be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

1. The monies in this fund account shall be used solely for the purposes of the Board of State Bond Commissioners, office of adult services, division of probation and parole.

2. The monies in this fund account shall be used solely for the purposes of the Louisiana Office of Public Safety and Corrections, office of adult services, division of probation and parole.

3. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

4. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

5. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

6. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

7. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.

8. The monies in this fund account shall be used solely for the purposes of the Office of Public Safety and Corrections, office of adult services, division of probation and parole.
To amend R.S. 11:231(A)(5) and 2165.5(A) and to repeal R.S. 11:231(A)(5) and (C) (1)(c), relative to the annual amount of retirement allowance for members of the Registrars of Voters Employees' Retirement System, to provide for calculation of the allowance, including determination of average final compensation and accrual rate; to provide relative to the accrual rate applicable to creditable service; 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. 11:231(A) and 2165.5(A) are hereby amended and reenacted to read as follows:

§2031. Definitions

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

* * *

(5) “Average compensation” shall mean the average annual earned compensation of an employee for any period of six successive or joined months of service as an employee during which earned compensation was the highest. In case of interruption of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption. The earnings to be considered for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of the first through the twelfth month. The earnings to be considered for the twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of the earnings of the thirteenth through the thirty-sixth month. The earnings for the thirty-seventh through the forty-eighth month shall not exceed one hundred fifteen percent of the earnings of the twenty-fifth through the thirty-sixth month. The earnings for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth month.

* * *

§2165.5. Annual amount of retirement allowance

A.(1) The annual amount of the retirement allowance for any member who upon retirement has less than thirty years of creditable service in this fund system shall be three percent of the average final compensation for each year of creditable service earned in a position covered by this system.

(2) The annual amount of the retirement allowance for any member who upon retirement shall have at least thirty years of total creditable service, with at least twenty years of creditable service earned in a position covered by this system, shall be three and one-third percent of the average final compensation for each year of creditable service earned in a position covered by this system.

(3) Creditable service transferred to this system pursuant to R.S. 11:143 shall be governed by the provisions of this Section.

Section 2. R.S. 11:231(A) and (C)(1)(c) are hereby amended in their entirety.

Section 3. The provisions of this Act amending the definition of average compensation shall not be applied to diminish any member’s accrued benefit as it exists on June 30, 2018.

Section 4. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 615

HOUSE BILL NO. 36

BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 42:1301(4) and 1302(B), relative to the Louisiana Deferred Compensation Commission; to provide for membership on the commission; to provide for quorum; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1301(4) and 1302(B) are hereby amended and reenacted to read as follows:

§1301. Louisiana Deferred Compensation Commission

B.(1) The Commission shall consist of seven nine members as follows:

* * *

(4) “Ex officio member” means the state treasurer, the commissioner of administration, the commissioner of insurance, or the commissioner of financial institutions, the speaker of the House of Representatives, or his designee, or the president of the Senate, or his designee.

§1302. Louisiana Deferred Compensation Commission

B.(1) The Commission shall consist of seven nine members as follows:

* * *

(4) “Ex officio member” means the state treasurer, the commissioner of administration, the commissioner of insurance, or the commissioner of financial institutions, the speaker of the House of Representatives, or his designee, or the president of the Senate, or his designee.

* * *

† Three participant members who shall be elected by participants in accordance with
rules promulgated by the Commission.

(2) Four members of the commission shall constitute a quorum for the transaction of business.

* * *

Approved by the Governor, May 30, 2018.
A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 616

HOUSE BILL NO. 86
BY REPRESENTATIVE JAMES
AN ACT

To enact R.S. 42:1123(44) and (45), relative to ethics; to provide an exception from ethics laws to allow governing authority members and public employees of a political subdivision that operates parks and recreation facilities and their immediate family members to rent park facilities subject to certain conditions; to provide an exception to allow the continuation of certain contracts with hospitals in certain hospital service districts under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(44) and (45) are hereby enacted to read as follows:
§1123. Exceptions

This Part shall not preclude:

* * *

(44) A governing authority member or public employee of a political subdivision that operates parks or recreational facilities or an immediate family member of such a person from renting a park or recreation facility under the supervision or jurisdiction of the political subdivision for an event provided that the transaction is conducted without preference and in the same manner and subject to the same fees and conditions applicable to the general public.

(45) The continuation and renewal of a contract for the operation of a food-related retail establishment between a legal entity in which an elected official’s immediate family member owns an interest and a hospital or hospital service district in a parish with a population of one hundred fifty thousand persons or less in accordance with the most recent federal decennial census if the original contract was entered into at least one year prior to the elected official’s election as an agency head of the governmental entity of the hospital service district and if the original contract was not prohibited.

Approved by the Governor, May 30, 2018.
A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 617

HOUSE BILL NO. 107
BY REPRESENTATIVES BACALA, AMEDEE, ANDERS, ARMES, BAGLEY, BARRAS, BERTHELOT, BILLIOT, BOUIE, CHAD BROWN, TERRY BROWN, CARMODY, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, CREWS, DAVIS, DEVILLIERS, EDMONDS, EMERSON, FALCONER, GAROFALO, GISCLAIR, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSIGNS, HILL, HOFFMANN, HORTON, HOWARD, JAMES, JEFFERSON, JENKINS, JOHNSON, LEBAS, LEROY, GREGORY MILLER, MILLER, MOSS, MORRIS, PEARSON, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, SMITH, STAGNI, STEFANSKI, STOKES, TALBOT, THIBAUT, THOMAS, WRIGHT, AND ZERINGUE

BY SENATORS ALARIO, ALLAIN, ANDREWS, ARNOLD, AUGUST, AVERS, BARROW, BISHOP, BOURJEOUX, CARTER, CLAIR, CLAIBORNE, CORTEZ, CORMIER, ERDEY, EWING, FEDERER, FLEUR, LONG, LUNEAU, MILKOVICH, MILLER, MIZELL, MORRELL, PEACOCK, PERRY, PRICE, RISER, GARY SMITH, THOMPSON, WALKSCHLAGER, WARD, AND WHITE

AN ACT

To enact R.S. 40:1665.2(B)(17) and (C)(4), relative to survivors of law enforcement officers killed while performing their duties; to provide for financial benefits for survivors of federal law enforcement agents killed in Louisiana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as the “Deputy Marshal Josie Wells Act”.

Section 2. R.S. 40:1665.2(B)(17) and (C)(4) are hereby enacted to read as follows:
§1665.2. Financial security for surviving spouses and children of law enforcement officers in certain cases

* * *

B. Law enforcement officers, within the meaning of this Section, shall include the following:

* * *

(17). Federal law enforcement officers or employees whose permanent duties include making arrests, performing searches and seizures, executing criminal arrest warrants, and executing civil seizure warrants.

* * *

C.

* * *

(4). The provisions of Paragraph (1) of this Subsection apply to a law enforcement officer identified in Paragraph (B)(17) of this Section only if the injury was sustained in Louisiana while the officer was participating in the enforcement of Louisiana laws.

* * *

Approved by the Governor, May 30, 2018.
A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 618

HOUSE BILL NO. 130
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 56:109.1 and to enact R.S. 56:109.4, relative to use of vehicles on wildlife management areas; to provide for the operation of airboats on the Maurepas Swamp Wildlife Management Area; to provide for the establishment of airboat trails; to provide for requirements; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:109.1 is hereby amended and reenacted and R.S. 56:109.4 is hereby enacted to read as follows:
§109.1. Use of all-terrain vehicle trails on wildlife management areas

The department shall keep at least one all-terrain vehicle trail on each department-owned wildlife management area that has such a trail open throughout the year. The department may temporarily close the year-round trail if weather or other conditions render the use of the trail a public safety or an environmental hazard. Access to the year-round trail shall be granted for use by all-terrain vehicles, motorcycles, horses, and bicycles, under rules and regulations promulgated under the Administrative Procedure Act. Persons using the year-round all-terrain vehicle trails shall possess a WMA hunting permit.

A violation of the provisions of this Section, or rules and regulations promulgated pursuant thereto, shall constitute a class one violation.

* * *

§109.4. Use of airboats on the Maurepas Swamp Wildlife Management Area

A. Use of airboats on the Maurepas Swamp Wildlife Management Area shall be limited to airboat trails. Such trails shall be established by rules and regulations promulgated by the commission, pursuant to the Administrative Procedure Act, where airboat operation is feasible and in a manner to best protect public safety and wildlife resources and habitats. An airboat trail shall be established only on trails or rights of way existing as of February 1, 2018. Such rules and regulations shall also include the following:

(1) Require the exhaust of any internal combustion engine used on any airboat operated on airboat trails be equipped with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine.

(2) Limit the size of the internal combustion engine of any airboat operated on airboat trails to no greater than three hundred fifty-one cubic inches.

(3) Require every person using an airboat trail to possess a WMA hunting permit, to notify the department annually of the airboat’s registration number, and to make such airboat available for inspection by department personnel.

(4) Provide the use of established airboat trails by airboats between September first and the following January third.

B. A violation of the provisions of this Section, or rules and regulations promulgated pursuant to this Section, shall constitute a class one violation. Additionally, any person who violates the provisions of this Section, or rules or regulations promulgated pursuant to this Section, three times within a ten-year period shall be prohibited from operating an airboat on any wildlife management area.

C. The provisions of this Section shall terminate and be null and void on August 1, 2019, and thereafter.

Approved by the Governor, May 30, 2018.
A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 619

HOUSE BILL NO. 144
BY REPRESENTATIVE ABRAHAM
AN ACT

To enact R.S. 17:3138.7, relative to special treasury funds; to establish the Louisiana Jobs Now Fund as a special fund in the state treasury; to provide for deposits into the fund; to provide for uses of the fund; to provide for certain limitations; to require certain reports; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.7 is hereby enacted to read as follows:
§3138.7. Louisiana Jobs Now Fund

A.(1) The Louisiana Jobs Now Fund, hereinafter referred to in this Section as the “fund”, is hereby created within the state treasury as a special fund for the purpose of funding degree and certificate production in high-demand fields through programs offered by Louisiana’s public postsecondary education institutions, the Louisiana State University Health Sciences Center in Shreveport, to meet the state’s current and future workforce needs.

(2) Any money donated to the fund or appropriated to the fund by the legislature shall be deposited in the fund. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

B.(1) Monies in the fund shall be appropriated to the Board of Regents to be distributed to and used by postsecondary education institutions in accordance with the distribution method to be developed as provided for in this Section.
The funds distributed pursuant to this Section shall be used by the institution towards degree production at four-year institutions, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana State University Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, only upon the certification by the postsecondary education management board and the association on behalf of the receiving institution that a match of no less than twenty-five percent of the amount of funding to be distributed has been guaranteed by a private entity. The certification shall detail the type of private match to be provided, which may include but is not limited to: cash; in-kind donations of technology; personnel; construction materials; facility modification; or corequisite internships; scholarships; sponsorship of staff or faculty; or faculty endowment.

C. The method for distribution of funds shall be as follows:

(1) Fifty percent of funds shall be distributed to the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, annually shall review and approve the distribution method, the list of degree and certificate programs upon which the distribution is based, and the final distribution amounts.

(2) Fifty percent of funds shall be distributed to two-year, community, and technical colleges based on each institution's prior year degree and certificate production in fields required for four-star or five-star jobs as defined by the Louisiana Workforce Commission's Louisiana Star Jobs program or its successors.

(3) The commissioner of higher education and the presidents of the four public postsecondary education systems and the chancellors of the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, annually shall review and approve the distribution method, and the list of degree certificate programs upon which the distribution is based, and the final distribution amounts.

The correlating entity that a match of no less than twenty-five percent of the amount of funding to be distributed has been guaranteed shall submit a report to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations. The report shall include the distribution method, the list of degree certificate programs upon which the distribution is based, the final distribution amounts, the number of jobs created as a result of the distribution, and the method and data used to determine the reported number of jobs created. Each postsecondary education management board, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, shall report to the Board of Regents the information necessary for the Board of Regents to satisfy the requirements of this Subsection.

E. The fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board. Allocations from this fund shall not be included in the Board of Regents' funding formula calculation, nor shall it supplant any state general fund allocations provided to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to institutions under state or federal laws.

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

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 621

HOUSE BILL NO. 160
BY REPRESENTATIVE FOIL AND SENATOR CLAITOR
AN ACT
To amend and reenact R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) and R.S. 44:19(A)(3), to enact R.S. 28:53.4 and R.S. 44:19(E), and to repeal R.S. 13:5713(K), (L), and (M) and 5714(C), relative to coroners; to provide for requirements of certain death investigation documents; to provide relative to such reports; to provide relative to postmortem examinations; to provide relative to public records; to provide relative to duties of coroners; to provide relative to certain orders for custody; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) are hereby amended and reenacted to read as follows:

§7513. Duties; autopsies; investigations

C. (1) The coroner shall furnish a death certificate based upon his autopsy with his statement, to the best of his knowledge, of the cause and manner of death.

(2) The coroner shall furnish a death certificate based upon his examination, investigation, or autopsy, and he shall state as best he can the cause and manner of death.

I. The coroner shall furnish a copy of his final report or autopsy report, or both, upon written request, to the lost attending physician, or to the designated family physician of the deceased, provided that the family of the deceased has given written authorization to the coroner or to the requesting physician for the release of such report.

(1) Autopsy reports prepared by the coroner or his designee are public records. The coroner or his designee shall not disclose any description in any way compiled, drafted or recorded in connection with an autopsy report by request of the spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle. If there is no surviving spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle, then the coroner shall provide one copy of the autopsy report upon request to the next of kin.

(2) The coroner shall provide copies of the autopsy report, records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy at no charge to the appropriate law enforcement agencies as requested. The public records fee for any other copy of an autopsy report shall be the same as that charged by the registrar of vital records for the state for a death certificate.

(3) The coroner shall not release any records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy unless the coroner has been provided with payment of a reasonable copying charge pursuant to R.S. 40:1165.1. The autopsy report shall be provided to relatives as provided in this Section at no charge.

(2) The provisions of this Subsection shall not apply to the medical records of the deceased.

(3) Notwithstanding the provisions of this Subsection, records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy which are generated by any public entity other than the coroner shall be obtained from the public entity generating those records, writings, and documents in accordance with other applicable provisions of law.

K. (1) For the purposes of this Section, an autopsy report is the work product of the coroner or his designee. When a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the autopsy report which shall contain the following:

(a) Name, age, sex, race, and address of the deceased.

(b) Date and reported time of death.

(c) Medical, legal, and investigatory findings, including a diagnosis if available, where the deceased was found.

(d) Medical, legal, and investigatory findings, including a diagnosis if available, where the deceased was found.

(e) Medical, legal, and investigatory findings, including a diagnosis if available, where the deceased was found.

(f) Information regarding the autopsy, including whether the autopsy was requested or performed by the coroner, the modified or unmodified manner and means of death, and the classification of death as homicide, accidental, suicide, undetermined, or under investigation.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in a non coroner case, no autopsy report shall be made available for public inspection or copying if the classification of death is that of natural causes except upon request by the next of kin or upon request in accordance with R.S. 13:3715.1.

(3) Notwithstanding the provisions of this Subsection and notwithstanding the provisions of R.S. 13:5714(C), no autopsy report pertaining to criminal litigation as defined in and in accordance with R.S. 44:19(E) shall be made available for public inspection or copying except as otherwise provided by law.

(4) Liability shall not be imposed on an elected coroner or his support staff based upon the exercise or performance of such work or the performance or implementation of any act or practice or policy decision or action when such acts are within the course of and scope of their lawful powers and

THE ADVOCATE
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* As it appears in the enrolled bill

CODING: Words in strike through are deletions from existing law. Words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
(2) The provisions of Paragraph (1) of this Subsection are not applicable to any of the following: 
(a) To acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or 
(b) To acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, reckless, or flagrantly negligent acts.

(3) The legislature finds and states that the purpose of this Subsection is not to reestablish any immunity based on the status of sovereignty but rather to clarify the substantive content following:

Faxed to the coroner’s office for the coroner’s signature. Thereafter, the original signed form shall be witnessed on the video and immediately faxed to the appropriate law enforcement agency.

When a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Thibodaux or the town of Matthews pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Lafourche Parish coroner’s office. If the affidavit is credible, qualified staff of the coroner’s office shall complete an order for protective custody form based on information obtained in the video interview and immediately fax the form to the appropriate law enforcement agency.

If a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Thibodaux or the town of Matthews pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Lafourche Parish coroner’s office. If the affidavit is credible, qualified staff of the coroner’s office shall complete an order for protective custody form based on information obtained in the video interview and immediately fax the form to the appropriate law enforcement agency.

When a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Thibodaux or the town of Matthews pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Lafourche Parish coroner’s office. If the affidavit is credible, qualified staff of the coroner’s office shall complete an order for protective custody form based on information obtained in the video interview and immediately fax the form to the appropriate law enforcement agency.

The affidavit of the coroner shall be witnessed on the video and by a peace officer and immediately faxed to the coroner’s office for the coroner’s signature. Thereafter, the original signed form shall be sent to the Lafourche Parish coroner’s office.

Section 3. R.S. 44:19(A)(3) is hereby amended and reenacted and R.S. 44:19(E) is hereby repealed and reenacted as follows:

(1) A fact of death letter is a written statement attesting to the fact of death, which shall be made available to the public for all purposes but not limited to any claim under any policy of insurance issued on the life of the deceased individual. The fact of death letter shall be a public record. The fact of death letter shall be provided, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(2) A death investigation report is the work product of the coroner and is an internal document that comprehensively records the findings and all known information about the case created by both the investigative and administrative staff of the coroner’s office. The death investigation report is not a public document. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, autopsy report, fact of death letter, or coroner’s report.

E. Coronor death investigation documents shall include the following:

(1) A fact of death letter is a written statement attesting to the fact of death, which shall be made available to the public for all purposes but not limited to any claim under any policy of insurance issued on the life of the deceased individual. The fact of death letter shall be a public record. The fact of death letter shall be provided, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(2) A death investigation report is the work product of the coroner and is an internal document that comprehensively records the findings and all known information about the case created by both the investigative and administrative staff of the coroner’s office. The death investigation report is not a public document. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, autopsy report, fact of death letter, or coroner’s report.

F. Coronor death investigation documents shall include the following:

(1) A fact of death letter is a written statement attesting to the fact of death, which shall be made available to the public for all purposes but not limited to any claim under any policy of insurance issued on the life of the deceased individual. The fact of death letter shall be a public record. The fact of death letter shall be provided, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(2) A death investigation report is the work product of the coroner and is an internal document that comprehensively records the findings and all known information about the case created by both the investigative and administrative staff of the coroner’s office. The death investigation report is not a public document. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, autopsy report, fact of death letter, or coroner’s report.

(4) For purposes of this Subsection, “foreign language immersion program” means any type of dual language immersion program in French or Spanish.

§273.2. Foreign language immersion programs; certification process; criteria

D. For purposes of this Section, “foreign language immersion program” means any type of dual language immersion program in French or Spanish.

§273.3. Foreign language immersion programs; creation by local school boards; parent petition

C.

(2)(a) Beginning with the 2014-2015 school year, a local school board, if requested in writing by the parents or legal guardians of at least twenty-five students seeking to be enrolled in kindergarten or of at least twenty-five students seeking to be enrolled in first grade who reside within the jurisdictional boundaries of the school district, shall establish a foreign language immersion program for such students, provided that all of the following apply:

(i) The parent or legal guardian of each student commits, in writing, that the student will participate in the program.

(ii) The requisite number of written requests are submitted to the local school board not later than March first.

(iii) The minimum foundation program formula provides funding to local school systems employing foreign language teachers to provide salary supplements for such teachers at a level equal to or greater than the level of funding provided for this purpose through such formula for the 2011-2012 fiscal year.

(iv) A sufficient number of foreign language teachers with the required credentials as prescribed by the State Board of Elementary and Secondary Education are available through programs administered by the Department of Education and the Council for the Development of French in Louisiana to establish the program.

(v) There is no existing foreign language immersion program offered by the local school board, the in the foreign language being proposed, that has been certified by the State Board of Elementary and Secondary Education pursuant to R.S. 17:273.2.

(b) Such program shall be continued as long as at least twenty students remain enrolled in the program.

(c) The local school board shall ensure that any foreign language immersion program established pursuant to this Section is designed as a Certified Foreign Language Immersion Program by the State Board of Elementary and Secondary Education in accordance with R.S. 17:273.2 within three years from the date such program is established.

(d) The local school board shall review the written requests submitted pursuant to this Paragraph and shall notify the parents or legal guardians not later than February fifteenth of its determination as to whether or not the required number of requests was submitted.

(e) The local school board shall inform the parents and legal custodians of all students enrolled in the school system about the existence of any newly established foreign language programs.
immersion program and shall permit all eligible students to apply for the program during the designated enrollment period for the school year.

(2) The local school board shall consider the location of all students applying for a foreign language immersion program and shall make reasonable attempts to place the program in schools located near the majority of the students who applied.

E. A local public school board shall not deny enrollment in a foreign language immersion program to any student if all of the following conditions are met:

* * *

(4) The student applies for enrollment in such a program by no later than March first April fifteenth of the school year prior to such enrollment.

H. For purposes of this Section, “foreign language immersion program” means any type of dual language immersion program in French or Spanish.

Approved by the Governor, May 30, 2018.

A true copy:

By Representative Connick

AN ACT

To enact Chapter 1-D of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:41 through 47, relative to creating the Occupational Board Compliance Act; to provide definitions; to provide policy concerning occupational regulations and respective boards; to create the Occupational Licensing Review Commission; to require the commission to promulgate rules and regulations concerning occupational licensing boards; to provide for review of rules and regulations; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-D of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:41 through 47, is hereby enacted to read as follows:

CHAPTER 1-D. OCCUPATIONAL BOARD COMPLIANCE ACT

§ 41. Short title
This Chapter shall be known and may be cited as the "Occupational Board Compliance Act." § 42. Legislative policy
By establishing and executing the policies provided in this Chapter, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws. § 43. Definitions
For purposes of this Chapter, the following words have the meaning herein ascribed to them, unless the context clearly indicates otherwise:

(1) "Active market participant" means an individual or entity that is any of the following:
   (a) Licensed by an occupational licensing board.
   (b) A provider of any service subject to the regulatory authority of an occupational licensing board.
   (c) Subject to the jurisdiction of an occupational licensing board.

(2) "Active supervision" includes but is not limited to the Occupational Licensing Review Commission's responsibilities to do all of the following:
   (a) Review the substance of an occupational regulation proposed by any occupational licensing board.
   (b) Approve or disapprove with suggested amendments, or allow an occupational licensing board to withdraw for revision an occupational regulation to ensure compliance with state policy.

(3) "Commission" means the Occupational Licensing Review Commission as provided for in R.S. 37:45.

(4) "Least restrictive regulation" means, from least to most restrictive, all of the following:
   (a) Market competition.
   (b) Third-party or consumer-created ratings and reviews.
   (c) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.
   (d) Regulation of the process of providing the specific goods or services to consumers.
   (e) Inspection.
   (f) Bonding or insurance.
   (g) Registration.
   (h) Occupational license.

(5) "Occupational license" means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting certain qualifications or personal qualifications. In an occupation for which a license is required, it is unlawful for an individual or entity that does not possess a valid occupational license to perform the occupation for compensation.

(6) "Occupational licensing board" means any state executive branch board, commission, department, or other agency that is all of the following:
   (a) Regulates the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation.
   (b) Authorized to issue and revoke occupational licenses or registrations.
   (c) Controlled by active market participants.

(7) "Occupational regulation" means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to restrictions and occupational licenses. "Occupational regulation" excludes any license, permit, or regulation established by a parish or municipality.

(8) "Personal qualifications" means the criteria related to an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or other assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

(9) "Proposed regulation" means criteria related to an entity's background and characteristics, including but not limited to the personal qualifications of certain persons associated with the entity, including but not limited to that or those of an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

(10) "Registration" means a requirement to give notice to the state that may include the individual's or entity's name and address, the individual's or entity's agent for service of process, the individual's or entity's business activity, and a description of the service the individual or entity provides. "Registration" does not include qualifications or personal qualifications but may require a bond or insurance. Upon the state's receipt of notice, the individual or entity may use "registered" as a designated title. "Registration" is not transferable.

(11) "State policy" means the policy described in R.S. 37:44.

(12) "State policy" means a regulatory policy of R.S. 37:45 through 47, relative to creating the Occupational Licensing Review Commission; to require the commission to promulgate rules and regulations concerning occupational licensing boards; to provide for review of rules and regulations; to provide for certain exceptions; and to provide for related matters.

A. (1) There is hereby created the Occupational Licensing Review Commission to be composed of the governor or his designee, the secretary of state or his designee, the commissioner of agriculture or his designee, the commissioner of insurance or his designee, and the state treasurer or his designee. The governor shall be the chairman of the commission and the secretary of state shall be secretary. The commission shall meet on call of the chair and such meetings shall be subject to the Open Meetings Law. A majority of the members constitutes a quorum at any meeting. Any final action taken by the commission requires the affirmative vote of a majority of the members.

(2) The chair and such support of the commission necessary to accomplish the purposes of this Chapter, including but not limited to research and clerical assistance. Any department, division, board, bureau, commission, or agency of the state shall provide, at the request of the chair of the commission, such assistance and data as will enable the commission to carry out its duties.

B. The commission shall meet on January 1, 2019, the commission is responsible for the active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. The required active supervision described in this Chapter does not extend to individual disciplinary actions taken or imposed by an occupational licensing board, as to any active market participant subject to the jurisdiction of the occupational licensing board.

C. (1) An occupational licensing board shall submit any occupational regulation it seeks to promulgate to the commission prior to the board submitting a notice of intent to the office of the state register if the occupational regulation is subject to the Administrative Procedure Act.

(2) The commission shall review each occupational regulation submitted to ensure compliance with the state policy as provided in R.S. 37:44. This review may include any Federal Trade Commission guideline adopted by the commission.

(3) Following the review, the commission shall do either of the following:
   (i) Approve the occupational regulation and authorize the occupational licensing board to initiate promulgation of the regulation in accordance with the Administrative Procedure Act. This approval shall be in writing and explain the rationale for the action.
   (ii) Disapprove the occupational regulation with any recommended amendments and require the occupational licensing board to resubmit the occupational regulation for approval prior to promulgating the regulation in accordance with the Administrative Procedure Act.

(4) Any recommended amendments shall be provided to the occupational licensing board for its further consideration within thirty days of the date the occupational licensing board received the proposed regulation to the commission for review.

(5) The disapproval shall be in writing and explain the rationale for the action.

(6) In the event the commission elects to disapprove the regulation with suggested amendments, the occupational licensing board shall not go forward with promulgation of the proposed regulation until such time as the occupational regulation is approved by the commission.

D. Prior to submitting the notice of final regulation to the proper legislative oversight committees, the occupational licensing board shall submit such notice to the commission with a summary of any changes made to the proposed regulation or indicate that no changes were made to the proposed regulation. The submission shall include any comments received during the comment period or a recording or the minutes of any proceeding.

(1) If there are changes to the proposed regulation, the commission shall review the changes to determine if the changes are required to be taken in Subsection (a) of this Section.

(2) If there are no changes to the proposed regulation or the commission approves the proposed regulation with submitted changes, the occupational licensing board shall submit the notice of final regulation to the proper legislative oversight committees.

E. If the proposed occupational regulation is not subject to promulgation and adoption in accordance with the Administrative Procedure Act, an occupational licensing board shall submit such proposed regulation to the commission for approval prior to enforcement.

(1) Emergency rules adopted by a occupational licensing board shall not be subject to the active supervision of the commission as provided in this Section.

(2) However, the occupational licensing board shall submit such emergency rule to the
commission on the same day the rule is submitted to the office of the state register.

G. The commission shall issue rules necessary to effectuate the provisions of this Chapter, including the process, procedures, and timelines that will govern any submission filed in accordance with this Chapter.

H. Nothing in this Chapter shall be interpreted to subject the commission to any of the administrative procedures of the Administrative Procedure Act.

The provisions of this Chapter are not applicable to occupational licensing boards that are not controlled by active market participants.

§47. Interpretation
Nothing in this Chapter shall be construed to prevent or limit any occupational licensing board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions where an occupational licensing board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by state law.

Section 2. The Act shall become effective upon signatures 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.

R. Kyle Ardoin
Secretary of State

ACT No. 624  
BY REpresentative AbrAmson AND SENator Thompson

AN ACT
To amend and reenact R.S. 51:2453(2)(b)(v), relative to the Quality Jobs Rebate Program; to provide for definitions; to provide for eligibility requirements for certain employers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2453(2)(b)(v) is hereby amended and reenacted to read as follows:

§2453. Definitions
The following words or terms as used in this Chapter shall have the following meaning, unless a different meaning appears from the context:

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

(b) To qualify for a contract pursuant to this Chapter, employers must meet one of the following provisions:

(1) An employer that qualifies for a contract under this Item at the time of the initial quality jobs contract executed pursuant to this Chapter shall remain qualified for a contract through and during the renewal period of any subsequent contract regardless of any change in the per capita income of the parish.

Approved by the Governor, May 30, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 625  
BY REpresentatives STEve CARTer, ANdERS, CARMody, FoiL, GISCLAIR, MACK, MARCELLE, PUGH, AND THOMAS

AN ACT
To amend and reenact R.S. 38:3074(A)(introductory paragraph), (4), (5), (7), and (8) and (B) and to enact R.S. 38:3074(A)(9), relative to the Capital Area Groundwater Conservation District Board of commissioners; to provide that one member of the commission be the director of the East Baton Rouge Parish Department of Public Works or an engineer from the Department of Environmental Services of the Parish of Baton Rouge; to add a member appointed by the mayor-president of East Baton Rouge Parish; to provide relative to terms of office; and to provide for related matters.

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

Section 1. R.S. 38:3074(A)(introductory paragraph), (4), (5), (7), and (8) and (B) are hereby amended and reenacted and R.S. 38:3074(A)(9) is hereby enacted to read as follows:

§3074. Board of commissioners; appointments; terms; replacement; compensation.
A. The board of commissioners shall consist of sixteen members, seven of whom shall be appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. The members shall be appointed as follows:

* * *

(4) One member shall be the director of the Department of Public Works, or his designee, a person nominated by the mayor-president of East Baton Rouge Parish who shall be a registered professional engineer employed on the staff of the Department of Environmental Services, the Department of Transportation and Drainage, or the Department of Development, within the Department of Public Works.

(5) One member shall be the commissioner of conservation, or his designee, who shall be a member of his staff and be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or be a registered professional engineer experienced in groundwater resource management or a person with experience in groundwater resource management.

* * *

(7) One member shall be the secretary of the Department of Environmental Quality, or his designee, whom shall be a member of his staff and be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or be a registered professional engineer experienced in groundwater resource management or a person with experience in groundwater resource management.

Approved by the Governor, May 30, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 626  
BY REpresentative storKes

AN ACT
To amend and reenact R.S. 37:3444(A) through (C) and 3445(D), relative to the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners; to revise the name of a professional association referred to in laws relative to the board; to provide for the adoption of a code of professional ethics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3444(A) through (C) and 3445(D) are hereby amended and reenacted to read as follows:

§3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners.
A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, hereafter referred to as the “board”, consisting of five members, who shall be residents of the state of Louisiana.

B. The members shall be appointed by the governor from a list of qualified candidates supplied by the Louisiana International Association of Rehabilitation Professionals, Louisiana, as specified in this Section, within sixty days after July 14, 1988, to serve the following terms: one member for a term of two years, two members for terms of three years, and one member for a term of four years. Thereafter, each member shall be appointed by the governor from a list of qualified candidates supplied by the Louisiana International Association of Rehabilitation Professionals, directly to the office of the governor. Each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

B(1) The membership of the board shall consist of three licensed professional vocational rehabilitation counselors and two consumers; one consumer from the public at large. The original professional membership of the board shall be qualified to be licensed under this Chapter, except that the initial professional members shall be persons who have rendered rehabilitation counseling for at least three years. Within thirty days after July 14, 1988, the executive committee of the Louisiana Association for Rehabilitation Professionals...
The consumer member shall be selected from the state at large and shall possess all of the following qualifications:

(i) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(ii) Has not reached the age of majority.

(iii) Has never been convicted of a felony.

(iv) Does not have and has never had a material financial interest in the healthcare profession.

(b) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the hearing of individual examinations.

C. No board member shall serve more than two full consecutive terms. Subsequent appointments to the board shall be made in the manner of the original appointments, including the submission of a list of qualified candidates by the executive committee of the Louisiana Association for International Association of Rehabilitation Professionals in the Private Sector. Any board member may be removed by the governor or majority vote of the board, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Any vacancy occurring in board membership, other than by expiration of term, shall be filled for the remainder of the unexpired term by the governor within thirty days from a list of qualified candidates supplied by the Louisiana Association for International Association of Rehabilitation Professionals — Louisiana.

§3445. Board meetings; procedures; powers and duties

D. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions in this Chapter. The board shall adopt the Code of Ethics of the National Association of Rehabilitation Professionals in the Private Sector. Commission on Rehabilitation Counselor Certification Code of Professional Ethics including any revisions or additions deemed appropriate or necessary by the board. Approved by the Governor, May 30, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 627

HOUSE BILL NO. 454

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 49:257(B) and to enact R.S. 39:1538(5), relative to claims against the state; to provide with respect to certain final judgments against the state; to require the division of administration to make public certain information concerning final judgments against the state; to require state agencies to report information concerning final judgments to the attorney general; to require the attorney general to prepare reports to the legislature and the division of administration; to require inclusion of information in the comprehensive annual financial report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1538(5) is hereby enacted to read as follows:

§1538. Claims against the state

(5) The division of administration, in cooperation with the attorney general as provided in R.S. 49:257(B), shall prepare a list of all final judgments against the state that are the result of a claim under Article XII, Section 10 of the Constitution of Louisiana and this Section and which remain unpaid. The list shall be updated quarterly, provided to the attorney general pursuant to R.S. 49:257(B), and information contained therein shall be included within the comprehensive annual financial report in a manner determined by the commissioner of administration.

Section 2. R.S. 49:257(B) is hereby amended and reenacted to read as follows:

§257. Legal representation of certain public agencies

B. [1] In all litigation whereby a state agency, board or commission, including levee boards, appoints, employs, or contracts private legal counsel to represent the state or a state agency, board or commission, including levee boards, pursuant to R.S. 39:1538, R.S. 42:762, or R.S. 49:258, or Section 1-B of this Section, the secretary of the department, or the head of the state agency, board or commission, including levee boards, shall consistantly maintain accurate data on legal contracts, legal costs, and all final judgments, all of which shall be reported to the attorney general. At the same time as all final judgments are reported to the attorney general, they shall also be reported to the commissioner of administration, Senate Committee on Finance, and the House Committee on Appropriations. The report shall be in writing or submitted electronically, as determined by the attorney general, and submitted to the attorney general quarterly. The attorney general in consultation with the commissioner of administration shall prepare and submit an annual report to the legislature no later than the first day of the regular session, and shall submit quarterly updates of the report to the division of administration, the Senate Committee on Finance, the House Committee on Appropriations, and the legislative fiscal office. The Department of Justice shall implement procedures to carry out the provisions of this Subsection no later than Subtitle 1, State December 1, 2018.

(2) The attorney of record or the prevailing party shall submit a certified copy of the final judgment to the Senate Committee on Finance and the House Committee on Appropriations for the consideration of an appropriation to pay the judgment.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 628

HOUSE BILL NO. 549

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 34:851.19, 851.20(A)(1) introductory paragraph, (2), (3), and (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32 and to enact R.S. 34:851.21(1) and R.S. 56:10.2, relative to houseboats; to provide for the registration and numbering of houseboats; to create the Derelict Houseboat Fund in the state treasury; to provide for the issuance of a certificate of number; to provide for registration fees; to provide for notices of transfer; to provide for a numbering system; to provide for the distribution of funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:851.19, 851.20(A)(1) introductory paragraph, (2), (3), and (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), (4) and 851.32 are hereby amended and reenacted and R.S. 34:851.21(13) is hereby enacted to read as follows:

§851.21(13) “Houseboat” means a vessel constructed for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

§851.19. Operation of unnumbered motorboats, houseboat, or sailboats prohibited; exception

Every motorboat, houseboat, or sailboat operated on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any houseboat, motorboat, or sailboat on such waters unless the motorboat, houseboat, or sailboat is numbered in accordance with this Part or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to motorboat, houseboat, or sailboat is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of motorboat, houseboat, or sailboat as provided herein in this Part.

§851.20. Identification number

A.(1) The owner of each motorboat, houseboat, or sailboat requiring numbering by this state shall file an application for number with the Department of Wildlife and Fisheries on forms approved by the department. The application shall be signed by the owner of the motorboat, houseboat, or sailboat and shall be accompanied by a fee as follows:

* * *

(2) Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number assigned to the motorboat, houseboat, or sailboat and the name and address of the owner with a description of the motorboat, houseboat, or sailboat. The department shall maintain a record of the hull identification number of the boat and the serial number of the motor for motorized vessels along with the assigned certificate of number on its computer.

(3) The owner shall paint or attach to each side of the bow of the motorboat, houseboat, or sailboat the certificate of number in such manner as may be prescribed by rules and regulations of the department in order that it may be clearly visible. The number on the motorboat, houseboat, or sailboat shall be maintained in legible condition.

(4) The certificate of number shall be issued in addition to a decals which shall be permanently attached to the motor of the motorboat, houseboat, or sailboat, both to be accessible for inspection at all times when such boat is in operation; however, owners of duly registered livery motorboats less than twenty-six feet in length, or of duly registered houseboats or sailboats which are rented for not more than seven continuous days at a time for noncommercial purposes may retain such certificates of number for each such rental motorboat, houseboat, or sailboat on shore and have them readily available for inspection.

B. The owner of any motorboat, houseboat, or sailboat already covered by a number in full force and effect which has been awarded to it pursuant to then-operative federal law or a federally approved numbered system of another state shall record the number prior to operating the motorboat, houseboat, or sailboat, both to be accessible for inspection at all times when such boat is in operation; however, owners of duly registered livery motorboats less than twenty-six feet in length, or of duly registered houseboats or sailboats which are rented for not more than seven continuous days at a time for noncommercial purposes may retain such certificates of number for each such rental motorboat, houseboat, or sailboat on shore and have them readily available for inspection.

C. The state shall requisition a motorboat, houseboat, or sailboat new or replacement new, to the extent that each vessel is duly registered livery motorboats less than twenty-six feet in length, or of duly registered houseboats or sailboats which are rented for not more than seven continuous days at a time for noncommercial purposes may retain such certificates of number for each such rental motorboat, houseboat, or sailboat on shore and have them readily available for inspection.

D. In the event that an agency of the United States government shall have in force an overall system of identification numbering for motorboats, houseboats, or sailboats within the United States, the numbering system employed pursuant to this Part by the department shall be in conformity therewith.

* * *

G. The owner shall furnish the commission notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat, houseboat, or sailboat numbered in this state pursuant to Subsections A and B of this Section or of the destruction or abandonment of such motorboat, houseboat, or sailboat within fifteen days thereof. Such
transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat, houseboat, or sailboat except that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, houseboat, or sailboat such transfer shall not terminate the certificate of number.

J. No number other than the number awarded to a motorboat, houseboat, or sailboat or granted reciprocity pursuant to this Part shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat, houseboat, or sailboat.

§851.21. Numbering system
A. The motorboat, houseboat, or sailboat identification number issued by the commission pursuant to this Part shall be divided into parts which include a symbol indicating the state and a combination of numerals, letters, and words indicating the individual identification of the motorboat, houseboat, or sailboat. The group of three digits appearing between letters shall be separated from those letters by hyphens or equivalent spaces. Numbers shall be block characters not less than three inches in height and of a color to contrast on the hull, dark on light or light on dark or as otherwise provided by rules and regulations of the commission.

B. (2) The second part of the motorboat, houseboat, or sailboat number shall consist of not more than four Arabic numerals and not more than two capital letters as a suffix separated by a space.

§851.32. Disposition of funds
A. Funds accruing to the state of Louisiana from registration fees paid by owners of motorboats and sailboats shall be paid into 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 shall, prior to placing such remaining funds in the State General Fund, pay into the Conservation Fund, Derelict Houseboat Fund of the Louisiana Wildlife and Fisheries Commission an amount equal to the total amount of the sums recovered as registration fees in R.S. 34:851.20 and R.S. 34:851.23 of this Part for the purpose of administering and enforcing the provisions of this Part or for such other purposes as may be determined by said commission.

B. The revenues derived from the registration fees paid into the Derelict Houseboat Fund pursuant to Subsection A of this Section shall be made available for providing the necessary additional funds for the enforcement and enforcement of the provisions of this Part or for such other purposes as may be determined by the Louisiana Wildlife and Fisheries Commission.

C. Funds accruing to the state of Louisiana from registration fees paid by owners of houseboats shall be paid into 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 shall pay into the Derelict Houseboat Fund an amount equal to the total amount of the sums recovered as registration fees in R.S. 34:851.20 of this Part.

Section 2. R.S. 56:10.2 is hereby enacted to read as follows:

§10.2. Derelict Houseboat Fund
There is hereby created a fund within the state treasury known as the "Derelict Houseboat Fund" which shall consist of those revenues collected from the registration of houseboats provided for in R.S. 34:851.22(C). The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The monies in this fund shall be used solely for the purpose of awarding grants to parishes governments to remove any unattended, derelict, junked, or abandoned houseboat in any canal, coulee, drainag ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana. The Wildlife and Fisheries Commission may promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for the application, administration, and award of such grants.

Section 3. This Act shall be implemented by January 1, 2019.

Approved by the Governor, May 30, 2018.
A true copy: R. Kyle Ardoin Secretary of State

ACT No. 629

HOUSE BILL NO. 602
BY REPRESENTATIVES MELANZ AND SENATOR RISER
AN ACT
To amend and reenact R.S. 14:95.2(C)(4) and to enact R.S. 14:95.2(C)(9), relative to concealed handgun permits; to provide relative to the carrying of a concealed handgun within one thousand feet of school property; to provide exception to the crime which prohibits the carrying of a firearm on school property by certain concealed handgun permit holders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.2(C)(4) is hereby amended and reenacted and R.S. 14:95.2(C)(9) is hereby enacted to read as follows:

§95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone
(4) The possession of a firearm occurring within one thousand feet of school property and entirely on private property, or entirely within a private residence or in accordance with R.S. 14:283(A)(1) and 1379.3 and who carries a concealed handgun within one thousand feet of any school campus shall be considered a single qualifying event.

The granting of such leaves shall not affect any of the tenure rights which

C. The provisions of this Section shall not apply to:

(9) Any person who has a valid concealed handgun permit issued pursuant to R.S. 40:1379.1 or 1379.3 and who carries a concealed handgun within one thousand feet of any school campus shall be considered a single qualifying event.

Approved by the Governor, May 30, 2018.
A true copy: R. Kyle Ardoin Secretary of State

ACT No. 630

HOUSE BILL NO. 612
BY REPRESENTATIVES STOKES, BACALA, BAGNERIS, TERRY BROWN, CARPENTER, CONNICK, FALCONER, LANCE HARRIS, HAZEL, HODGES, HOWARD, HUNTER, IVEY, JORDAN, MACK, MARCELLE, JAY MORRIS, NORTON, PYLANT, RICHARD, STAGNI, AND STEFANSKI
AN ACT
To amend and reenact R.S. 14:283(A)(1) and to enact R.S. 14:283(H), relative to offenses affecting public morals; to provide relative to the crimes of video voyeurism; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:283(A)(1) is hereby amended and reenacted and R.S. 14:283(H) is hereby enacted to read as follows:

§283. Video voyeurism; penalties
A. Video voyeurism is any of the following:
(1) The use of any camera, videotape, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device, or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either:
(a) It is for a lewd or lascivious purpose.
(b) The observing, viewing, photographing, filming, or videotaping is as described in Paragraph(B)(3) of this Section and occurs in a place where an identifiable person has a reasonable expectation of privacy.

H. This Section shall not apply to any bona fide news or public interest broadcast, website, video, report, or event and shall not be construed to affect the rights of any news-gathering organization.

Approved by the Governor, May 30, 2018.
A true copy: R. Kyle Ardoin Secretary of State

ACT No. 631

HOUSE BILL NO. 625
BY REPRESENTATIVES EDMONDS AND FALCONER AND SENATOR WALSWORTH
AN ACT
To amend and reenact R.S. 17:46(A)(1), (b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1) and to enact R.S. 17:1171(B)(5), relative to leave for teachers; to provide for leave associated with adoption of a child; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:46(A)(1), (b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1) are hereby amended and reenacted and R.S. 17:1171(B)(5) is hereby enacted to read as follows:

§46. Sabbatical leave program
A. * * *

(2) Absence on sick leave under Subpart E of this Part or on maternity leave of absence, as provided for under Subpart F of this Part, for the period of disability occasioned by pregnancy and/or childbirth, the birth of a child as determined by a certificate from the employee's attending physician, or adoptive leave as provided in Subpart F of this Part, shall not be deemed to interrupt the active service hereinafter as provided for in this Section; nor shall absence on involuntary military service in the armed forces of the United States, nor on military leave under Subpart G of this Part be deemed to interrupt the active service hereinafter as provided for retroactive to the school session in 1960-61 beginning in the year 1960

A true copy: R. Kyle Ardoin Secretary of State

SUBPART F. MATERNITY AND ADOPTIVE LEAVE FOR TEACHERS IN SPECIAL SCHOOLS
§48. Maternity leave; adoptive leave
A. The superintendent of the Special School District shall grant leaves of absence to regularly employed teachers for a reasonable time before and after childbirth the birth of a child. If multiple children are born on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which
the teacher may have acquired prior thereto under the provisions of Subpart C of this Part previously acquired.

B. The superintendent of the Special School District shall grant leaves of absence not to exceed thirty days to regularly employed teachers after the legal adoption of a child. If multiple children are legally adopted on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which the teacher may have prior thereto under the provisions of R.S. 17:441 through 17:444 or R.S. 17:461 through 17:463 of this Part, unless the substitute teacher has subsequently been appointed to fill a regular vacancy and has the necessary qualifications.

§231. Retirement, tenure, and other welfare benefits of visiting teachers, or supervisors of child welfare and attendance

Visiting teachers, or supervisors of child welfare and attendance, employed under the provisions of this Subpart, shall have the same status with respect to教师 tenure, sabbatical leave, maternity leave, leave, tenure rights or privileges provided for in Subpart C of this Part, unless the substitute teacher has subsequently been appointed to fill a regular vacancy and has the necessary qualifications.

§1171. Eligibility for sabbatical leaves

(5) Absence on adoptive leave pursuant to R.S. 17:1211(B).

§1202. Teachers; extended sick leave

A.(1) Every city, parish, and other local public school board shall permit:

(b) Each teacher granted maternity or adoptive leave in accordance with R.S. 17:48 or 1211 who has no remaining sick leave balance available to take in the manner provided in this Section up to thirty days of additional sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

SUBPART C. MATERNITY AND ADOPTIVE LEAVE

§1211. Maternity leave for teachers; adoptive leave; tenure status unaffected; definition

A. The city and parish school boards in the state who hold a valid professional ancillary certificate in school social work or school psychology issued by the state Department of Education.

B. Each city, parish, and other local public school board shall grant leave of absence to the teacher during the birth of a child. If multiple children are born on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights with which the teacher may have acquired prior thereto under the provisions of R.S. 17:441 through 17:444 or R.S. 17:461 through 17:463 of this Part, unless the substitute teacher has subsequently been appointed to fill a regular vacancy and has the necessary qualifications.

§1212. Substitute teachers to fill vacancies; appointment

The position vacated by a teacher who has been granted a maternity or adoptive leave, or by a teacher transferred to the position vacated by a teacher taking a maternity or adoptive leave, in accordance with R.S. 17:1211, may be filled by the respective school boards by the appointment of substitute teachers.

§1970.26. Administration, faculty, staff; classification status; benefits

C.(1) The following laws may be made applicable to any nonclassified employee and shall be applicable to each nonclassified employee of the New Orleans Center for Creative Arts who was employed by the Orleans Parish School Board at the New Orleans Center for Creative Arts prior to July 1, 2000, to the same degree as such provisions apply generally and subject to revision by law:

(f) Maternity leave and adoptive leave (R.S. 17:1211).

§1987. School district for certain correctional centers for youth

D.(1) The provisions of Part I-A of Chapter 1 of this Title relative to benefits, privileges, and rights of certain employees in state special schools, including but not limited to provisions relative to compensation, probationary and permanent employment status, and sabbatical, sick, personal, maternity, adoptive, and military leaves also shall be applicable to such employees of the school district established by this Part.

Approved by the Governor, May 30, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 632

HOUSE BILL NO. 633
BY REPRESENTATIVE HUNTER
AN ACT

To enact R.S. 40:5.6.1, relative to safe drinking water; to authorize a pilot program for drinking water testing at schools and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.6.1 is hereby enacted to read as follows:

(5.6.1.) Safe drinking water; pilot program for water testing at schools; reporting; termination

A. The Louisiana Department of Health, referred to hereafter in this Section as the “department,” shall establish a pilot program for drinking water testing at elementary schools which comports with the requirements and specifications provided in this Section.

B. The department shall select for the pilot program twelve public elementary schools at which to conduct drinking water testing. The department shall select for the pilot program schools with buildings which were built prior to 1986 or which may otherwise be susceptible to drinking water contamination.

C. The office of public health of the department shall conduct drinking water testing on a schedule determined by the state health officer in each school selected for the pilot program.

D. The department shall operate the pilot program in a manner which incurs no additional cost to the department.

E. The department shall report findings and outcomes of the pilot program to the House and Senate committees on health and welfare on or before December 1st annually.

F. The provisions of this Section shall terminate on January 1, 2021.

Approved by the Governor, May 30, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 633

HOUSE BILL NO. 634
BY REpresentatives Hunter, Chad Brown, Carmody, Cox, Glover, Hollis, Jefferson, Lyons, Moreno, Reynolds, and Thomas
AN ACT

To enact Chapter 2-A of Title 21 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 21:61, relative to short-term rental structures; to define key terms; to prohibit the use of a camera unless notice is provided; to provide for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 2-A of Title 21 of the Louisiana Revised Statutes of 1950, comprised of R.S. 21:61, is hereby enacted to read as follows:

CHAPTER 2-A. OFFENSES BY OWNERS

61. Notice required for use of camera in short-term rental structures

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

(1) “Camera” means a camcorder, motion picture camera, photographic camera of any type, or other equipment that is concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or view a person by electronic means.

(2) “Common area” means all areas of the short-term rental structure, excluding any bedrooms or bathrooms.

(3) “Short-term rental structure” means a building which may have previously been used as a one- or two-family dwelling but is rented from the owner of the structure by an unknown number of persons for a period of time not to exceed twenty-nine days.

B.(1) Except as provided in Paragraph (2) of this Subsection, an owner or lessor of a short-term rental structure shall not install or use a camera on the premises of a short-term rental structure.

(2) The owner or lessor of a short-term rental structure may install or use a camera only in the common areas of the structure if he first conspicuously posts a sign on the premises of the short-term rental structure with the following statement:

“NOTICE ELECTRONIC SURVEILLANCE EQUIPMENT HAS BEEN INSTALLED ON THESE PREMISES AND ALL ACTIVITIES IN COMMON AREAS ARE SUBJECT TO BEING RECORDED BY VIDEO.”

C. An owner or lessor of a short-term rental structure shall not use any audio, video, or photographic footage obtained pursuant to this Chapter for any commercial or exploitative purpose nor shall he make the footage available to members of the public.

D. Any guest of a short-term rental structure who is documented on any audio, video, or photographic footage obtained in violation of this Chapter shall have no cause of action against an owner or lessor of a short-term rental structure who obtained, used, or made available the footage in violation of this Chapter, and is entitled to recover from any such owner or lessor all of the following:

(1) Actual damages.

(2) A reasonable attorney fee and other litigation cost reasonably incurred.

(3) Punitive Damages

Approved by the Governor, May 30, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 17:7(4)(a)(i) and (b)(ii), 15, and 3991(E)(5), to enact R.S. 17:7(6)(b) and (c)(i) and (ii) and 3996(B)(45) and (46), relative to the certification and employment in schools of certain persons; to prohibit the publication of any nonpublic, or public, school board or nonpublic school or school system as a teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

(a) Has been convicted of or has pled nolo contendere to a felony offense even if adjudication was withheld or a pardon or expungement was granted.

(bb) Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(c) Has been found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.

(u) A city, parish, or other local public school board or a nonpublic school or school system may hire a person as an administrator, teacher, or substitute teacher who has been convicted of or has pled nolo contendere to a felony offense even if adjudication was withheld or a pardon or expungement was granted. A person who has submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board if the State Board of Elementary and Secondary Education approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).

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

(c) This Section shall not apply to any nonpublic school or nonpublic school system which contracts with an entity providing any of the services listed in Subparagraph (b) of this Paragraph to a nonpublic school or nonpublic school system when such school or school system determines that the employees of such contractor will have limited contact with students. In determining whether such a contractor's employees will have limited contact with students, the nonpublic school or nonpublic school system shall consider the totality of the circumstances, including factors such as the length of time the contractor's employee will be on site, the privacy of the location where the contractor's employee will be working, and whether the contractor's employee will be working by himself or with others. If a nonpublic school or nonpublic school system has made this determination, it shall take appropriate steps to protect the safety of any students that may come in contact with such a contractor's employee.

(2) This Subparagraph, or another local public school board shall dismiss:

(i) Any teacher, administrator, teacher, or substitute teacher upon the final conviction of such teacher, or any other school employee if such employee is convicted of or pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

(ii) Any other school employee if such employee has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education, or the state Department of Education, or the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(iii) An administrator, teacher, or substitute teacher who is found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.

(iv) Any other school employee if such employee has been convicted of or pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

(2)(a) Has been convicted of or has submitted fraudulent documentation to the State Board of Elementary and Secondary Education, or the state Department of Education, as part of an application for a Louisiana teaching certificate or other teaching authorization.

(2)(b) The superintendent of schools of any school system dismissing an employee pursuant to the provisions of this Paragraph shall notify the state superintendent of education of the employee's dismissal not later than thirty days after such dismissal.

(c) A city, parish, or other local public school board may reemploy a teacher, administrator, teacher, or other school employee who has been convicted of or has pled nolo contendere to a crime except a crime listed in R.S. 15:587.1(C), except R.S. 14:74, pursuant to the provisions of this Paragraph upon approval of the person seeking reemployment by the board, the parish, and the district attorney, or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be made available for review and inspection by law enforcement officials at any reasonable time after its being placed on file by the school, and shall be accessible to the public. An approved teacher, administrator, teacher, substitute teacher, bus operator, or janitor of a school system who has been convicted of or has pled nolo contendere to a crime except a crime listed in R.S. 15:587.1(C), except R.S. 14:74, shall not be employed by any local public school or nonpublic school or school system as a teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

§15. Criminal history review

A(1)(a) No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall not be hired by any city, parish, or other local public school board or any nonpublic school or school system as a teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

(2)(a) Except as otherwise provided in this Subparagraph, a city, parish, or other local public school board shall not knowingly hire a person as an administrator, teacher, or substitute teacher if the person:

(bb) Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(bb) Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(bb) Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.
mean the governing authority of any public elementary or secondary school.

E. (1) A teacher, An administrator, teacher, or any other school employee upon his final conviction or plea of guilty or no contest to any criminal offense, excluding traffic offenses, shall report the fact of his conviction or plea to his employer within forty-eight hours of the conviction or plea of guilty or no contendere.

(2) Any person, An administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or no contendere of any criminal offense listed in the provisions of R.S. 15:587.1(C)(1) felony offense shall be fined not more than five hundred dollars or imprisoned for not more than six months one year, with or without hard labor, or both.

(3) A school employee other than an administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or no contendere of any criminal offense listed in R.S. 15:587.1(C)(1) shall be fined not more than five hundred dollars or imprisoned for not more than six months, with or without hard labor, or both.

F. (1) The State Board of Elementary and Secondary Education may assess a civil fine against a school, its governing authority, or an employee upon its determination that it has not provided a teaching authorization pursuant to the provisions of R.S. 17:507(10) to any person who has not completed the formal appeal process required by the State Board and has been granted a new teaching certificate or other teaching authorization as provided in R.S. 17:766(h).

(2) Such fine shall be levied only after a final judgement is rendered pursuant to an adjudication process conducted in accordance with the provisions of R.S. 49-955 et seq.

(3) The state board shall report any such instances of fine assessments to the House Committee on Education and to the Senate Committee on Education within thirty days of such assessment. Civil fines collected pursuant to the provisions of this Section shall be deposited immediately into the state treasury. The State Board of Elementary and Secondary Education shall promulgate rules in accordance with the Administrative Procedure Act for implementation of this Subsection.

G. At the request of his parent or legal guardian, a student shall be removed from the class of any teacher who has a felony conviction and placed in another class.

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

E. A charter school shall not:

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(5)(a) Hire a person;

(i) As an administrator, teacher, substitute teacher, bus operator, substitute bus operator, janitor, or other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children who has been convicted of or has pled nolo contendere to any other felony offense even if the period of time shall be for not less than six months, or both.

(ii) As an administrator, teacher, or substitute teacher if any of the following apply to the person:

(aa) Has been convicted of or has pled nolo contendere to any other felony offense even if the period of time shall be for not less than six months, or both.

(bb) Has been found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(cc) Has been found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(iii) Notwithstanding any other provision of law, a charter school may hire a person as a teacher or substitute teacher who has been convicted of or has pled nolo contendere to a felony not listed in R.S. 15:587.1(C) or who has been found to have submitted fraudulent documentation to the state board or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization if the state board approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:766(h).

(6) The state board shall establish regulations, requirements, and procedures consistent with the provisions of R.S. 15:587.1(C) to ensure that any school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s offices and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

(45) Authorization to teach, R.S. 17:7(10).

(46) Criminal history review, R.S. 17:15.

Section 2. This Act shall become effective on July 1, 2018.
(3) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, an education institution. "Organization" includes the national or parent organization of which any of the underlying entities provided for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

(4) "Pledge" also known as "recruitment" or "rushing", means any action or activity related to becoming a member of an organization.

D.(1) This Section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself to be hazed;

(2) It is not a defense to prosecution for a violation of this Section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.

E.(1) The penalties provided in Subsection B of this Section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same incident or activity, and in addition to any penalty imposed by the organization or education institution pursuant to its by-laws, rules or policies regarding hazing.

(2) Nothing in this Section precludes any civil remedy provided by law.

Section 2. R.S. 17:1801 is hereby amended and reenacted to read as follows:

§ 1801. Hazing prohibited; penalties

A. Hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

B. Whoever violates the provisions of this Section shall be fined not less than ten dollars for each act of hazing or, if the applicant is under such an order, that the applicant has not been incarcerated pursuant to the order within the last five years and the person is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to R.S. 18:1461.2.

Section 3. This Act shall become effective on March 1, 2019.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 637

BY REPRESENTATIVES FALCONER, BILLIOT, TERRY BROWN, CARMODY, DWIGHT, HODGES, HOFFMANN, NANCY LANDRY, MACK, AND STAGNI AND SENATOR JOHNS

AN ACT

To enact R.S. 14:502, relative to offenses against the person; to provide relative to the failure of a person to seek assistance when another person suffers serious bodily injury; to provide for elements of the offense; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:502 is hereby enacted to read as follows:

§ 502. Failure to seek assistance

(1) "Appropriate authority" includes:

(a) Any state or local law enforcement agency.

(b) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.

(c) Emergency medical personnel.

(2) "Reckless behavior" means an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity, including activity which is defined as a criminal offense under this Title.

(3) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

(4) Except as provided in Paragraph (3) of this Subsection, any person who violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or both.

(2) If the serious bodily injury results in the death of the person, any person who violates the provisions of this Section shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 638

BY HOUSE BILL NO. 674

AN ACT

To amend and reenact R.S. 32:717(A) and 718(C) and to enact R.S. 32:717(C) and 718(E), relative to the sale of a motor vehicle or auto hulk as scrap to be dismantled or destroyed to define the term "motor vehicle"; to specify the database for certain required reporting; to provide for certain prohibitions and reporting relative to stolen auto hulk; to provide for certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:717(A) and 718(C) are hereby amended and reenacted and R.S. 32:717(C) and 718(E) are hereby enacted to read as follows:

§ 717. Sale of motor vehicle as scrap

A. Any owner who sells a motor vehicle as scrap to be dismantled or destroyed shall assign a certificate of title issued to the purchaser, whether the certificate was issued by the vehicle website, an electronically captured signature of the applicant shall suffice as a handwritten signature of the applicant.
A. The legislature finds that the early childhood care and education network established by Act No. 3 of the 2012 Regular Session of the Legislature and community networks created by the State Board of Elementary and Secondary Education have been instrumental in improving kindergarten readiness. Community networks, especially those with the highest performance, are able to demonstrate that affordable access can be achieved when provided with adequate resources. Providing early childhood programming of high quality, rather than affordable access alone, must remain a state priority. While quality can be measured on a statewide basis, it is best assured through community-based plans and local early childhood program collaboration.

B. The Early Childhood Care and Education Commission is hereby established for the purpose of building on the foundation established by Act No. 3 of the 2012 Regular Session of the Legislature to create a vision for the future of early childhood care and education in Louisiana.

C. (1) The commission is comprised in part of twenty-six voting members as follows:
(a) One representative of a municipality that receives Head Start funding, appointed by the governor.
(b) One representative of a Head Start program, appointed by the governor.
(c) One representative of a child advocacy or community organization, appointed by the governor.
(d) One representative of a special-needs advocacy organization, appointed by the governor.
(e) One representative of the governor's office, appointed by the governor.
(f) One business representative, appointed by the speaker of the House of Representatives.
(g) One local school superintendent, appointed by the speaker of the House of Representatives.
(h) One representative of Type III early learning centers, appointed by the speaker of the House of Representatives.
(i) One representative of a child advocacy or community organization, appointed by the speaker of the House of Representatives.
(j) One parent of a child in a publicly funded child daycare center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program, appointed by the House of Representatives.
(k) One representative of the House of Representatives, appointed by the speaker of the House of Representatives.
(l) One business representative, appointed by the president of the Senate.
(m) One local school superintendent, appointed by the president of the Senate.
(n) One representative of Type III early learning centers, appointed by the president of the Senate.
(o) One representative of a child advocacy or community organization, appointed by the president of the Senate.
(p) One parent of a child in a publicly funded child daycare center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program, appointed by the president of the Senate.
(q) Two members of the Senate, appointed by the president of the Senate.
(r) Two representatives of high-performing community early childhood care and education networks, appointed by the State Board of Elementary and Secondary Education upon recommendation of the state superintendent of education.
(s) One representative of a nonprofit school participating in a publicly funded early childhood care and education program, appointed by the State Board of Elementary and Secondary Education.
(t) One member appointed by the American Academy of Pediatrics, Louisiana Chapter.
(u) One person with professional expertise in the operations of a family care center, appointed by the governor.
(v) One early care and education researcher from a public postsecondary education institution, appointed by the speaker of the House of Representatives.
(w) One representative from either a Type I or Type II early learning center, appointed by the president of the Senate.
(x) One representative of the Early Steps program within the Department of Education, appointed by the state superintendent of education.
(y) One representative of the Head Start Collaboration Office, appointed by the state superintendent of education.
(z) One representative of the special education programs within the Department of Education.

D. (1) The state board may use available public and private funds to implement new strategies to increase access to and improve the quality of early childhood care and education programs by establishing pilot programs in high-performing community early childhood care and education networks established by the state board pursuant to this Section. Lead agencies of the State Board of Elementary and Secondary Education shall elect to participate in the pilot programs. The findings from these pilot programs shall be used to inform statewide efforts to improve the effectiveness of local early childhood care and education programs.
(2) A community network participating in a pilot program shall:
(a) Measure the need for affordable access to quality early childhood care and education for children from birth through age four within the community.
(b) Establish a local, collaborative governing structure for shared decisionmaking.
(c) Identify shared resources that can support improved access to and quality of early childhood care and education programs for children from birth through age four and determine how resources can be leveraged to maximize the impact of such programs for each age year.
(d) Determine how future financial support should be used to expand access to and improve quality of infant, toddler, and prekindergarten classrooms in the local community.

§407.51. Advisory Council

H. (1) The council shall provide input and guidance to the board and the department on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards related to all publicly funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard Early Childhood Program, the Child Care Assistance Program, Early Head Start, and Head Start.
(2) Beginning April 1, 2020, the council shall regularly evaluate the implementation of the plan for early childhood care and education established by the Early Childhood Care and Education Commission and provide recommendations to support its implementation.
Education, appointed by the state superintendent of education.

(i) A staff member of the Board of Regents, appointed by the Board of Regents.

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

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

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

(v) One professional with expertise in the socioemotional development and well-being of children from birth through age four, appointed by the governing bodies of the state elementary and secondary education institutions.

(vi) One early intervention researcher from a Louisiana public postsecondary education institution, appointed by the Board of Regents.

(vii) One early childhood education researcher from a Louisiana public postsecondary education institution, appointed by the Board of Regents.

(viii) A vacancy in the membership of the commission shall be filled in the same manner as the original appointment.

(ix) The chairman of the House Committee on Education and chairman of the Senate Committee on Education, acting jointly, shall select two voting members to serve as co-chairs of the commission.

(x) The members of the commission shall serve without compensation.

(xi) The state Department of Education shall provide staff support for the commission.

(xii) The commission shall study and make recommendations relative to establishing a vision for the future of early childhood care and education in Louisiana. When conducting analysis and making recommendations relative to a vision and framework, the commission shall do all of the following:

(1) Gather and analyze data relative to the current availability, quality, and cost of early childhood care and education throughout the state for children from birth through age four, determine needs and priorities, and develop a plan focused on family access, affordability, and quality.

(2) Consider research, local coordination currently established in Louisiana including current high-performing community networks, and related work done in other states to determine best practices for the purpose of informing and fostering the continued development of local governing entities that coordinate across programs and providers in order to meet family needs, drive quality improvement, maximize financial resources, and support children from birth through age four and their families.

(3) Determine a sustainable infrastructure to ensure quality programs across providers. Such infrastructure shall include workforce and professional development, monitoring and assessment, coordinated enrollment, and data-driven decisionmaking.

(4) Identify opportunities for collaboration and coordination among programs and agencies responsible for development of children from birth through age four.

(5) Define a timeframe for achieving the vision and determine benchmarks for the intervening years.

(6) Determine the amount of funding needed to achieve affordable access to quality care and education for all children from birth through age four and recommend policies that prioritize the allocation of future funding.

(xiii) Before the 2019 Regular Session of the Legislature, the commission shall produce a report of its findings and recommendations. Before the 2020 Regular Session of the Legislature, the commission shall produce a report on the status of the implementation of its recommendations. The reports shall be provided to the governor, members of the legislature, the state superintendent of education, and the State Board of Elementary and Secondary Education no less than fourteen days prior to the first day of the regular session.

(xiv) The commission shall meet at least twice between the 2018 and 2019 Regular Sessions of the Legislature and shall meet at least twice between the 2019 and 2020 Regular Sessions of the Legislature during which meetings the state Department of Education shall provide updates on how the commission’s recommendations are being implemented. The commission shall make any further recommendations it deems necessary to advance the vision and goals established.

(xv) A majority of the voting members of the commission shall constitute a quorum for the transaction of business. The commission shall be domiciled in Baton Rouge but may hold meetings elsewhere in the state.

Section 2. R.S. 36:651(G)(6) is hereby enacted to read as follows:

§ 36:651. Transfer of boards, commissions, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

G. The following agencies, as defined by R.S. 36:63, are transferred to and hereafter shall be within the Department of Education as provided in Part III of Chapter 22 of this Title:

* * *

Section 3. R.S. 17:407.101, R.S. 36:651(G)(6) are hereby repealed in their entirety.

Section 4. Section 3 of this Act shall become effective on March 31, 2020.

Approved by the Governor, May 31, 2018.

A true copy,

R. Kyle Ardoin
Secretary of State

ACT No. 640
HOUSE BILL NO. 793
BY REPRESENTATIVES STEVE CARTER AND LERGER
AN ACT
To amend and reenact R.S. 17:1801 and to enact R.S. 17:1801.1, relative to hazing at postsecondary educational institutions; to provide relative to a prohibition on hazing; to require the Board of Regents to develop and adopt a uniform hazing policy; to require postsecondary education institutions to adopt such policy; to authorize institutions to amend such policy with limitations; to require institutions to provide information relative to hazing at orientation; to require campus organizations to provide information relative to hazing; to provide definitions; and to provide for related matters.

A. Hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

B. Whoever violates the provisions of this Section may also be subject to the provisions of R.S. 14:40.8 which provides for criminal penalties.

C. If an organization has taken disciplinary action against one of its members for hazing and has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the hazing to the institution with which it is affiliated. If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the institution with which it is affiliated.

D. For purposes of this Section and R.S. 17:1801.1:

(1) “Postsecondary education institution”, “education institution”, and “institution” mean any postsecondary education institution in this state supported wholly or in part by public funds.

(2) “Hazing” means any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

(i) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.

(ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

“Hazing” includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

(i) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(ii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

“Activity” that is normal, customary, and necessary for a person’s training as an officer in an armoric, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered “hazing” for purposes of this Section.

(3) “Organization” means a fraternity, sorority, association, corporation, order, society, corps cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution. “Organization” includes the national or parent organization of which any of the following entities provided for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

(a) (i) Each activity, organization, and any activity related to becoming a member of an organization, including recruitment and rushing.

(ii) Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.

(b) In addition to the requirement provided in Paragraph (1) of this Subsection, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.

C. Each organization as defined in R.S. 17:1801 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education.
evidenced by an attestation of the student receiving the education.

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. 641

- - -

HOUSE BILL NO. 895

(Substitute for House Bill No. 575 by Representative Norton)

BY REPRESENTATIVES NORTON, AMEDEE, BAGLEY, BOUJIE, BRASS, CARTER, COX, DULPESI, EDMONDS, HALL, HORTON, HUNTER, JACKSON, JEFFERSON, JENKINS, LYONS, MARCELLE, PIERRE, SMITH, AND STOKES

AN ACT

To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:409, and R.S. 17:3399.16, relative to instruction in school safety in public schools and public postsecondary education institutions; to require school officials and campus security officers to provide information to students regarding potential threats to school safety exhibited through online content; to provide for elements to be included in such information; to provide for a process for students to report online content deemed potentially dangerous; to provide for confidentiality of personal information about students who report such matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as and may be cited as the “Louisiana We Must Save Our Children Act”.

Section 2. Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:409, and R.S. 17:3399.16, are hereby enacted to read as follows:

PART XII. LOUISIANA SCHOOL AND STUDENT SAFETY

§409. Safety education; recognition and reporting of potential threats to safety

A. Each school governing authority, in consultation with local law enforcement agencies, shall develop and distribute age and grade appropriate information to each student regarding internet and cell phone safety and online content that is a potential threat to school safety. The information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media. The information shall either be distributed to or explained to students and school personnel at the beginning of each school year and shall be posted on an easily accessible page of each school’s website and the website of the school’s governing authority.

B. The information shall include the following:

(1) A process for allowing student personnel to report potential threats which requests, at a minimum, the following information:

(a) Name of school, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(2) Visual examples of possible threats.

(3) The reporting process, as provided in Subsection C of this Section.

C. The reporting process shall be developed for procedures for reporting potential threats to school safety. The reporting procedures, at a minimum, shall include:

(1) A standardized form to be used by students and school personnel to report potential threats which requests, at a minimum, the following information:

(a) Name of school, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

(3) For every threat reported, a school administrator shall record, on the form provided for by this Subsection, the action taken by the school.

D. If information reported to a school pursuant to Subsection C of this Section is deemed a potential threat to school safety, the school shall present the form and evidence to local law enforcement agencies. If the information poses an immediate threat, school administrators shall follow procedures provided in R.S. 17:416.16.

§3399.16. Safety education: recognition and reporting of potential threats to safety

A. The administration of each public postsecondary institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding internet and cell phone safety and online content that is a potential threat to school safety. Such information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media. The information shall either be distributed to or explained to students and other personnel to report potential threats. The form shall request, at a minimum, the following information:

(a) Name of institution, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

(3) Each institution shall adopt a policy to implement the provisions of this Part. The policy shall require that for every threat report received, the actions taken by the institution and the campus law enforcement agency or security officers be documented. The policies shall also provide for guidelines on referring the threats to the appropriate law enforcement agencies.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 642

- - -

HOUSE BILL NO. 379

BY REPRESENTATIVE HENRY

AN ACT

To amend and reenact R.S. 39:82(A) and 352 and to repeal R.S. 39:100.21(B), relative to special treasury funds, to repeal certain requirements of deposits and uses of the Overcollections Fund; to provide for the transfer, deposits, and use, as specified, of certain treasury funds; to delete references to the Overcollections Fund, Higher Education Financing Fund, and the Payments Towards the UAL Fund; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized to transfer $30,654,990, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2016-2017 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer Eight Hundred Forty-One Thousand Six Hundred Sixteen Dollars ($841,166) from the Capital Outlay Escrow Fund to the Louisiana Fire Marshal Fund, to be appropriated by the legislature to the Office of State Fire Marshal within the Department of Public Safety and Corrections - Public Safety Services to be used for onetime expenses as recognized by the Revenue Estimating Conference.

Section 3. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year; reports

A. All cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board regardless of the date of passage to any state agency for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year. Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year only as such liabilities come due for payment. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 and remaining after the deposit in the state general fund to the Higher Education Act Fund and necessary and proper expenses as are necessary to satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11. * * *

§352. Cancellation of unexpended portions of appropriations; exceptions

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, after all legal claims against it for the year have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as is necessary to satisfy the requirements of R.S. 39:100.146 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11. * * *

Section 4. R.S. 39:100.21(B) is hereby repealed in its entirety.

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

Approved by the Governor, June 2, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

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* As it appears in the enrolled bill
To grant a permanent benefit increase to retirees and beneficiaries of the Louisiana State Police Retirement System in conformity with the statutory provisions governing the system's experience account.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that the experience account of the Louisiana State Police Retirement System was created for the purpose of accumulating money sufficient to provide actuarial funding of permanent post-retirement benefit increases for certain retirees and beneficiaries of the system. The legislature further finds that the experience account is credited with a portion of the system's investment gain in excess of certain thresholds and with interest on funds in the account, provided, however, that the amount in the experience account shall in no event exceed the reserve necessary to grant one permanent benefit increase until the system is at least eighty percent funded.

Section 2. The legislature finds that permanent benefit increases funded by the experience account monies are payable to regular retirees who have been retired for at least one year and who have attained age sixty; to disability retirees who have been retired at least one year regardless of age; to beneficiaries of retirees who would have met the applicable criteria to receive the increase if they had survived; and to nonretiree beneficiaries who have been receiving benefits for at least a year and whose benefits are derived from service of deceased members who would have attained age sixty. The legislature further finds that any increase payable in 2018 shall be calculated on the first sixty-one thousand five hundred eighty-eight dollars of a retirement benefit only.

Section 3. The legislature finds that, in accordance with the provisions of R.S. 11:1332, the board of trustees of the Louisiana State Police Retirement System has sent a resolution recommending to the president of the Senate and the speaker of the House of Representatives that the legislature grant a permanent benefit increase to the eligible retirees and beneficiaries of the system in accordance with the provisions of R.S. 11:1332 and Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. The legislature finds that the resolution presented to the presiding officers of the legislature contains a recitation of the statutorily required conditions and specification of the satisfaction of each as follows:

(A) For the plan year that ended June 30, 2017, the Louisiana State Police Retirement System earned an actuarial rate of return of five and twenty-three one-hundredths percent, which exceeded the board-approved actuarial valuation rate of seven percent, and was sixty-two and ninety-one one-hundredths percent funded.

(B) For any year in which the system's rate of return is at least seven percent, R.S. 11:1332(C), provides that if the system is at least sixty-five percent funded but less than seventy-five percent funded and the legislature has not granted a benefit increase in the preceding year, a permanent benefit increase shall not exceed the lesser of two percent or the increase in the consumer price index, U.S. city average for all urban consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending on the system's valuation date preceding the increase.

(C) The consumer price index, U.S. city average for all urban consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending June 30, 2017, was determined to be one and six-tenths percent, which is less than two percent.

(D) The system actuary has determined that the actuarial liability created by providing a permanent benefit increase of one and six-tenths percent is approximately five million two hundred sixty-six thousand dollars. The system actuary computed the balance in the experience account to be over five million two hundred sixty-six thousand dollars, an amount sufficient to fund a benefit increase up to one and six-tenths percent.

(E) The actuary has determined that the actuarial liability created by providing a permanent benefit increase of one and six-tenths percent is approximately five million two hundred sixty-six thousand dollars. The system actuary computed the balance in the experience account to be over five million two hundred sixty-six thousand dollars, an amount sufficient to fund a benefit increase up to one and six-tenths percent.

Section 5. The legislative auditor has confirmed that the legislative auditor's actuary is in the process of determining whether he agrees with the determinations of the system actuary.

Section 6. Contingent upon satisfaction of all necessary conditions contained in R.S. 11:1332, the first sixty-one thousand five hundred eighty-eight dollars of the current benefit of each retiree and beneficiary of the Louisiana State Police Retirement System shall in the aggregate exceed the criteria contained in the statute and recited herein shall be increased by the applicable 2017 consumer price index of one and six-tenths percent effective July 1, 2018.

Section 7. This Act shall become effective on June 30, 2018, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later. Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 644
SENATE BILL NO. 27
BY SENATOR MILLS

To amend and reenact R.S. 46:153.3(D)(1) and (2), relative to the Medicaid Pharmaceutical and Therapeutics Committee; to provide for committee composition; to provide for committee diversity; to provide for nominating entities; to provide for filling of vacancies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:153.3(D)(1) and (2) are hereby amended and reenacted to read as follows:

§ 153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

(D)(1) The Medicaid Pharmaceutical and Therapeutics Committee, hereinafter referred to as "the committee", is hereby created within the Louisiana Department of Health. The committee shall be composed of twenty-one fifteen members appointed by the governor and submitted to the Senate for confirmation. The committee shall be representative of the state's geographic and demographic composition, including women, men, and minorities. The governor shall ensure that appointments achieve race, gender, and geographic diversity.

(2)(a) Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of no less than one hundred Medicaid recipients. The committee shall be comprised of the following persons:

(i) One pharmacist recommended by the Louisiana Independent Pharmacies Association and who is a pharmacist who is participating in the Title XIX program.

(ii) One pharmacist recommended by the Louisiana State Medical Society and who is a pharmacist who is participating in the Title XIX program.

(iii) One pharmacist recommended by the Louisiana Psychiatric Medical Association and who is a pharmacist who is participating in the Title XIX program.

(iv) One pharmacist recommended by the Louisiana Board of Pharmacy and who is a pharmacist who is participating in the Title XIX drug program.

(B) The committee shall include:

(1) One physician who is a pediatric oncologist representing the Louisiana State University School of Medicine.

(2) One physician who is a family medicine specialist recommended by the Louisiana State Medical Society.

(3) One physician who is a general internist recommended by the Louisiana State Medical Society.

(4) One physician who is a obstetrics/gynecology specialist recommended by the Louisiana State Medical Society.

(5) One physician who is a pediatrician recommended by the Louisiana Medical Association.

(6) One physician who is a pediatrician recommended by the Louisiana State Board of Medical Examiners.

(7) One pharmacist representing nominated by the University of Louisiana at Monroe School of Pharmacy.

(8) One pharmacist representing nominated by the Xavier University of Louisiana School of Pharmacy.

(C) The committee shall consist of:

(1) One member who is a consumer member who shall be a Medicaid recipient.

(2) One member who is a consumer member who shall be a Medicaid recipient.

(3) One member who is a consumer member who shall be a Medicaid recipient.

(4) One member who is a consumer member who shall be a Medicaid recipient.

(5) One member who is a consumer member who shall be a Medicaid recipient.

(6) One member who is a consumer member who shall be a Medicaid recipient.

(7) One member who is a consumer member who shall be a Medicaid recipient.

(8) One member who is a consumer member who shall be a Medicaid recipient.

(9) One member who is a consumer member who shall be a Medicaid recipient.

(10) One member who is a consumer member who shall be a Medicaid recipient.

(11) One member who is a consumer member who shall be a Medicaid recipient.

(12) One member who is a consumer member who shall be a Medicaid recipient.

(13) One member who is a consumer member who shall be a Medicaid recipient.

(14) One member who is a consumer member who shall be a Medicaid recipient.

(15) One member who is a consumer member who shall be a Medicaid recipient.

(16) One member who is a consumer member who shall be a Medicaid recipient.

(17) One member who is a consumer member who shall be a Medicaid recipient.

(18) One member who is a consumer member who shall be a Medicaid recipient.

(19) One member who is a consumer member who shall be a Medicaid recipient.

(20) One member who is a consumer member who shall be a Medicaid recipient.

(21) One member who is a consumer member who shall be a Medicaid recipient.

(D) The system actuary has determined that the actuarial liability created by providing a permanent benefit increase of one and six-tenths percent is approximately five million two hundred sixty-six thousand dollars. The system actuary computed the balance in the experience account to be over five million two hundred sixty-six thousand dollars, an amount sufficient to fund a benefit increase up to one and six-tenths percent.

(E) The actuary has determined that the actuarial liability created by providing a permanent benefit increase of one and six-tenths percent is approximately five million two hundred sixty-six thousand dollars. The system actuary computed the balance in the experience account to be over five million two hundred sixty-six thousand dollars, an amount sufficient to fund a benefit increase up to one and six-tenths percent.

Section 6. Contingent upon satisfaction of all necessary conditions contained in R.S. 11:1332, the first sixty-one thousand five hundred eighty-eight dollars of the current benefit of each retiree and beneficiary of the Louisiana State Police Retirement System shall in the aggregate exceed the criteria contained in the statute and recited herein shall be increased by the applicable 2017 consumer price index of one and six-tenths percent effective July 1, 2018.

Section 7. This Act shall become effective on June 30, 2018, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later. Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 645
SENATE BILL NO. 73
BY SENATOR GATTI

AN ACT

To enact R.S. 14:87.3(F), relative to abortion; to create and provide relative to the Fetal Organ Whistleblower Account; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87.3(F) is hereby enacted to read as follows:

§ 87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt, research, commerce, or transport of fetal organs, tissues, and body parts; whistleblowers account

F. The Fetal Organ Whistleblower Account, hereinafter referred to as "the account", is hereby created in the state treasury:

(1) The account shall be composed of any monies derived from appropriations by the legislature and gifts, grant, devise, donation, or bequest of monies or properties of any nature or description.

(2) An award of one thousand dollars shall be paid out of the account to any person who provides evidence that results in the arrest and indictment of any other person for a violation of this Section. Eligibility for an award pursuant to this Subsection shall be determined by the district attorney or the attorney general, as appropriate.

(3) All monies deposited in the account shall be used solely to pay awards to persons as provided by Paragraph (2) of this Subsection and shall be paid by the state treasurer upon written order from the attorney general.

(ACT No. 645)

THE ADVOCATE

* As it appears in the enrolled bill
(4) The name and other identifying information of any person who is paid an award pursuant to this Subsection shall remain confidential.

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

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 646
SENATE BILL NO. 89
BY SENATOR BISHOP AND REPRESENTATIVES BOUIE, BRASS AND SMITH
AN ACT
To amend and reenact R.S. 17:3991(A)(1)(b) and (c)(iii), and to enact R.S. 17:3991(A)(1)(c) (iv), relative to the membership of a charter school governing or management board; to provide relative to the composition of such board; to provide for exemptions relative to charter school board members; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3991(A)(1)(b) and (c)(iii) are hereby amended and reenacted and R.S. 17:3991(A)(1)(c)(iv) is hereby enacted to read as follows:

§ 3991. Charter schools; requirements; limitations; renewal; amendment; revocation; board membership

A. (1)(a) *          *          *

(1) Each charter school shall be established by a governing or management board, the members of such shall receive no compensation other than reimbursement of actual expenses incurred while fulfilling duties as a member of such a board.

(ii) Notwithstanding any provision of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950 or any other law to the contrary, a member of a charter school governing or management board may serve as an officer, director, or employee, whether compensated or not, of any national or state bank; however, he shall recuse himself from voting in favor of any such bank and shall disclose the reason for such recusal by filing a statement of the reason into the minutes or record of the charter school governing or management board and by forwarding a disclosure form to the Board of Ethics.

(1)(i) Each charter school shall be in full compliance with the provisions of this Subparagraph by not later than January 1, 2003. Beginning October 1, 2018, the membership of the governing or management board of each charter school located in a parish with a population of between three hundred twenty-five thousand and three hundred seventy-five thousand persons, based on the most recent federal decennial census, shall include at least one member who is a parent, legal guardian, or grandparent of a student enrolled in the charter school or an alumnus of the school, who may be appointed or elected. Each charter school governing or management board shall adopt a policy prescribing the process and timelines for either appointing or electing a parent, legal guardian, or grandparent of a student or an alumnus of the school to the board. The policy shall be provided to the parents of each child enrolled in the school and published on the school’s website.

(1)(iv) Beginning with the 2019-2020 school year, the governing or management board of each charter school, other than a Type 2 charter school, located in a parish with a population of between three hundred twenty-five thousand and three hundred seventy-five thousand persons, based on the most recent federal decennial census, shall be representative of the community in which the charter school is located by race and gender to ensure diversity, and no fewer than sixty percent of its members shall reside in the parish in which the school is located.

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

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 647
SENATE BILL NO. 114
BY SENATORS PEACOCK, ALLAIN, CORTEZ, MARTINY, MIZELL, THOMPSON AND WHITE
AN ACT
To amend and reenact R.S. 47:1508(B)(33), relative to the confidentiality of taxpayer information; to authorize the disclosure of taxpayer information to the Department of Health to verify eligibility for Medicaid; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:1508(B)(33) is hereby amended and reenacted to read as follows:

§ 1508. Confidentiality of tax records

(33) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Department of Health’s tax filing units and Medicaid fraud units for the purposes of complying with mandatory requirements in accordance with federal law, including information necessary to verify an individual’s eligibility for Medicaid.

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

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 648
SENATE BILL NO. 119
BY SENATORS MORRELL AND MILLS
AN ACT
To amend and reenact R.S. 47:1508(B)(33), relative to the confidentiality of taxpayer information; to authorize the disclosure of taxpayer information to the Department of Health to verify eligibility for Medicaid; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:1508(B)(33) is hereby amended and reenacted to read as follows:

§ 1508. Confidentiality of tax records

(33) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Department of Health’s tax filing units and Medicaid fraud units for the purposes of complying with mandatory requirements in accordance with federal law, including information necessary to verify an individual’s eligibility for Medicaid.

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

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 46:1403.1 and to enact R.S. 46:286.24, relative to foster care; to provide for the effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1403.1 is hereby amended and reenacted and R.S. 46:286.24 is hereby enacted to read as follows:

§ 1403.1. Foster care: high school student
A. In the event funds are made available for this purpose, the Department of Children and Family Services shall continue to provide to a person in foster care and to the person’s foster parents all benefits and services of the department’s foster care program after the person’s eighteenth birthday if the person is a full-time high school student or in the process of receiving an equivalent credential, until the person’s high school graduation or twenty-first birthday, whichever occurs first, upon the written consent of the person and foster parents receiving the benefits and services.
B. Acceptance of these benefits and services shall in no way deprive the person in foster care of any rights or obligations conferred by attaining the age of majority.
C. The benefits and services provided under this Section shall impose no obligation of reimbursement upon the recipients.
D. The department shall notify all foster children and their foster parents or other custodians in writing of the availability of these benefits and services at the foster child’s seventeenth birthday, and every ninety days thereafter until the child’s eighteenth birthday, unless the foster child and foster parents or other custodians have already consented in writing to participating in this program.

§ 1403.1. Extended stay for completion of educational courses or other programs
Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 51:1741.4(A)(1), a child housed at a residential home or in foster care, may stay at such home or in foster care until his twenty-first birthday to complete any educational course that he began at such facility, or while in foster care, including but not limited to a General Education Development course, and any other program offered by the residential home.

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

Approved by the Governor, June 1, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 650

SENATE BILL NO. 165
BY SENATOR PETERSON

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

(10) July 1, 2022.

THE ADVOCATE PAGE 313
action against a person who knowingly inserts false information into a caller identification system with the intent to cause harm to, wrongfully obtain anything of value from, mislead, defraud, or deceive the recipient of a telephone call. A person who brings an action under this Chapter may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover as provided for in this Section.

C. The attorney general, or a district attorney in a parish where a violation occurs, may bring an action against a person who violates this Chapter and shall seek to enjoin further violations of R.S. 51:1741.4 and to recover a civil penalty of up to five thousand dollars per violation.

D. The remedies provided for in this Section shall not preclude the seeking of other remedies, including criminal remedies, provided by law.

Approved by the Governor, June 1, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 653
SENATE BILL NO. 220
BY SENATOR CARTER
AN ACT
To amend and reenact R.S. 39:105(B), and to enact R.S. 39:105(C), relative to capital outlay reports; to require the office of facility planning and control to submit to the Joint Legislative Committee on Capital Outlay an annual report of funded nonstate projects which do not have a fully executed cooperative endeavor agreement, a design contract, or are not proceeding with construction, and the reasons therefor; to provide for a copy of the report to be sent to each legislator whose district includes one or more projects on the list; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:105(B) is hereby amended and reenacted and R.S. 39:105(C) is hereby enacted to read as follows:

§105. Capital Outlay reports to Joint Legislative Committee on Capital Outlay

B. (1) The office of facility planning and control and any state agency authorized to administer capital outlay appropriations shall submit to the Joint Legislative Committee on Capital Outlay, an annual written progress report no later than the first day of February, of the nonstate projects included in the current year's capital outlay budget which have been funded by the legislature, whether the project has been executed, and the reasons therefor; to include a copy of the report to be sent to each legislator whose district includes one or more projects on the list; to provide for an effective date; and to provide for related matters.

R. Kyle Ardoin
Secretary of State

ACT No. 654
SENATE BILL NO. 248
BY SENATOR JOHNS
AN ACT
To amend and reenact Children's Code Art. 804(1)(b), relative to juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; to provide relative to juvenile court jurisdiction over delinquent acts committed by seventeen-year-olds; and to enact the definition of "child" for purposes of delinquency proceedings.

Approved by the Governor, June 1, 2018.

R. Kyle Ardoin
Secretary of State

THE ADVOCATE
To enact R.S. 18:501(C), relative to the Louisiana Election Code; to provide with respect to the boards shall be exempt from the provisions of this Chapter.

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

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 658
- - -
SENATE BILL NO. 273
BY SENATOR MILKOVICH
AN ACT
To amend and reenact R.S. 13:3139 and to enact Code of Civil Procedure Art. 2164.1, relative to appeal; to provide relative to appellate procedure; to provide relative to assignment of appellate panels; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3139 is hereby amended and reenacted as follows:
§319. Assignment and allotment of cases
Each civil and criminal proceeding appeal and each application for writs shall be randomly assigned by the clerk, subject to the direct supervision of the court.

Section 2. Code of Civil Procedure Art. 2164.1 is hereby enacted to read as follows:
Art. 2164.1. Assignment of appellate panels
The provisions of R.S. 13:3139 shall be applicable to assignment of appellate panels.

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 659
- - -
SENATE BILL NO. 289
BY SENATOR PERRY
AN ACT
To enact R.S. 47:1713, 1714, and 1715, relative to ad valorem tax; to provide with respect to eligibility for trusts for the special assessment level and certain exemptions; to authorize the special assessment level for homesteads, the additional exemption for disabled veterans and their spouses, and the exemption for surviving spouses of military personnel, law enforcement and fire protection officers, and first responders under certain circumstances; to provide for the disposition of excess ad valorem payments made by certain trusts with respect to the special assessment level; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1713, 1714, and 1715 are hereby enacted to read as follows:
§1713. Special assessment level for certain trusts
A trust shall be eligible for the special assessment level if all of the following apply:
(1) The settlor or settlors of the trust were the immediate prior owner or owners of the homestead.
(2) The naked ownership of the homestead was transferred to the trust.
(3) The settlor or settlors retained a usufruct on the homestead.
(4) The settlor or settlors continue to occupy the homestead.
(5) The settlor or settlors would have been eligible for the special assessment level had they retained the naked ownership of the homestead.

Section 2. Code of Civil Procedure Art. 2164.1 is hereby enacted to read as follows:
Art. 2164.1. Assignment of appellate panels
The provisions of R.S. 13:3139 shall be applicable to assignment of appellate panels.

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
(3) The naked ownership of the homestead was transferred to the trust.
(4) The settlor or settlors retained a usufruct on the homestead.
(5) The settlor or settlors continue to occupy the homestead.
(6) The settlor or settlors would have been eligible for the exemption established under Article VII, Section 21(M) of the Louisiana Constitution had they retained the naked ownership of the homestead.

Section 2. This Act shall take effect and become operative if and when the proposed addition of Article VII, Sections 18(G)(6), and 21(K)(4) and (M)(4) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 163 of this 2018 Regular Session of the Legislature is adopted at the statewide election to be held on November 6, 2018, and becomes effective.

Approved by the Governor, June 1, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 660
SENATE BILL NO. 310
BY SENATOR CLAITOR
AN ACT
To enact R.S. 17:3911(B)(4)(f), relative to the collection and reporting of certain data relative to students with an exceptional need; to provide relative to the failure of the Department of Education to comply with certain data collection and reporting requirements; to provide for a penalty for noncompliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3911(B)(4)(f) is hereby enacted to read as follows:
§3911. Data collection system; establishment
B.(1)
(4)(a)

(4) For any fiscal year in which the department fails to collect and report the required data, the state treasurer shall withhold an amount equal to twenty-five percent of the state general funds appropriated to the state Department of Education through the general appropriations bill for “STATE ACTIVITIES” which are allocated for travel expenses, until such time as the department complies with the provisions of this Paragraph.

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

Approved by the Governor, June 1, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 661
SENATE BILL NO. 319
BY SENATOR GATTI
AN ACT
To amend and reenact R.S. 47:302.26(C)(4) and R.S. 51:2214(H) and to repeal R.S. 33:4579 through 4579.5, Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.1 through 9039.4, Part IV of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1106.1 through 1106.4, Part IV of Chapter 7 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:1061.16(F), and Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1273.1 through 1273.8, as follows:

H. On or before January 1, 2015, and annually thereafter, the board shall submit to the House and Senate committees on education, the House Committee on Commerce, and the Senate committees on commerce and the Louisiana Innovation Council Committee on Commerce, Consumer Protection, and International Affairs, a report that addresses funding activities undertaken and performance outcomes by the MediFund in the most recent one-year period and any other information that the board deems appropriate to convey a clear understanding of the operations and impact of the MediFund on commercialization of bioscience research, improvement of health outcomes, number of new jobs created, grants, patents, spinoff companies, scientific discoveries, published research, and total economic benefit.

B. R.S. 36:109(U) is hereby repealed.

C. Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401, is hereby repealed.

Approved by the Governor, June 1, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 662
SENATE BILL NO. 332
BY SENATOR CORTEZ
AN ACT
To enact R.S. 48:94, relative to the Department of Transportation and Development; to provide for the transparency of operations in district offices; to provide for publication by each department district of certain information on the department’s internet website; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:94 is hereby enacted to read as follows: §48.4 District office transparency: publication of district work
Each department district office shall publish weekly on the department’s internet website information by parish regarding the construction and maintenance work performed, including but not limited to a description and location of the construction project or maintenance work performed.

Approved by the Governor, June 1, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 663
SENATE BILL NO. 335
BY SENATORS MIZELL, ALARIO, BARROW, ERDEY, GATTI, HEWITT, JOHNS, LAMBERT, LONG, MARTINY, MILIKOVICH, MILLS, PRICE, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, BACALA, BAILEY, BARRAS, TERRY BROWN, ROBBY CARTRIDGE, CHANEY EDMONDS, GAROFALO, HAZEL, HODGES, HOFFMANN, HORTON, HOWARD, IVEY, MCCFARLAND, STOKES, THOMAS AND WHITE
AN ACT
To amend and reenact R.S. 14:82.2 and 83 and R.S. 15:243 and to enact R.S. 15:539,4,
relative to prostitution; to provide for the crime of solicitation of prostitution; to provide for the crime of purchase of commercial sexual activity; to provide for fines; to provide for the sale of the proceeds from fines; to provide for the pre-trial diversion program for convicted sex offenders; to provide for the post-conviction program for convicted sex offenders; to provide for the Buyer Beware Program to educate defendants and offenders; to provide for the purchase of commercial sexual activity; penalties

A. It shall be unlawful for any person to knowingly agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.

B. For purposes of this Section, “sexual intercourse” means vaginal, oral, or anal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

C. (1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(2) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand five hundred dollars or be imprisoned, with or without hard labor, for not more than two years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than two thousand five hundred dollars nor more than four thousand dollars and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not less than three thousand dollars nor more than fifty thousand dollars, imprisoned for not less than one nor more than fifteen years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be fined not less than five thousand dollars and nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

D. In addition to the penalties provided for in Subsection C of this Section, the court shall order the offender to complete the Buyer Beware Program, as provided for in R.S. 15:243, to educate the offender about the harms, exploitation, and negative effects of prostitution. The court shall impose additional court costs in the amount of two hundred dollars to defray the costs of the program.

E.(1) Any child under the age of eighteen determined to be a victim of this offense shall be eligible for specialized services for sexually exploited children.

(2) The state shall periodically review its policy concerning services for victims of sexual exploitation and determine whether such services are available.

F. It shall not be a defense to prosecution for a violation of this Section that the person who receives or agrees to receive anything of value is actually a law enforcement officer or peace officer acting within the official scope of his duties.

§83. Soliciting for prostitutes

A. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

B.(1)(a) Whoever commits the crime of soliciting for prostitutes shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(b) Whoever commits the crime of soliciting for prostitution, with the proceeds of the fine being paid to the operator of the Buyer Beware Program, shall be fined not more than one thousand dollars nor more than two thousand dollars, imprisoned for not more than one year, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not less than five thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be fined not less than five thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

§242. Buyer Beware Program; post-conviction program for offenders; pre-trial diversion program for defendants; individually engaged in the purchase of sexual activity and solicitation of prostitutes

A. (1) The district attorney for each judicial district, alone or in conjunction with the district attorney of an adjacent judicial district, may create and administer a diversion program for defendants charged, or offenders convicted, with an offense in which the defendant engaged in the purchase of sexual activity, including those charged or convicted pursuant to R.S. 14:82.2 or R.S. 14:83. The program shall educate the defendants or offenders about the harms, exploitation, and negative effects of prostitution. The district attorney, at his discretion, may choose to be the operator of the program using his own office personnel or may choose a vendor as the operator of the program.

(2) The program may be offered, at the discretion of the district attorney, to an offender as part of a pre-trial diversion program unless the offense involves the purchase of sexual activity from a minor.

B. At the discretion of the district attorney, after any costs associated with the administration of the program are paid, a portion of all monies collected pursuant to the provisions of this Section may be distributed to entities within their judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to victims of offenses involving human trafficking and trafficking of children for sexual purposes.

C. If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district, the court shall order that the offender, who is sentenced pursuant to the provisions of R.S. 14:82.2 or R.S. 14:83, attend a certain number of meetings for sexual addiction recovery with a local recovery group.

D. If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district and there is no local recovery group for sexual addiction within the judicial district or within a fifty-mile radius of the offender’s home, the court shall order the offender, who is sentenced pursuant to the provisions of R.S. 14:82.2 or R.S. 14:83, to complete an online course which educates the offenders about the harms, exploitation, and negative effects of prostitution.

E. The provisions provided for in this Section shall be known as the “Buyer Beware Program”.

§539.4. Fines related to solicitation of prostitutes and purchase of commercial sexual activity.

Notwithstanding the provisions of R.S. 15:571.11, when a fine is imposed pursuant to the provisions of R.S. 14:82.2(C) or 83(B)(1), (2), or (3), the sheriff or executive officer of the court shall distribute five hundred dollars or one-half of the fine, whichever is greater, pursuant to the provisions of R.S. 15:571.11 and the remainder of the fine shall be distributed as follows:

(1) Fifty percent of the proceeds from the imposition of the fine to the sheriff or law enforcement agency that made the arrest to be used for training officers in recognizing and the prevention of human trafficking.

(2) Fifty percent of the proceeds from the imposition of the fine to the district attorney, in furtherance of the administration of justice in the judicial district and to prevent future recidivism, shall be distributed in accordance with R.S. 14:82.2(C)(4)(D)(1) and (2), which shall be used for victim services, treatment, and helps victims of human trafficking or those who are charged or convicted of prostitution.

Approved by the Governor, June 1, 2018.

A true copy.

R. Kyle Ardoin

Secretary of State

ACT No. 664

SENATE BILL NO. 342

BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 39:29(B)(4) and (D)(2), relative to the nondiscretionary standstill budget; to provide for the nondiscretionary standstill budget to include means of financing substitutions adjustments necessary to finance a budget unit’s existing operating budget in the ensuing fiscal year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:29(B)(4) and (D)(2) are hereby amended and reenacted to read as follows:

$29. Budget guidelines

A. The division of administration shall review the estimates for reasonableness and shall combine the division of administration shall review the estimates for reasonableness and shall combine the

B. The division of administration shall review the estimates for reasonableness and shall combine the

C. The division of administration shall review the estimates for reasonableness and shall combine the

D. The division of administration shall review the estimates for reasonableness and shall combine the

(2) The second column shall represent the nondiscretionary adjusted standstill budget estimates, the division of administration shall review the estimates for reasonableness and shall combine the agency estimates with the mandatory statewide standard adjustments provided for in the continuation budget, and any means of financing substitutions that do not result in a net increase or decrease in the budget unit’s total budget and are necessary to finance a budget unit’s current-year existing operating budget as of December first in the ensuing fiscal year prior to the application of any other adjustments, which shall constitute the nondiscretionary adjusted standstill budget for the ensuing fiscal year.

D. The nondiscretionary adjusted standstill budget and the continuation budget shall be contained in one document and shall be in a format which compares the budgets by budget unit, on the same page. For purposes of this Section, there shall be no less than four columns in this document:

The Advocate
A. Expressive activities at public postsecondary education institutions by students, administrators, faculty members, staff members, and invited guests are protected.

B. Any person who wishes to engage in noncommercial expressive activity on the campus of a public postsecondary education institution shall be permitted to do so freely, as long as the person’s conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.

C. The outdoor areas of a public postsecondary education institution shall be deemed traditional public forums and open to expressive activities. Nothing in this Part shall be interpreted as limiting the right of student expression elsewhere on campus.

D. A public postsecondary education institution may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of a significant institutional interest that is unrelated to the content of the student’s expression, if such restriction is employed clear, published, and content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for spontaneous and contemporaneous assembly and distribution of literature.

E. Nothing in this Part shall be interpreted as preventing institutions from prohibiting, limiting, or restricting student expressive activity that infringes on the constitutional rights of others or that materially and substantially disrupts the institution’s operations.

§3399.33. Freedom of association; student organizations

No public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:

(1) Affirm and adhere to the organization’s sincerely held beliefs.

(2) Comply with the organization’s standards of conduct.

(3) Further the organization’s mission or purpose, as defined by the organization.

§3399.34. Institutional policies on free expression

Each public postsecondary education institution shall develop policies, regulations, and procedures for the protection of free expression on campus that are consistent with this Part and the policies of its management board. The policies shall outline the rights of students, administrators, faculty, and staff and shall:

(1) Be made public in the institution’s handbook, on its website, and through student orientation programs.

(2) Be incorporated in the materials, programs, and procedures provided to all employees and students.

(3) Provide information regarding the procedures whereby a person aggrieved by a violation of this Part or the institution’s policies on free expression may seek relief.

§3399.35. Management board on free expression

Each public postsecondary education management board, in collaboration with the Board of Regents, shall develop and adopt policies on free expression that contain at least the following:

(1) A statement that each institution shall strive to ensure the fullest degree of intellectual freedom and free expression.

(2) A provision that it is not the proper role of an institution to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including without limitation ideas and opinions they find unseemly, disagreeable, or even deeply offensive.

(3) A provision that students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws and permit and within the limits on time, place, and manner of expression that are consistent with this Part and that are necessary to achieve a significant institutional interest; such restrictions shall be published and provide ample alternative means of expression.

(4) A provision that students and faculty may assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the institution, subject to the requirements of this Part.

(5) A provision that any person lawfully present on a campus may protest or demonstrate there.

(6) A provision that the public areas of campuses of each institution are traditional public forums that are open on the same terms to any speaker.

(7) A provision that the policy supersedes and nullifies any provision in the policies and regulations of any institution that restricts speech on campus and that any such provision is therefore inconsistent with this policy on free expression. Each institution shall remove or revise any such provision in its policies and regulations to ensure compatibility with this policy on free expression.

§3399.36. Reports

A. Each public postsecondary education institution shall submit a report to the governor and the legislature by January 1, 2019, on the implementation of the provisions of this Part.

B. Each institution shall annually submit a report to the governor and the legislature regarding any barriers to or incidents against free expression that occurred at the institution. The report shall detail the barrier or incident as well as actions taken in response to the barrier or incident.

C. If an institution is sued for an alleged violation of a right guaranteed by the First Amendment of the Constitution of the United States of America, the institution shall submit a supplementary report with a copy of the complaint to the governor and the state legislature within thirty days of receipt of the complaint.

D. Each institution shall post all reports pursuant to this Section on its website.

§3399.37. Regulations

Each postsecondary public education management board shall adopt policies to implement the provisions of this Part. Nothing in this Part shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law. Except as further limited by this Part, no institution shall require its staff, such as administrative staff or other campus employees, to suppress speech on campus.

§3399.38. Applicability

The provisions of this Part shall be applied to the same extent as the provisions of the First Amendment of the Constitution of the United States of America, the Louisiana Constitution, and other applicable laws.

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* As it appears in the enrolled bill

CODING: Words in **boldface** type are deletions from existing law; words under **scored** (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.
To amend and reenact Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature, and Code of Criminal Procedure Article 875.1 are hereby amended and recanted to read as follows:

A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims. These financial obligations are intended to be a deterrent to the offender and a financial barrier to the offender's successful reintegration into society. Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should not be imposed. Continued payment plan for the offender may include any fine, fee, cost, restitution, or other monetary obligation authorized by this Cod or by the Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a criminal sentence, incarceration, or as a condition of the defendant's release on probation or parole.

C. Notwithstanding any provision of law to the contrary, prior to ordering the imposition or enforcement of any financial obligations as defined by this Article, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

D. The defendant may not waive the judicial determination of a substantial financial hardship required by the provisions of this Paragraph.

E. A defendant is ordered to make monthly payments under a payment plan established pursuant to the provisions of Subparagraph (1)(b) of this Paragraph shall be equal to the defendant's average gross daily income for an eight-hour work day.

F. If the court has ordered restitution, half of the defendant's monthly payment shall be distributed toward the defendant's restitution obligation.

G. During any period upon which the defendant was ordered to pay financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court may either waive or modify the defendant's financial obligation, or recalculate the amount of the monthly payment made by the defendant under the payment plan set forth in Subparagraph (1)(b) of this Paragraph.

E. A defendant is ordered to make monthly payments under a payment plan established pursuant to the provisions of Subparagraph (D)(1)(b) of this Article, the defendant's payment obligations resulting from his criminal conviction are forgiven and considered paid in-full if the defendant makes at least the monthly payments for either twelve consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

F. If, at the termination or end of the defendant's term of supervision, any restitution ordered by the court remains outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in favor of the person to whom restitution is owed, which may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure. For any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered to be paid.

The provisions of this Article shall apply only to defendants convicted of offenses classified as felonies under applicable law.

Art. 894.4. Probation; extension

A. When a defendant has been sentenced to probation and has a monetary obligation, including but not limited to court costs, fines, costs of prosecution, and any other monetary costs associated with probation, the judge may extend the period of probation for the purpose of collecting any unpaid monetary obligation, except as provided in Paragraph B of this Article, but not more than the unpaid monetary obligation to the office of debt recovery pursuant to R.S. 17:1676.

B. The judge may extend probation only one time and only by a period of six months for the purpose of monitoring collection of unpaid victim restitution if the court finds on the record that the defendant's inability to pay, in combination with the defendant's current financial circumstances and determination, in the same manner as the initial determination, whether under the defendant's current financial circumstances in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. Upon such motion, if the court determines that the defendant's current financial circumstances would cause substantial financial hardship to the defendant or his dependents, the court may either waive or modify the defendant's financial obligation.

C. A six month extension of probation as provided in Paragraph B shall only apply to the order of victim restitution. All other conditions of probation during the six month extension shall be terminated.
Art. 899.2. Administrative sanctions for technical violations; offenses other than crimes of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, and the availability of appropriate local sanctions, including but not limited to jail, confinement, house arrest, electronic surveillance, restitution centers, and revocation of parole, shall be required to serve the following sentences:

A. Every defendant on felony probation pursuant to Article 893 for an offense other than a technical violation of the conditions of parole as determined by the committee on probation and parole, shall be required to serve the following sentences:

(1) (a) A “technical violation”, as used in this Paragraph, means any violation except offenses other than a crime of violence as defined in R.S. 14:2(B), or a sex offense as defined in R.S. 15:541, that: (i) is not committed by one family member or household member against another; defendants convicted of battery committed by one dating partner as defined by R.S. 14:98; defendants convicted of domestic abuse battery pursuant to R.S. 14:79, issued against the defendant to protect a family member or household member as defined by R.S. 14:2(B), or a sex offense as defined by R.S. 15:541, and who has had his probation revoked under the provisions of this Article for being determined by the court to have committed a technical violation of his probation as determined by the court, shall be required to serve, without diminution of sentence, as follows:

(4) Failure to pay restitution for up to three months.
(5) Failure to report as required. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer wilfully failed to report as required and instructed for the purpose of permanently avoiding probation supervision.
(6) Traveling without permission.
(7) Occasion of unemployment and failure to seek employment within ninety days.

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court’s consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

(1) Order that the probation be revoked. In the event of revocation the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court.
(2) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the court of probation and parole officer.

Section 3. R.S. 15:574.6.1(B) and the introductory paragraph of 574.9(H)(1)(a) are hereby amended and reenacted to read as follows:

$574.6.1. Compliance credits; parole
$574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of imprisonment and reparation after revocation; credit for time served; revocation for a technical violation

H.1(a) Any offender who has been released on parole and whose parole supervision is being revoked pursuant to the provisions of this Section for whom has been determined to have committed a technical violation of the conditions of parole as determined by the committee on parole, shall be required to serve the following sentences:

Section 4. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 3. The provisions of this Act shall become effective on August 1, 2019.

Section 5. The provisions of Sections 2, 3, and 4 of this Act and this Section shall become effective on August 1, 2018.

Section 6. The provisions of Section 1 of this Act shall become effective on August 1, 2019. Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
To amend and reenact the introductory paragraph of R.S. 39:15.3(B)(1) and (e) and to enact R.S. 39:249, relative to sexual harassment prevention; to require the division of administration to adopt certain policies regarding access by certain state employees to certain internet and online sites; to identify and require certain filters; to block certain internet content; to provide certain exceptions; to provide clarifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 39:15.3(B)(1) and (e) are hereby amended and reenacted and R.S. 39:249 is hereby enacted to read as follows:

§15.3. Office of technology services; offices and staff; duties

* * *

B. The state chief information officer shall manage and direct the office of technology services, with roles, duties, and activities including but not limited to the following:

(1) Establishing and coordinating all information technology systems and information technology services affecting the management and operations of the executive branch of state government.

(2) The provisions of this Section shall apply to the state-owned or state-leased computers which are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency which is subject to the provisions of R.S. 39:15.3.

B. In conjunction with any policy adopted pursuant to the provisions of this Section, the division of administration, through the office of technology services, shall implement and utilize computer-related technology or internet service provider technology designed to block access or exposure to any harmful materials as specified in Subsection A of this Section.

C. The provisions of this Section shall not prohibit an authorized employee from having unfiltered or unrestricted access to the internet or an online service for legitimate scientific purposes, educational purposes, or law enforcement purposes as determined and approved by the employee's agency and in compliance with the policies adopted pursuant to this Section.

D. The provisions of this Section are not intended to prohibit any state employee from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned or leased by the state, so long as the employee does not use the computer or device to access any harmful material, as specified in Subsection A of this Section, while the employee is in the course and scope of his state employment.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 670

SENATE BILL NO. 410

BY SENATOR WHITE

AN ACT

To enact R.S. 15:571.3(F) and 574.4(1), relative to diminution of sentence for good behavior and parole; to provide for a report to the legislature relative to offenders released for “good time”; to provide for a report to the legislature relative to offenders released on parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.3(F) and 574.4(1) are hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

E. No later than August first of each year, the Department of Public Safety and Corrections shall submit an annual report to the legislature relative to offenders released from custody during the preceding fiscal year pursuant to the provisions of this Section. This report shall include the following information:

(1) The name and offender number of the released offender.

(2) The date on which the offender was released.

(3) The offense for which the offender was incarcerated at the time of his release, including whether the offense was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 14:541.

(4) A grid which shows the earliest release date that offenders would have been eligible for release notwithstanding the provisions of Section 3 of Act No. 280 of the 2017 Regular Session of the Legislature.

(5) Whether the offender obtained a GED certification or completed a literacy program, an adult basic education program, or a job skills training program before being released from custody.

(6) Any information relative to juvenile offenders that is exempt from release pursuant to a public records request or otherwise considered confidential by law shall be redacted from the report provided for by this Subsection.

§574.4. Parole; eligibility; juvenile offenders

I. On or before August 1, 2018, and no later than August first of each year following, the Department of Public Safety and Corrections shall submit an annual report to the legislature relative to offenders released from custody during the preceding year pursuant to the provisions of this Section. This report shall include the following information:

(1) The name and offender number of the paroled offender.

(2) The date on which the offender was released on parole.

(3) The offense for which the offender was incarcerated at the time of his release, including whether the offense was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

(4) A grid which shows the earliest release date that offenders would have been eligible for release notwithstanding the provisions of Section 3 of Act No. 280 of the 2017 Regular Session of the Legislature.

(5) Whether the offender obtained a GED certification or completed a literacy program, an adult basic education program, or a job skills training program before being released from custody.

(6) Any information relative to juvenile offenders that is exempt from release pursuant to a public records request or otherwise considered confidential by law shall be redacted from the report provided for by this Subsection.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 671

SENATE BILL NO. 452

BY SENATORS MORRISH, APPEL, BOUDREAXS, MIZZELL AND WALSWORTH

AN ACT

To amend and reenact R.S. 17:183.3(B)(2)(c), 5025(3)(c), the introductory paragraph of 5026(A) and (A)(3)(b), 5061, the introductory paragraph of 5062(C)(5), relative to the Taylor Opportunity Program for Students; to provide relative to eligibility requirements; to provide relative to Board of Regents' reporting requirements; to provide relative to sharing of certain taxpayer data with the administering agency; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.3(B)(2)(c), 5025(3)(c), the introductory paragraph of 5026(A) and (A)(3)(b), 5061, the introductory paragraph of 5062(C)(5), relative to the Taylor Opportunity Program for Students; to provide relative to eligibility requirements; to provide relative to Board of Regents' reporting requirements; to provide relative to sharing of certain taxpayer data with the administering agency; to provide for technical changes; and to provide for related matters.

§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(1) English - Four Units

(2) Science - Four Units

(3) Math - Two Units

(4) Social Studies - Two Units

(5) Fine Arts and other Elective Units

§5026. High school core curriculum requirements; TOPS-Tech Award

To be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or 5026, as the case may be, and the core curriculum defined as follows:

(1) Science - Two Units

(2) Math - Two Units

(3) Social Studies - Two Units

(4) Fine Arts and other Elective Units

§183.3. Career major; description; curriculum, and graduation requirements

* * *

§183.5. Career major; description; curriculum and graduation requirements

* * *

§183.3. Career major; description; curriculum, and graduation requirements

* * *

§183.5. Career major; description; curriculum and graduation requirements

* * *
§5061. Administering agency

The provisions of this Chapter shall be administered by the Board of Regents. The administering agency may shall provide by rule adopted as provided by the Administrative Procedure Act for all matters necessary to the implementation of this Chapter.

§5062. Rules, procedures, and guidelines

* * *

C. The administering agency shall provide the following guidelines:

(1) Guidelines and procedures by which the administering agency, subject to prior approval by in consultation with the State Board of Elementary and Secondary Education, may update the course name and establish course equivalencies for any course included in the definition of core curriculum provided by this Chapter, including necessary changes to course names and equivalencies for Advanced Placement and International Baccalaureate courses as prescribed by the College Board or the International Baccalaureate Foundation. The guidelines and procedures shall include but not be limited to a requirement that any change in a course name and the establishment of any course equivalency be done by rule adopted by the administering agency and a requirement that prior to issuing a notice of intent to consider any such rule the administering agency shall consult with and seek the written comments and recommendations of the Board of Regents on making the name change or establishing the course equivalency.

(5)(a) Notwithstanding any other provision of law, guidelines and procedures by which the administering agency may receive and consider an applicant’s qualifying score on the ACT or SAT which is first obtained on an authorized testing date after the national April testing date in the year of the applicant’s high school graduation provided that:

(i) The administration agency determines that the applicant was prevented from taking the test on or prior to the national April testing date of the year of the applicant’s graduation due to circumstances beyond the immediate control of the student which were attributable to the administration of the test.

(ii) The applicant’s qualifying score is obtained on an authorized testing date prior to August first of the year of the applicant’s graduation.

(b) When granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Paragraph, the agency shall not reduce the time period of eligibility for the award as set forth in R.S. 17:5062.

Section 2. R.S. 39:98.3(D) is hereby amended and reenacted to read as follows:

§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

* * *

D. Appropriations from the TOPS Fund shall be restricted to support of the state’s program for financial assistance for students attending Louisiana institutions of postsecondary education as established in Chapter 20-450 of Title 17 of the Louisiana Revised Statutes of 1950.

* * *

Section 3. R.S. 47:1508(B)(17) is hereby amended and reenacted to read as follows:

§1508. Confidentiality of tax records

* * *

B. Nothing herein contained shall be construed to prevent:

(17) The furnishing of a taxpayer’s reported federal adjusted gross income as requested by the office of student financial assistance when based on certification by the office that the confidentiality of such information will be respected and that it holds an agreement signed by the taxpayer authorizing the release of this information for the purpose of considering the eligibility of the taxpayer’s beneficiary for a tuition assistance grant under the Louisiana Student Tuition Assistance and Revenue Trust Program as provided for by Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950, or for the purpose of considering the eligibility of the taxpayer’s dependent child for an award under the Louisiana Taylor Opportunity Program for Students as provided for by Chapter 20-450 of Title 17 of the Louisiana Revised Statutes of 1950, or for the purpose of determining employment and residency status of past recipients of the Louisiana Taylor Opportunity Program for Students awards.

* * *

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 673

SENATE BILL NO. 512

BY SENATORS GATTI, ALARIO, ALLAIN, BOUDREAUX, CORTEZ, FANNIN, HEWITT, JOHNS, LAMBERT, LONG, LUNEAU, MARTINY, MILIKOVICH, MORGISH, GARY SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES ABRAHAM, AMEDEE, ANDERS, ARMES, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BOULIE, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, COX, DEVILLIER, EDMONDS, EMERSON, FOIL, FRANKLIN, GAINES, GAROFALO, GISCLAIR, HALL, JIMMY HARRIS, LANCE HARRIS, HAZEL, HENRY, HODGES, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, TERRY LANDRY, LEBAS, LERGER, MACK, MAGEE, MCFARLAND, MIGUEZ, GREGORIE MILLER, NORTON, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SChENXAYDER, SHADOIN, STAGNI, STOKES, TALBOT, THOMAS, WHITE, WRIGHT AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:2115.11(A), relative to student-initiated prayer; to provide for related school employee participation in student-initiated prayer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2115.11(A) is hereby amended and reenacted to read as follows:

§2115.11. Prayer; student-initiated; conditions

A. (1) Upon the request of any public school student or students, the proper school authorities may permit students to gather for prayer in a classroom, auditorium, or other space that is not in use, at any time before the school day begins when the school is open and students are allowed on campus, at any time after the school day ends provided that at least one student club or organization is meeting at that time, or at any noninstructional time during the school day.

A school employee may be assigned to supervise the gathering if such supervision is also requested by the student or students and the school employee volunteers to supervise the gathering. If a school employee present to supervise the gathering chooses, he may quietly bow his head during a student-led, student-initiated prayer so that the employee may treat the students’ religious beliefs and practices with deference and respect.

* * *

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 674

SENATE BILL NO. 534

BY SENATOR MILIKOVICH

AN ACT

To enact R.S. 14:2(B)(48) through (52) and 87.6, relative to abortion and feticide; to define abortion and feticide as “crimes of violence”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(48) through (52) and 87.6 are hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, “crime of violence” means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as “crimes of violence”:

* * *

(48) Criminal abortion.

(49) First degree feticide.

(50) Second degree feticide.

(51) Third degree feticide.

(52) Aggravated criminal abortion by dismemberment.

887.6. Coerced abortion

A. Coerced abortion is committed when any person intentionally engages in the use or threatened use of physical force against the person of a pregnant woman, with the intent to compel the pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed.

B. Whoever commits the crime of coerced abortion shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

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* As it appears in the enrolled bill
CODING: Words in were deletions from existing law; words in were additions.
To amend R.S. 42:805(D), 807, 808(E), 809, 857, and 883(A), to enact R.S. 42:805(F) and 882(D)(3), to add a child of a child of the enrollee’s spouse who is the stepchild’s parent and one parent who is an employee, as defined in Paragraph (A)(1) and (2) of this Section, Section 1. R.S. 42:1001, 1003, and 1003.1, the Office of Group Benefits is authorized to offer group insurance coverage to the following dependents of an enrollee:

(1) A child 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.

(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 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 Section, “grandchild” means a child of a child of the enrollee’s parent and one parent who is an employee, as defined in Paragraph (A)(1) and (2) of this Section, Section 1. R.S. 42:1001, 1003, and 1003.1, the Office of Group Benefits is authorized to offer group insurance coverage to the following dependents of an enrollee:

(1) A dependent for whom the enrollee has court-ordered legal custody or court-ordered legal guardianship but who is not a child or grandchild of the enrollee until the end of the month the custody or guardianship order expires or the end of the month the dependent attains the age of eighteen or is emancipated earlier as provided in this Section.

(E) Limitation of the respective limiting age of a child or grandchild shall not operate to terminate the coverage of such child or grandchild if the child or grandchild became incapable of self-sustaining employment by reason of physical or mental disability prior to attaining the respective limiting age, provided that before the child or grandchild reaches the limiting age, but no earlier than six months prior thereto, an application for continued coverage is filed with the office on a form designated by the office, and the application is subsequently approved. This application shall be accompanied by an attestation from the dependent’s attending physician setting forth the specific physical or mental disability and certifying that the child or grandchild is incapable of self-sustaining employment by reason of that disability. The office may require additional medical
or other supporting documentation regarding the disability to process the application.

(2) After the initial approval, the office may require the submission of additional medical or other supporting documentation substantiating the continuance of the disability, but not more frequently than annually, as a precondition to continued coverage.

§809. Payroll deductions for payment of premiums, surcharges, and other voluntary contributions

State boards, commissions, municipalities, and other public bodies may deduct from the employee's pay, salary, or compensation, such parts of the premiums, surcharges, and other voluntary contributions for life, health, or other benefit programs offered by the office as are payable by the employee and as may be authorized in writing by the employee.

§857. Authorization for surcharge

A. Notwithstanding any other provision of law or rule or regulation to the contrary, the Office of Group Benefits may impose a surcharge, payable solely by the participant employer or an enrollee, regardless of the source of funding, upon any class of employees or retirees.

B. (1) In the event the participant employer does not pay the surcharge by the date it is due, the office shall remove that participant employer and all of its employees and retirees from participation in the Office of Group Benefits programs, effective on the last day of the month in which the surcharge was due.

(3) This Section Subsection shall apply to local school boards only in the event that funds are appropriated by the legislature for the payment of the surcharge applicable to the local school boards.

C. Notwithstanding any other provision of law or rule or regulation to the contrary, in the event an enrollee does not pay an enrollee surcharge or portion of surcharge by the date it is due and the surcharge was applicable, effective on the last day of the month in which the surcharge was due.

§882. Composition of board

* * *

D. Vacancies.

(3) In the event that no person qualifies to run for one or more elected positions pursuant to Paragraph (A)(4) of this Section, the remaining members of the board shall fill the position by appointment. The board shall promulgate rules, in accordance with the Administrative Procedure Act, to implement the provisions of this Paragraph.

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

A. (1) At the first meeting held in each fiscal year the board shall elect one of its members to serve as chairman until a new chairman is elected. At the same meeting, the board shall elect from its members a vice chairman to preside at meetings in the absence of the chairman and a secretary who shall be responsible for keeping the records and documents of the board.

(2) If in the event of a vacancy in the office of chairman, vice chairman, or secretary, the board shall elect a member to serve in such capacity until the first meeting in the following fiscal year.

Section 2. R.S. 42:804, 854(A) and (B), and 855 and R.S. 22:1002 are hereby repealed.

Approved by the Governor, June 1, 2018.

A true copy: R. Kyle Ardoin

Secretary of State

ACT No. 677

- - -

HOUSE BILL NO. 165

BY REPRESENTATIVES MACK, PACALA, BAGNERS, DWIGHT, HAZEL, HOWARD, MARINO, AND PYLANT

AN ACT

To amend and reenact R.S. 40:966(B)(3), (C)(4)(introductory paragraph), (G)(1), and 967(B) (1) (introductory paragraph) and to enact R.S. 40:961(3:1) and 967(B)(4),(C)(4), and (E), relative to controlled dangerous substances; to define the term “aggregate” for purposes of the Uniform Controlled Dangerous Substances Law; to provide relative to the substances fentanyl and carfentanil; to provide relative to criminal penalties; to provide relative to treatment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(B)(3), (C)(4)(introductory paragraph), (G)(1), and 967(B)(1) (introductory paragraph) are hereby amended and reenacted and R.S. 40:961(3:1) and 967(B) (4),(C)(4), and (E) are hereby enacted to read as follows:

§961. Definitions.

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

* * *

(3.1) “Aggregate” means the gross weight of an exhibit of evidence.

* * *

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

* * *

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

* * *

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

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or received from a person, the agency, or corporation acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

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

* * *

G. Treatment for heroin and fentanyl addiction as a condition for probation.

(1) Upon conviction of Paragraph (B)(3) or (C)(4) of this Section, possession with intent to distribute heroin or fentanyl or possession of heroin or fentanyl, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Code of Criminal Procedure Article 893. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of determining whether the defendant has a substance abuse disorder.

§967. Prohibited acts—Schedule II, penalties

* * *

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

(1) Except as otherwise provided in Paragraphs (2), (3), and (4) of this Subsection, a substance classified in Schedule II for an amount of:

* * *

(4) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

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

* * *

(4) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for an amount:

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

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

E. Treatment for fentanyl or carfentanil addiction as a condition for probation.

(1) Upon conviction of Paragraph (B)(4) or (C)(4) of this Section, possession with intent to distribute fentanyl or carfentanil or possession of fentanyl or carfentanil, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Article 893 of the Code of Criminal Procedure. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of determining whether the defendant has a substance abuse disorder.

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

* * *

THE ADVOCATE

* * *

As it appears in the enrolled bill

CodiNG: Words in **strike through** type are deletions from existing law; words *under-scored* (House Bills) and *under-scored and bold-faced* (Senate Bills) are additions.
To amend and reenact Code of Criminal Procedure Article 1292, R.S. 14:79(A)(b), and R.S. 46:2136.2(A) and to enact Code of Civil Procedure Article 1293(D), relative to temporary restraining orders and protective orders, to require the transmission of proof of service, and to provide for the method of transmission and the time period within which transmission must be made; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1292 is hereby amended and reenacted to read as follows:

Art. 1292. Sheriff's return

A. The sheriff shall endorse on a copy of the citation or other process the date, place, and method of service and sufficient other data to show service in compliance with law. He shall sign and return the copy promptly after the service to the clerk of court in a form prescribed by regulations of the Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(B). This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

D. In addition to the provisions of Paragraph A of this Article, when the citation or other process is a temporary restraining order, protective order, preliminary injunction, permanent injunction, or court-approved consent agreement as referenced in R.S. 46:2136.2(B), the person making the service, or his designee, shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(B). This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Section 2. R.S. 14:79(A)(1)(b) is hereby amended and reenacted to read as follows:

§ 79. Violation of protective orders

A(1)

(6) A defendant may also be deemed to have been properly served if tendered a facsimile copy of a temporary restraining order or an ex parte protective order, or if tendered a faxed or electronic copy of a temporary restraining order or an ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge or court, by any law enforcement officer who has been called to any scene where the named defendant is present. Such service of a previously issued temporary restraining order or an ex parte protective order if noted in the police report shall be deemed sufficient evidence of service of the order on the defendant, and admissible in any civil or criminal proceedings. A law enforcement officer making service under this Subsection shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after making service, exclusive of weekends and holidays. This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
Guilty of operating a vehicle while intoxicated.
Not guilty.

*1.1. Guilty of attempted forcible or second degree rape.
Guilty.
Guilty of attempted forcible or second degree rape.
Guilty of simple or third degree rape.
Guilty of attempted simple or third degree rape.
Guilty of oral sexual battery.
Not guilty.

*1.2. Guilty of attempted forcible or second degree rape of a child under the age of thirteen:
Guilty.
Guilty of attempted forcible or second degree rape.
Guilty of attempted simple or second degree rape.
Guilty of sexual battery.
Guilty of molestation of a juvenile or a person with a physical or mental disability.
Guilty of attempted molestation of a juvenile or a person with a physical or mental disability.
Guilty of indecent behavior with a juvenile.
Guilty of attempted indecent behavior with a juvenile.
Not guilty.

*1.3. Guilty of attempted forcible or second degree rape of a child under the age of thirteen:
Guilty.
Guilty of attempted forcible or second degree rape.
Guilty of sexual battery.
Guilty of attempted简单的 third degree rape.
Guilty of sexual battery.
Not guilty.

*1.4. Guilty of simple or third degree rape.
Guilty of sexual battery.
Guilty of attempted simple or third degree rape.
Guilty of attempted indecent behavior with a juvenile.
Not guilty.

*1.5. Guilty of attempted forcible or second degree rape or attempted first degree rape.
Guilty.
Guilty of attempted forcible or second degree rape.
Guilty of attempted simple or second degree rape.
Guilty of simple or third degree rape.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.6. Guilty of simple or third degree rape.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.7. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.8. Guilty of sexual battery.
Guilty of attempted simple or second degree rape.
Guilty of simple or third degree rape.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.9. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.10. Guilty of sexual battery.
Guilty of attempted simple or third degree rape.
Guilty of attempted indecent behavior with a juvenile.
Guilty of attempted indecent behavior with a juvenile.
Not guilty.

*1.11. Guilty of attempted forcible or second degree rape.

Guilty of attempted first degree rape.
Guilty of second degree rape.
Guilty of first degree rape.
Guilty of attempted first degree rape.
Guilty of simple kidnapping.
Guilty of attempted simple kidnapping.

*1.13. Guilty of attempted forcible or second degree rape.
Guilty.
Guilty of attempted forcible or second degree rape.
Guilty of simple or third degree rape.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.14. Guilty of simple or third degree rape.
Guilty of sexual battery.
Guilty of attempted simple or third degree rape.
Guilty of simple or third degree rape.
Guilty of attempted indecent behavior with a juvenile.
Not guilty.

*1.15. Guilty of simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.16. Guilty of simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.17. Guilty of simple or third degree rape.
Guilty.
Not guilty.

*1.18. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.19. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.20. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Guilty of sexual battery.
Not guilty.

*1.21. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.22. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.23. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.24. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.25. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.26. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.27. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.28. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.29. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.30. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.31. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.32. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.33. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.34. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.35. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.36. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.37. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.38. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.39. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.40. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.

*1.41. Guilty of attempted simple or third degree rape.
Guilty.
Guilty of attempted simple or third degree rape.
Not guilty.
Guilty of attempted simple arson where the damage would have amounted to five hundred dollars or more.

Guilty of attempted simple arson where the damage would have amounted to less than five hundred dollars.

The attempted simple arson verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

40. Attempted Aggravated Arson:
Guilty.

Guilty of attempted simple arson where the damage would have amounted to five hundred dollars or more.

Guilty of attempted simple arson where the damage would have amounted to less than five hundred dollars.

The attempted simple arson verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

40. Simple Arson:
Guilty of simple arson where the damage done amounted to five hundred dollars or more.
Guilty of simple arson where the damage done amounted to less than five hundred dollars.
Not guilty.

44.  Attempted Simple Arson:
Guilty of attempted arson where the damage would have amounted to five hundred dollars or more.

Guilty of attempted simple arson where the damage would have amounted to less than five hundred dollars.

The attempted simple arson verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

44.  Arson With Intent to Defraud:
Guilty.

Guilty of attempted simple arson where the damage would have amounted to _______ dollars.

The simple criminal damage to property verdicts are responsive only if the words “belonging to another and with damage amounting to _______ dollars” are included in the indictment.

Not guilty.

46.  Attempted Aggravated Criminal Damage to Property:
Guilty.

Guilty of attempted simple criminal damage to property where the damage would have amounted to fifty thousand dollars or more.

Guilty of attempted simple criminal damage to property where the damage would have amounted to _______ dollars or more.

The attempted simple criminal damage to property verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

48.  Aggravated Criminal Damage to Property:
Guilty.

Guilty of simple criminal damage to property where the damage amounted to fifty thousand dollars or more.

Guilty of simple criminal damage to property where the damage amounted to _______ dollars or more.

The simple criminal damage to property verdicts are responsive only if the words “belonging to another and with damage amounting to _______ dollars” are included in the indictment.

Not guilty.

50.  Simple Burglary:
Guilty of simple burglary.

Guilty of simple burglary where the damage amounted to _______ dollars.

Guilty of simple burglary where the damage amounted to _______ dollars or more.

Guilty of attempted simple burglary.

Guilty of attempted simple burglary where the damage would have amounted to _______ dollars.

The attempted simple burglary verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

52.  Attempted Simple Burglary:
Guilty.

Guilty of simple burglary where the damage amounted to _______ dollars.

Guilty of simple burglary where the damage amounted to _______ dollars or more.

Guilty of attempted simple burglary.

Guilty of attempted simple burglary where the damage would have amounted to _______ dollars.

The attempted simple burglary verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _______ dollars” are included in the indictment.

Not guilty.

54.  Contamination of Water Supplies:
Guilty of contaminating water supplies when the act would foreseeably endanger the life or health of human beings.
Guilty of contaminating water supplies when the act did not foreseeably endanger the life or health of human beings.

Guilty of contaminating water supplies when the act would foreseeably endanger the life or health of human beings.

Guilty of contaminating water supplies when the act would not foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act would foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act would not foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act would not foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act did not foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act did not foreseeably endanger the life or health of human beings.

46.  Production, Manufacture, Distribution or Dispensation of Controlled Dangerous Substances:
Guilty.

Guilty of attempted production, manufacture, distribution or dispensation of controlled dangerous substances.

Guilty of attempted production, manufacture, distribution or dispensation of controlled dangerous substances.

Guilty of possession of controlled dangerous substances.

Guilty of possession of controlled dangerous substances.

Guilty of possession of controlled dangerous substances.

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Guilty of possession of controlled dangerous substances.
**Act No. 681**

**House Bill No. 226**

By Representative Talbot

To enact R.S. 14:102.28, relative to offenses affecting the public sensibility; to create the crime of transporting live feral swine; to provide for definitions; to provide for penalties; to provide for exemptions; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.28 is hereby enacted to read as follows:

§102.28. Transporting live feral swine prohibited; penalties

A. It shall be unlawful to transport live feral swine by any person not in possession of proof of registration as a feral swine authorized transporter with the Louisiana Board of Animal Health within the Department of Agriculture and Forestry.

B. For the purposes of this Section, “feral swine” shall mean any hog, pig, or swine species, *Sus scrofa*, including but not limited to Russian and European wild boar and their hybrids that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or wild. The term feral swine shall also include any feral phenotype swine whether or not running at large, free roaming, or wild.

C. Whoever violates the provisions of this Section shall be fined not more than nine hundred dollars, or imprisoned for not more than six months, or both.

D. The provisions of this Section shall not apply to “Uncle Earl’s Hog Dog Trials” as defined in R.S. 49:170.10.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

**Act No. 682**

**House Bill No. 237**

By Representative Leopold

To amend and reenact R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4), relative to pornography involving juveniles; to provide relative to the criminal penalties for the crime of pornography involving juveniles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4) are hereby amended and reenacted to read as follows:

§81.1. Pornography involving juveniles

E.(1) Whoever engages in the promotion, advertisement, or production of pornography involving juveniles shall be fined not more than five thousand dollars and imprisoned at hard labor for not less than five nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(a) Whoever engages in the promotion, advertisement, or production of pornography involving juveniles shall be fined not more than five thousand dollars and imprisoned at hard labor for not less than five nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(b) On a second or subsequent conviction for promotion, advertisement, or production of pornography involving juveniles, the offender shall be fined not more than seventeen-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

**Act No. 683**

**House Bill No. 239**

By Representative Pierre

To amend and reenact R.S. 26:901(31), relative to the regulation of tobacco products; to provide for the definition of “vapor product”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:901(31) is hereby amended and reenacted to read as follows:

§901. Definitions

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

(31) “Vapor product” means any non-combustible non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or solution or other form or other substances.

“Vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include any of the following:

(a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

(b) Device pursuant to 21 U.S.C. 321(h).

(c) Combination product described in 21 U.S.C. 353(g).

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 date following such approval.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

**ACT No. 684**

**House Bill No. 246**

By Representative Thibaute

To amend and reenact Part I of Chapter 19 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2461, relative to a state reinsurance program; to authorize the commissioner of insurance to apply for a state innovation waiver to establish and implement a state reinsurance program; to authorize the commissioner of insurance to establish and implement a state reinsurance program; to require the commissioner to complete a state innovation waiver pursuant to the state innovation waiver program; and to provide for the effective date and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

**Chapter 19. Louisiana Health Insurance Innovation and Stabilization Program**

**Part I. State Innovation Waiver**

§2461. Authority of the commissioner

The commissioner may apply on behalf of the state of Louisiana for a state innovation waiver pursuant to Section 1332 of Public Law 111-148, 42 U.S.C. 18057, and establish and implement a reinsurance program established pursuant to the state innovation waiver. No reinsurance program authorized by this Section shall be created until the application for a state innovation waiver is approved by the appropriate departments or agencies of the federal government.

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 date following such approval.
HOUSE BILL NO. 298
BY REPRESENTATIVE CHAD BROWN
AN ACT
To amend and reenact R.S. 27:29.3(A)(1), relative to non-gaming supplier permits; to provide
relative to those non-gaming suppliers who are required to obtain permits; and to provide
for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 27:29.3(A)(1) is hereby amended and reenacted to read as follows:
§29.3. Non-gaming supplier permit
A.(1) The division shall issue a non-gaming supplier permit to suitable persons who
furnish services or goods and receive compensation or remuneration in excess of two hundred
thousand dollars per calendar year for such goods or services, as defined by the rules of the
board, to the holder of a license as defined in R.S. 27:44(14) and 353(5), or the casino gaming
operator. The board shall promulgate rules establishing the threshold amount of goods and
services for which a non-gaming supplier permit is required. Such services include but are
not limited to industries offering goods or services whether or not directly related to gaming
activity, including junket operators and limousine services contracting with the holder of a
license as defined in R.S. 27:44(14) and 353(5), or the casino gaming operator, suppliers of food
and nonalcoholic beverages, gaming employee or dealer training schools, garbage handlers,
vending machine providers, linen suppliers, or maintenance companies. Any employee or
dealer training school, other than employee or training schools conducted by a licensee; or
the casino gaming operator, shall be conducted at an institution approved by the Board of Regents
or the state Board of Elementary and Secondary Education.

Approved by the Governor, May 30, 2018.
A true copy;
   R. Kyle Ardoin
   Secretary of State

ACT No. 685
HOUSE BILL NO. 685
BY REPRESENTATIVE FOIL, STEVE CARTER, EDMONDS, AND HAZEL

To amend and reenact R.S. 9:154(A)(15), R.S. 17:3129.4(C), R.S. 44:41(B)(9), and R.S.
47:1508(B)(17) and to enact Chapter 22-B of Title 17 of the Louisiana Revised Statutes of
1950, to be comprised of R.S. 17:3100.1 through 3100.10, and R.S. 42:456.2, relative to the
Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade
Twelve Program; to create the program and provide for program purpose and definitions; to
provide relative to program administration by the Louisiana Tuition Trust Authority
and for powers and duties of the authority; to provide for adoption by the authority
of certain rules pursuant to the Administrative Procedure Act; to provide relative to education
savings accounts; to provide relative to the Louisiana Education and Tuition Savings Fund;
to provide for the powers and duties of the office of the state treasurer with regard to
the program; to apply laws pertaining to abandoned property to certain program account funds;
to provide a public records exception for certain records of the authority pertaining to
program accounts; to provide relative to payroll withholdings; to provide an exception to
the confidentiality of the records of the secretary of the Department of Revenue relative to
the program; to authorize with limitations, disbursements from education savings accounts
established pursuant to the Louisiana Student Tuition Assistance and Revenue Trust
Program for elementary and secondary school tuition expenses; and to provide for related
matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:154(A)(15) is hereby amended and reenacted to read as follows:
(15)(a) Funds in an education savings account established in accordance with the Louisiana
Student Tuition Assistance and Revenue Trust Program as provided in Chapter 22-A of Title
17 of the Louisiana Revised Statutes of 1950, during any five-year period subsequent to the
beneficiary’s thirty-fifth birthday.
(b) Funds in an education savings account established in accordance with the Louisiana
Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program
as provided in Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, during any
five-year period subsequent to the beneficiary’s twentieth birthday.

Section 2. R.S. 17:3129.4(C) is hereby amended and reenacted and Chapter 22-B of Title 17
of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3100.1 through 3100.10, is
hereby enacted to read as follows:
CHAPTER 22-B. LOUISIANA STUDENT TUITION
ASSISTANCE AND REVENUE TRUST KINDERGARTEN
THROUGH GRADE TWELVE PROGRAM
§3100.1. Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through
Grade Twelve Program; creation; purpose; legislative intent
A. In order to provide the citizens of Louisiana with financing assistance for education, there
is hereby created the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten
Through Grade Twelve Program, referred to in this Chapter as the “START K12 Program” or
the “program.” The program shall consist of the establishment of education savings accounts
underwritten by individuals, groups, or organizations and provisions for the routine deposit of funds to
cover elementary and secondary education costs of a designated beneficiary.
B. The legislature hereby finds that the program created by this Chapter is an official state
function, offered through an agency of the state that receives state appropriations.
C. (1) It is the intention of the legislature that the program shall be a qualified tuition program
as defined in Section 529 of the federal Internal Revenue Code, as amended. Any provision of
this Chapter determined to be in conflict with any requirement of the code as applicable to a
qualified tuition program shall be superseded by such code provision to the extent necessary to
ensure that the program continues to meet the code’s definition of a qualified tuition program.
(2) Any requirement of this Chapter determined to be more restrictive than the requirements
of the federal Internal Revenue Code as applicable to a qualified tuition program may be
modified to conform with code requirements by the Louisiana Tuition Trust Authority in
accordance with the Administrative Procedure Act.

§3100.2. Definitions
For the purposes of this Chapter, the following words, terms, and phrases shall have the
following meanings unless the context clearly requires otherwise:
(1) “Authority” means the Louisiana Tuition Trust Authority.
(2) “Beneficiary” means a person designated in an education savings account owner’s
document, or by the authority when authorized by an account owner meeting the classification
requirements of R.S. 17:3100.6(A)(1), as the individual entitled to apply the savings accrued in
an education savings account to the payment of his qualified educational expenses.
(3) “Education savings account” is a savings account established by an individual, a group
of individuals, or an organization pursuant to the program created by this Chapter for a
beneficiary.
(4) “Elementary or secondary school” means a public or approved nonpublic elementary
or secondary school in Louisiana that contains any of the grades kindergarten through
twelve.
(5) “Fixed earnings” means the placement of all the deposits in an education savings account
and the interest earned thereon in investments with fixed earnings.
(6) “Member of the family” means, with respect to any designated beneficiary:
(a) An individual who bears one or more of the following relationships to such beneficiary:
(i) Brother, sister, stepbrother, or stepsister.
(ii) Father or mother, or an ancestor of either
(iii) Stepfather or stepmother.
(iv) Son or daughter of a brother or sister.

Approved by the Governor, May 30, 2018.
A true copy;
   R. Kyle Ardoin
   Secretary of State
(v) Brother or sister of the father or mother.
(vi) Brother-in-law or sister-in-law.

(a) "Attendance" means the presence of an individual described in Subparagraph (a) of this Paragraph.

(b) "Other persons" means, with respect to any designated beneficiary, any person, whether natural or juridical, who is not a member of the family, including but not limited to individuals, groups, trusts, estates, associations, organizations, partnerships, and corporations.

(c) "Tuition" means the expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

(d) "Variable earnings" means that portion of funds in an education savings account invested in equities.

(e) "Variable Earnings Transaction Fund" means the subaccount established by the state under the within the Tuition and Savings Fund to receive earnings funds as described in R.S. 17:3100.5(F).

§310. 3. Louisiana Tuition Trust Authority; administration; powers
A. The START K12 Program shall be administered by the authority.
B. In addition to any other powers conferred by this Chapter or any other provision of law, the authority may do any of the following:
(1) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority's property, assets, or activities or to furnish any of the services necessary to establish or administer the program.
(2) Indemnify or purchase policies on behalf of members, officers, and employees of the authority from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, employee, or agent by reason of an act or omission by the director, officer, employee or agent that was committed within the scope of authority outside that may have resulted and caused or contributed to any loss in value, in bad faith, or in a wanton or reckless manner.
(3) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority.
(4) Advertise, advertise, and publicize the program.
(5) Enter into agreements with any agency of the state or its political subdivisions or with private employers under which an employee may agree to have a designated amount deducted in each payroll period from the wages or salary due him for the purpose of depositing said funds in the education savings account established by the employee.
(6) Solicit, accept, and expend gifts or bequests.
C. (1) The authority shall, by adoption of rules pursuant to the Administrative Procedure Act, provide for the following:
(i) Reasonable residency requirements for beneficiaries of those applying to establish an education savings account.
(ii) Limits on the number of education savings accounts.
(iii) Limits on the amount which may accrue in an account on behalf of any beneficiary.
(iv) Restrictions on the substitution of one beneficiary for another.
(v) Restrictions on the transfer of ownership of education savings accounts.
(vi) The rate of interest on principal invested and the interest earned on principal and authorized to be saved pursuant to the provisions of 26 U.S.C. 529 as amended, the excess value shall be treated in accordance with R.S. 17:3100.7.
(2) The authority may, but only by adoption of rules pursuant to the Administrative Procedure Act, provide for any of the following:
(x) Necessary and proper fees in connection with service provided or cost incurred in the implementation or administration of this Chapter.
(2) Such other rules as are necessary and proper for the implementation and administration of this Chapter.

§310.4. Cooperation of state agencies
The authority shall develop a plan for the establishment of education savings accounts. The Board of Regents of each other state agency requested to do so, shall cooperate with the authority and provide technical assistance upon request. To facilitate participation in the START K12 Program, such plan shall allow for the deposit of small sums of money on a regular, incremental basis.

§310.5. Education savings accounts; types, use, limitations, and disclosures
A. (1) The authority may enter into an account owner's agreement with any person who qualifies pursuant to R.S. 17:3100.4(A) for the creation of an education savings account on behalf of a beneficiary. When the number of available agreements is limited, preference shall be given to the fulfillment of other agreements with resident account owners who are establishing accounts for resident beneficiaries.
(2) Disbursements from an education savings account shall be made to the account owner, beneficiary, or elementary or secondary school, as directed by the account owner, for the qualified education expenses of the beneficiary not to exceed the redemption value of the account. The amount of disbursements from all education savings accounts with respect to a beneficiary during any taxable year shall, in the aggregate, include not more than ten thousand dollars in qualified education expenses incurred during the taxable year.
(3) Nothing in this Chapter or in any education savings account owner's agreement entered into pursuant to this Chapter shall be construed as a guarantee by the state, the authority, or any elementary or secondary school that a beneficiary of such an account will be admitted to such a school, or, upon admission to such a school, will be permitted to continue to attend such school.

(4) In any education savings account owner's agreement entered into pursuant to this Chapter, or in any education savings account, the authority shall guarantee payment of the redemption value of an education savings account in which the deposits and interest earned in invested in fixed earnings.
(5) Nothing in this Chapter or in any education savings account owner's agreement entered into pursuant to this Chapter shall be construed as a guarantee by the state, the authority, or any elementary or secondary school for deposits and interest invested in variable earnings.
B. The following information shall be disclosed in writing to each person completing an account owner's agreement:
(1) The terms and conditions for opening, maintaining, terminating, or redeeming an education savings account.
(2) Any restrictions on the substitution of another individual for the original beneficiary.
(3) The person entitled to terminate the account owner's agreement.
(4) The terms and conditions under which the agreement may be terminated and the amount of the refund, if any, to which the person terminating the agreement, or that person's designee, is entitled upon termination.
(5) The obligation of the authority to make payments to a beneficiary, or an elementary or secondary school on behalf of a beneficiary pursuant to Subsection A of this Section, based upon the redemption value accrued on behalf of the beneficiary.
(6) The method by which withdrawals from the education savings account shall be applied toward payment of qualified education expenses.
(7) The terms and conditions under which the beneficiary may receive benefits under the agreement.
(8) The terms and conditions under which money may be wholly or partially withdrawn from the program.
(9) A clear statement that the act of establishing an education savings account pursuant to this Chapter does not guarantee full payment of tuition on behalf of the beneficiary.
(10) A clear statement of fees that may be imposed and collected and an estimate of the amount of such fees for the two years following the establishment of an agreement.
(11) All other rights and obligations of the purchaser and the authority and any other terms, conditions, and provisions the authority considers necessary and appropriate.

(12) An education savings account and public agreement may provide that the authority shall pay directly to the elementary or secondary school in which the beneficiary is enrolled the amount represented by the qualified education expenses incurred that term, subject to the limitations provided in Paragraph (A)(4) of this Section.
D. Prior to the close of the calendar year in which the program is implemented and each year thereafter, the state treasurer shall prepare and file with the authority the state's participation in the Education Tuition and Savings Fund. Based upon the fund's reported earnings, the authority shall establish the rate of interest to be applied to the accumulated principal and interest in education savings accounts of record, subject to approval by the state treasurer. The authority shall calculate and credit the appropriate amount of interest earnings to each such account prior to the close of the calendar year.
E. If the redemption value of an education savings account is in excess of the maximum allowed to be saved pursuant to the provisions of 26 U.S.C. 529 as amended, the excess value shall be treated in accordance with R.S. 17:3100.7.

E. (1) Checks and electronic funds transfers through the Automated Clearing House Network, or its successor, received for deposit in a variable earnings option shall be invested in the Variable Earnings Transaction Fund.
(2) Any increase in the value of an account over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund if the deposit was not used to pay educational expenses prior to the trade date. All earnings from such investments shall be deposited in the Variable Earnings Transaction Fund.
(3) Any increase in the value of an account over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund if the account was invested in a variable earnings option and terminated within twelve months of the date the account was opened.
(4) The moneys in the Variable Earnings Transaction Fund shall be used by the authority to pay a financial institution's charges and any loss in value between the purchase and redemption of units and to pay administrative costs of administering the program.

§310.6. Education savings accounts; creation, terms, and conditions
A. (1) An education savings account shall be established for a person who is determined by the authority to qualify under one of the following classifications:
(a) A person determined by the authority to be the parent, grandparent, or court-ordered custodian of the person being designated as beneficiary of the account or who claims the provisions of Subsection (A) of this Section, subsequent to the trade date, was not honored by the financial institution on which it was drawn.
(2) The authority may, but only by adoption of rules pursuant to the Administrative Procedure Act, provide for any of the following:
(a) Necessary and proper fees in connection with service provided or cost incurred in the implementation or administration of this Chapter.

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* As it appears in the enrolled bill
[The text is not legible and cannot be transcribed accurately.]
monies in this fund shall be used solely to finance the permitted educational benefits provided by the respective programs. All unexpended and unencumbered monies in fund accounts and their respective sub-accounts at the end of a fiscal year shall remain in such fund accounts or sub-accounts and be available for appropriation in the next fiscal year. The monies in the fund shall be invested by the state treasurer in accordance with state law and as provided for by program rules, regulations, and guidelines, and interest earned on the investment of these monies shall be credited to the accounts of the respective programs, following compliance with the provisions of this Act and the revised statutes and codes of the state.

Section 3. R.S. 42:456.2 is hereby enacted to read as follows:

§42:456.2. Permitted withholding; Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program

A. Notwithstanding any law, rule, or regulation to the contrary, any employee of the state or of a political subdivision in the state may authorize his employing department, office, or agency to withhold from his salary a specific amount for such pay periods as may be designated, for deposit into an education savings account as provided for in R.S. 44:4.1(B)(9).

B. Distribution of funds to a START K12 Program education savings account shall be made based upon the payroll deduction collection record of the department, office, or agency.

C. No withholding may be made from the earnings of any employee for the purposes permitted in this Section unless the withholding is voluntarily and voluntarily authorized by the employee in writing. Any amount withheld in accordance with the provisions of this Section shall be remitted to the START K12 Program on a regularly scheduled basis as prescribed by rules adopted in accordance with the Administrative Procedure Act by the Louisiana Tuition Trust Authority.

Section 4. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

§44:4.1. (B)(9)  The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by this Section:

(9) R.S. 17:7.2, 46, 47, 81, 82, 391, 14, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390, 3773, 3884

Section 5. R.S. 47:1508(B)(17) is hereby amended and reenacted to read as follows:

§1508. Confidentiality of tax records

B. Nothing herein contained shall be construed to prevent:

(17) The furnishing of a taxpayer's reported federal adjusted gross income as requested by the office of student financial assistance when based on certification by the office that the confidentiality of such information will be respected and that it holds an agreement signed by the taxpayer authorizing the release of information for the purpose of considering the eligibility of the taxpayer's beneficiary for a tuition assistance grant under the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided for by Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, for the purpose of considering the eligibility of the taxpayer's beneficiary for participation in the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided for by Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, or for the purpose of considering the eligibility of the taxpayer's beneficiary for participation in the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided for by Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, or for the purpose of considering the eligibility of the taxpayer's dependent child for an award under the Louisiana Taylor Opportunity Program for Students as provided for by Chapter 28-150 of Title 17 of the Louisiana Revised Statutes of 1950.

Section 6. Funds that were deposited prior to January 1, 2018, to an education savings account that was established in accordance with Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950 may be disbursed in 2018 to pay tuition as defined in this Act at an elementary or secondary school as defined in this Act. Any such disbursement shall not include earnings enhancements or interest thereon that may have accrued to the account. The total amount of disbursements from all such accounts with respect to a beneficiary shall not exceed ten thousand dollars.

Section 7. 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

THE ADVOCATE

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* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
amateur sport sanctioned by the national governing body of the sport that is recognized by the
United States Olympic Committee, an Olympic activity including a Junior or Senior activity,
training program, or feeder program sanctioned by the United States Olympic Committee’s
Community Olympic Development Program, a mixed martial arts championship, the Breeders’
Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull
Signature Series, a National Collegiate Athletic Association football kickoff game, a national
championship or Olympic trials of an amateur or professional sport sanctioned by the national
governing body of the sport, the United States Bowling Congress Tournament, the WWE
WrestleMania, the Bayou Classic, the Essence Festival, the Zurich Classic, a military
organization, or a national political convention of the Republican National Committee or the
Democratic National Committee. The term includes any activities related to or associated with
a qualified event.

(8) “Treasurer” means the treasurer of the state of Louisiana.

B.(1) There is hereby established in the state treasury a special subfund in the Mega-Project
Development Fund to be known as the “Major Events Incentive Program Subfund”, hereafter
in this Section, the “subfund”.

(2) Beginning with the 2015-2016 Fiscal Year and for each fiscal year thereafter, and after
allocation of money to the Bond Security and Redemption Fund as provided in Article VII,
Section 9(B) of the Constitution of Louisiana, the treasurer shall transfer in and credit to the
subfund an amount equal to the sum of the incremental increase in state tax receipts
generated by the occurrence of all qualified events, the amount appropriated to the fund by the
legislature. In determining the amount of the annual appropriation to the fund, the legislature
shall consider the contracts which have been entered into pursuant to Subsection (C) of this
Section as well as any recruitment efforts being made by the local organizing committee for
qualified events.

(3) Monies in the subfund shall be invested in the same manner as monies in the Louisiana
Mega-Project Development Fund and any interest and income earned on the investment of monies in the
subfund shall be credited to the subfund. All unexpended and unencumbered monies in the
subfund at the end of the fiscal year shall remain in the subfund.

(4) Subject to legislative appropriation and the approval of the Joint Legislative Committee
on the Budget, the treasurer shall disburse monies as provided in R.S. 33:9091(F)(4)(b)(i) to each eligible
entity at times and in amounts as determined by the secretary and approved by the Joint
Legislative Committee on the Budget.

A(1) Subject to legislative appropriation and the approval of the Joint Legislative Committee
on the Budget, the treasurer shall disburse monies as provided in R.S. 33:9091(F)(4)(b)(i) to each eligible
entity at times and in amounts as determined by the secretary and approved by the Joint
Legislative Committee on the Budget.

C.(1) Subject to legislative appropriation and the approval of the Joint Legislative Committee
on the Budget, the secretary of the Department of Economic Development is hereby
authorized to enter into a contract with a local organizing committee, endorsing parish,
endorsement community, or endorsing municipality to recruit, solicit, or acquire for Louisiana any qualified event that will
have a significant positive impact on economic development in the state. The contract shall
provide for a financial commitment to the local organizing committee, endorsing parish,
endorsement community, or endorsing municipality which shall be subject to legislative appropriation. Prior to executing
the contract, the secretary shall obtain the approval of the commissioner of administration
and the Joint Legislative Committee on the Budget.

(2) The Joint Legislative Committee on the Budget may meet in executive session pursuant to
the procedures and requirements of R.S. 42:17 when the members have reason to believe
that the discussion at such meeting may otherwise result in the public disclosure of information
which may negatively impact the ability of the local organizing committee, endorsing parish,
endorsement community, or endorsing municipality to recruit, solicit, or acquire for Louisiana any qualified event.

(3) The treasurer shall disburse monies to an eligible entity only in accordance with a
legislative appropriation.

D. (1) An event not included in the definition of qualified event is ineligible for funding under
R.S. 33:9091 as provided for in this Section. A qualified major event may receive funding under
R.S. 33:9091 as provided by this Section only if all such events meet criteria of the following conditions not described in this Paragraph and the provisions of Paragraph (2) of this
Subsection:

(1) After considering through a highly competitive selection process one or more sites
that are not located in this state, a site selection organization selects a site located in this state
for an event to be held once, or for an event scheduled to be held annually for a period of years
under an event contract.

(2) A site selection organization selects a site in this state as the sole site for the event.

(3) The event is held not more frequently than annually.

Approved by the Governor, May 30, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 691
- - -

HOUSE BILL NO. 716
BY REPRESENTATIVE LEE

To amend and reenact R.S. 17:3914(C)(2)(introductory paragraph) and (b), relative to student
information; to authorize the state Department of Education to share student information with certain postsecondary education institutions including those located out-of-state; to
provide for the use of information for academic research; to provide conditions; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(C)(2)(introductory paragraph) and (b) are hereby amended and reenacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

C.

(2) Beginning August 1, 2015, no official or employee of a city, parish, or other local
public school system shall provide personally identifiable student information to any member
of the school board or to any other person or public or private entity, except such an official or
employee may, in accordance with applicable state and federal law:

(b)(i) Provide to the state Department of Education, for the purpose of satisfying state
and federal assessment, auditing, funding, monitoring, program administration, and
state accountability requirements, information from which enough personally identifiable
information has been removed such that the remaining information does not identify a
student and there is no basis to believe that the information alone can be used to identify a student.

(ii) An official or employee of the state Department of Education may share such information
with a person who is an employee of, and conducting academic research at, any postsecondary
education institution accredited by a regional or national accrediting organization recognized
by the United States Department of Education, provided the person and the department have
entered into a memorandum of understanding in which the person agrees to be liable for
any criminal and civil penalties imposed as provided in Subsection G of this Section for any
violation of the provisions of this Section.

Approved by the Governor, May 30, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 692
- - -

HOUSE BILL NO. 727
BY REPRESENTATIVES THIBAUT, ABRAHAM, AMEDEE, ANDERS, BAGLEY, BERTHELOT, BILLIOT, BISHOP, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, COUSSAN, CREWS, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GUINN, LANCE HARRIS, HAVARD, HAZEL, HIENSGENS, HODGES, HOFFMAN, HORTON, HOWARD, HERAS, LEOPOLD, LEY, MACK, MAGEE, MCAFARLAND, JIM MORRIS, NORTON, POPE, PUGH, PULLIN, RICHARD, SCHENXNADYER, SEABEAUGH, STAGNI, STEFANSKI, TALTBOT, THOMAS, W Right, AND WEITZ

AN ACT

To amend and reenact R.S. 14:61(B)(1), (C), and (D) and to enact R.S. 14:61(B)(3) and
61.1, relative to offenses involving critical infrastructure; to provide relative to the crime of
unauthorized entry of a critical infrastructure; to amend the definition of “critical
infrastructure”; to provide for a definition of “pipeline”; to amend the penalties for the crime
of unauthorized entry of a critical infrastructure; to create the crime of criminal damage to
critical infrastructure; to provide for elements of the offense; to provide for criminal
penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:61(B)(1), (C), and (D) are hereby amended and reenacted and R.S.
14:61(B)(3) and 61.1 are hereby enacted to read as follows:

§61. Unauthorized entry of a critical infrastructure
Act No. 694

HOUSE BILL NO. 755
BY REPRESENTATIVE DUSTIN MILLER

AN ACT

To amend and reenact R.S. 17:154(A) and to enact R.S. 17:436.1(M), relative to elementary and secondary schools to provide that in case of an actual or perceived opioid emergency. Such a policy shall require that school employees other than school nurses at least six hours of general training, including training on emergency administration, from a registered nurse or a licensed medical physician prior to being authorized to perform such administration. A school governing authority that does not adopt such a policy shall not be subject to civil liability for failing to authorize such supply or administration.

Approved by the Governor, May 30, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

Act No. 695

HOUSE BILL NO. 776
BY REPRESENTATIVE DWIGHT

AN ACT

To amend and reenact R.S. 22:2062(A)(1) and (2), relative to claims paid by the Louisiana Insurance Guaranty Association; to provide relative to exhaustion of other coverage; and to provide for related matters.

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

CODING: Words in * * * type are deletions from existing law; words under scored (House Bills) and underlined and bold faced (Senate Bills) are additions.
To enact R.S. 17:173 and 3996(B)(45), relative to behavioral health services for students; to provide related to behavioral health services provided to students when requested by the student's parent or legal guardian; to provide for definitions; to provide for policies adopted by public school governing authorities; and to provide for related matters. 

Be it enacted by the Legislature of Louisiana: 

Section 1. R.S. 17:173 and 3996(B)(45) are hereby enacted to read as follows: 

§173. Behavioral health services for students 

A (1) A public school governing authority shall not prohibit a behavioral health provider from providing behavioral health services to a student at school during school hours if the student's parent or legal guardian requests such services from the provider. 

(2) Not later than January 1, 2019, each public school governing authority shall adopt a policy to implement the provisions of this Section and such policy, at a minimum, shall provide that: 

(a) A behavioral health provider who provides services pursuant to this Section shall maintain general liability insurance coverage in an amount not less than one million dollars per occurrence and one million dollars per aggregate and provide a certificate of insurance naming the public school as the certificate holder. 

(b) A behavioral health provider shall complete a criminal background check conducted by the Louisiana State Police and shall pay all related costs. 

(c) Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator chosen by the parent or legal guardian, and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student’s ability to thrive in the educational setting. 

A behavioral health evaluation presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining if a student meets the criteria established for eligibility for special education and related services. 

(d) Behavioral health services may be provided during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree that it is in the best interest of the student. 

(e) A public school governing authority shall establish reporting requirements for a behavioral health provider for the student. However, the provisions of this Subparagraph shall not impair any extant contract on the effective date of this Section, or the renewal thereof. 

(f) The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian, individually or through an applicable health insurance policy, Medicaid, or other third-party payer, other than the public school governing authority, that has made funds available for the payment of the services provided. 

(g) While on a school campus, a behavioral health provider shall comply with, and abide by, the terms of any Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a student who is a patient of the provider. The services furnished by a provider shall be incorporated into a written treatment plan applicable to a student. 

(h) The parent or legal guardian of a student receiving services from a behavioral health service provider shall be required to execute a “consent to release information form” between the provider and the public school governing authority. 

(i) A public school governing authority shall establish reporting requirements for a behavioral health provider related to the student’s progress and student and school safety concerns as related to the student’s educational program. 

(j) A public school governing authority may establish sanctions, including termination of a provider’s authorization to provide services on any school campus, against a behavioral health provider for failure to comply with the governing authority’s policy. 

(k) The failure of a public school governing authority to adopt a policy shall not be cause to prohibit the provision of behavioral health services to a student as provided in this Section. 

B For purposes of this Section, the following terms shall have the following meanings: 

(1) “Behavioral health provider”, shall mean a provider who is licensed by the Louisiana Department of Health or a health profession licensing board and is in good standing to provide behavioral health services in Louisiana including but not limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, marriage and family therapist, professional counselor, clinical social worker, or a behavioral health provider otherwise licensed to provide behavioral health services in Louisiana. 

(2) “Behavioral health services” shall include but not be limited to individual psychotherapy, family psychotherapy, psychotropic medication management, community psychiatric support and treatment, and crisis intervention. 

(3) “Evaluator” shall mean a licensed psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, professional counselor, marriage and family therapist, or clinical social worker who is certified by the respective board of examiners in Louisiana to provide necessary evaluations and who is not an employee of the public school governing authority or the state Department of Education. 

(4) “Behavioral health evaluation” shall include but not be limited to the following criteria: 

(a) Diagnosis, 

(b) Type of intervention, 

(c) Length of intervention. 

(d) Identification of a student’s goals, 

(e) Identification of impact of student behavior on a student’s educational program. 

C. Nothing in this Section shall be construed to supersede the authority of a student’s Individualized Education Program Team or Section 504 Committee to determine appropriate services for a student pursuant to applicable federal and state law.