(c) If at the time of a member’s death the member is not married to the natural parent of any child or children who are entitled to receive a payment pursuant to this Subsection and if a participant is created by the deceased member for the benefit of such child or children, then such payment shall be made to any person designated as a trustee by the member on a certified copy of a trust document submitted to the system by the member.

(d) Qualifying survivor benefits are payable upon application therefor and become effective as of the day following the death of the member.

§2225. Administration

E. Notwithstanding any other provision of law to the contrary, the board of trustees shall not have the right to collect overpayments of a survivor benefit paid in administrative error prior to June 30, 2018, to the surviving child of a member whose death occurred on or before June 30, 2017, except in the case of fraud.

§2241.8. Survivor benefits

Benefits shall be payable to any survivor of an active contributing member who dies before retirement or a disability retiree who dies after retirement as specified in the following:

(1)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves a surviving spouse, the surviving spouse shall receive a benefit calculated according to the regular retirement formula, disregarding age, but not less than thirty-three percent nor more than fifty-five percent of the member's average final compensation. If the surviving spouse remarries, such benefit shall cease unless remarriage occurs after age sixty years; the benefit shall resume after a subsequent termination of the new marriage and upon approval of the board of trustees.

(b) If the board of trustees determines that an active contributing member is killed as a result of injuries sustained in the line of duty, the cessation of benefits upon remarriage set forth in this Paragraph shall not apply. The surviving spouse shall receive a benefit equal to one hundred percent of the deceased member’s average final compensation less any survivor benefits paid to a surviving child or children as provided in this Section. The sum of survivor benefits paid to surviving children and a surviving spouse shall not exceed one hundred percent of the member’s average final compensation. No funds derived from the assessments against insurers pursuant to R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the system resulting from the payment of benefits to a surviving spouse pursuant to this Paragraph.

(2)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more surviving children under eighteen years of age, each surviving child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member’s average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each surviving child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of one hundred percent of the deceased member’s average final compensation.

(b) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more surviving children under eighteen years of age, each surviving child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member’s average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each surviving child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of one hundred percent of the deceased member’s average final compensation.

§2220. Benefits; contribution limit

B. Benefits shall be payable to any survivor of an active contributing member who dies before retirement or a disability retiree who dies after retirement as specified in the following:

(2)(a) If an active contributing member or a disability retiree dies and leaves, in addition to a surviving spouse, one or more surviving children under eighteen years of age, each surviving child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member’s average compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each surviving child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of one hundred percent of the deceased member’s average compensation.

For benefits for a surviving child shall cease upon the child’s attainment of age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue: (1) For a surviving child to age twenty-three if the child is a full-time, unmarried student at a recognized institution of higher education, high school, or vocational technical school; and (2) For a surviving child with a total physical disability or intellectual disability if such child has a total physical disability or intellectual disability, as certified by the medical board, if the person had the disability at the time of death of the member or acquired the disability prior to the attainment of age eighteen and is dependent upon the surviving spouse or other legal guardian for subsistence.

§2220. Benefits; contribution limit

B. Benefits shall be payable to any survivor of an active contributing member who dies before retirement or a disability retiree who dies after retirement as specified in the following:

(2)(a) If an active contributing member or a disability retiree dies and leaves, in addition to a surviving spouse, one or more surviving children under eighteen years of age, each surviving child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member’s average compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each surviving child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of one hundred percent of the deceased member’s average compensation.

For benefits for a surviving child shall cease upon the child’s attainment of age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue: (1) For a surviving child to age twenty-three if the child is a full-time, unmarried student at a recognized institution of higher education, high school, or vocational technical school; and (2) For a surviving child with a total physical disability or intellectual disability if such child has a total physical disability or intellectual disability, as certified by the medical board, if the person had the disability at the time of death of the member or acquired the disability prior to the attainment of age eighteen and is dependent upon the surviving spouse or other legal guardian for subsistence.

(3) If a member who is eligible for retirement dies before retiring, the surviving spouse shall receive a benefit calculated according to the regular retirement formula, disregarding age, but not less than twenty-five percent nor more than fifty percent of the member’s average final compensation. If the surviving spouse remarries, such benefit shall cease unless remarriage occurs after age sixty years; the benefit shall resume after a subsequent termination of the new marriage and upon approval of the board of trustees.

(4) Any member who has twelve or more years of service credit established in the retirement system and who terminates covered employment and leaves his accumulated contributions in the retirement system in order to receive a retirement benefit upon reaching the applicable age shall be covered by the survivor benefit provisions found in this Section.
to a surviving child or children as provided in this Section. The sum of survivor benefits paid to surviving children and a surviving spouse shall not exceed one hundred percent of the member's average final compensation. No funds derived from the assessments against insurers pursuant to R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the system resulting from the payment of benefits to a surviving spouse pursuant to this Subparagraph.

(2)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more surviving children under the age of eighteen, each surviving child under eighteen shall be paid monthly benefits equal to ten percent of the deceased member's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each surviving child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of one hundred percent of the deceased member's average final compensation. Benefits for a surviving child cease upon the child's attainment of age eighteen or upon marriage, whichever occurs first, except that benefits shall continue:

(5) For a surviving child to age twenty-three if the child is a full-time, unmarried student at an accredited post-secondary educational institution or vocational technical school, and

(6) For a surviving child with a total physical disability or mental disability if such child had a total physical disability or mental disability at the time of death of the member or required such disability prior to the attainment of age eighteen and is dependent upon the surviving spouse for support.

(b) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and does not leave a surviving spouse but leaves one or more surviving children under the age of eighteen, each surviving child under age eighteen shall be paid monthly benefits equal to twenty percent of the deceased member's average final compensation. Benefits paid on account of each surviving child shall not exceed an aggregate of fifty percent of the average final compensation. If the deceased member is survived by only one surviving child, the surviving child shall be paid not less than twenty-five percent of the deceased member's average final compensation. Benefits shall continue after the minor child attains age eighteen as provided in Subparagraph (c) of this Paragraph.

(c) If at the time of a member's death the member is not married to the natural parent of any surviving child or children who are entitled to receive a payment pursuant to this Section and if a trust has been created by the deceased member for the benefit of such surviving child or children, the payment shall be made to any person designated as a trustee by the member on a certified copy of a trust document submitted to the system by the member.

(3) If a member who is eligible for retirement dies before retiring, the surviving spouse shall automatically be paid benefits as though the member had retired on the date of his death and elected Option 2, naming the surviving spouse as beneficiary, or shall be paid benefits as provided in this Section, whichever is greater.

(4) Any member who has twelve or more years of service credit established in the retirement system and who terminates covered employment and leaves his accumulated contributions in the retirement system in order to receive a retirement benefit upon reaching the applicable age shall be covered by the survivor benefit provisions found in this Section.

Section 2. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later. Approved by the Governor, May 20, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 347

SENATE BILL NO. 16

BY SENATOR CORTEZ

AN ACT

To amend and reenact R.S. 14:63.3(A)(3) and 63.4(A), and to enact R.S. 14:63(J), relative to criminal trespass; to provide for the use of purple paint in lieu of signs to indicate that unauthorized entrance on property is prohibited; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:63.3(A) and 63.4(A) are hereby amended and reenacted, and R.S. 14:63(J) is hereby enacted, to read as follows:

§ 63. Criminal trespass

(a) A sign or signs posted on or in the property at a place or places where such sign or signs may be reasonably expected to be seen.

(b) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width,

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to anyone approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

§ 63.3. Entry on or remaining in places on or land after being forbidden

(a) No person shall without authority go into or upon or remain in or upon any structure, watercraft, or any other movable, or immovable property owned by another is prohibited may be indicated by either of the following:

(i) A sign or signs posted on or in the structure, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person.

(b) For the purposes of this Section the above-mentioned Paragraph (1) of this Subsection, "sign" means either:

(i) A sign or signs posted on or in the property, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion, or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

(ii) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width.

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to anyone approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

§ 63.4. Aiding and abetting others to enter or remain on premises where forbidden

(a) No person shall incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable, or immovable property owned by another is prohibited may be indicated by either of the following:

(i) A sign or signs posted on or in the property, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person.

(ii) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width.

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to anyone approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.
other movable, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign hereinafter described, by the owner, lessee, or custodian of the property or by any other authorized person.

(2) For the purposes of this Section, the Paragraph (1) of this Subsection, “sign” described in Paragraphs (1) of this Subsection means either:

(a) A sign or signs posted on or in the structure, watercraft or any other movable, including public buildings and structures, ferries, and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

(b) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width.

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

* * *

Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

Act No. 348

TO AMEND AND REENACT R.S. 15:833(A)(1), RELATIVE TO INMATE CONTACT WITH PERSONS OUTSIDE OF A JAIL, PRISON, SHELTER, SHELTER FOR THE HOMELESS, OR OTHER MOVABLE, INCLUDING PUBLIC BUILDINGS AND STRUCTURES, FERRIES, AND BRIDGES, OR ANY PART, PORTION, OR AREA THEREOF, THEREFORE:""
entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date: * * *

(10) July 1, 2022: * * *

(c) Those entities transferred to or placed within the office of the governor pursuant to R.S. 36:4.1:

Section 5. R.S. 49:1918(8)(j) is hereby repealed.

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

Approved by the Governor, May 20, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 351

SENATE BILL NO. 70
BY SENATOR MIZELL
AN ACT

To amend and reenact Code of Criminal Procedure Article 895(A)(13)(a) and to enact R.S. 15:574.4.2(I), relative to probation and parole; to provide that a warrantless search may be conducted of a probationer’s residence under certain circumstances by certain probation or parole officers; to define “probation and parole officer”; to provide relative to legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 895(A)(13)(a) is hereby amended and reenacted to read as follows:

Art. 895. Conditions of probation

A. When the court places a defendant on probation, it shall require the defendant to refrain from criminal conduct and to pay a supervision fee to defray the costs of probation supervision, and it may impose any specific conditions reasonably related to his rehabilitation, including any of the following. That the defendant shall:

* * *

(13)(a) Agree to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation officer or the parole officer assigned to him or by any probation or parole officer who is subsequently assigned or directed by the Department of Public Safety and Corrections to supervise the person, whether the assignment or directive is temporary or permanent, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

* * *

Section 2. R.S. 15:574.4.2(I) is hereby enacted to read as follows:

§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; rules of conduct; infectious disease testing

* * *

I. For purposes of this Section, “probation and parole officer” means:

(1) The probation and parole officer originally assigned to the parolee.

(2) Any probation and parole officer who is subsequently assigned or directed by the Department of Public Safety and Corrections to supervise the parolee, whether the assignment or assignment is temporary or permanent.

Section 3. The provisions of this Act are intended to legislatively overrule the Louisiana Supreme Court’s decision in State of Louisiana v. Brignac, 17:448, (La. 10/18/17), 234 So.3d 46, to the extent that the court held that a warrantless search of a probationer’s residence violates the provisions of Code of Criminal Procedure Article 895(A)(13)(a) when the search is not conducted by the probation officer assigned to the probationer by the Department of Public Safety and Corrections.

Approved by the Governor, May 20, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 352

SENATE BILL NO. 72
BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 28:53.2(G), relative to the execution of an order for protective custody and examination; to provide certain procedures, terms, and conditions; to provide relative to law enforcement; to provide relative to limitations of civil liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53.2(G) is hereby amended and reenacted to read as follows:

§53.2. Order for custody; grounds; civil liability; criminal penalty for making a false statement

G.(1) If refused or obstructed from admittance, any elected coroner or his support staff, accompanied by a law enforcement officer, who has announced his authority and purpose, may apply to a court of competent jurisdiction for an order to break open an outer or inner door or window of any vehicle, watercraft, aircraft, structure, or dwelling in order to restrain and transport the person subject to a request and order for protective custody and examination after a mental health professional has intervened and attempted to counsel the person regarding his voluntary surrender to no avail, any elected coroner or his support staff may apply to a court of competent jurisdiction for an order allowing a law enforcement officer to break open an outer or inner door or window of any vehicle, watercraft, aircraft, structure, or dwelling in order to restrain and transport the person subject to a request and order for protective custody.

The application for a court order allowing forcible entry pursuant to Paragraph (1) of this Subsection shall be accompanied by a copy of the order for protective custody and an affidavit of the coroner or his support staff reciting the facts establishing probable cause for forcible entry. In exceptional circumstances, such facts may be relayed to the judge by telephone or other electronic communication and the order of the judge may be issued orally. In such cases, a copy of the order for protective custody and an affidavit containing the information relayed orally to the judge, including any telephonic communication, shall be provided to the judge within twenty-four hours of taking the person into protective custody. Upon the timely presentation of the copy of the order for protective custody and the affidavit of the oral communications, the judge shall issue a written order acknowledging receipt of the required information and of his oral order allowing forcible entry.

Any elected coroner or his support staff, accompanied by a law enforcement officer responding to make a forcible entry pursuant to this Subsection shall be immune from civil liability for or resulting from any act, decision, omission, communication, or any act or failure to act, made in good faith while engaged in the performance of his duty.

(4) The civil immunity provided for in this Subsection shall not extend to any action for the serious bodily injury or wrongful death occasioned as a result of the restraint or transportation of the person subject to the request and order for protective custody. Neither shall such immunity from civil liability extend to actions by any third party who is physically injured during the execution of a request and order for protective custody.

G.(1) If a law enforcement officer who has announced his authority and purpose of executing an order for protective custody and examination is refused or obstructed from admittance, and a mental health professional has intervened and attempted to counsel the person regarding his voluntary surrender to no avail, any elected coroner or his support staff may apply to a court of competent jurisdiction for an order allowing a law enforcement officer to break open an outer or inner door or window of any vehicle, watercraft, aircraft, structure, or dwelling in order to restrain and transport the person subject to a request and order for protective custody.

The application for a court order allowing forcible entry pursuant to Paragraph (1) of this Subsection shall be accompanied by a copy of the order for protective custody and an affidavit of the coroner or his support staff reciting the facts establishing probable cause for forcible entry. In exceptional circumstances, such facts may be relayed to the judge by telephone or other electronic communication and the order of the judge may be issued orally. In such cases, a copy of the order for protective custody and an affidavit containing the information relayed orally to the judge, including any telephonic communication, shall be provided to the judge within twenty-four hours of taking the person into protective custody. Upon the timely presentation of the copy of the order for protective custody and the affidavit of the oral communications, the judge shall issue a written order acknowledging receipt of the information and the issuance of an oral order allowing forcible entry.

Except as provided in Paragraph (4) of this Subsection and in instances of gross negligence or willful and wanton misconduct, an elected coroner and his support staff, and the executing law enforcement agency and its officers, shall not be civilly liable for any damage or injury resulting from any act, decision, omission, communication, or any act or failure to act, made in good faith while engaged in the performance of their duty to obtain or execute the order allowing the forcible entry or the restraining or transportation of the subject for protective custody and examination.

(4) The limitation of civil liability provided for in this Subsection shall not extend to any action for the serious bodily injury or wrongful death occasioned as a result of the restraint or transportation of the person subject to the request and order for protective custody. Neither shall such limitation of civil liability extend to injuries or damages sustained by a third party who is physically injured during the execution of a request and order for protective custody. The limitation of liability provided for in this Subsection is not intended to limit or prohibit civil liability otherwise provided by law.

* * *

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, upon expiration of the time for bills to become law without signature by the governor, the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 20, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 353

SENATE BILL NO. 99
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 37:3718, relative to the Louisiana Behavior Analyst Board; to provide for a termination date of the board; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3718 is hereby amended and reenacted to read as follows:

§3718. Termination

The provisions of this Chapter shall terminate and have no effect on and after July 1, 2028.

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 20, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill
R. Kyle Ardoin
Approved by the Governor, May 20, 2018.
A true copy
R. Kyle Ardoin
Secretary of State
section. The hearing date shall be set by the court at the time of disposition.

* * *

(2) If probation is continued beyond eighteen months, a contradictory modification hearing shall occur not less than every six months from the disposition. At any such hearing, if the court determines by clear and convincing evidence that extending the child's probation is not necessary to complete treatment, the child shall be released. The total duration of disposition shall not exceed the maximum provided in this article.

Art. 906. Required review hearings

* * *

B. Children in the custody of the office of juvenile justice

(1) Any child committed by a court to the custody of the office of juvenile justice must be physically transported to the committing court for an in-person review hearing not more than six months after the child's commitment, and at least every six months thereafter, unless such an in-person hearing is waived by counsel for the child and by the committing court. The date of the initial review hearing shall be set by the court at the time of disposition.

* * *

(4) The provisions of this Paragraph shall apply to all children in the custody of the office of juvenile justice on and after August 1, 2018. If a child in the custody of the office of juvenile justice on August 1, 2018, has not had a hearing scheduled pursuant to this Paragraph, the court shall schedule a hearing no later than September 30, 2018, and, if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 356

SENATE BILL NO. 111
BY SENATORS CORTEZ AND WALSCHOW
AN ACT.

To amend and reenact R.S. 4:61(C), the section heading of R.S. 4:67, and R.S. 4:70(A) and (C), relative to the State Boxing and Wrestling Commission; to provide for domicile; to provide for duties of the commission; to eliminate certain terms; to provide for procedures and conditions; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 4:61(C), the section heading of R.S. 4:67, and R.S. 4:70(A) and (C) are hereby amended and reenacted to read as follows:

§61. State Boxing and Wrestling Commission; domicile; authority

C. The commission may sue to enforce the provisions of this Chapter in any of the courts in the state.

* * *

§67. Gross receipts tax; deputy commissioners and elections; disbursements

* * *

§70. Physicians and emergency medical personnel

A. For each boxing, mixed technique, or professional wrestling event, the commission promoter shall appoint a physician, determined by the commission to be competent and of good standing, who shall examine each contestant before the contestant enters the ring, and who shall state whether the contestant is in physical condition to participate as advertised. The physician shall be present at the ringside. The physician shall render such advice or service as the commission requests. The fees of the physician for each individual event shall be paid by the club promoting the event and shall be reasonable and customary for the size and location of the event.

* * *

C. Any physician so appointed by the commission promoter shall be an independent contractor of the commission, not an employee.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 357

SENATE BILL NO. 133
BY SENATORS HEWITT AND BARROW
AN ACT.

To enact R.S. 44:3.2(G), relative to public records; to provide an exception for access to proprietary and trade secrets in the custody or control of the office of state fire marshal; to provide access to state fire marshal documents by certain entities; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

THE ADVOCATE
PAGE 150

* As it appears in the enrolled bill

CODING: Words in boldface type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
ACT No. 360
- - -
SENATE BILL NO. 156
BY SENATOR CARTER

To enact R.S. 37:1738 and 1738.1, relative to liability of persons providing certain gratuitous care; to provide with respect to immunity from liability for a person providing gratuitous emergency care to a minor or a domestic animal; to provide with respect to immunity from liability for the vehicle owner; to provide certain definitions, terms, procedures, conditions, and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1738 and 1738.1 are hereby enacted to read as follows:

§1738. Immunity from liability: gratuitous emergency care to minor
A. There shall be no liability on the part of a person for property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing a minor in distress from a locked motor vehicle as provided in this Section. The immunity from liability for property damage to a motor vehicle as provided herein does not affect a person’s liability for bodily injury suffered by the minor while the person was rescuing the minor. There shall be no liability on the part of the owner of the vehicle for any conduct that might otherwise be actionable in defending his vehicle.
B. The immunity provided by Subsection A of this Section shall apply only if the person:
(1) Makes a good-faith attempt, based on the circumstances known to the person at the time, to locate the owner of the motor vehicle before entering, forcibly or otherwise, the vehicle.
(2) Contacts the local law enforcement agency, the fire department, or the 911 emergency operator before entering the motor vehicle forcibly or otherwise.
(3) Determines the motor vehicle is locked and has a good-faith belief that removal of the animal from the motor vehicle is necessary because the minor is in imminent danger of suffering harm.
(4) Uses force that was reasonably necessary under the circumstances to enter the motor vehicle to rescue the minor.
(5) Places a notice on the windshield of the motor vehicle providing details of the person’s contact information, the reason the entry was made, the location of the minor, and notice that the appropriate authorities have been notified.
(6) Remains with the minor in a safe location, out of the elements of nature but reasonably close to the motor vehicle, until emergency responders from law enforcement, fire, or animal control arrive, unless the person cannot remain with the animal, in which case the person shall notify the local law enforcement agency, the fire department, or the 911 emergency operator, as applicable, before leaving the motor vehicle, and shall then take the minor to the closest shelter, as applicable.
C. As used in this Section:
(1) “Minor” means any person who has not reached the age of eighteen.
(2) “Unattended” means an animal who has been left in a motor vehicle when the driver or operator of the vehicle is more than thirty feet from the vehicle or cannot be contacted by verbally calling out for the owner of the vehicle.
(3) “In distress” means any condition that endangers the health or well-being of a minor due to heat, cold, or lack of adequate ventilation or any other circumstances that could reasonably be expected to cause suffering, disability, or death.

ACT No. 361
- - -
SENATE BILL NO. 166
BY SENATORS THOMPSON AND JOHNS

To enact R.S. 15:541.1(A)(6) and (7), relative to the posting of the National Human Trafficking Resource Center hotline; to require airports, railroad passenger stations, and bus terminals and stations to post information regarding the hotline; to provide for the location of the posting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:541.1(A)(6) and (7) are hereby enacted to read as follows:

§541.1. Posting of the National Human Trafficking Resource Center hotline: content; languages; notice; civil penalty
A. All of the following establishments shall be required to post information regarding the National Human Trafficking Resource Center hotline:
(1) Every airport as defined in R.S. 2:1(9) and by the Federal Aviation Administration, including private-use airports. Each airport shall post the information in the same location where other employee notices required by state or federal law are posted.
(2) Every bus terminal or station or railroad passenger station, including terminals or stations that are privately owned or owned by the state or a local governing authority. Each bus station or terminal or railroad passenger station shall post the information in the same location where other employee notices required by state or federal law are posted.

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 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 362
- - -
SENATE BILL NO. 169
BY SENATOR THOMPSON

To amend and reenact R.S. 3:1431(19), 1435(5), 1436(4)(d) and (5)(e), and 1444(10) and R.S. 44:4.1(B)(1) and to repeal R.S. 3:1431(23), relative to seeds; to provide for the authority of the commissioner of agriculture; to require seed test confidentiality; to provide relative to seed labeling; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1431(19), 1435(5), 1436(4)(d) and (5)(e), and 1444(10) are hereby amended and reenacted to read as follows:

§1431. Terms defined
As used in this Part, the following terms have the meanings given:
(19) “Noxious weeds” are weeds that are highly destructive injurious to the environment, agricultural fields, lands, or gardens and difficult to control by good cultural practices and the
THE ADVOCATE

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use of herbicides.

§1435. Authority of the commissioner
The commissioner may:

(5) Make purity and germination, and additional tests of seeds for persons upon request. The analyses shown by these tests shall be for the information of the person requesting the test only and shall not be made the basis of the guaranteed analysis of the seeds required by R.S. 3:4136. Confidential and shall be made available only to the requestor, unless otherwise specifically authorized by the requestor.

§1436. Labeling of seeds
Each container of agricultural, vegetable, or flower seeds, or other propagating stock that is sold or offered for sale in Louisiana for planting purposes shall bear thereon or have attached thereto in a conspicuous place a label plainly written or printed in the English language. The label shall give the following information:

(4) On vegetable seeds in containers of one pound or less which germinate equal to or above the standards established by the commission under the provisions of R.S. 3:1433(3)(a):

(d) The calendar month and year of the germination test or the year for which the seeds were packed for sale.

(5) On vegetable seeds in containers of one pound or less that germinate less than the standards established by the commission under the provisions of R.S. 3:1433(3)(a):

(e) The calendar month and year the germination tests were completed or the year for which the seeds were packed for sale.

§1444. Prohibitions
No person shall:

(10) Use relabeling stickers without having both the calendar month and year the germination test was completed and the lot number that matches the existing, original lot number.

Section 2. R.S. 44:4.1(B)(1) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

B. 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 incorporation into this Chapter by citation:

(1) R.S. 3:556.10; §§ 559.9, 750, 1401, 1413, 1430.7, 1435, 3204, 3221, 3370, 3421, 3524, 3706, 4021, 4110, 4162.

Section 3. R.S. 3:1431(23) is hereby repealed in its entirety.

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

Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 363

SENATE BILL NO. 177
BY SENATOR WALKSWORTH
AN ACT
To amend and reenact the introductory paragraph of R.S. 15:587.5(A) and R.S. 24:513(D)(3) and to enact R.S. 15:587.5(A)(7) and R.S. 24:513.1(E), relative to the legislative auditor; to authorize the legislative auditor to have access to federal tax information relative to auditees; to authorize the legislative auditor to perform criminal background checks on the auditor's employees having access to federal tax information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 15:587.5(A) is hereby amended and reenacted and R.S. 15:587.5(A)(7) is hereby enacted to read as follows:

§587.5. Agencies with access to federal tax information; criminal history information

A. For purposes of this Section, "agency" means any agency that has an agreement with the Internal Revenue Service to access federal tax information or is authorized by law to audit the records of an agency that has access to federal tax information. "Agency" shall include all of the following:

(7) The legislative auditor and employees designated by the legislative auditor to audit the records of an agency that has access to federal tax information.

Section 2. R.S. 24:513(D)(3) is hereby amended and reenacted and R.S. 24:513.1(E) is hereby enacted to read as follows:

§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

D. In addition, the legislative auditor shall perform the following duties and functions:

(3)(g) He shall employ such personnel as may be necessary to perform the duties and functions imposed herein, and may employ such professional and technical personnel as may be necessary in the unclassified service, subject to the other provisions of this Section.

§513.1. Audit of accounts of Department of Revenue; confidentiality of information; unauthorized disclosure; criminal history information

E. The legislative auditor shall perform criminal history records checks of current and prospective employees, designated by the legislative auditor to audit the records of the Department of Revenue, in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the legislative auditor shall establish policies with regard to this matter.

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

Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 365

SENATE BILL NO. 212
BY SENATOR GATTI
AN ACT
To amend and reenact R.S. 40:1730.39(A), relative to the state uniform construction code; to provide for powers of the state fire marshal; to provide relative to the contractual authority of the state fire marshal; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.39(A) is hereby amended and reenacted to read as follows:

§1730.39. Powers of state fire marshal

A. The state fire marshal may establish contract agreements with municipalities and parishes in order to provide code enforcement on behalf of the municipality or parish as provided in R.S. 40:1730.24 of this Part.

(2)(a) The agreement may include a provision that permits the state fire marshal to take into consideration practical and unreasonable economic hardships before applying the strict requirements of this Part. Pursuant to the contractual agreement with a municipality or parish executed in accordance with the provisions of this Subsection and upon appeal of the professional record for a plan review of a structure, except one- or two-family dwellings, the state fire marshal may allow alternative materials, design, and methods of construction and equipment that comply with the provisions of the International Building Code, Chapter 1-Scope and Administration, relative to alternative materials, design, and methods of construction and equipment.

(b) The state fire marshal may adopt, in accordance with the Administrative Procedure Act, the provisions set forth in the International Building Code, Chapter 1-Scope and Administration, relative to alternative materials, design, and methods of construction and equipment.

Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 33:4071(A)(1), (2)(a), (4), and (5), 4074, and the introductory paragraph of 4091(C) and to enact R.S. 33:4091(C)(8), (D), and (E), relative to the city of New Orleans; to provide for the creation and organization of the Sewerage and Water Board of New Orleans; and to provide for related matters.

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

Section 1. R.S. 33:4071(A)(1), (2)(a), (4), and (5), 4074, and the introductory paragraph of 4091(C) are hereby amended and reenacted and R.S. 33:4091(C)(8), (D), and (E) are hereby enacted as follows:

§4071. Creation and organization of sewerage and water board

A.1(1) The public water system, the public sewerage system, and the public drainage system of the city of New Orleans shall be constructed, controlled, maintained, and operated by a sewerage and water board to be composed as follows:

(a) The mayor.

(b) The chair of the Public Works, Sanitation and Environment Committee of the New Orleans city council, a member of the committee appointed by the chair, or a civil engineer appointed by the chair. Any member appointed by the chair shall serve at the pleasure of the chair.

(c) Two syndicate members of the board of liquidation, city debt, to be appointed by the mayor on the recommendation of the board of liquidation, city debt.

(d) Seven citizens, to be appointed by the mayor, with the advice and consent of the city council from a list of nominees submitted by the Sewerage and Water Board Selection Committee.

(e) The members appointed pursuant to Subparagraphs (b) and (d) of this Paragraph shall include one citizen from each of the five councilmanic districts within the city of New Orleans. In addition, two of the appointments shall be consumer advocates with community advocacy or consumer protection experience or experience in a related field, and one of the appointments shall be a retired civil engineer.

(2)(a) For purposes of this Section, the Sewerage and Water Board Selection Committee, hereinafter referred to as the “selection committee”, is hereby created to be comprised as follows:

(i) The president of Dillard University or his designee.

(ii) The president of Loyola University or his president's designee.

(iii) The president of Tulane University or his president's designee.

(iv) The president of Xavier University or his president's designee.

(v) The chancellor of Delgado Community College or his chancellor's designee.

(vi) The chancellor of University of New Orleans or his chancellor's designee.

(vii) The chancellor of Southern University at New Orleans or his chancellor's designee.

(viii) The chair of the board of directors of the New Orleans Chamber of Commerce or his chair's designee.

(ix) The president of the board of directors of the New Orleans Regional Black Chamber of Commerce or his the chair’s designee.

(x) The chair of the board of directors of the Urban League of Greater New Orleans or his the chair’s designee.

(2)(b) For members appointed pursuant to Subparagraphs (a)(1)(b) and (c) of this Section, the terms of office shall be four years after initial terms as provided in Subparagraph (b) of this Paragraph. A member shall serve no more than two consecutive terms of office.

(b) Three members shall serve an initial term of one year; two members shall serve an initial term of two years; two members shall serve an initial term of three years; and two members shall serve an initial term of four years, as determined by lot at the first meeting of the board.

(5) If the mayor is unable to attend a meeting of the sewerage and water board, the mayor may be represented by any member of the board meeting by a person designated by the mayor who shall be an unclassified member of the mayor's administration. Any such person shall have all the rights and powers granted to the mayor with regard to any such board meeting and shall have including the right to vote for or on the stead of the absent mayor. In addition, any such person and shall be counted for purposes of a quorum.

§4074. Meetings of the board

All meetings of the board shall be held in accordance with rules adopted by the board and shall be open and public. All its transactions shall be recorded in the minutes to be kept in writing by the executive director, and its records shall be public. Six members thereof shall constitute a quorum.

§4091. Reports of board

C. In addition to the requirements of Subsections A and B of this Section, the board shall report quarterly, December, March, June, and September, no later than the first day of the second month following the close of each calendar quarter to the city council relative to its operations. Such report shall include the following in a manner as prescribed by the city council:

(8) The identity and detailed information on the status of all projects and all improvements made since the close of the last quarter.

D. The mayor or the chief administrative officer and the executive director shall present each quarterly report to the city council at the next regularly scheduled city council meeting dedicated to public works.

E. If a quarterly report is not submitted timely to the city council, the executive director shall attend the council’s next regularly scheduled meeting and present to the council the reasons for the failure to timely submit the report.

F. In addition to the other requirements of this Section, the board shall send a report, by electronic mail, to the members of the Orleans Parish legislative delegation and the members of the governing authority of Orleans Parish detailing the pumping and electrical power of its facilities and the available manpower no later than twenty-four hours prior to a hurricane entering the Gulf of Mexico as determined by the National Weather Service and no later than forty-eight hours after a flood watch or warning or thunderstorm watch or warning is issued by the National Weather Service for any area of Orleans Parish.

Section 2. Except as provided in Section 3 of this Act, the provisions of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Section 3 (A) of the Provisions of Section 1 of this Act shall take effect and become operative on the first day of January following an election at which a majority of the voters of the city of New Orleans approve an amendment to Article V, Chapter 3, Section 5-301 of the home rule charter of the city to change the composition of the Sewerage and Water Board of New Orleans to provide the identical composition of the board as contained in this Act.

(B) The terms of the members of the Sewerage and Water Board of New Orleans in office on the first day of January as provided in Subsection (A) of this Section shall terminate on that date; however, the members shall remain in office until the board members are appointed as provided in Section 1 of this Act and take office. The members of the Sewerage and Water Board of New Orleans shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act. This Section shall not be construed to reappoint the board to a member in office on the effective date of this Act. Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 367

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SENATE BILL NO. 231
BY SENATOR MORRELL

To amend and reenact R.S. 14:95.1.3(D) and 95.10(B) and the introductory paragraph of R.S. 46:2136.3(A), to enact R.S. 14:79(A)(4), 95.1.3(E), and 95.1.4, R.S. 46:2136.3(C), and Title XXXV of the Code of Criminal Procedure, to be comprised of Arts. 1000 through 1003, and to repeal R.S. 46:2137, relative to firearms; to provide penalties for the violation of protective orders; to provide penalties for firearm transactions; to prohibit the illegal transfer of a firearm to a prohibited possessor; to require certain reporting; to create a firearm transfer program; to designate sheriffs as repositories for firearms; to provide for procedure for storage and return of firearms; to require the development of forms, policies, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1.3(D) and 95.10(B) are hereby amended and reenacted and R.S. 14:79(A)(4), 95.1.3(E), and 95.1.4 are hereby enacted to read as follows:

§79. Violation of protective orders

(A)(a) *          *          *

(4) Violation of protective orders shall also include the possession of a firearm or carrying a concealed weapon in violation of R.S. 46:2136.3, the purchase or attempted purchase of a firearm, and the carrying of a concealed weapon in violation of R.S. 14:95.1, 95.1.3, or 95.10; *          *          *

§95.1.3. Fraudulent firearm and ammunition purchase; mandatory reporting

D. Whoever violates the provisions of this Subsection A of this Section shall be fined not less than one thousand dollars or more than five thousand dollars, or imprisoned, with or without hard labor, for not less than one year or more than five twenty years, or both. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

E.(I) If a person is reported ineligible to purchase firearms by the National Instant Criminal Background Check System (NICS), the licensed dealer shall report the NICS denial to the sheriff of the parish in which the attempted purchase occurred and to the Louisiana Automated Victim Notification System.

(2) If at any time a law enforcement agency discovers that a licensed dealer knew or should have known that the purchaser or attempted purchaser of a firearm was prohibited from possessing a firearm and the licensed dealer failed to report as required by this Section, the sheriff or law enforcement agency shall notify all state and federal licensing agencies of the licensed dealer’s failure to report.

§95.1.4. Illegal transfer of a firearm to a prohibited possessor

A. Illegal transfer of a firearm to a prohibited possessor is the intentional giving, selling, donating, lending, delivering, or otherwise transferring a firearm to any person known to the offender to be a person prohibited from possessing a firearm under state or federal law.

B. Whoever commits the crime of illegal transfer of a firearm to a prohibited possessor may be fined not more than two thousand five hundred dollars, imprisoned for not more than one year, or both. *          *          *

§95.10. Possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner

B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned with or without hard labor for not less than one year nor more than five twenty years without the benefit of probation, parole, or suspension of sentence, and shall be fined not less than five thousand dollars or more than twenty years.
### TITLE XXXV, DOMESTIC VIOLENCE PREVENTION FIREARM TRANSFER

**Art. 1000. Definitions**

As used in this Title:

(1) “Firearm” means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

(2) “Sheriff” means the sheriff of the jurisdiction in which the order was issued, unless the person resides outside of the jurisdiction in which the order is issued. If the person resides outside of the jurisdiction in which the order is issued, “sheriff” means the sheriff of the parish in which the person resides.

**Art. 1001. Transfer of firearm**

A.(1) When a person is convicted of any of the following, the judge shall order the transfer of all firearms and the suspension of a concealed handgun permit of the person:

- A conviction of domestic abuse battery (R.S. 14:35, 33).
- A conviction of battery of a dating partner that involves strangulation (R.S. 14:34, 39, R.S. 14:34, 99(K)).
- A conviction of battery of a dating partner when the offense involves burning (R.S. 14:34, 91(B)).
- A conviction of a possession of a firearm or carrying a concealed weapon by a person convicted of having sexual relations with a certain offense of battery or false swearing (R.S. 14:95.10).

(2) Upon issuance of an inunction or order under any of the preceding circumstances, the judge shall order the transfer of all firearms and the suspension of a concealed handgun permit of the person who is subject to the inunction or order:

- The inunction or order is issued pursuant to a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, and 2173, Children’s Code Article 1570, Code of Civil Procedure Article 3607, or Code of Criminal Procedure Articles 30, 320, or 871.1 of this Code.

(3) The inunction or order is in effect at the time of conviction for any of the offenses listed in Subparagraph (A)(1) of this Article or at the time the court issues an inunction or order under any of the circumstances listed in Subparagraph (A)(2) of this Article.

**Art. 1002. Transfer of firearm**

(1) The court shall, upon the request of the person to whom the firearm is transferred, provide the third party with a declination of nonpossession form which shall be filed in the court record.

(2) Within five days of transferring the firearm, exclusive of local holidays, the person shall file the form with the clerk of court of the parish in which the order was issued.

(3) The third party shall file the form with the clerk of court of the parish in which the third party resides.

(4) The sheriff shall arrange a transfer of the firearm to the third party.

**Art. 1003. Implementation**

The sheriff, clerk of court, and district attorney of each parish shall develop forms, policies, and procedures no later than January 1, 2019, regarding the communication of convictions and orders issued between agencies, procedures for the acceptance of transferred firearms, procedures for the storage of transferred firearms, return of transferred firearms, the proof of transfer form, the declaration of nonpossession form, and any other form, policy, or procedure necessary to effectuate the provisions of this Title.

(1) The order to transfer firearms and suspend a concealed handgun permit shall be issued by the court at the time of conviction for any of the offenses listed in Subparagraph (A)(1) of this Article or at the time the court issues an inunction or order under any of the circumstances listed in Subparagraph (A)(2) of this Article.

(2) The sheriff shall arrange a transfer of the firearm to the third party within twenty-four hours of issuance of the order.

(3) The third party shall then transfer the firearm to the person.

(4) The third party shall file the receipt with the clerk of court of the parish in which the person resides.

**Section 5. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable.**

**Section 6. This Act shall become effective on October 1, 2018.**

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

**ACT No. 368**

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SENATE BILL NO. 233
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 9:2717, relative to contracts; to allow a court to render null and void certain nondisclosure agreements and nondisclosure contract provisions; to provide for public policy; to provide for retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2717 is hereby amended and reenacted to read as follows:

§2717. Contracts against public policy

A.(1) Any contract between a political subdivision and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be absolutely null and shall be void and unenforceable as contrary to public policy.

B. (1) Any person whose conviction causes the nullity of the contract as provided in Subsection A of this Section, Paragraph (1) of this Subsection shall not be responsible for payment of any costs, attorney fees, and damages incurred in the rebidding of the contract.

B.(1) Notwithstanding any provision of law to the contrary, a party may petition a court for...
To amend and reenact R.S. 17:100.7, relative to public elementary and secondary schools; to require the state Department of Education to prepare and provide information regarding the public health risks associated with pornography; to require distribution of this information to the parents of public school students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:100.7 is hereby amended and reenacted to read as follows:

(1) Each governing authority of a public elementary or secondary school shall adopt policies, in accordance with all applicable state and federal laws, policies adopted by the State Board of Elementary and Secondary Education, regarding access by students and employees to Internet and online sites that contain or make reference to harmful material the character of which is reasonably believed to be obscene, child pornography, conducive to the creation of a hostile or dangerous school environment, pervasively vulgar, excessively violent, or sexually harassing in the school environment all as defined by any applicable state or federal laws and the policies adopted pursuant to this Section. Such policies shall include but not be limited to prohibitions against accessing sites containing information on the manufacturing or production of bombs or other incendiary devices.

(2) Any policies adopted by a governing authority of a public elementary or secondary school pursuant to the provisions of this Section shall include the use of computer-related technology or the use of Internet service provider technology designed to block access or exposure to any harmful material as specified in Paragraph (1) of this Subsection, or both.

(3) The provisions of this Section shall not prohibit any authorized employee or student of a public elementary or secondary school from having unfiltered or unrestricted access to the Internet or online services of a newspaper with a daily circulation of at least one thousand.

B. The only interest that may be assessed and collected on any recovered tax benefits amount is interest at a rate three percentage points above the rate provided in R.S. 9:3500(B), which shall be computed from the date of issuance to the date payment is received by the secretary.

C. The provisions of this Section are in addition to and shall not limit the authority of the secretary to assess or to collect under any other provision of law.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 369

SENATE BILL NO. 250 BY SENATOR MIZELL

To amend and reenact R.S. 22:1657 and R.S. 44:4.1(B)(11) and to enact R.S. 22:1657.1, relative to pharmacy benefit manager information and links.

A. Each pharmacy benefit manager licensed by the commissioner of insurance shall submit an annual transparency report containing data from the prior calendar year.

B. The aggregate administrative fees that the pharmacy benefit manager received.

C. The aggregate administrative fees that the pharmacy benefit manager received.

D. Rebates means all rebates, discounts, and other price concessions, based on utilization of a prescription drug and paid by the manufacturer or other party other than an enrollee, directly or indirectly, to the pharmacy benefit manager after the claim has been adjudicated at the pharmacy.

E. Rebates shall include a reasonable estimate of any volume-based discount or other discounts.

F. The aggregate administrative fees that the pharmacy benefit manager received.

G. The aggregate administrative fees that the pharmacy benefit manager received.

H. The aggregate administrative fees that the pharmacy benefit manager received.

I. The aggregate administrative fees that the pharmacy benefit manager received.

J. The aggregate administrative fees that the pharmacy benefit manager received.

K. The aggregate administrative fees that the pharmacy benefit manager received.

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V. The aggregate administrative fees that the pharmacy benefit manager received.

W. The aggregate administrative fees that the pharmacy benefit manager received.

X. The aggregate administrative fees that the pharmacy benefit manager received.

Y. The aggregate administrative fees that the pharmacy benefit manager received.

Z. The aggregate administrative fees that the pharmacy benefit manager received.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin Secretary of State

SECRETARY OF STATE

ACT No. 371

SENATE BILL NO. 283 BY SENATOR MILLS

AN ACT

To enact and amend R.S. 47:1561.3, relative to the recovery of certain tax benefits; to provide for related matters.

A. Each pharmacy benefit manager licensed by the commissioner of insurance shall submit an annual transparency report containing data from the prior calendar year.

B. The aggregate administrative fees that the pharmacy benefit manager received.

C. The aggregate administrative fees that the pharmacy benefit manager received.

D. Rebates means all rebates, discounts, and other price concessions, based on utilization of a prescription drug and paid by the manufacturer or other party other than an enrollee, directly or indirectly, to the pharmacy benefit manager after the claim has been adjudicated at the pharmacy.

E. Rebates shall include a reasonable estimate of any volume-based discount or other discounts.

F. The aggregate administrative fees that the pharmacy benefit manager received.

G. The aggregate administrative fees that the pharmacy benefit manager received.

H. The aggregate administrative fees that the pharmacy benefit manager received.

I. The aggregate administrative fees that the pharmacy benefit manager received.

J. The aggregate administrative fees that the pharmacy benefit manager received.

K. The aggregate administrative fees that the pharmacy benefit manager received.

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M. The aggregate administrative fees that the pharmacy benefit manager received.

N. The aggregate administrative fees that the pharmacy benefit manager received.

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S. The aggregate administrative fees that the pharmacy benefit manager received.

T. The aggregate administrative fees that the pharmacy benefit manager received.

U. The aggregate administrative fees that the pharmacy benefit manager received.

V. The aggregate administrative fees that the pharmacy benefit manager received.

W. The aggregate administrative fees that the pharmacy benefit manager received.

X. The aggregate administrative fees that the pharmacy benefit manager received.

Y. The aggregate administrative fees that the pharmacy benefit manager received.

Z. The aggregate administrative fees that the pharmacy benefit manager received.
(5) Not more than thirty days after an increase in wholesale acquisition cost of fifty percent or greater for a drug with a wholesale acquisition cost of one hundred dollars or more for a thirty-day supply, a pharmaceutical drug manufacturer shall notify the commissioner of insurance by electronic mail of any such change.

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

A. * * * *

B. 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 incorporation into this Chapter by citation:

(11) R.S. 22:2; 14, 31, 42:1, 88, 244, 263, 265, 461, 550:7, 571, 572, 572:1, 574, 618, 639, 691:4, 691:5, 691,6, 691:7, 691:8, 691:9, 691:1, 691:10, 691:38, 691:56, 732, 752, 753, 771, 834, 882(D), 1008, 1019:2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657:1, 1723, 1796, 1801, 1808:3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2299, 2303 * * * *

Section 3. If any rules or regulations are necessary to effectuate the provisions of this Act, the commissioner of insurance shall promulgate and adopt those rules or regulations in accordance with the Administrative Procedure Act prior to January 1, 2020.

Section 4.(A) This Section and Section 3 of this Act shall become effective on August 1, 2018.

(B) Sections 1 and 2 of this Act shall become effective on January 1, 2020.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 372

SENATE BILL NO. 285

BY SENATORS GARY SMITH AND THOMPSON AND REPRESENTATIVE DAVIS

AN ACT

To enact R.S. 22:1060.7, relative to prescriptions for chronic pain; to prohibit the denial of coverage for a nonopioid prescription in favor of an opioid prescription; to provide with respect to opioid prescriptions deemed medically necessary and prescribed by a licensed physician; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1060.7 is hereby amended and reenacted to read as follows:

§1060.7. Prescription medication for chronic pain

A. Notwithstanding any provision of law to the contrary, when a licensed physician prescribes a nonopioid medication for the treatment of chronic pain, it shall be unlawful for a health insurance issuer to deny coverage of the nonopioid prescription drug in favor of an opioid prescription drug.

B. When an opioid prescription is deemed medically necessary and prescribed by a licensed physician, it shall be unlawful for an insurer to deny a prescribed medication and attempt to substitute an alternative medication that requires any of the following:

(1) An increased number of pills per prescription;

(2) A higher Drug Enforcement Administration schedule medication than the one prescribed;

(3) The substitution of an extended release medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.

Approved by the Governor, May 20, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 373

SENATE BILL NO. 288

BY SENATOR PERRY

AN ACT

To amend and reenact Children's Code Art. 313(B) and R.S. 46:236.2, relative to child support proceedings; to provide for changing the payee of a child support order in certain circumstances; to provide relative to the Department of Children and Family Services; to provide for compliance with federal law; to provide certain terms, conditions, and procedures; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 313(B) is hereby amended and reenacted to read as follows:

Art. 313. Duration of jurisdiction over proceedings

B. A court exercising juvenile jurisdiction no longer exercises such jurisdiction in any proceeding authorized by Article 311(B)(1) upon the filing of a motion in accordance with R.S. 46:236.2(B)(2).

When the motion is granted, the individual or caretaker to whom the support is owed shall be the proper party to enforce the child support obligation or any or all other rights owed.

Section 2. R.S. 46:236.2 is hereby amended and reenacted to read as follows:

§236.2. Amendment Redirection of support order payments

A.(1) The department or district attorney may, by a written motion together with a written certification from the department that support enforcement services are being furnished to the individual, to the current caretaker of any individual receiving support benefits, or to the payor of any support benefit for such individual, obtain an order to require any person under an order to support such individual or caretaker to make such support payments payable to the department.

Pursuant to 42 U.S.C. 654a(1)(A), the department is authorized to receive and disburse support payments made on behalf of each child who is a recipient of public assistance, or for any obligee when an individual has applied for support enforcement services pursuant to Title IV-D of the Social Security Act. Except as provided in this Section, the department is not required to seek an amendment to the support order, file a motion to intervene, or subrogate itself to the rights of the obligee to exercise its standing as independent party.

(2) To carry out and effectuate the purposes and provisions of this Section and 42 U.S.C. 654a(1)(A), the department shall administratively change the payee of a support order to the department under a procedure authorized by Article 311(B)(5) of this Act. Such change shall not occur until the department has provided notice of the change to all parties under this Subsection.

(3) If a court has ordered support payments to be made to an obligee, the department shall, on providing notice to the obligee and the obligor, direct the obligor or other payor to make support payments payable to the department and to transmit the payments to the state disbursement unit.

The department shall file a copy of the notice with the court by which the order was issued or last registered. The notice shall include all of the following:

(a) A statement that the child’s family is receiving support enforcement services;

(b) The name of the child and the obligee for whom support has been ordered by the court;

(c) The docket number and court by which support was ordered or last registered.

(d) Instructions for the payment of ordered support to the department.

The notice shall be sent by regular mail to the obligee and the obligor at the last known address of each as listed in the state case registry. The obligee shall be required to submit payment, in accordance with Subparagraph 3(d) of this Subsection, ten days after the date of the notice.

(5) On receipt of a copy of the notice, the clerk of court shall file the notice in the appropriate case record.

B.(1) Notwithstanding the provisions of R.S. 13:1599(B), in cases receiving support enforcement services from the department, upon the motion of the district attorney or the department to transfer, a support order payable to the department shall be transferred for subsequent enforcement and modification to the appropriate juvenile court within the parish wherein the support order was rendered or last registered, except in East Baton Rouge Parish.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply in East Baton Rouge Parish.

C.(1) Notwithstanding the provisions of R.S. 13:1599(B), in cases receiving support enforcement services from the department, upon the motion of the district attorney or the department to transfer, a support order payable to the department shall be transferred for subsequent enforcement and modification to the appropriate juvenile court within the parish wherein the support order was rendered or last registered, except in East Baton Rouge Parish.

C. As used in this Section, “interested party” shall include only the department, the district attorney, contract attorney, providing support services pursuant to Title IV-D, the person owing the support obligation, the individual or current caretaker to whom the support obligation is owed, or any agent thereof.

(2)(a) Notwithstanding the provisions of R.S. 13:1599(B), in cases receiving support enforcement services from the department, upon motion to transfer by the interested party, a support order amended to change the payee to the individual or current caretaker instead of the department under this Subsection, shall be transferred for subsequent enforcement and modification to the appropriate court which was exercising such jurisdiction under Paragraph (B) of this Subsection.

(b) Notwithstanding the provisions of R.S. 13:1599(B), in cases not receiving support enforcement services from the department, upon motion to transfer by the interested party, a support order amended to change the payee to the individual or current caretaker in accordance with Paragraph (1)(b) of this Subsection shall be transferred for subsequent enforcement and modification to the parish or family court in the same parish as the juvenile court transferring the order.

C. As used in this Section, “interested party” shall include only the department, the district attorneys, the contract attorney providing support services pursuant to Title IV-D, the person owing the support obligation, or the individual or current caretaker to whom the support obligation is owed.

(3) In either any of the above cases in this Subsection, the court shall grant its order without hearing any adverse party.

C.1(1) On termination of support enforcement services under 45 C.F.R. §303.11(b), or upon the death of the obligee or caretaker, the department shall send a notice to terminate the redirection.

The notice shall include all of the following:

(a) A statement that either:

(i) The child’s family is no longer receiving support enforcement services;

(ii) The obligee or caretaker is now deceased;

(c) The name of the child and the obligee for whom support has been ordered by the court;

(d) Instructions for the payment of ordered support and any past-due support that has accrued.

(2) The department shall file a copy of the notice with the appropriate case record.

D. This Section applies regardless of whether the individual applying for or receiving support enforcement services has ever received any public assistance and regardless of whether there is a delinquency.

E. The department shall not enforce or collect any past-due support that accumulated before
support enforcement services were provided until a contradictory hearing is held by the court to determine the amount of post-due support owed.

Section 3. The provisions of this Act shall become effective October 1, 2018. Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 374

SENATE BILL NO. 304
BY SENATOR WALSWORTH
AN ACT
To amend and reenact R.S. 51:42(1) and 51A(a) and to enact R.S. 51:51(e) and (f), relative to going-out-of-business sale licenses; to provide relative to holding of deposits; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 51:42(1) and 51A(a) are hereby amended and reenacted and R.S. 51:51(e) and (f) are hereby enacted to read as follows:

§ 42. Definitions
For purposes of this Part, the following terms shall have the meanings specified in this Section:

(1) “Going-out-of-business sale” means any sale advertised, represented, or held forth as a sale to dispose of all goods in a manner of ceasing to do business or changing business location.

§ 51. Holding of deposit
A. The deposit made by an applicant for licensure pursuant to R.S. 51:47(d) shall be held by the consumer protection section for a period of sixty days from the date of delivery of a returned license or from the date of acceptance of an affidavit in lieu of such return.

B. Upon the failure of the licensee to return the license or an affidavit in lieu of such return within three hundred sixty-five calendar days from the expiration of the license, the deposit shall revert to the Unclaimed Property Division of the Department of the Treasury in the name of the licensee and the consumer protection section of the Department of Justice.

§ 60. Procedure
A. Hearing notice. (1) Upon the filing of the petition authorized by R.S. 28:67, the court shall assign a time and place for a hearing as promptly as is practical, but in no case later than fourteen days after the filing of the petition, which may be conducted before any judge in the judicial district, within five days, and shall cause reasonable notice thereof and a copy of the petition to be served upon the respondent, respondent’s attorney, the petitioner, and the director of the local governing entity in the parish where the petition has been filed. The notice shall inform the respondent that he has a right to present, a right to retain counsel, which may be appointed, if he is indigent or otherwise qualified, has the right to counsel appointed to represent him by the Mental Health Advocacy Service, and a right to cross examine witnesses. Continuances shall be granted only for good cause shown.

B. The petition shall be accompanied by a Physician’s Report to Court or an affidavit of a physician, psychiatric mental health nurse practitioner or psychologist whose affidavit is true.

C. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner or psychologist or psychologist who has personally examined the patient within the time period commencing ten days before the filing of the petition, testifies at the hearing in person or by video electronic means, with consent of all the parties, that he is present or reasonably believed to be present at the hearing, in which case the examining physician, the psychiatrist, or the psychologist is deemed to have testified at the hearing.

D. If the patient refuses to be examined by a physician, psychiatric mental health nurse practitioner or psychologist, the court may request the patient to undergo an examination by a qualified physician, psychiatrist, psychiatric mental health nurse practitioner or psychologist appointed by the court. If the patient does not consent to undergo the examination, and the court finds reasonable cause to believe that the patient refuses to be examined, the court may order the patient to undergo examination by the examining physician, psychiatrist, psychiatric mental health nurse practitioner or psychologist, or to have the patient examined by another physician, psychiatrist, psychiatric mental health nurse practitioner or psychologist, who shall be appointed by the court. The examining physician, psychiatrist, psychiatric mental health nurse practitioner or psychologist who is not agreed to by the patient shall be deemed appointed by the court as well as the patient and upon his request, an individual significant to him and concerned with his welfare.

§ 70. Written treatment plan for involuntary outpatient treatment
A. The provisions of this Act do not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner or psychologist appointed by the appropriate director of the local governing entity develops and provides to the court a written treatment plan.

B. The written treatment plan shall provide for care coordination. Such services shall include management of medications and other prescription drugs; management of order-summer community treatment teams; and appropriate services to provide care coordination. Such services shall include management of medications and other prescription drugs; and may include management of information and tracking systems that support the delivery of services.

THE ADVOCATE
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* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
appropriate categories of services, as set forth in Subsection E of this Section, which such team recommends the patient should be provided, and all persons required to receive notice within R.S. 28:60(A) at least three days before the date of the hearing on the petition.

D. The court shall not order involuntary outpatient treatment unless a physician, psychiatric mental health nurse practitioner, or psychologist determines the patient has failed to comply with the ordered treatment, efforts made to solicit compliance by the district, the local governing entity, case manager or assertive community treatment provider, and the patient may be in need of involuntary admission to a treatment facility, he may execute an emergency certificate in accordance with R.S. 28:53, relating to an order for custody in accordance with R.S. 28:53.2, or seek a judicial commitment in accordance with R.S. 28:54.

E. If the patient refuses to take medication or refuses to take or fails blood or other laboratory tests as required by court order, the physician, psychiatric mental health nurse practitioner, or psychologist may consider his refusal in determining whether the patient is in need of involuntary treatment services.

§76. Definitions

As used in this Part, “Physician’s Report to Court” means the reports provided for in R.S. 28:60(A)(2)(b).

A. The Louisiana Bureau of Criminal Identification and Information shall implement a volunteer and employee criminal history system to allow qualified entities to access state and federal criminal history records.

B. “Bureau” means the Louisiana Bureau of Criminal Identification and Information located within the Department of Public Safety and Corrections, public safety services, office of state police.

C. "Bureau" means the Louisiana Bureau of Criminal Identification and Information located within the Department of Public Safety and Corrections, public safety services, office of state police.

D. "Care" means the services provided to children, the elderly, or individuals with disabilities.

E. "Individual" means a person who, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity who meets either of the following requirements:

1. Is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity.

2. Owns or operates, or seeks to own or operate, a qualified entity.

3. "Individuals with disabilities" means persons with a mental or physical impairment who require assistance in performing one or more daily living tasks.

4. "Qualified entity" means a business or organization, whether public or private, operated for profit, operated not-for-profit, or voluntary, which provides care or care placement services, including a business or organization that licenses or certifies individuals to provide care or care placement services.

R.37. Failure to comply with involuntary outpatient treatment

A. If either party alleges noncompliance under the written treatment plan, a judicial review can be scheduled and all persons listed in R.S. 28:60(A) are to receive notice.

B. When a physician, psychiatric mental health nurse practitioner, or psychologist determines the patient has failed to comply with the ordered treatment, efforts made to solicit compliance by the district, the local governing entity, case manager or assertive community treatment provider, and the patient may be in need of involuntary admission to a treatment facility, he may execute an emergency certificate in accordance with R.S. 28:53, relating to an order for custody in accordance with R.S. 28:53.2, or seek a judicial commitment in accordance with R.S. 28:54.

C. If the patient refuses to take medication or refuses to take or fails blood or other laboratory tests as required by court order, the physician, psychiatric mental health nurse practitioner, or psychologist may consider his refusal in determining whether the patient is in need of involuntary treatment services.

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* As it appears in the enrolled bill

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

§72. Application for additional periods of treatment

A. The court order for involuntary outpatient treatment shall expire at the end of the specified period unless a petition for an extension has been filed. If the director or any person or entity authorized within R.S. 28:67 determines that a patient requires further involuntary outpatient treatment, he shall file a petition for a continued period of treatment prior to the expiration of the initial involuntary outpatient treatment order issued by the court. If a patient has been ordered to receive involuntary treatment for four consecutive six-month to one-year periods, the period of the subsequent order may exceed one year but shall not exceed two years.

B. The procedure for obtaining an extension shall be the same as for obtaining the original order. However, the time periods provided in R.S. 28:66A(4) shall not be applicable in determining the appropriateness of the extension. The court order requiring blood- or laboratory-testing shall be determined after six months by the physician, psychiatric mental health nurse practitioner or psychologist who developed the written treatment plan or who is designated by the director, and the blood or laboratory testing may be terminated without further action of the court.

C. Application to stay, vacate, or modify shall

In addition to any right or remedy available by law, the patient may apply to the court to stay, vacate, or modify the order and he shall notify the director of the local governing entity or designee of his application.

* * *
and shall provide the qualified entity with the national criminal history record information of the individual subject to the inquiry.

C. National and state criminal history records checks are to be used by the qualified entity to determine the suitability of the individual to have access to children, the elderly, or individuals with disabilities served by the qualified entity. The determination of suitability shall be solely made by the qualified entity. This Section does not require the bureau to make a determination on behalf of any qualified entity.

D. The cost of providing the information required under this Section shall be charged by the bureau, as specified in R.S. 15:587(B), to the individual subject to the inquiry for furnishing information contained in the bureau’s criminal history and identification files, including any additional costs of providing the national criminal history records check which pertain to the individual.

E. The qualified entity shall maintain the confidentiality of the federal and state criminal history information in accordance with applicable federal and state laws.

F. A qualified entity shall not be liable for damages solely for failing to obtain the information authorized under this Section. Except in instances of gross negligence or willful and wanton misconduct, the state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this Section.

G. The bureau is hereby authorized to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to carry out the provisions of this Section for those qualified entities who choose to obtain federal and state criminal history record information pursuant to this Section.

Section 2. The provisions of this Act shall become effective on January 1, 2019. Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 377

SENATE BILL NO. 317
BY SENATOR CLAIMITOR
AN ACT

To amend and reenact R.S. 15:146(C), relative to the Louisiana Public Defender Board; to provide for the expulsion of board members; to provide relative to notice requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:146(C) is hereby amended and reenacted to read as follows:
§146. Louisiana Public Defender Board

C(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, “excessive absences” means missing four duly noticed meetings within a period of eighteen months or three duly noticed meetings within a period of ten months. The board, by a vote of two thirds of the members, may expel a member who has accumulated three unexcused absences from board meetings during a twelve-month period.

(2) Upon review of board member attendance, if a board member has been excused absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed expelled as provided by this Subsection, the board shall send written notice to the member informing him of his removal expulsion and notify the appropriate appointing authority of the vacancy on the board.

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 20, 2018.

A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 379

SENATE BILL NO. 330
BY SENATOR COLOMB
AN ACT

To amend and reenact R.S. 9:311 (A)(1), (C), and (F), relative to the modification of support orders; to provide relative to a material change in circumstances; to provide relative to support orders when the Department of Children and Family Services provides support enforcement services; to provide for a rebuttable presumption; to provide for judicial discretion in modifying a support obligation; to provide for judicial review in some circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:311 (A)(1), (C), and (F) are hereby amended and reenacted to read as follows:
§311. Modification or suspension of support; material change in circumstances; periodic review by Department of Children and Family Services; medical support

A.(1) An award for support shall not be modified unless the party seeking the modification shows a material change in circumstances of one of the parties between the time of the previous award and the time of the request for modification of the award. The material change in circumstances must be substantial and continuing since the last award for support.

C. For purposes of this Section, in cases where the Department of Children and Family Services is providing support enforcement services:

(1) There shall be a rebuttable presumption that a material change in circumstances exists when a strict application of the child support guidelines, Part I-A of this Chapter, would result in at least a twenty-five percent change in the existing child support award. A material change in circumstances does not exist under this Paragraph if the amount of the award was the result of the court’s deviating from the guidelines pursuant to R.S. 9:315.1 and there has not been a material change in circumstances which warranted the deviation.

(2) Upon request of either party or on its own initiative and if the best interest of the child so requires, the department shall provide for judicial review and, if appropriate, the court may adjust the amount of the existing child support award every three years if the existing award differs from the amount which would otherwise be awarded under the application of the child support guidelines. The court may modify the amount of the existing child support award every three years if the existing award differs from the amount which would otherwise be awarded under the application of the child support guidelines. The determination of suitability shall be solely made by the qualified entity. This Section does not require the bureau to make a determination on behalf of any qualified entity.

(3) If the best interest of the child so requires, the department shall provide for judicial review and, if appropriate, the court may modify the amount of the existing child support award every three years if the existing award differs from the amount which would otherwise be awarded under the application of the child support guidelines. A material change in circumstances shall not be required for the purpose of this Paragraph.

F. The provisions of Subsection E of this Section shall not apply when the party requesting the payment of child support is a public entity acting on behalf of another party to whom support is due providing support enforcement services as defined by R.S. 46:236 1.1(14).

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 20, 2018.

A true copy:
R. Kyle Ardoin Secretary of State

THE ADVOCATE
To amend and reenact R.S. 23:1(A) and (C)(3), 153, 382(A) and (B), 390(C) and (D), the introductory paragraph of 1203.1(A), (1) through (4) and (6), the introductory paragraph of (E), the introductory paragraph of (F), (1), the introductory paragraph of (2), (3), (5), (G)(2) and (3), (H), and (J), 1203.1.1(A), 1533, R.S. 36:3(2), (A), (2), (4) and (6), (E), (1), 301(C), 302, 303, the introductory paragraph of 304(A), (B), (9)(b), the introductory paragraph of (B), (1), the introductory paragraph of (2), (3), (5), (G)(2) and (3), (H), and (J), 1203.1.1(A), and 1533(A) are hereby amended and reenacted to read as follows:

§1. Louisiana Workforce Commission established; purpose; definitions
A. The Louisiana Workforce Commission is hereby created and established to operate an integrated workforce development delivery system in this state, in particular through the integration of job training, employment, and employment-related education and training programs, vocational rehabilitation services, independent living services, and blind services programs, and to administer the state’s unemployment and workers’ compensation programs. The duties of this commission shall be exercised and discharged under the supervision and enforcement of all laws, rules, policies, and regulations, which it is the duty of the commission to provide for the re-creation of the Louisiana Workforce Commission and the statutory entities made a part of the Louisiana Workforce Commission by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; to provide for a change of title of the officers of the commission; to provide for technical corrections; to provide for the reauthorization of the incumbent worker training program with the Louisiana Workforce Commission; and to provide for related matters.

C. As used in this Title, unless the context clearly indicates otherwise, the following terms shall be defined as follows:

(3) “Executive director” means the executive director. “Secretary” means the secretary of the commission.

§153. Regulations
The director shall have power to regulate and supervise the administration of minor labor laws and to make, repeal, prescribe, and enforce orders, rules, and regulations to effectuate the provisions and purpose of the Chapter.

§382. Apprenticeship council
A. The executive director shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations respectively, and of two representatives of the general public. The three employer representatives shall be selected from lists supplied by employer organizations which are participating in bona fide apprenticeship programs. The three employee representatives may be representatives of labor organizations, who have been nominated by state labor organizations. The state official in charge of trade and industrial education shall, ex officio, be a member of the council. Each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the term. Each member of the council not otherwise compensated by public monies, shall be reimbursed for transportation and shall be paid thirty-five dollars per day for each day spent in attendance at meetings of the apprenticeship council.

B. The apprenticeship council shall meet at the call of the director or the director of apprenticeship of the director of apprenticeship and shall in formulating policies for the effective administration of this Chapter. Subject to the approval of the director, the apprenticeship council may recommend standards and procedures for registration and de-registration of apprenticeship programs in conformity with established programs approved by the United States Department of Labor, Office of Apprenticeship, or lower than approved national standards; shall issue such rules and regulations as may be necessary to carry out the intent and purposes thereof; and shall perform such other functions as the director of apprenticeship may direct. No less than once a year the apprenticeship council shall make a report, through the director of apprenticeship, of its activities and findings to the legislature and to the public.

§390. Settlement of controversies or complaints
C. Upon the complaint of any interested person or upon his own initiative, the director of apprenticeship may investigate to determine if there has been a violation of the terms of an apprenticeship agreement made under this Chapter and hold hearings, inquiries, and other proceedings necessary to such investigations and determination. The director of apprenticeship shall investigate programs only as necessary to establish compliance, and then only upon proper notice to the parties to such agreement. The director shall render a decision as soon as is practicable, but in no event, not more than thirty calendar days from the date of filing.

J(1) After a medical provider has submitted to the payor the request for authorization and the information required by the Louisiana Administrative Code, Title 40, Chapter 27, the payor shall notify the medical provider of their action on the request within five business days of receipt of the request. If any dispute arises after January 1, 2011, as to whether the recommended care, services, or treatment is in accordance with the medical treatment schedule, or whether the service is covered by the medical treatment schedule, the payor shall provide the medical provider with all the information required as contemplated in Subsection I of this Section, any aggrieved party shall file, within fifteen calendar days, an appeal with the office of workers’ compensation administration medical director, director or associate medical director on a form promulgated by the director assistant secretary. The medical director or associate medical director shall render a decision as soon as is practicable, but in no event, not more than thirty calendar days from the date of filing.

J(2) If either party, the medical director, or associate medical director believes that a potential conflict of interest exists, he shall communicate in writing such information to the director assistant secretary, who shall make a determination as to whether a conflict exists within two business days. If the director assistant secretary shall not, in writing the patient, the physician, and, if applicable, the attorney of his decision within two business days.

§1203.1.1. Medical director and associate medical director
A. The director assistant secretary shall hire a medical director and an associate medical
§1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

G. The Incumbent Worker Training Program reauthorization shall be expressly renewed by the legislature prior to July 1, 2015, July 1, 2022, in order for amounts to be charged and credited to the Incumbent Worker Training Account in the following calendar year for use in funding the program.

Section 2. R.S. 36:3(2), (4), (6) and (7), 8(E)(1), 301(C), 302, 303, the introductory paragraph of 304(A), (8), (9)(b), the introductory paragraph of (B), (1)(a)(i) and (ii), and 305 through 307 are hereby amended and reenacted to read as follows:

§3. Definitions.

For the purposes of this Title the following terms shall have the following meanings unless the context clearly indicates otherwise:

(2) “Assistant secretary” means the officer designated by law or by the secretary of each department to carry out the duties and functions of an office within certain departments, except an office of management and finance and the office of state police of the Department of Public Safety and Corrections. For the Louisiana Workforce Commission, the “director” shall mean the officer designated by law or by the executive director to carry out the duties and functions of an office within the Louisiana Workforce Commission except the office of management and finance.

(4) “Deputy secretary” means the officer authorized to be appointed by the secretary to serve as his principal administrative assistant. For the Department of Public Safety and Corrections, the “deputy secretary for public safety services” and the “deputy secretary for corrections services” shall be the officers of the department appointed by the secretary to serve as the principal administrative assistants of the secretary and references in any provision of law to the secretary, where reference is to a deputy secretary of the Department of Public Safety and Corrections, shall include these two officers. For the Louisiana Workforce Commission, the “deputy executive director” shall mean the officer authorized by the executive director to serve as his principal administrative assistant.

(6) “Secretary” means the officer appointed by the governor as the executive head and chief administrative officer of certain departments created and provided for by this Title. For the Louisiana Workforce Commission, the “executive director” shall mean the officer appointed by the governor as the executive head and chief administrative officer.

(7) “Undersecretary” means the officer designated to direct and be responsible for the functions of the office of management and finance of certain departments. For the Louisiana Workforce Commission, the “chief financial officer” shall mean the officer designated to direct and be responsible for the functions of the office of management and finance. For the Department of Children and Family Services, “undersecretary” means the officer designated to direct and be responsible for the functions of the division of management and finance within the office of children and family services.

§8. Fiscal oversight and program evaluation.

E. As used in this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) “Secretary” means the chief administrative officer of each department of the executive branch of state government, except that with respect to agencies of the Department of Education transferred under the provisions of R.S. 36:651(K), “secretary” means the Louisiana Student Financial Assistance Commission, with respect to the Department of Public Service, “secretary” means the Public Service Commission, and with respect to the Department of State Civil Service, “secretary” means the State Civil Service Commission, through the director of state civil service and with respect to the Louisiana Workforce Commission, “secretary” means the executive director.

§301. Louisiana Workforce Commission; creation; domicile; composition; purposes and functions

C.(1) The Louisiana Workforce Commission shall be composed of the executive office of the executive director, the office of management and finance, the office of workforce development, the office of unemployment insurance administration, the office of workers’ compensation administration, the office of occupational information services, and such other offices as shall be created by law. The Louisiana Workforce Investment Council, as more specifically provided in R.S. 23:2042 et seq., shall be placed within the executive office of the executive director.

(2) Whenever the executive director determines that the administration of the functions of the commission may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, he shall present a plan therefor to the legislature for its approval by statute.

§302. Officers of the commission; compensation for one office only.

A. The officers of the commission shall be the executive director, the chief financial officer, the deputy executive director, if a deputy executive director is appointed, and directors, secretaries, the undersecretary, the deputy secretary if a deputy secretary is appointed, and assistant secretaries, each of whom shall be selected and shall perform functions as provided in this Title.

B. No person serving as executive director, chief financial officer, deputy executive director, or director, secretary, undersecretary, deputy secretary, or assistant secretary, shall receive any additional salary from the state other than that salary which he receives by virtue of serving in any one of such offices. Any state employee elected or appointed to serve as executive director, chief financial officer, deputy executive director, or director, secretary, undersecretary, deputy secretary, or assistant secretary shall not receive any additional salary from the state other than that salary which he receives as a statewide elected official.

C. Notwithstanding any provision herein to the contrary, subject to approval of the
Section 3. R.S. 42:1266(C)(1)(e) is hereby amended and reenacted to read as follows: §1266. Required education; certain unclassified officials and employees

C.1) This Section shall apply to each person serving in the state unclassified service in one of the following positions:

(c) The executive director, the chief financial officer, the deputy executive director, and each director, secretary, undersecretary, deputy secretary, and each assistant secretary, or an equivalent position of the Louisiana Workforce Commission.

Section 4. Pursuant to R.S. 49:193, the Louisiana Workforce Commission and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 5. Notwithstanding any provision of any previous Act of the legislature, all statutory authority for the existence of the Louisiana Workforce Commission and the statutory entities made a part of the department, as re-created under the provisions of Section 2 of this Act shall cease as of July 1, 2018, pursuant to R.S. 49:191. However, the Louisiana Workforce Commission and its statutory entities 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 6. 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 7. R.S. 49:191(10)(c) is hereby enacted to read as follows: §191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

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

10) July 1, 2022;

(c) The Louisiana Workforce Commission and all statutory entities made a part of the department by law

Section 8. R.S. 36:8(E)(2)(h) and R.S. 49:191(8)(a) are hereby repealed in their entirety.

Section 9.A.1 The Louisiana State Law Institute is hereby directed to change all references in the Louisiana Revised Statutes of 1950 to “executive director of the Louisiana Workforce Commission” to “secretary of the Louisiana Workforce Commission”.

B. The Louisiana State Law Institute is hereby directed to change all references in Title 23 of the Louisiana Revised Statutes of 1950 to “executive director” to “secretary”.

B. The Louisiana State Law Institute is hereby directed to change all references in Title 23 of the Louisiana Revised Statutes of 1950 to “director” to “assistant secretary” except as otherwise provided in R.S. 36:801, each director, assistant secretary shall be employed, appointed, removed, resign, and promote such personnel as are necessary for the efficient administration of his office and its programs and the performance of its powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the commission, all subject to budgetary control and applicable laws.

D. Each director, assistant secretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the executive director.

E. Section 3. R.S. 49:191 is hereby amended and reenacted to read as follows: §191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

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

A. There is hereby established the Technology Strategy Task Force, hereafter referred to as the “task force”, for the purpose of undertaking a thorough review and analysis of the statewide technology plan provided for in this Part and the status of the technological abilities and projected needs of public elementary and secondary schools.

B. The task force shall be composed of sixteen members as follows:

(1) One member appointed by the state superintendent of education.
(2) One member appointed by the Louisiana School Boards Association.
(3) One member appointed by the Louisiana State Board of Elementary and Secondary Education.
(4) One member appointed by the Louisiana Association of Computer Using Educators.

(5) One university faculty member with expertise in technology, appointed by the Conference of Louisiana Colleges and Universities.
(6) One member appointed by the Louisiana Internet and Television Association.
(7) Six members with expertise in technology, one appointed by the Louisiana Publishers Association, one appointed by Greater New Orleans, Inc., one appointed by the Baton Rouge Area Chamber, one appointed by the Louisiana Association of Business and Industry, one appointed by the Academic Division of the Cyber Innovation Center, and one appointed by CenturyLink, Inc. One member appointed by the president of the State Board of Elementary and Secondary Education.

(9) One member appointed by the governor.
(10) One member appointed by the president of the Senate.
(11) One member appointed by the speaker of the House of Representatives.

F. Members shall serve without compensation, but may receive any per diem or reimbursement as allowed by the appointing authority.

D. Vacancies shall be filled in the manner of original appointment.

E. The state superintendent shall convene the first meeting of the task force not later than September 1, 2018, and shall designate state Department of Education staff to assist the task force in performing its duties and responsibilities. The chairman of the task force shall be selected from the first meeting from among the membership of the task force.

F. At a minimum, the task force shall:

1. Thoroughly review the statewide educational technology plan as it relates to current capabilities and projected future needs for internet services, facility hardware, individual devices, software applications, and training needs.
2. Examine current capabilities and future needs for technology.
3. Identify any technology gaps that exist and examine whether the gaps are due to the school’s location or the relative wealth of the public school governing authority.
4. Determine whether the Louisiana Optical Network Infrastructure is a potential cost-effective partner for providing technology to schools.
5. Determine the impact of technology mandates and state and local funding mechanisms.
6. Define strategic funding needs.
7. Determine a strategy to secure available outside funding to assist in meeting the technology needs of students and schools.

G. Develop a long-term strategy to assist the state Department of Education and public school governing authorities to plan for and meet current and future technology needs.

H. The task force shall submit a written report of its findings and any recommendations to the Senate Committee on Education and the House Committee on Education not later than December 1, 2019.

Section 4. Section 3 of this Act shall become effective on December 31, 2019. Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary State

ACT NO. 381

SENATE BILL NO. 349
BY SENATORS APPEL, THOMPSON AND WALSWORTH
AN ACT
To enact R.S. 17:3921.3 and R.S. 36:651(G)(6) and to repeal R.S. 17:3921.3 and R.S. 36:651(G)(6), relative to the statewide educational technology plan; to create the Technology Strategy Task Force within the Department of Education to review the statewide plan; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3921.3 is hereby enacted to read as follows: §3921.3. Technology Strategy Task Force: creation, membership, duties
A. There is hereby created the Technology Strategy Task Force, hereafter referred to as the “task force”, for the purpose of undertaking a thorough review and analysis of the statewide technology plan provided for in this Part and the status of the technological abilities and projected needs of public elementary and secondary schools.

B. The task force shall be composed of sixteen members as follows:

(1) One member appointed by the state superintendent of education.
(2) One member appointed by the Louisiana School Boards Association.
(3) One member appointed by the Louisiana State Board of Elementary and Secondary Education.
(4) One member appointed by the Louisiana Association of Computer Using Educators.

(5) One university faculty member with expertise in technology, appointed by the Conference of Louisiana Colleges and Universities.
(6) One member appointed by the Louisiana Internet and Television Association.
(7) Six members with expertise in technology, one appointed by the Louisiana Publishers Association, one appointed by Greater New Orleans, Inc., one appointed by the Baton Rouge Area Chamber, one appointed by the Louisiana Association of Business and Industry, one appointed by the Academic Division of the Cyber Innovation Center, and one appointed by CenturyLink, Inc. One member appointed by the president of the State Board of Elementary and Secondary Education.

(9) One member appointed by the governor.
(10) One member appointed by the president of the Senate.
(11) One member appointed by the speaker of the House of Representatives.

F. Members shall serve without compensation, but may receive any per diem or reimbursement as allowed by the appointing authority.

D. Vacancies shall be filled in the manner of original appointment.

E. The state superintendent shall convene the first meeting of the task force not later than September 1, 2018, and shall designate state Department of Education staff to assist the task force in performing its duties and responsibilities. The chairman of the task force shall be selected from the first meeting from among the membership of the task force.

F. At a minimum, the task force shall:

1. Thoroughly review the statewide educational technology plan as it relates to current capabilities and projected future needs for internet services, facility hardware, individual devices, software applications, and training needs.
2. Examine current capabilities and future needs for technology.
3. Identify any technology gaps that exist and examine whether the gaps are due to the school’s location or the relative wealth of the public school governing authority.
4. Determine whether the Louisiana Optical Network Infrastructure is a potential cost-effective partner for providing technology to schools.
5. Determine the impact of technology mandates and state and local funding mechanisms.
6. Define strategic funding needs.
7. Determine a strategy to secure available outside funding to assist in meeting the technology needs of students and schools.

G. Develop a long-term strategy to assist the state Department of Education and public school governing authorities to plan for and meet current and future technology needs.

H. The task force shall submit a written report of its findings and any recommendations to the Senate Committee on Education and the House Committee on Education not later than December 1, 2019.

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

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

(2) “Breach of the security of the system” means the compromise of the security, confidentiality, or integrity of computerized data that results in, or there is a reasonable likelihood to result has resulted likelihood to result in, the unauthorized acquisition of and access to personal information maintained by an agency or person. Good faith acquisition of personal information by an employee or agent of an agency or person for the purposes of the agency or person is not a breach of the security of the system, provided that the personal information is not used for, or is subject to, unauthorized disclosure.

4. “Personal information” means information about an individual who is or was in the past an individual residing of this state in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted:

(i) Social security number.
(ii) Driver's license number or state identification card number.
B. In addition to the parents referred to in Paragraph A of this Article, the following persons may be granted visitation if the parents of the child are not married or cohabitating with a person in the manner of married persons or if the parents of the child have filed a petition for divorce:

(1) A grandparent may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Before making this determination, the court shall hold a contradictory hearing as provided in R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child. If the child so desires and the court determines that the best interest of the child will be served by the appointment of an attorney, the court shall appoint an attorney to represent the child.

(2) Under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Extraordinary circumstances shall include a determination by a court that a parent is abusing a controlled dangerous substance.

C. Before making any determination under Subparagraph (B)(1) or (2) of this Article, the court shall hold a contradictory hearing as provided in R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child.

D. In determining the best interest of the child under Paragraph B and C Subparagraph (B)(1) or (2) of this Article, the court shall consider only the following factors:

(1) A parent’s fundamental constitutional right to make decisions concerning the care, custody, and control of their own children and the traditional presumption that a fit parent will act in the best interest of their children.

(2) The length and quality of the prior relationship between the child and the relative.

(3) Whether the child is in need of guidance, enlightenment, or tutelage which can best be served by the relative.

(4) The preference of the child if he is determined to be of sufficient maturity to express a preference.

(5) The willingness of the relative to encourage a close relationship between the child and his parent or parents.

(6) The mental and physical health of the child and the relative.

E. In the event of a conflict between this Article and R.S. 9:344, the provisions of the statute shall supersede those of this Article. If the parents of a child are married and have not filed for divorce or they are living in concubinage, the provisions of R.S. 9:344 shall apply.

Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 383
SENATE BILL NO. 366
BY SENATOR WARD
AN ACT
To amend and reenact Civil Code Art. 136, relative to children; to provide relative to visitation rights; to provide relative to visitation rights of grandparents and siblings; to provide certain rights of guardians; to provide for related matters.

a law

Be enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 136 is hereby amended and reenacted to read as follows:

Art. 136. Award of visitation rights

A. A parent not granted custody or joint custody of a child is entitled to reasonable visitation rights if the court finds, after a hearing, that visitation would not be in the best interest of the child.

B. In addition to the parents referred to in Paragraph A of this Article, the following persons may be granted visitation if the parents of the child are married and cohabitating with a person in the manner of married persons or if the parents of the child have filed a petition for divorce:

(1) A grandparent may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Before making this determination, the court shall hold a contradictory hearing as provided in R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child.

(2) Under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Extraordinary circumstances shall include a determination by a court that a parent is abusing a controlled dangerous substance.

C. Before making any determination under Subparagraph (B)(1) or (2) of this Article, the court shall hold a contradictory hearing as provided in R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child.

D. In determining the best interest of the child under Paragraph B and C Subparagraph (B)(1) or (2) of this Article, the court shall consider only the following factors:

(1) A parent’s fundamental constitutional right to make decisions concerning the care, custody, and control of their own children and the traditional presumption that a fit parent will act in the best interest of their children.

(2) The length and quality of the prior relationship between the child and the relative.

(3) Whether the child is in need of guidance, enlightenment, or tutelage which can best be served by the relative.

(4) The preference of the child if he is determined to be of sufficient maturity to express a preference.

(5) The willingness of the relative to encourage a close relationship between the child and his parent or parents.

(6) The mental and physical health of the child and the relative.

E. In the event of a conflict between this Article and R.S. 9:344, the provisions of the statute shall supersede those of this Article. If the parents of a child are married and have not filed for divorce or they are living in concubinage, the provisions of R.S. 9:344 shall apply.

Approved by the Governor, May 20, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 384
SENATE BILL NO. 372
BY SENATOR CORTEZ AND REPRESENTATIVES BRASS, TERRY BROWN, CARPENTER, STEVE CARTER, GISCAL, GUINN, HALL, HOWARD, LEBAS, MARCELLA AND WHITE
AN ACT
To amend and reenact the introductory paragraph of R.S. 38:90.4(A)(1) and 90.9, and to enact R.S. 38:90.1(l) and (13) and 90.4.1, relative to the Statewide Flood Control Program; to provide for the Rural Grant Opportunity Program within the Statewide Flood Control Program; to provide for requirements, limitations, and eligibility for participation in the rural program; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 38:90.4(A)(1) and 90.9 are hereby amended and reenacted and R.S. 38:90.1(l) and (13) and 90.4.1 are hereby enacted to read as follows:

§ 90.1. Definitions
As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings ascribed to them as follows:

(12) “Rural grant opportunity authority” means a municipality with a population of fewer than five thousand people or a parish with a population of fewer than fifty thousand people located in a rural area.

(13) “Rural Grant Opportunity Program” means a mechanism for a rural grant opportunity authority located in a rural area that lacks the financial ability to satisfy the local match requirements to participate in the Statewide Flood Control Program.

§ 90.4. Methodology for flood-control project evaluation
(1) Applications for funding of any flood-control projects under the Statewide Flood Control Program may be submitted by any duly authorized municipal, parish, or other governing authority. Applications shall be made to the office of engineering by October first of each calendar year for consideration for funding. Other applications may be submitted at any time throughout the year but shall be received no later than May first of each year to be eligible for consideration for funding in the next program approval as provided in this Section.

(2) In the event that a flood disaster declaration has been issued by the governor for a municipality or parish, no later than September first of the year immediately following the gubernatorial

THE ADVOCATE
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* As it appears in the enrolled bill
(b) The publication of the information is authorized or required by any other provision of law.

(2) For purposes of this Section, a criminal history record or criminal history record information published by a person or business entity is considered:

(a) “Confidential criminal record information” reflects the notations of arrest and the filing and disposition of criminal charges as applicable.

(b) “Accurate” if the information reflects the most recent information received by the entity from a law enforcement agency, criminal justice agency, or any other governmental entity within sixty days preceding the date of publication.

(3) The person or business entity shall clearly and conspicuously publish an email address, facsimile transmission number, or mailing address in order to enable a person who is the subject of a criminal history record or criminal history record information published by a person or business entity to dispute the completeness or accuracy of the published information.

(4) The person or business entity shall provide written notice to the person who disputed the completeness or accuracy of published information of the results of an investigation conducted under this Section not later than the fifth business day after the date on which the investigation is completed.

C.(1) If a person or business entity receives a written notice from any person that the person or business entity is publishing information in violation of this Section, the person or business entity shall immediately remove the information from the website or publication.

D.(1) Except as provided in Paragraph (2) of this Subsection, this Section shall apply to:

(a) A person or business entity that publishes confidential juvenile record information or criminal history record information, including information originally obtained pursuant to a public records request or purchased or otherwise obtained from a law enforcement agency, criminal justice agency, or any other governmental entity.

(b) A person or business entity that publishes confidential juvenile record information or criminal history record information of a child in any manner not permitted by Children's Code Article 412 or other provision of law, regardless of the source of the information.

(2) This Chapter shall not apply to:

(a) Any statewide juvenile information sharing system authorized by Children's Code Article 541 or other provision of law.

(b) A publication of general circulation or an internet website related to such a publication that contains news or other information, including a magazine, periodical newsletter, newspaper, pamphlet, or report.

(c) A radio or television station that holds a license issued by the Federal Communications Commission.

(d) A telecommunications provider.

(e) A movie, film, or audiovisual work.

(f) For purposes of this Section:

(1) “Confidential criminal record information of a child” means information relative to a person's involvement in the criminal justice system resulting from conduct that occurred or was alleged to occur when the person was younger than eighteen years of age and that is confidential pursuant to Children's Code Article 412 or any other provision of law. This term does not include:

(a) A person or business entity that publishes confidential juvenile record information or criminal history record information of a child in any manner not permitted by Children's Code Article 412 or other provision of law.

(b) Records or information relating to a traffic offense.

2. “Confidential juvenile record information” means information about a person's involvement in the juvenile justice system that is confidential, sealed, under restricted access, or required to be destroyed under any provision of law, including:

(a) A description or notation of any referral to a juvenile probation department or court with jurisdiction over the juvenile, including any instances of being taken into custody, any informal disposition of a custodial or referral event, or any formal charges and the disposition of those charges.

(b) A photograph or photographs of the person taken pursuant to a custodial event or other involvement in the juvenile justice system.

(c) Personal identifying information of the person contained in any other records of the person's involvement in the juvenile justice system.

(c) “Confidential juvenile record information” means information about a person's involvement in the juvenile justice system that is confidential, sealed, under restricted access, or required to be destroyed under any provision of law, including:

(a) A description or notation of any referral to a juvenile probation department or court with jurisdiction over the juvenile, including any instances of being taken into custody, any informal disposition of a custodial or referral event, or any formal charges and the disposition of those charges.

(b) A photograph or photographs of the person taken pursuant to a custodial event or other involvement in the juvenile justice system.

(c) Personal identifying information of the person contained in any other records of the person's involvement in the juvenile justice system.

(3) “Confidential juvenile record information” means any government agency or subdivision thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit, has the authority to investigate, arrest, detention, prosecute, adjudicate, or otherwise treat, supervise, rehabilitation or release of persons suspected or charged, or convicted of a crime, or that collects, stores, processes, transmits, or disseminates criminal history record or crime information.

(4) “Criminal history record” or “criminal history record information” means information collected by the criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. These terms do not include intelligence or investigatory purposes, nor does it include any identification information that does not indicate involvement of the individual in the criminal
justice system. These terms do not include records of juvenile criminal conduct. These terms include but are not limited to the following:

(a) A description or notation of any arrests, any formal criminal charges, and the dispositions of those criminal charges.

(b) A photograph or photographs of the person taken pursuant to an arrest or other involvement in the criminal justice system.

(c) Personal identifying information of a person displayed in conjunction with any other record of the person’s involvement in the criminal justice system.

(5) “Juvenile justice system” means the system of public and private services in Louisiana that includes prevention, early identification, early intervention, child protection, law enforcement, prosecution, defense, adjudication, diversion and informal processing, probation, corrections, aftercare, transitional living, and other services provided to children and families who either are or are likely to be brought into a court with juvenile jurisdiction because of problems such as abuse, neglect or abandonment, mental illness, substance abuse, aspects of a divorce and breakup of families, predelinquency, social irresponsibility or delinquent behavior, or domestic abuse involving children.

(6) “Personal identifying information” means information that alone or in conjunction with other information identifies a person, including a person’s name, address, date of birth, photograph, and social security number or other government-issued identification number.

(7) “Publish” means:

(a) In the case of the records of adults, to communicate or make information available to another person on a publicly available internet website or in any other publication that charges a fee for the removal of the information.

(b) In the case of the records of a juvenile, to communicate or make information available to another person by any means, including but not limited to a publicly available internet website that charges a fee for the removal of the information.

F. Whoever violates any provision of this Section:

(1) On a first conviction shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) On a second conviction shall be fined not more than five thousand dollars, or imprisoned for not more than one year, or both.

(3) On a third or subsequent conviction shall be fined not more than ten thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both.

G. In addition to the penalties provided by Subsection F of this Section, a person or business entity that publishes information in violation of any provision of this Section shall be liable to pay restitution to the individual who is the subject of the information in an amount not to exceed five hundred dollars for each separate violation and, in the case of a continuing violation, an amount not to exceed five hundred dollars for each subsequent day on which the violation occurs.

H. Venue shall be appropriate in the jurisdiction where the subject of publication resides and where the offense was committed.

Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 386

BY SENATORS WHITE, BOUDREAU, MILKOVICH, MISELL, MORSY AND WALSWORTH

AN ACT
To amend and reenact R.S. 37:2156(C)(3)(d)(i), relative to contractor fees; to distribute certain fees collected by the State Licensing Board for Contractors to certain universities and colleges; to require each accredited public university receive twice as much funds as each community college; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:2156(C)(3)(d)(i) is hereby amended and reenacted to read as follows:
§2156. Unexpired licenses; fees; renewals
C. * * *
(3) * * *
(d) The funds collected pursuant to this Subsection shall be distributed as follows:
(i) One-half on a pro rata basis to each accredited public university, university’s or community college school’s or college’s schools of construction management or construction technology. However, each accredited public university shall receive twice as much funds as each community college.
* * *
Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 388

BY SENATOR JOHNS

AN ACT
To amend and reenact R.S. 40:2405.1(B), relative to the issuance of bulletproof vests to peace officers; to make surplus bulletproof vests available for purchase to certain part-time and reserve peace officers, constables, and deputy constables; to provide for notice; to provide for definitions; to provide for liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2405.1(B) is hereby amended and reenacted to read as follows:
§2405.1. Special equipment provided by Department of Public Safety and Corrections
B.(1) To the extent that funds are not appropriated to the Department of Public Safety and Corrections for the purposes provided in Subsection A of this Section, the department may make available for purchase to law enforcement agencies for use by their peace officers bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired.
(2) Any purchase pursuant to this Section shall be conducted pursuant to rules or regulations adopted by the Louisiana Property Assistance Agency.
(3) The state of Louisiana, its agencies and assigns, including but not limited to the Department of Public Safety and Corrections shall be immune from any liability relating to or resulting from the purchase, issuance, or failure of bulletproof vests transferred pursuant to the provisions of this Section.
(4)(a) Not later than ninety days prior to the destruction of any bulletproof vest, the department shall give notice to law enforcement agencies and constables that bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired are available for purchase for use by part-time and reserve peace officers, constables, and deputy constables.
(b) As used in this Paragraph, “part-time and reserve peace officer” means any part-time peace officer and any reserve peace officer employed by the state, a municipality, a sheriff, or other public agency whose principal duties primarily involve the prevention or detection of crime or the enforcement of penal and traffic laws and actually include the making of arrests and the performing of searches and seizures.
(c) As used in this Paragraph, “constables and deputy constables” means any elected constable as provided in R.S. 13:2583 and any deputy constable appointed by a constable.

Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State
ACT No. 389
SENATE BILL NO. 486
BY SENATOR BARROW AND REPRESENTATIVE CARPENTER
AN ACT
To amend and reenact R.S. 47:463.73(G), relative to motor vehicles; to provide for the
“Scotlandville Magnet High School” special prestige license plate; to provide for the creation,
issuance, design, fees, distribution, and rule promulgation applicable to such license plates;
and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.73(G) is hereby amended and reenacted to read as follows:
§463.73. Special prestige license plates—Louisiana parochial, public, or private high schools
* * *
G. The secretary shall establish special prestige license plates for Archbishop Hannan High School,
Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint
Katharine Drexel Preparatory School, Acadia High School, Scotlandville High School,
Scotlandville Magnet High School, and any other parochial, public, or private Louisiana high school in accordance with
the provisions of this Section as it was enacted.
Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 390
SENATE BILL NO. 506
BY SENATOR MILLS
AN ACT
To amend and reenact the introductory paragraph of R.S. 37:1314(B), the introductory
paragraph of (C)(1), (1)(h), (C)(3), and (D), (E), (F), (G), (H), and (I), to enact R.S.
37:1314(C)(1) and (j), and, to repeal R.S. 37:1314(J), relative to the Clinical Laboratory
Personnel Committee of the Louisiana State Board of Medical Examiners; to provide for
committee membership; to repeal provisions relative to the initial appointment of committee
members; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. The introductory paragraph of R.S. 37:1314(B), the introductory paragraph of
(C)(1), (1)(h), (C)(3), and (D), (E), (F), (G), (H), and (I) are hereby amended and reenacted and
R.S. 37:1314(C)(1) and (j) are hereby enacted to read as follows:
§1314. Clinical Laboratory Personnel Committee; creation; membership; qualification;
appointment; term; vacancy; officers; meetings; reimbursement
* * *
B. The committee shall consist of twelve fourteen members. The board shall appoint four
members of the committee, subject to Senate confirmation, as follows:
* * *
C.(1) The governor shall appoint eight ten members of the committee, subject to Senate
confirmation, as follows:
* * *
(h) One laboratory assistant who shall be a member of the International Society for Clinical
Laboratory Technology American Association of Bioanalysts appointed from a list of three
names submitted by the Louisiana Hospital Association.
(i) One individual who is an administrator of a Louisiana community and technical college
appointed from a list of names submitted by the Louisiana Community and Technical College
System.
(j) One individual who is an educator in a clinical laboratory science program from a two or four
year program appointed from a list of names submitted by the Board of Regents.
* * *

3. The initial appointments shall include eight individuals eligible for licensure under this
Part. Each clinical laboratory personnel member appointed to the committee shall be a resident
of this state and shall have been actively engaged in the practice of clinical laboratory science
in his field of specialty or clinical laboratory science education for five years immediately prior
to appointment. After January 1, 1992, all clinical laboratory personnel appointed to the
committee shall be licensed under this Part.
D. The initial members of the committee shall be appointed no later than October 1, 1992.
If any of the designated associations fail to submit a list of nominees by September 1, 1992,
the board or governor shall appoint the respective member of the committee without
the nomination list established by this Section.
E. Initial appointments to the committee shall be for terms as follows: the two physician-
clinical laboratory scientist specialists; one laboratory assistant; the hospital clinical
laboratory scientist specialist; one clinical laboratory scientist specialist; one clinical laboratory
scientist technician; and the cytotechnologist shall be appointed for one year. Thereafter, a member Appointment shall serve for
a three-year term. No member shall serve more than two consecutive three-year terms. No two members who are employed in the same clinical laboratory shall serve concurrently.
F. Any vacancy occurring in the membership of the committee shall be filled for the
unexpired term in the same manner as the original appointment.
G. The board may remove any member for misconduct, incompetence, or neglect of duty,
after a hearing and upon the recommendation by a majority vote of the committee and the
board.
H. The committee shall hold its initial meeting no later than December 1, 1992, and shall
meet at least semi-annually thereafter, on a date and at a time and place as it may designate.
The committee may meet at such other times as deemed necessary by the chairman or by
the majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the committee.
Seven voting members of the committee shall constitute a quorum at any meeting for the transaction of business.

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I-H. At the initial meeting of the committee Annually, the committee shall elect from its
membership a chairman and such other officers as it deems necessary to carry out the duties
and functions of the committee. The board or the member sitting on the committee shall not be
eligible to serve as an elected officer of the committee. Each officer shall serve a one-year
one-year term. In the event an officer is unable to complete his term, the chairman shall appoint
a successor to fill the unexpired term. Thereafter, the committee shall elect officers annually.
I. Each member of the committee shall receive reimbursement for actual expenses and
mileage at the same rate set by the division of administration for state employees under the
provisions of R.S. 39:231, for each day in actual attendance at committee meetings or for
representing the committee in an official committee-approved activity.
Section 2. R.S. 37:1314(J) is hereby repealed.
Approved by the Governor, May 20, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 391
SENATE BILL NO. 540
BY SENATOR RISER
AN ACT
To amend and reenact R.S. 8:454, the introductory paragraph of R.S. 8:456(A)(1) and (B),
and 457(B) and to enact R.S. 8:456(C), relative to the Louisiana Cemetery Board; to provide
for the creation of a master trust fund; to provide for requirements of a master trust fund;
to provide for reporting requirements; 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. 8:454, the introductory paragraph of R.S. 8:456(A)(1) and (B), and 457(B) are hereby amended and reenacted and R.S. 8:456(C) is hereby enacted to read as follows:
§454. Trust funds required; master trust fund
A. No corporation hereafter organized for the operation of a perpetual or endowed care
cemetery and no cemetery authority not operating prior to August 1, 1962 as a perpetual or
endowed care cemetery shall advertise or sell interment spaces in such a way or in such
manner as to deceive the public into believing that a perpetual or endowed care cemetery,
capable of receiving bodies of deceased persons, is in operation or which has been
established, or shall solicit, in any manner or in any way, funds to be used for the
purposes of perpetuating or maintaining care in a cemetery.
B. The trust fund so created shall be evidenced by an instrument in writing and shall be
declared to be endowed, or the trust fund to be used for the purposes of perpetuating or
maintaining care in a cemetery.
C. Notwithstanding any provision of law to the contrary, for the purposes of collective
investment and administration and with written consent of each participant in a master trust fund, a designated trustee of two or more trust funds may apply to the board to establish a master trust fund in which deposits are made pursuant to the provisions of this Title.
(2) The master trust fund shall be subject to the following requirements:
(a) It shall include only trust funds with a principal balance of less than two hundred fifty
thousand dollars. Upon a determination that a trust fund has a principal sum exceeding two hundred fifty thousand dollars at the end of a reporting period, such trust fund shall no longer be subject to the collective investment and administration of the master trust fund and shall be removed from the master trust fund within ninety days.
(b) The designated trustee of a master trust fund shall maintain separate records of principal
and income for each participant in the master trust fund.
(c) The income and associated expenses of the master trust fund shall be divided among
the participants in the master trust fund based on the proportion that each participant contributes to
the balance of the master trust fund.
(d) The annual report by the designated trustee of the master trust fund shall include an
itemized separate accounting for each participant in the master trust fund. Such annual report shall comply with the provisions of R.S. 8:456.
(e) The operation of the master trust fund shall be subject to the provisions of this Title and the
rules and regulations of the board.

§456. Annual report by trustee; final accounting by trustee required
A.(1) Not later than sixty days after the receipt of the report required by R.S. 8:455, the
trustee shall file with the board, with a copy to the clerk of the district court for the parish in
which the cemetery is located, an annual report on a form prescribed by the board setting forth
all of the following:
* * *
B. Within sixty days of the resignation of a trustee and transfer of the trust fund to the
successor trustee, the resigning trustee shall file with the board, with a copy to the clerk of the
district court for the parish in which the cemetery is located, a final report and final
accounting in detail all receipts and disbursements of cash and all receipts and deliveries of other trust
property, and set forth a detailed list of all items of trust property in the trust from the last
reporting period through the date of resignation and transfer of the trust fund to the successor
trustee.

C. Notwithstanding any provision of law to the contrary, the annual report and final accounting
shall be open for public inspection and upon request, a copy of the annual report and final
accounting shall be made available.

§457. Application of Chapter
A. A like affidavit shall be filed with the board at the end of each fiscal year thereafter for the
operation of such cemetery.

* As it appears in the enrolled bill
A. Notwithstanding any other provision of law to the contrary, political subdivisions may use the outcome-based performance contract alternative project delivery method to contract with a contractor to construct, acquire, operate, and maintain an integrated coastal protection project as set forth in this Section and consistent with the purpose and intent set forth in R.S. 49:214.1 or consistent with Louisiana’s Comprehensive Master Plan for a Sustainable Coast.

B. This Section creates an alternative project delivery method, known as outcome-based performance contracts, for use by political subdivisions to award a contractual relationship for the design, construct, and monitor integrated coastal protection when considered in the public interest, beneficial to the state and political subdivisions, consistent with the purpose and intent set forth in R.S. 49:214.1, and in accordance with the procedures set forth in this Section. The following are reasons to use outcome-based performance contracting: financing to construct integrated coastal protection projects; coastal protection projects that are being significantly over time; need to access or leverage future funds to construct integrated coastal protection projects more quickly; obtain better overall value, performance, and costs; and control and minimize risk to the political subdivision.

C. Outcome-based performance contracts shall not be used for any integrated coastal protection project that is estimated to cost more than twenty-five million dollars or exceeds a contract term of seven years.

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

1. “Outcome-based performance contract” means a delivery method by which the owner contracts with an entity for results-based, specific agreed-upon outcomes, goals, or outputs, with payment provided by an owner upon successful completion of the pre-agreed result, outcome, goal, output, or result. Outcome-based performance contracts shall include the following:

a. A requirement that a substantial portion of the payment be conditioned on the achievement of specific outcomes based on defined performance targets. For purposes of this Subparagraph, “substantial portion” shall mean no less than seventy-five percent of the total payment.

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

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

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

A true copy;
R. Kyle Ardoin
Secretary of State

ACT NO. 392

SENATE BILL NO. 558
( Substitute of Senate Bill No. 374 by Senator Barrow )

BY SENATORS BARROW, ALARO, APPEL, GATTI, MILKOVICH, PRICE AND GARY SMITH AND REPRESENTATIVES AMEEDE, BRASS, CARPENTER, COX, EMERSON, GLOVER, HAZEL, JACKSON, JEFFERSON, LYONS, MARCELLE, NORTON, PEARSON, PIERRE, SMITH, STOKES AND WHITE

To enact R.S. 15:892.1, relative to correctional facilities; to provide relative to women in correctional facilities; to provide relative to certain healthcare products for incarcerated females; to provide relative to sex-appropriate correctional facility employees; to provide for definitions; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:892.1 is hereby enacted to read as follows:

§892.1. Standards and requirements for the incarceration of women
A. As used in this Section, the following words shall have the following meanings:

1. “Custodian” means a warden, sheriff, deputy sheriff, or law enforcement officer.

2. “Correctional facility” means any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.

3. “Correctional facility employee” means any employee of a correctional facility.

4. “State of undress” means not dressed or not fully dressed.


7. “Feminine hygiene products” means any of the following:
(a) Feminine hygiene products.
(b) Moisturizing soap that is not lye-based.
(c) Toothbrushes.
(d) Toothpaste.
(e) Any other healthcare product the custodian deems appropriate.

C. (1) A male correctional facility employee shall not conduct a pat-down search or body cavity search on an incarcerated woman unless the woman presents an immediate risk of harm to herself or others and a female correctional facility employee is not available.

(2) A male correctional facility employee shall announce his presence upon entering a housing unit for incarcerated women.

D. A male correctional facility employee shall not enter into an area of the correctional facility in which incarcerated women may be in a state of undress or an area where incarcerated women in a state of undress may be viewed including but not limited to restrooms, shower areas, or medical treatment areas. If a female correctional facility employee is not available if a female correctional facility employee requires assistance, a male correctional facility employee may enter into an area as provided in Paragraph (3) of this Subsection, the custodian or a correctional facility employee shall document the incident, including the circumstances necessitating the correctional facility employee’s actions, no later than three days after the incident. The custodian shall review and retain all documentation.

E. The Department of Public Safety and Corrections shall promulgate rules and regulations in accordance with the Administrative Procedure Act to effectuate the provisions of this Section.

Section 2. This Act shall be known as the “Dignity for Incarcerated Women Act.”

Approved by the Governor, May 20, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT NO. 393

HOUSE BILL NO. 573
BY REPRESENTATIVE ZERINGUE

To enact XI of Title 10 of Chapter 10 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2320.1, relative to the office of contractor for integrated coastal protection projects; to authorize political subdivisions to use outcome-based performance contracts for integrated coastal protection projects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. XI of Title 10 of Chapter 10 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2320.1, is hereby enacted to read as follows:

PART XI. OUTCOME-BASED PERFORMANCE CONTRACTS FOR INTEGRATED COASTAL PROTECTION PROJECTS BY POLITICAL SUBDIVISIONS

§2320.1. Outcome-based performance contracts

AN ACT

THE ADVOCATE
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CODING: Words in * are deletions from existing law; words underlined are additions (Senate Bills) and boldface (House Bills) are additions.
The standard professional engineer and land surveyor requirements provided for in R.S. 37:681 et seq., and the rules and regulations of the Louisiana Professional Engineering and Land Surveying Board, shall apply to the components providing design services, and the standard contractor qualifications as provided for in R.S. 37:2150 et seq., and the current rules and regulations of the State Licensing Board for Contractors shall apply to the component providing construction services utilized by the outcome-based performance contractor, based upon the applicable categories for the specific project to be delivered and as specified by the political subdivision. All registrations and licenses for each component shall be obtained prior to the award of the project to the selected outcome-based performance contractor.

J(1) The political subdivision shall solicit a request for statement of interest and qualifications or “RSIQ” from proposers. The RSIQ shall include the following:
(a) The proposer’s ability and intention to provide equal opportunities in recruitment, selection, appointment, promotion, training, and related employment areas in connection with the outcome-based performance contract.
(b) The proposer’s surety and financial assurances.
(c) Proposed pricing and payment schedule for delivery of project.
(d) Extent to which the proposer intends to self-perform any work.
(e) Design strategy and preliminary design concepts.
(f) Construction sequencing, techniques, materials, methodology, schedule and phasing.
(g) Any other project-specific criteria as may apply to project needs.

K(1) The political subdivision shall issue an RFP to the proposers making the list of the highest-rated proposers in accordance with Subsection J of this Section.

K(2) The RFP shall include, at a minimum, the following:
(a) Submittal criteria, deadlines, and requirements for proposal package.
(b) Scoring methodology and selection grading criteria.
(c) Proposer’s surety and financial assurances.
(d) Construction methodologies previously used by the proposer on other projects of similar size, scope, and complexity.
(e) Extent to which the proposer intends to utilize resident businesses to perform the contract.
(f) Design strategy and preliminary design concepts.
(g) Construction sequencing, techniques, materials, methodology, schedule and phasing.

K(3) The political subdivision may request that proposers include the following in response to the RFP:
(a) A statement of the proposer’s ability and intention to provide equal opportunities in recruitment, selection, appointment, promotion, training, and related employment areas in connection with the outcome-based performance contract.
(b) The proposer’s surety and financial assurances.
(c) Construction methodology used by the proposer on other projects of similar size, scope, and complexity.
(d) Extent to which the proposer intends to self-perform any work.
(e) Design strategy and preliminary design concepts.
(f) Construction sequencing, techniques, materials, methodology, schedule and phasing.
(g) Any other project-specific criteria as may apply to project needs.

K(4) Any response that does not meet all of the requirements contained in the RSIQ shall be deemed nonresponsive and shall not be considered by the political subdivision. False or misrepresented information furnished in response to an RSIQ shall be grounds for rejection.

L. Additionally, the political subdivision reserves the right to cancel any solicitation at its discretion.

M. The political subdivision shall cancel any solicitation and decline to award any contract if a determination is made that it is in the best interest of the state and the political subdivision.

N. There shall be no challenge, by any legal process to the choice of the successful outcome-based performance contractor except for fraud, bias for pecuniary or personal reasons not related to the taxpayers' interest, or arbitrary and capricious selection by the political subdivision.

O. The provisions of this Section shall supersede and control to the extent of any conflict with any other provisions of any law including but not limited to the requirements of R.S. 38:2181 through 2320 and R.S. 39:1751 through 1755.
To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2018-2019, and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. For the purposes of this Act the following definitions shall apply and obtain:

(a)(1) Unless otherwise provided herein, "tax recipient bodies" shall mean the city of New Orleans, parish governing authorities, school boards, special taxing districts, and other bodies which were eligible for reimbursement or payment from the Property Tax Relief Fund prior to its abolition and repeal by Act 10 of the 1972 Extraordinary Session of the Louisiana Legislature and any other taxing district listed in Sections 1a(3) and 1a(4) or any other taxing district for any millage specified in Section 9(B) of this Act. In the parish of Rapides, "tax recipient bodies" shall not include Red River Waterways. In the parish of Lafourche, "tax recipient bodies" shall not include the Atchafalaya Basin Levee District, the Lafourche Levee District, and Fresh Water District No. 1.

(2) "Tax recipient bodies" shall not include the millage levied by the various law enforcement districts in the state in lieu of commissions as a result of Act 689 of the 1976 Regular Session of the Louisiana Legislature; however, law enforcement districts shall be considered tax recipient bodies for any millage voted and levied for that purpose to the extent specifically provided in Section 9(B) of this Act.

(3) "Tax recipient bodies" shall also mean those special taxing districts and other bodies which were not eligible for reimbursement as provided in Section 1a(1) but which had erroneously shared as a tax recipient body in the proceeds of Act 598 of the 1977 Regular Session and were subsequently determined by the state treasurer to be ineligible for such participation under the provisions of Act 592 of the 1978 Regular Session.

The exclusive listing of all such special taxing districts and other bodies is as follows:

Acadia
Mermentau River Harbor & Terminal

Allen
Elizabeth Recreation District No. 3
Kinder Recreation District No. 2--Maintenance
Hospital Service District No. 3--Maintenance

Ascension
Lighting District No. 6
Lighting District No. 7
Averyelles
Red River Waterway District--Capital Outlay
Red River Waterway District--Operations

Beauregard
Waterworks District No. 3--Ward 4
Waterworks District No. 3--Ward Bienville
Fire Protection District No. 6
Hospital Service District No. 2

Caldwell
Columbia Heights Sewerage

Cameron
Cameron Water District No. 1--Maintenance
Water District No. 7--Maintenance
Grand Lake Recreation District--Maintenance
Water District No. 10--Maintenance
Fire District No. 10--Maintenance

Calcasieu
Hospital District No. 2

Claiborne
Hospital District No. 1

Concordia
Recreation District No. 3--Maintenance
Fire Protection District No. 1

Evangeline
Cemetery Tax District--Ward 4
Cemetery Tax District No. 1
Cemetery Tax District No. 6
Water District No. 1--Maintenance
Evangeline Parish School Board
Consolidated School District No. 2
Evangeline Parish School Board
Consolidated School District No. 7

Grant
Hospital District No. 1
Recreational District No. 2

Jefferson
Ambulance Service #1
Community Center Playground District #1
Community Center Playground District #10
Community Center Playground District #11
Community Center Playground District #12
Community Center Playground District #13
Community Center Playground District #14
Community Center Playground District #15
Fire Protection District #5
Fire Protection District #6
Sewerage District #8
Sewerage District #9

LaSalle
Sewer Maintenance
Recreation District #5

Livingston
Road Light District #2
Fire Protection District #1
Fire Protection District #4
Recreation District #3

Morehouse
Bastrop Area Fire District #2
Fire District #1--Ward 6
Fire District #1--Ward 10

Pointe Coupee
Sewerage District #1

Rapides
Waterworks District No. 11A--Maintenance
Recreational--Maintenance

St. James
Road Light District No. 1A
Road Light District No. 2
Road Light District No. 4

St. Landry
Fire Protection District No. 3

St. Martin
Sewerage District

St. Mary
West St. Mary Parish Port Commission

St. Tammany
Fire District No. 4
Fire District No. 5
Fire District No. 7
Fire District No. 9
Fire District No. 10
Recreation District No. 2

Tangipahoa
Hospital District No. 1--Maintenance
Union
Hospital Service--Tri-Ward
Hospital Service--East Union

Vermilion
Ward 8 Public Cemetery

(4) "Tax recipient bodies" shall also mean the following special taxing districts and other bodies which were not eligible for reimbursement as provided in Section 1a(1) and which had never shared, except in the parishes of Bossier, East Baton Rouge, Ouachita and Terrebonne, as a tax recipient body in the proceeds of state revenue sharing. The exclusive listing of all such special taxing districts and other bodies is as follows:

Assumption
Road Lighting District #2

Bossier
Cypress Back Bayou Recreation Tax--Bonds/Maintenance

East Baton Rouge
Village St. George Fire District

Ouachita
Cookley Hospital Tax
Sterlington Sewerage District

North Monroe
Fire District No. 1--Maintenance
North Monroe Sewerage District No. 1--Maintenance
Road Light District No. 5
Road Light District No. 1
Road Light District No. 3
Road Light District No. 4

East Ouachita
Recreational District

Terrebonne
Road Lighting District No. 4
Road Lighting District No. 5--Maintenance
Road Lighting District No. 6
Road Lighting District No. 8--Maintenance
Road Lighting District No. 9--Maintenance
Road Lighting District No. 10--Maintenance
Fire Protection District No. 4-A--Maintenance
Fire Protection District No. 5--Maintenance
Fire Recreation No. 8--Maintenance
Fire Protection District No. 10--Maintenance
Sanitation District No. 1--Maintenance
Recreation District No. 1--Maintenance
Recreation District No. 4--Maintenance
Road Lighting District No. 1--Maintenance
Road Lighting District No. 2--Maintenance
Road Lighting District No. 3A
Fire Protection District No. 123--Maintenance
Fire Prevention District No. 9--Maintenance
Road Lighting District No. 7--Maintenance

St. Tammany
Mosquito District No. 2(A)--10 mills
Mosquito District No. 2(B)--10 mills

* As it appears in the enrolled bill

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Section 7. A. Two and forty-four hundredths percent of all revenue sharing funds distributed by the provisions of this Act, excluding such funds as are distributed directly to the city of New Orleans and the amount listed on the prior year Ouachita Parish tax rolls which were due the Monroe City School Board ($1,226,872), shall form a special fund ($1,992,848) to be distributed to the various retirement systems which were eligible for payment pursuant to Act 153 of the 1973 Regular Session, as provided in Section 8 of this Act.

Section 8. The respective percentages to be used in calculating tax collectors' commissions and retirement system distributions shall be as follows:

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<th>Parish</th>
<th>PARISH</th>
<th>SHERIFF</th>
<th>RETIREMENT</th>
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</thead>
<tbody>
<tr>
<td>Avoypelles</td>
<td>1.263%</td>
<td>.811%</td>
<td></td>
</tr>
<tr>
<td>Beauregard</td>
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<td>.583%</td>
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<tr>
<td>Bemilve</td>
<td>.896%</td>
<td>.460%</td>
<td></td>
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<tr>
<td>Bossier</td>
<td>1.705%</td>
<td>2.281%</td>
<td></td>
</tr>
<tr>
<td>Cadro</td>
<td>5.490%</td>
<td>10.375%</td>
<td></td>
</tr>
<tr>
<td>Calcasieu</td>
<td>4.719%</td>
<td>6.051%</td>
<td></td>
</tr>
<tr>
<td>Caldwell</td>
<td>.473%</td>
<td>.379%</td>
<td></td>
</tr>
<tr>
<td>Cameron</td>
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<td>.336%</td>
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</tr>
<tr>
<td>Catahoula</td>
<td>.468%</td>
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<td>Claiborne</td>
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<tr>
<td>Concordia</td>
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<td>.486%</td>
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<tr>
<td>DeSoto</td>
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<td>.486%</td>
<td></td>
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<tr>
<td>East Baton Rouge</td>
<td>7.118%</td>
<td>11.977%</td>
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<tr>
<td>East Carroll</td>
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<td>East Feliciana</td>
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<td>.238%</td>
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</tr>
<tr>
<td>Evangeline</td>
<td>.525%</td>
<td>.326%</td>
<td></td>
</tr>
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Section 9. All remaining funds shall be allocated and distributed as follows:
A. Subject to the provisions of Subsection B of this Section and except as provided by Section 5, the tax collector of each parish and the city of New Orleans shall allocate and distribute, within fifteen days after receipt thereof, to the tax recipient bodies within his jurisdiction an amount available after commissions and deductions which is necessary to offset losses attributable to homestead exemptions. In any parish which had excess funds in 1977, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased or decreased from 1977 to 2017, together with any additional tax propositions or millages adopted by a parish to participate on the same pro rata basis. The amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased or decreased from 1977 to 2017, together with any additional tax propositions or millages adopted by a parish to participate on the same pro rata basis. The amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased or decreased from 1977 to 2017, together with any additional tax propositions or millages adopted by a parish to participate on the same pro rata basis.
after January 1, 1978, and any renewals thereof, with the following basic exceptions:

(1) In the parish of Sabine, all millages listed on the tax roll, except the sheriff’s original millage, shall share on a pro rata basis.

(2) In the parish of DeSoto, all school board taxes authorized after January 1, 1978 and prior to the convening of the 1979 Regular Session, the 7 mill parishwide school tax authorized May 2, 1987, the 37 mill school special tax authorized October 24, 1987, the assessor’s original millage, the maintenance taxes for Fire Protection District Nos. 1, 5, 8, and 9 prior to 1990, the 7 mill tax authorized in 1994 for Fire District #2, the additional 8.37 mill tax authorized on November 7, 1978 for the parish law enforcement district, the 1 mill tax authorized April 5, 1997 for Water District #1, the 3 mills tax authorized November 21, 2002 for the parish library, and the 1 mill tax authorized July 16, 1994 for the Communications District 911 System, shall share on a pro rata basis with all other tax recipient bodies in the parish. The parish road maintenance tax which lapsed in 1983 and which was reauthorized at 5 mills in 1984 shall share on a pro rata basis with all other tax recipient bodies in the parish.

(3) In the parish of Bossier, after full reimbursement of all taxes authorized prior to May 1, 1978 to all other tax recipient bodies in the parish including the additional 3 mills authorized on April 5, 1980 for the law enforcement district and the assessor’s original millage, the following new millages shall be reimbursed to the extent available:

School Board District 13 -- 11.63 mills/September 16, 1978
School Board District 3 -- 15.11 mills/September 16, 1978

(4) In the parish of Grant, all new millages authorized prior to January 1, 1989, the 10.9 mill tax authorized January 16, 1999 for the library, the millage authorized October 7, 1989 for Fire District No. 1, the 15 mill tax authorized in 1995 for Fire District #3, the additional mills for the law enforcement district and the assessor’s original millage, but excluding bond millages, shall share on a pro rata basis with all other tax recipient bodies in the parish. The parish road maintenance tax which lapsed in 1983 and which was reauthorized at 5 mills in 1984 shall share on a pro rata basis with all other tax recipient bodies in the parish.

(5) In the parish of Webster, after full reimbursement of all taxes authorized prior to January 1, 1978 to all other tax recipient bodies in the parish and the assessor’s original millage, the following new millages shall be reimbursed to the extent available:

School Board District 13 -- 11.63 mills/September 16, 1978
School Board District 3 -- 15.11 mills/September 16, 1978

(6) In the parish of Vernon, all taxes authorized after January 1, 1978, including the additional 7 mills authorized on April 4, 1981 for the law enforcement district, but excluding the sheriff’s original millage, shall share on a pro rata basis with all other tax recipient bodies in the parish.

(7) In the parish of East Baton Rouge, the B.R.E.C. Maintenance and Operation and Capital Improvement millages shall be limited to a total of 5.44 mills.

(8) In the parish of Lafourche, the total parish allocation, excluding the tax collector’s commission and the retirement systems’ deductions shall form a special fund to be distributed as follows:

Parish Council -- 57.40%  
School Board -- 27.25%  
South Lafourche Levee District -- 3.25%  
Port Commission -- 2.06%  
Assessor -- 3.32%  
Bayou Lafourche Fresh Water District -- 2.82%  
North Lafourche Levee District -- 2.20%  
Provided, however, that the funds distributed to the Bayou Lafourche Fresh Water District in any state fiscal year, no less than Ten Thousand ($10,000) Dollars shall be used for the abatement of water hyacinth and other noxious vegetation within the jurisdiction of the district in Lafourche Parish.

(a) Of the amount distributed to the parish the following allocations shall be made:

Bayou Blue Fire District -- 0.42%  
Drainage District No. 1 -- 0.90%  
Drainage District No. 5 -- 0.65%  
Fire District No. 1 -- 0.57%  
Fire District No. 2 -- 0.59%  
Fire District No. 3 -- 1.30%  
Fire District No. 9 -- 0.42%  
Lafourche Ambulance District No. 1 -- 6.11%  
Recreation District No. 2 -- 2.81%  
Water District No. 1 -- 3.02%  
Health Unit -- 3.04%  
Recreation Commission -- 5.05%  
Recreation District No. 1 -- 0.96%  
Recreation District No. 8 -- 0.61%  
Drainage -- 10.14%  
Road Lighting -- 4.24%  
Public Buildings -- 6.19%  
Library -- 6.24%  
Criminal -- 0.24%  
Road District No. 4 -- 5.46%  
Drainage 1 of 12 -- 0.20%  
Drainage 2 of 12 -- 0.11%  
Drainage 3 of 12 -- 0.14%  
Juvenile Justice -- 1.47%  
(b) The amount distributed to the school board shall be allocated as follows:

Schools -- 24.31%  
Special Education -- 2.94%  
(c) In the parish of Calcasieu, the total parish allocation, excluding the tax collector’s commission and the retirement systems’ deductions, shall form a special fund to be distributed as follows:

Police Jury -- 48.5%  
School Board -- 29.4%  
Sheriff -- 11.9%  

THE ADVOCATE PAGE 171 * As it appears in the enrolled bill CODING: Words in **boldface** type are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
Durald Gravity Drainage District No. 4
Concordia

Cameron

Assessor's original millage

Road District Three--.48 mills/1987 and 5.0 mills/1996

Road District No. 5--10 mills/1997

Road District Two--10.00 mills (Additional)

District Three Cemetery--1.07 mills

Road District Three--48 mills/1987 and 5.0 mills/1996

Road District Four--10.00 mills (Additional)

Mamou Gravity Drainage District No. 5--1.56 mills

Mamou Gravity Drainage District No. 8--3.42 mills

Courthouse Maintenance--4 mills/October 16, 1993

Iberville

Assessment District

Iberville

School Board Operations--11 mills/May 4, 1985

Public Works--6 mills/November 4, 1986

Public Facilities--0.92 mills

Jail--2 mills

Assessor's original millage

Parish Health Unit--1 mill/1990

Caddo Detention Center--3 mills/1990

Law Enforcement District--3 mills/November 6, 1990

Law Enforcement District--3.0 mills/October 16, 1993

Bio/Medical--2 mills/1993

Criminal Justice System--1.82 mills/October 20, 2001

Caldwell

Assessor's original millage

Recreation Maintenance--November 1995

Road Maintenance--May 1990

Catahoula

All millages listed on the tax roll, except the sheriff’s original millage, shall share on a pro rata basis

Claiborne

Assessment District

School District #13--12 mills/November 2, 1982

Law Enforcement District--6.25 mills/July 21, 1990

School Board Maintenance--2 mills/April 5, 1986

School Board Operations--5 mills/April 5, 1986

Police Jury Building--2 mills/March 30, 1985

Road, Street & Bridge Maintenance--1993

Road Equipment--1993

Concordia

School Operation & Maintenance--23.25 mills/September, 1982

Library--All millages

Assessor's original millage

Law Enforcement District--12 mills/April 11, 1992

Highway, Drainage and Courthouse Maintenance--10 mills/October 16, 1993

East Baton Rouge

Fire Protection #6 (Hooper Rd.)--10 mills/November 6, 1984

Fire Protection #3 (Brownfield)--10 mills/November 6, 1984

Fire Protection #4 (Central)--10 mills/October 8, 1985

Zachary Constitutional School -- 5 mills/November 15, 2003

Baker Constitutional School -- 5 mills/November 15, 2003

East Carroll

Garbage District No. 1--7 mills/November 4, 1980

Parish Library--6.5 mills/ May 22, 1989

Parish Health Unit--3 mills

Rural Fire District Maintenance--2 mills

Courthouse Maintenance--2 mills

Road Maintenance and Construction--0.75 mills/March 26, 1983

Drainage Maintenance and Construction--0.75 mills/March 26, 1983

East Carroll Hospital Service Dist.--5 mills/ May 5, 1984

Assessor's original millage

East Feliciana

Assessment District, 1997

Evangeline

Consolidated School Dist. #2--9.47 mills/May 19, 1979

Basile New School Dist. #7--3.32 mills/May 19, 1979

Elderly Services--1 mill/Nov. 4, 1989

Ward 5 Fire Protection District--11.17 mills

Pine Prairie Fire Protection District--8.95 mills/Nov. 3, 1992

Acadia-Evangeline Fire Protection District--0.97 mills

Mamou Fire Protection District No. 1--8.00 mills/April, 1995

Fire District No. 2--5 mills/1999

District Two Cemetery--1.07 mills

District Three Cemetery--1.07 mills

District Seven Cemetery--1.01 mills

Road District Two--10.00 mills (Additional)

Road District No. 5--5.0 mills/1997

Ward One Cemetery--1 mill/1997

Ward Four Cemetery--1 mill/1997

Fire District No. 1--8.00 mills/July 10, 1982

Assessor's original millage

Library--7 mills/1990

Health Unit--3.0 mills/November 6, 1990

Parish Equipment--8.0 mills/October 16, 1993

Drainage Maintenance--11 mills/October 16, 1993

City of New Orleans

Board of Assessors' original millage

Ouachita


Vidrine Gravity Drainage District No. 7

Lone Pine Fire District--20 mills/November 21, 2012

Franklin

Law Enforcement District--10 mills/July 10, 1982

Assessor's original millage

Library--7 mills/1990

Consolidated Waterworks District No. 1--3.54 mills/October 19, 2013

Consolidated Sewerage District No. 1--3.58 mills/October 19, 2013

Lafayette

Library--All millages

Bayou Vermilion District--All maintenance taxes prior to 1990

LaSalle

Library--November 1995

Road District 2B--3.00 mills/April 16, 1988

Road District 2BN--1.03 mills/April 16, 1988

Ambulance Tax--0.65 mills

Road and Bridge--0.66 mills

Health Unit--0.23 mills

Fair Tax--0.09 mills

Special B & C 1A--0.19 mills

Sewer Maintenance--6.04 mills

Fire District--5.32 mills

Little Creek-Searcy Volunteer Fire District -- 20 mills

Summerville-Rosefield Volunteer Fire District -- 20 mills

Eden-Fellowship Volunteer Fire District -- 9.79 mills

Whitehall Volunteer Fire District -- Operations - 10 mills

Whitehall Volunteer Fire District -- Maintenance - 10 mills

Recreation District #22--1.05 mills

Assessor's original millage

Lincoln

Library Const./Mt.--0.75 Mills/January 21, 1978

Law Enforcement District (Additional)--8.5 mills/July 22,1992

School-Special Maint. & Oper. --0.15 mills/May 18, 1979

School-Special Repair & Equip.--0.15 mills/May 18, 1979

Library--0.71 mills/January 15, 1983

Assessor's original millage

Livingston

Law Enforcement District (Special)--12.19 mills/1976

Recreation District #3--2 mills/May 19, 1979

School District No. 5--5 mills/November 2, 1982

Fire District No. 1--10.04 mills/1986

Fire District No. 5--10 mills/Nov. 6, 1984

Fire District No. 7 -- 5 Mills/1999

Fire District No. 10--10.33 mills/1985

Fire District No. 11--All millages

Roads & Bridges--5 mills/November 3, 1992

Madison

Assessor's original millage

Morehouse

Bastrop Area Fire Pro. Dist. No. 2--2 mills/Nov. 7, 1978

Assessor's original millage

Library--1 mill/Jan. 20, 1990

Natchitoches

Law Enforcement District (Additional)--10 mills/May 16, 1981

Fire District No. 6--7 mills

Parish Ambulance Tax

Fire District No. 7--10 mills

Goldonna Area Fire Protection Dist. No. 2

Library--3 mills/1988

Assessor's original millage

City of New Orleans

Board of Assessors' original millage

Ouachita


* As it appears in the enrolled bill

CODING: Words in *boldface* type are deletions from existing law; words *underlined* (House Bills) and *underscored* and *scored* (Senate Bills) are additions.
Road District #5 Maintenance
Law Enforcement District--10 mills/May 3, 1986
Assessor’s original millage

Sub-Road District #1 of Road District #2
Fire Protection District #2
Fire Protection District #3
Florida Parishes Juvenile Detention Center--3 mills/1995
St. James
St. James Hospital Board--4.31 mills/May 18, 1979
Gramercy Recreation District--5 mills/May 18, 1979
Law Enforcement District--6.00 mills/July 16, 1988
Assessment District, 1985
St. John
Law Enforcement District (Additional)--15.18 mills/17, 1980
Assessor’s original millage
St. Landry

Gravity Drainage District No. 1 of Ward 2
Fire District #3
Fire District #2
Fire District No. 5
St. Landry Parish School Board--12 mills/May 3, 1986
Jail Maintenance Tax--1 mill/April 30, 2011
Fire District No. 6
Acadia-St. Landry Hospital District--7 mills/November 2, 1982
Road District #11A, Sub-1--10.00 mills/1993
Road District #11-A, Sub-2 Maintenance--5 mills/April 30, 1983
Road District #3, Ward 1, Sub-1 Main.--10 mills/Jan. 21, 1984
Road District #12, Ward 2--2.65 mills/January 1, 1979
Road District #1, Ward 3
Road District #4,--10 mills/July 21, 2001
Road District #5--15 mills/1993
Road District #6--15 mills/ May 4, 2002
Assessor’s original millage

South St. Landry Comm. Library Dist.--5.75 mills/Nov. 16, 1991
Fire District #1
St. Martin
Assessor’s original millage
St. Mary
Wax Lake East Drainage District
Sub Gravity Drainage District of Wax Lake East
Assessor--2.9 mills/1982
Hospital Service District No. 1--7.88 mills/1999
Hospital Service District No. 1--6 mills/1999
Hospital Service District No. 1--3.47 mills/2003
St. Tammany
All millages listed on the tax roll, and in particular the parish library millages authorized on April 5, 1980 and May 5, 1984, with the exception of the sheriff’s original millage, shall share on a pro rata basis.

Tangipahoa
Road Lighting District No. 2--5 mills/July 21, 1990
Library--60 mills/1984
Library Maint.--2.60 mills/May 4, 1985
Garbage District # 1 Maint.--10 mills/March 26, 1983
Road District # 7 Maint.--5 mills/Sept. 11, 1982
Fire Dist. #1--2.30 mills/1978
Fire Protection District No. 1--7.5 mills/1998
Fire Dist. #1--5.65 mills/1996
Fire Protection District # 2--10 mills/May 5, 1984 (2 taxes)
Fire Dist. #2--10 mills/1996
Law Enforcement District (Additional)--10 mills
Drainage District #4 Maint.--3 mills/April 30, 1983
Assessor’s original millage

Gravity Drainage District No. 5--5 mills/June 20, 1990
Florida Parishes Juvenile Detention Center--3 mills/1995
Pontchatoula Recreation Dist.--10 mills/1996
Independence Recreation Dist.--15 mills/1996
Hammond Alternate School -- 3 mills/1996
Hammond Recreation District No. 1 -- 10 Mills/November 10, 2010

Tensas
Gravity Drainage Dist. No. 2--3 mills/October 3, 1992
Medical Services--12 mills/February 28, 1987
Assessor’s additional millage--1988

Terrebonne
All millages listed on the tax roll, except the sheriff’s original millage, shall share a pro rata basis.

Vermilion
Subroad Dist. No. 5 of Road Dist. No. 2--5 mills/1979
Road District No. 3--5 mills/1979
Subroad Dist. No. 2 of Road Dist. No. 2--5 mills/1979
Library -- 1.12 mills/1994
Washington
Washington Schools Spec. Main./Op.--90 mills/1984
School District #2 Maintenance--0.98 mills/1981
School District #2 Support--0.98 mills/1981
Bogalusa City Schools Main./Op.--23 mills/ 1989
Library--4.57 mills/1987

* As it appears in the enrolled bill

CODING: Words in **boldface** type are additions from existing law; words underlined and **scored** (House Bills) and underlined and **boldfaced** (Senate Bills) are additions.
Angie School -- 5 mills/1990
Assessor's millage
Rich. FD #2 -- 8 mills/1998
Bonner Creek Fire Dist. -- 8.46 mills/1987
Bonner Creek Fire Dist. -- 5 mills/1996
Spring Hill Fire Dist. #8-5.73 mills/1995
Spring Hill Fire District #8-6 mills/1998
Mt. Herman Fire Dist. -- 9-16 mills/1995
Pine Dist. #4-10 mills/1995
Angie Fire Dist. -- 5-10 mills/1992
Varnado Fire Dist. -- 6-10 mills/1992
Fire Dist. #7-5 mills/1996
Fire Dist. #7-12.27 mills/1992
Hayes Creek Fire District #3-17 mills/1999
Florida Parishes Juvenile Detention Center -- 3 mills/1995
West Baton Rouge
Law Enforcement District (Additional) -- 5 mills/1980
West Carroll
Ward 1 Road Maintenance -- 5.45 mills
Ward 2 Road Maintenance -- 4.59 mills
Ward 2 Special Tax -- $10 Road District #2 -- 2.75 mills
Ward 3 Road Maintenance -- 4.96 mills
Ward 3 Special Tax -- Road District #3 -- 2.98 mills
Ward 4 Road Maintenance -- Road District No. 4-4.20 mills
Ward 4 Road Maintenance -- Road District No. 4-6.28 mills
Ward 4 Special Tax -- Road District #4-4.22 mills
Ward 4 Special Tax -- Road District #4-6-3.17 mills
Ward 5 Road Maintenance -- 4.78 mills
Ward 5 Special Tax -- Road District No.1.87 mills
Public Health Unit Maintenance -- 1.5 mills/1980
Roads & Bridges -- 8 mills/March 30, 1985
School Parishwide Maintenance -- 10 mills/1990
Assessment District
host Feliciana
Law Enforcement District (Additional) -- 6 mills/1986
Assessor's original millage
Winn
Law Enforcement District (Additional) -- 8 mills/1981
Assessor's original millage
Library -- 1979 millage
Library -- 3 mills/1999
C(1) If the amount distributed to the tax collector and the city of New Orleans is less than the amount required to reimburse tax losses on the basis of the tax rolls of the current calendar year as provided in Subsection A of this Section, the tax collector and the city of New Orleans shall prorate such lesser amount among the various tax recipient bodies within the parish so that the lesser amount received by each tax recipient body shall be proportionate to the reduction in the total amount distributed to each parish, and the amount distributed by the state treasurer to the city treasurer of the city of Monroe shall be based upon similar prorating, if necessary; however, in the parish of St. Bernard, the Lake Borgne Levee District shall receive a minimum of $163,000 and the St. Bernard Port, Harbor and Terminal District shall receive a minimum of $125,000, and in Allen Parish the Special Law Enforcement District shall receive a minimum of $58,000 and the Assessor shall receive a minimum of $36,500.
(2) No bond millages levied to service bonds under the authority of Louisiana Constitution Article VI, Section 33(B) or Article XIV, Section 14 of the Louisiana Constitution of 1921 or any other constitutional or statutory authority for the issuance of general obligation bonds shall share in the proceeds of this Act and the governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision at valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature; the exceptions to this prohibition shall be those bond millages levied to service bonds the proceeds of which are required to be used for the construction of roads and bridges, and the proceeds of which are required to be used for the construction of public buildings, and the proceeds of which are required to be used for the construction of public works.
(3) The amount of funds allocated and paid to the Assessor for Jefferson Davis Parish, and of the remainder of the excess, fifty percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and thirty-three percent thereof to the parish school board shall be prorated among the various tax recipient bodies within the parish, to be distributed to such incorporated municipalities pro rata on a population basis, except that in the parish of West Feliciana the initial fifteen thousand dollars of such excess shall be retained by the sheriff and the twenty-five percent for incorporated municipalities shall be distributed to the town of St. Francisville. In the parish of East Feliciana, the initial twenty-five thousand dollars of such excess shall be retained by the sheriff, and the twenty-five percent for incorporated municipalities shall be distributed to the town of St. Francisville.
(4) In the cities of New Orleans, Jefferson Davis, and Metairie, fifty percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the parish governing authority shall be distributed to the law enforcement district.
Section 10. In the event the distribution to the tax collector in each parish and to the city of New Orleans is more than the amount necessary to satisfy the requirement of Sections 6 and 7 of this Act and to reimburse all tax recipient bodies as set forth in Section 9 of this Act, then the city of New Orleans and the tax collector in each parish, within fifteen days after receipt thereof, shall distribute such remaining excess amount as follows, except as otherwise provided in Subsection D of this Section:
A. To the extent equal to the ratio that the parish public school population bears to the total population of the parish shall be allocated and distributed to the respective city and parish school boards in the parish proportionate to the public school population of each.
B. The next portion of the excess remaining after allocation and distribution to the school boards in the parish, to the extent that the total population of the respective incorporated municipalities in the parish, and the public school population to the total parish population, shall be allocated and distributed to the respective incorporated municipalities of the parish proportionate to the respective population of each.
C. The remaining portion of such excess, if any after allocation and distribution to the school boards and the incorporated areas of a parish, shall be allocated and distributed to the parish governing authority.
D. For purposes of this Subsection only, “tax recipient bodies” shall mean and include any recipient of excess funds hereunder. In the following parishes the tax collector thereof, or in Orleans Parish, the city of New Orleans, within fifteen days after receipt thereof, shall distribute such excess amount as follows:
(1) In the parish of Plaquemines, one hundred percent thereof to the parish governing authority.
(2) In the parishes of Cameron, St. Charles, and St. John the Baptist, seventy-five percent thereof to the parish governing authority, and twenty-five percent thereof to the parish school board.
(3) In the city of New Orleans, seventy percent thereof to the city of New Orleans and thirty percent thereof to the Orleans Parish School Board.
(4) In the parish of Jefferson Davis, sixty-five percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and fifteen percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.
(5) In the parishes of Cameron, St. Charles, St. James, Vernon, Washington, and West Feliciana, fifty percent thereof to the parish governing authority, twenty-five percent thereof to the parish school board, and twenty-five percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis.
(6) In the parish of Jefferson Davis, the portion of the excess equal to the ratio that the public school population of the parish bears to the total population of the parish shall be allocated and paid to the Jefferson Davis Parish School Board, ten thousand dollars shall be allocated and paid to the Assessor for Jefferson Davis Parish, and of the remainder of the excess, fifty percent thereof to the parish governing authority and fifty percent thereof to the incorporated municipalities in the parish, two thousand one hundred dollars to be distributed to each incorporated municipality and the balance thereof to be distributed to such incorporated municipalities pro rata on a population basis.
(7) In the parish of St. Tammany, the parish governing authority shall make available out of its allotment amount for the operation and maintenance of the food stamp offices and the service office for veterans established under R.S. 29:262. In the parish of St. Tammany, the parish governing authority shall make available out of its allocated funds five thousand dollars for the St. Tammany Humane Society. In the event of any decrease in the state's appropriated portion of the salaries of the St. Tammany Parish Registrar of Voters Office, the parish governing authority shall make available out of its allocated funds a sufficient amount to replace such state funds, not to exceed $15,537.58. Of the funds allocated within the parish of St. Charles, thirty thousand dollars shall be distributed to the St. Charles Department of Community Services to be used for the operation of an outreach program at the St. Rose Community Center. Of the funds allocated within the parish of Acadia, $180,000 shall be distributed to the law enforcement district.
THE ADVOCATE
* As it appears in the enrolled bill
* Corduroy: Words in bold type are deletions from existing law; words underlined are additions.
Union, Webster, and West Carroll, thirty-three and one-third percent thereof to the parish governing authority, thirty-three and one-third percent thereof to the parish school board, and thirty-three and one-third percent thereof to the incorporated municipalities in the parish, to be distributed to such incorporated municipalities pro rata on a population basis. Further, in the parish of Evangeline the additional excess funds received by the school board as a result of the change in percentages from those provided in Act 719 of the 1975 Regular Session of the Louisiana Legislature shall be prorated, for operating expenses therefor to the Lafayette Association for Retarded Citizens. In the parish of East Carroll the sheriff and ex-officio tax collector shall retain the sum of fifty thousand dollars of the excess, in addition to the commission provided in Section 6 of this Act, and the balance of the excess shall be distributed as provided above in this Paragraph. In the parish of Union, the initial distribution shall be six thousand dollars to the Spencer-West Sterlington Fire Protection District, Incorporated, for operating expenses therefor, subject to the approval of the Lafayette Association for Retarded Citizens. In the parish of Claiborne the tax collector may retain up to an aggregate of ten percent of the excess to be received by the cities of Minden and Springhill and upon passage of resolutions authorizing same by respective governing authorities may retain amounts fixed in the resolution not to exceed ten percent of excess received by the police jury of the parish of Webster. In the parish of Rapides, the sheriff and ex-officio tax collector shall retain the sum of twelve thousand dollars of the excess, in addition to the commission provided in Section 6 of this Act, and the balance of the excess shall be distributed as provided above in this Paragraph. In the parish of Claiborne the tax collector may retain up to an aggregate of ten percent of the excess as agreed to by resolution passed by the parish governing authority before receiving its part designated in this Paragraph, by resolution passed by the parish school board before receiving its part designated in this Paragraph, and a resolution from each municipality in said parish; each of the above bodies in Claiborne Parish may prorate the excess to the parish, by resolution passed by the Lafayette Association for Retarded Citizens. In the parish of Webster the tax collector may retain up to an aggregate of ten percent of the excess as agreed to by resolution passed by the police jury of the parish of Evangeline as provided in this Section until approval of such distribution of excess funds to each recipient thereof has been granted by the mayor or members of the House of Representatives and the Senate who represent the parish in the legislature. Such approval shall be requested by the chief executive officer of the parish and shall be submitted to the relative members of the legislature at a written request for such excess funds, such written request to contain the amount of excess funds requested and the purpose for which they will be expended. Upon receipt, but only upon receipt, by the tax collector of the written approval of such a request from each of the members of the legislature who represent the parish, the tax collector of the parish shall make the distribution requested that such distribution shall be in compliance with the provisions of this Act and particularly other provisions of this Section.

Section 11. The parish governing authority shall have the power and authority to expend such excess funds received by it for any governmental purpose or function and may allocate and distribute any portion of such excess funds received by it to its tax recipient bodies, sheriff, other taxing districts, incorporated municipalities, and other public officials.

Section 12. The amount of such excess funds received by the sheriff and each and the city or to the city of New Orleans during the Fiscal Year 2018-2019 shall be as follows:

<table>
<thead>
<tr>
<th>Parish</th>
<th>Total Due</th>
<th>Sheriff's Fund</th>
<th>Retirement Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACADIA</td>
<td>$1,220,839</td>
<td>$144,914</td>
<td>$20,865</td>
</tr>
<tr>
<td>ALLI</td>
<td>$501,725</td>
<td>$71,825</td>
<td>4,946</td>
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<tr>
<td>ASCENSION</td>
<td>$2,398,698</td>
<td>$124,698</td>
<td>19,630</td>
</tr>
<tr>
<td>ASSUMPTION</td>
<td>$441,964</td>
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</tr>
<tr>
<td>AVOYELLES</td>
<td>$811,782</td>
<td>$122,754</td>
<td>16,162</td>
</tr>
<tr>
<td>BEAUREGARD</td>
<td>$729,038</td>
<td>$81,836</td>
<td>11,618</td>
</tr>
<tr>
<td>BEVIL</td>
<td>$57,923</td>
<td>$7,991</td>
<td></td>
</tr>
<tr>
<td>BOSSIER</td>
<td>$2,422,723</td>
<td>$165,713</td>
<td>45,457</td>
</tr>
<tr>
<td>CADDY</td>
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<td>$533,585</td>
<td>206,758</td>
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<tr>
<td>CALCASIEU</td>
<td>$3,865,341</td>
<td>$458,609</td>
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</tr>
<tr>
<td>CALDWELL</td>
<td>$208,756</td>
<td>$45,972</td>
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</tr>
<tr>
<td>CAMERON</td>
<td>$145,651</td>
<td>$48,402</td>
<td>7,971</td>
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<tr>
<td>CATAHOULA</td>
<td>$204,729</td>
<td>$45,486</td>
<td>6,038</td>
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<tr>
<td>CLAIBORNE</td>
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<td>$52,775</td>
<td>6,497</td>
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<tr>
<td>CONCORDIA</td>
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<tr>
<td>DEQ</td>
<td>$261,875</td>
<td>$53,104</td>
<td>6,955</td>
</tr>
<tr>
<td>EAST BATON ROUGE</td>
<td>$8,440,511</td>
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</tr>
<tr>
<td>EAST CARROLL</td>
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<td>6,956</td>
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<tr>
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<td>$392,358</td>
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</tr>
<tr>
<td>EVANGELINE</td>
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<td>10,462</td>
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<tr>
<td>FRANKLIN</td>
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<td>GRANT</td>
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<td>IBERIA</td>
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<td>IBERVILLE</td>
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<td>JEFFERSON</td>
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<td>JEFFERSON DAVIS</td>
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<td>LAFAYETTE</td>
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<td>50,457</td>
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<td>LAFOURCHE</td>
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<td>39,020</td>
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<tr>
<td>LASALLE</td>
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<td>$53,261</td>
<td>6,955</td>
</tr>
<tr>
<td>LINCOLN</td>
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<tr>
<td>LIVINGSTON</td>
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<td>26,345</td>
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<tr>
<td>MADISON</td>
<td>$209,409</td>
<td>$43,056</td>
<td>7,991</td>
</tr>
</tbody>
</table>

* As it appears in the enrolled bill CODING: Words in boldfaced type are deletions from existing law; words underlined and scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
Section 13. The state treasurer shall distribute one-third of the total amount herein allocated to the parishes from the revenue sharing fund to the parish tax collector or, in Orleans Parish, to the city of New Orleans, not later than the first day of December in each year, one-third thereof not later than the fifteenth day of March in each year and one-third thereof not later than the fifteenth day of May in each year, and each one-third of the total allocation shall be distributed in accordance with the provisions of Sections 6, 7, 9, and 10 of this Act; however, the legislative auditor may authorize the granting of additional sums due any recipient in advance upon a showing that the advance receipt of such funds is reasonably necessary. If the state treasurer does not distribute the fund on or before the dates specified in this Act, any interest or other income derived by the state from the parish allocations, earned prior to the distribution to the parishes, shall be paid over a pro rata basis together with the principal amounts due the parishes under the provisions of this Act. Any interest or other income derived by the parish tax collector or the city of New Orleans from the investment or other use of such total parish allocations received from the state treasurer, earned prior to the distribution to the parishes, shall be paid over a pro rata basis together with the principal amounts due the local recipients under the provisions of this Act upon distribution thereto, and the parish tax collectors or the city of New Orleans may retain only investment income earned on that portion of the total parish allocation to which they are otherwise entitled under the provisions of this Act. In light of the fact that all assessment roll figures will not be available in time to base the December distribution by the treasurer on current figures, the distribution of funds on the first day of December pursuant to this Act shall be based on the distribution figures for Fiscal Year 2016-2017. The remaining two distributions on the fifteenth day of March and the fifteenth day of May shall be based on current figures for Fiscal Year 2017-2018, and such distribution shall be adjusted to compensate for the differences resulting in the use of the Fiscal Year 2016-2017 figures for the December distribution.

Section 14. On or before such date as shall be established by the state treasurer, each tax collector, the city of New Orleans, and the state treasurer of the city of Monroe annually shall file with the state treasurer, on such forms as the state treasurer may require, all information necessary to the computation of the funds to be distributed within the parishes, including, but not limited to, a listing of all such local entities seeking eligibility for funds as a tax recipient body under the qualifications set out in Section 1(a) of this Act, all new millages of such tax recipient bodies as are listed in Section 9(B) of this Act, and all remaining authorities on the tax rolls which are otherwise ineligible to participate in the distribution of revenue sharing funds as tax recipient bodies. The listing shall include such verification for eligibility as may be required by the state treasurer and, notwithstanding the provisions of Section 12 of this Act, no revenue sharing funds shall be paid over to such recipient or the state treasurer of such information and verification. The same authorities shall in the same manner submit to the state treasurer a statement of the amount of revenue sharing funds distributed to each recipient of such funds, including the amount deducted for sheriffs’ commissions and for retirement system contributions and shall state clearly on such forms the amount of the distribution to each such recipient which is derived from excess funds and the amount of such distribution which represents reimbursement for tax losses by reasons of the homestead exemption. Such statement shall also include the amount of any revenue sharing funds which remain to be distributed and the recipient to which such remaining funds will be distributed. Approved by the Governor, May 22, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

**ACT No. 398**

To amend and reenact R.S. 11:2241.3(A) and to enact R.S. 11:2220(C)(4) relative to the Municipal Police Officers’ Retirement System; to provide for membership classification; to provide relative to refund of contributions; to provide for an effective date; and to provide for related matters.

Notwithstanding any other provision of law to the contrary, except Subparagraph (b) of Paragraph 4(a) of this Act, any member whose first employment making him eligible for membership in this system occurred prior to January 1, 2013, who receives a refund of all contributions as provided in this Subsection and who returns to employment making him eligible for membership in this system shall enter the system as a new member without regard to the dates of prior membership.

(b) Notwithstanding the eighteen-month waiting period in R.S. 11:2218(G), any member whose first employment making him eligible for membership in this system occurred prior to January 1, 2013, who received a refund of all contributions as provided for in this Subsection before June 30, 2018, who returns to employment making him eligible for membership in this system shall be immediately eligible to obtain credit for his previous service in the system. The member may reestablish the previous service under the plan provisions that applied to the member on the date he received his refund by repaying the refund with interest calculated as provided in R.S. 11:2218(G) within one year of returning to employment covered by this system. If the member repays the refund at any time thereafter, the provisions of Paragraph 4(a) of this Paragraph shall apply.

$2241.3. Eligibility for plan membership
A. Membership in this subplan is limited to employees who, notwithstanding any temporary restrictions and any training program certified and required by the Peace Officer Standards and Training Council relative to qualifying for such pay, would be eligible to receive state supplemental pay by virtue of their employment.

Section 2. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 25, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

**ACT No. 399**

To amend and reenact R.S. 11:1211(A) and to repeal R.S. 36:769(L), relative to the Public Retirement Systems’ Actuarial Committee; to provide for the officers of the committee; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1211(A) and 126 are hereby amended and reenacted and R.S. 11:2220(C)(4) is hereby enacted to read as follows:

$220. Benefits; contribution limit
C. Refund of contributions, application and payment.

*(d) Notwithstanding any other provision of law to the contrary, except Paragraph 4(a) of this Act, any member whose first employment making him eligible for membership in this system occurred prior to January 1, 2013, who receives a refund of all contributions as provided for in this Subsection and who returns to employment making him eligible for membership in this system shall enter the system as a new member without regard to the dates of prior membership.*

§252. Actuary; appointment; duties

Notwithstanding any other provision of law to the contrary, the board of trustees of any state or statewide retirement system is hereby authorized to appoint an actuary or actuaries, independently or jointly. However, any duties the board assigns to the actuary shall relate only to the practice of actuarial science or ministerial duties that do not require the exercise of supervision or discretionary control over the administration or management of the system.

Section 2. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 25, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 17:3128(A) and (B)(1) and (2), relative to postsecondary education; to approve a master plan for postsecondary education; and to provide for related matters.

Approved by the Governor, May 23, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 400
BY SENATORS APPEL, AND HEWITT AND REPRESENTATIVES AMEDEE, BACALA, TERRY BROWN, CARMODY, HAYARD, HORTON, JEFFERSON, PYLANT AND THOMAS
AN ACT
To amend and reenact R.S. 17:3128(A) and (B)(1) and (2), relative to postsecondary education; to approve a master plan for postsecondary education; and to provide for related matters. The board shall submit its plan and formula for funding to the governor and the legislature.

(2a) The Board of Regents shall, at a minimum, review the master plan for postsecondary education at least once every four years and revise as deemed necessary and appropriate.

(2b) The board shall review and submit a revised master plan to the governor and the legislature not later than September 1, 2019.

B.(1) After consultation with each postsecondary education management board, the chancellor, and the president of each public institution of postsecondary education, the Board of Regents shall devise, describe, and establish a mission for each public college and university system and for each institution within each system. Each mission statement shall be included in and form the basis of the master plan provided for in Subsection A of this Section. Initial mission statements shall be completed no later than January 15, 1989, shall be reviewed periodically, and shall be individually revised as often thereafter as necessary. These mission statements shall be reviewed at least once every four years and revised as necessary and appropriate in order to achieve and maintain the institutional balance necessary for diversity, access, and excellence.

(2) The Board of Regents shall make such recommendations for legislative or gubernatorial action necessary to support the development of each system and institution as provided in its mission statement. Annually, the Not later than January thirtieth of each year, the board shall submit a report to the legislature and the governor on the status of the postsecondary education relative to the mission statements, including in such report all revisions since the last report and any recommendations for legislative or gubernatorial action.

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 23, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 401
BY SENATORS MORRELL, BARROW, MILLS AND WHITE
AN ACT
To amend and reenact the introductory paragraph of R.S. 14:67.16(A)(2) and 67.16(B), and to add to R.S. 14:67.16(A)(2)(o), (4), and (5), relative to crime of identity theft; to add a person’s telephone number to the definition of “personal identifying information” for purposes of the crime of identity theft; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 14:67.16(A)(2) and 67.16(B) are hereby amended and reenacted and R.S. 14:67.16(A)(2)(o), (4), and (5) and (1) are hereby enacted to read as follows:
§67.16. Identity theft
A. As used in this Section the following terms have the following meanings:

* As it appears in the enrolled bill
To enact R.S. 32:58.1, relative to careless operation of motor vehicles; to provide relative to careless operation during flood conditions; to provide relative to injury or damage caused by the wake created by a motor vehicle during flood conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:58.1 is hereby enacted to read as follows:

§38.1. Careless operation during flood conditions
A. Any person operating a motor vehicle on the public roads of this state during flood conditions shall drive in a careful and prudent manner, so as not to create a wake that endangers the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless operation during flood conditions.
B. There shall be a rebuttable presumption that the following persons were operating a motor vehicle in a careful and prudent manner during flood conditions:

(1) Any person operating a vehicle owned or operated by a public utility, whether publicly or privately owned, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property owned by the utility.

(2) Any person operating a military, law enforcement, or emergency services vehicle while acting in the course and scope of his employment or official duties.

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 23, 2018.
A true copy: R. Kyle Ardoin Secretary of State

To enact R.S. 40:978(F)(2), relative to the prescription monitoring program; to provide for a complaint against the prescriber upon second and subsequent failures to comply with certain statutory requirements; to provide for related matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 983(H) is hereby enacted to read as follows:

Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements

H. Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Subsections F and G of this Section, may proceed in forma pauperis in accordance with the provisions of Code of Civil Procedure Article 5181 et seq.

Approved by the Governor, May 23, 2018.
A true copy: R. Kyle Ardoin Secretary of State

To enact Section 4 of Act No. 406, relative to themedicinal use of marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIII of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:3111, is hereby enacted to read as follows:

§3111. Ad valorem taxes for volunteer fire departments; voter notification requirements

The notice of intent and proposition for ad valorem taxes levied to fund volunteer fire departments shall include a statement that a portion of the tax proceeds is required to be contributed to state and statewide retirement systems as provided in R.S. 11:82.

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 23, 2018.
A true copy: R. Kyle Ardoin Secretary of State

To enact Section 5 of Act No. 407, relative to the medical marijuana program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:3.5 is hereby enacted to read as follows:

PART XIII. FUNDING OF VOLUNTEER FIRE DEPARTMENTS

§3111. Ad valorem taxes for volunteer fire departments; voter notification requirements

Nothing in this Chapter shall be construed to require the disclosure of records, or the information contained therein, held by the Department of Agriculture and Forestry, which records are:

(1) Held by the forestry officers and livestock brand inspectors pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled.

(2) Pertaining to the Medical Marijuana Program containing the internal procedures, security plans, transportation plans, and proprietary information of a licensee.

(3) Emergency Preparedness information specifically pertaining to the location of emergency personnel and equipment.

(4) Pertaining to the Home Health Program.

The notice of intent and proposition for ad valorem taxes levied to fund volunteer fire departments shall include a statement that a portion of the tax proceeds is required to be contributed to state and statewide retirement systems as provided in R.S. 11:82.

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 23, 2018.
A true copy: R. Kyle Ardoin Secretary of State
To amend and reenact R.S. 40:2018.4, relative to the Louisiana Obesity Prevention and Management Commission; to provide for membership; to provide for the functions of the commission; to provide for a termination date of the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2018.4 is hereby amended and reenacted to read as follows:

§2018.4. Louisiana Obesity Prevention and Management Commission
A. There is hereby established in the Louisiana Department of Health a commission designated the Louisiana Obesity Prevention and Management Commission ("commission"), composed of ten members as provided for in this Section. The commission may accept and expend grants and private donations from any source, including federal, state, public, and private entities, to assist it to carry out its functions.

B. The powers, functions, and duties of the commission shall include but not be limited to the following:

(1) Assisting the executive departments and agencies in achieving programmatic goals related to obesity prevention and management. To this end, the commission shall provide leadership and support for:
- (a) Organizational efforts found necessary to achieve programmatic objectives.
- (b) Articulating standards through the dissemination of materials, identification of expert opinion, identification of alternate means of developing effective population-based programs, and development of policy in identified health risks.
- (c) Creating awareness among payers, providers, and patients of the health risks due to evidence-based practices to prevent and manage overweight and obesity conditions.
- (d) Disseminating the latest health outcomes data and health trends in the area of overweight and obesity concerns.
- (e) Conducting evaluations of program effectiveness.
- (f) Encouraging research and the identification of resources that seek to promote cost-effective methods of treating overweight and obesity conditions.
- (g) Conducting public meetings to discuss obesity.
- (h) Advising and assisting participating agencies with the development and implementation of obesity programs.
- (i) Analyzing what other entities across the state are doing to combat obesity.

(2) Assisting in conducting exploratory research as deemed necessary with the intent of achieving programmatic objectives.

(3) Conducting public meetings to discuss obesity.

(4) Advising and assisting participating agencies with the development and implementation of obesity programs.

(5) Analyzing what other entities across the state are doing to combat obesity.

(6) Advising the executive departments and agencies as to the implementation of the commission’s recommendations.

C. The commission shall convene its first meeting no later than August 31, 2014. At the first meeting the chairman and vice chairman of the commission shall be appointed by the secretary of the Louisiana Department of Health with the consultation and approval of the commission. The commission may adopt such rules of procedure as are necessary to facilitate orderly conduct of its business.

D. The commission shall be composed of the following members and sector representation:

(1) The secretary of the Louisiana Department of Health, or his designee.
(2) The state superintendent of education, or his designee.
(3) The commissioner of insurance, or his designee.
(4) The president of the Senate, or his designee.
(5) The speaker of the House of Representatives, or his designee.
(6) The director of the Pennington Biomedical Research Center, or his designee.
(7) The director of the Prevention Research Center at Tulane University, or his designee.
(8) A registered dietitian, or her designee.
(9) A registered nurse, or her designee.
(10) The director of the Cecil J. Picard Center for Child Development and Lifelong Learning, or his designee.

E. The commission shall encourage representation from multisector partners including but not limited to:
- (a) City planning and transportation.
- (b) Health systems and healthcare providers treating obesity.
- (c) Louisiana Medicaid.
- (d) Local governments.
- (e) Food banks in the state.
- (f) Employer organizations, including but not limited to chambers of commerce.
- (g) Public nonprofit organizations and community-based organizations.
- (h) Other professionals, as the commission finds necessary, who are addressing the issue of obesity in adults and children.

F. Nonlegislative members of the commission shall not be entitled to per diem or any other compensation for their service but shall be entitled to reimbursement of any necessary and reasonable expense incurred in the performance of their duties on the commission, including travel expenses. Each legislative member of the commission shall receive the same per diem and travel reimbursement for attending meetings of the commission as is normally provided for members of the legislature.

G. The commission shall meet at least quarterly. Meetings shall also be held on call of the chairman or at the request of at least three members of the commission. Presence of a majority of the members of the commission shall constitute a quorum.

H. The commission shall submit an annual report, including proposed legislation if necessary, to the governor and to the health and welfare committees of the Senate and House of Representatives, sixty days prior to the convening of each regular legislative session. The report shall update the legislature on the commission’s progress toward full implementation of services and programs in the state to increase prevention and management of the disease of obesity in adults and children.

I. The legislative authority for the existence of the commission shall cease on March 31, 2018.

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

Approved by the Governor, May 23, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 410
- - -
SENATE BILL NO. 224
BY SENATORS BARROW, MILKOVIĆ AND PEACOCK

To amend and reenact R.S. 17:262(A), relative to public schools; to require instruction on the patriotic customs of the United States, including the national motto; to require each public school governing authority to display the national motto in each building it uses and in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement of a paper sign.

Section 1. R.S. 17:262(A) is hereby amended and reenacted to read as follows:

§262. Flag and patriotic customs of the United States. Required instruction
A. The flag of the United States of America shall be displayed to students by the fifth grade as part of the social studies curriculum in the public elementary schools of this state. Such instruction, at a minimum, shall include the history of the American flag, etiquette, custom pertaining to the display and use of the flag, and such other patriotic provisions as provided for by and in accordance with the provisions of 36 U.S.C. 170 et seq. on patriotic customs.

(2) Not later than the 2019-2020 school year, the program of instruction on patriotic customs required by this Section shall include instruction on the national motto, “In God We Trust”, and each public school governing authority shall display the national motto in each building it uses and in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement of a paper sign.

Approved by the Governor, May 23, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 411
- - -
SENATE BILL NO. 254
BY SENATOR APPEL

To enact R.S. 17:392.2, relative to dyslexia screening and intervention; to require the State Board of Elementary and Secondary Education to develop criteria for dyslexia-related ancillary certificates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:392.2 is hereby enacted to read as follows:

§392.2. Dyslexia practitioner; dyslexia therapist; ancillary certificates
A. The State Board of Elementary and Secondary Education shall develop the criteria whereby a teacher may be issued a dyslexia practitioner ancillary certificate or a dyslexia therapist ancillary certificate.

B. In addition to any other criteria established by the board, in order to be issued an ancillary certificate pursuant to this Section, a teacher shall:

(1) Hold a valid Louisiana teaching certificate.
(2) Demonstrate completion of a multisensory structured language training program accredited by a nationally recognized accrediting organization, which shall include:
- (a) For the dyslexia practitioner ancillary certificate, forty-five hours of coursework and sixty hours of clinical work that is observed and monitored by a qualified professional.
- (b) For the dyslexia therapist ancillary certificate, two hundred hours of coursework and seven hundred hours of clinical work that is observed and monitored by a qualified professional.

(3) Pass a multisensory structured language education-related competency examination that is administered by a nationally recognized professional organization that issues national certifications.

C. The board shall promulgate rules to implement the provisions of this Section in accordance with the Administrative Procedure Act not later than July 1, 2019.

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 23, 2018.

R. Kyle Ardoin
Secretary of State
To amend and reenact Civil Code Art. 132, 134, and 136(A) and R.S. 9:341 and 364, relative to children; to provide relative to custody and custody awards; to provide relative to factors in determining the best interest of the child; to provide for protective orders; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 132, 134, and 136(A) are hereby amended and reenacted to read as follows:

Art. 132. Award of custody to parents

If the parents agree who is to have custody, the court shall award custody in accordance with their agreement unless the provisions of R.S. 9:364 apply or the best interest of the child requires a different award. In Section A of the provisions of R.S. 9:364, in the absence of agreement, or if the agreement is not in the best interest of the child, the court shall determine custody according to the following principles:

A. Whenever the court finds by a preponderance of the evidence that a parent has subjected any of his children, stepchildren, or any household member as defined in R.S. 46:2132, to sexual abuse, as defined in R.S. 14:403(A)(4)(b), or has willingly permitted such abuse to any of his or her children, stepchildren, or a household member, despite having the ability to prevent the abuse, the court shall prohibit all visitation and contact between the abusive parent and the child until such parent demonstrates by a preponderance of the evidence that the child is no longer in danger of sexual abuse, and that such visitation and contact would not cause physical, emotional, or psychological damage to the child. Should visitation be allowed, the court shall order such restrictions, conditions, and safeguards necessary to minimize any risk of harm to the child, including supervision of the visitation. All costs incurred in compliance with the provisions of this Section shall be borne by the abusive parent.

B. Whenever the court finds by clear and convincing evidence that a parent has subjected any of his children, stepchildren, or any household member as defined in R.S. 46:2132, to sexual abuse, as defined in R.S. 14:403(A)(4)(b), or has willingly permitted such abuse to any of his or her children, stepchildren, or a household member, despite having the ability to prevent the abuse, the court shall prohibit all visitation and contact between the abusive parent and the child until such parent has successfully completed a treatment program designed for such sexual abusers. At the hearing, the court shall consider evidence of the abusive parent’s current mental health condition and the possibility the abusive parent will repeat such conduct in the future. The court and shall order visitation only if the abusive parent proves by a preponderance of the evidence that visitation would be in the best interest of the child, and that visitation would not cause physical, emotional, or psychological damage to the child. Should visitation be allowed, the court shall order such restrictions, conditions, and safeguards necessary to minimize any risk of harm to the child, including supervision of the visitation. All costs incurred in compliance with the provisions of this Section shall be borne by the abusive parent.

South Carolina

* * *

BY SENATORS BARROW, DONAHUE, GATTI, LUNEAU, MARTINY AND WARD

AN ACT

To make the provisions of R.S. 9:362 apply or the best interest of the child requires a different award. In Section A of the provisions of R.S. 9:364, in the absence of agreement, or if the agreement is not in the best interest of the child, the court shall determine custody according to the following principles:

A. The potential for the child to be abused, as defined by Children’s Code Article 603(2), which shall include the child’s participation in a court-monitored intervention program.

B. The love, affection, and other emotional ties between each party and the child.

C. The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.

D. The capacity and disposition of each party to provide the child with food, clothing, medical care, and other such necessities.

E. The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment.

F. The permanence, as a family unit, of the existing or proposed custodial home or homes.

G. The mental and physical fitness of each party, insofar as it affects the welfare of the child.

H. The mental and physical health of each party.

I. The history of substance abuse, violence, or criminal activity of any party.

J. The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

K. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

L. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

M. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

N. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

O. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

P. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

Q. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

R. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

S. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

T. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

U. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

V. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

W. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

X. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

Y. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

Z. The reasonableness of each party’s plans and participation as a custodial parent because of the other parent’s absence, mental illness, or substance abuse. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

* * *

BY SENATOR MIZELL AND REPRESENTATIVE WHITE

AN ACT

To enact R.S. 17:1381, relative to the consolidation of school systems; to create a commission to study the feasibility of consolidating the Bogalusa City and Washington Parish school systems; to provide for the membership, meetings, and duties and responsibilities of the commission; to provide for reporting; to provide for a public hearing; to provide for termination of the commission; and to provide for related matters.

Section 1. 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 23, 2018.

A true copy:

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

To amend and reenact Code of Criminal Procedure Art. 404(H), relative to jury commissions; to provide for the functions of the jury commission to the clerk of court of Caldwell Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 404(H) is hereby amended and reenacted to read as follows:

Art. 404. Appointment of jury commissions; term of office; oath; quorum; performance of functions of jury commissions in certain parishes

H. In the parishes of Caldwell, Claiborne, DeSoto, Union, and Webster, the function of the jury commission shall be performed by the clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish by or a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish shall perform the duties and responsibilities otherwise imposed upon him by law with respect to jury venires, shall coordinate the jury venire process, and shall receive the compensation generally authorized for a jury commissioner.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 418

SENATE BILL NO. 484
BY SENATOR PERRY
AN ACT

To amend and reenact R.S. 42:1135, relative to the Board of Ethics; to provide relative to the enforcement of a regulation, decision, or order of the board; to authorize any court of competent jurisdiction to convert a final order of the board into a court order; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1135 is hereby amended and reenacted to read as follows:

§1135. Enforcement of regulation, decision, or order of the Board of Ethics

The Board of Ethics shall have the right to enforce any valid regulation, final decision, or final order of the Board of Ethics or the Ethics Adjudicatory Board in any court of competent jurisdiction in this state by a mandamus or injunction suit brought for that purpose. Any court of competent jurisdiction in this state shall have authority to convert a valid final decision or final order into a court order, upon receipt from the Board of Ethics of a rule to show cause for that purpose.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 419

SENATE BILL NO. 497
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 19:139(A) and (D), relative to the city of Lafayette and parish of Lafayette; to provide for the expropriation of certain property; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 19:139(A) and (D) are hereby amended and reenacted to read as follows:

§139. City of Lafayette and parish of Lafayette; Kaliste Saloom Road Widening Project or drainage, road, or bridge projects; acquisition of property prior to judgment; definitions

A. When the governing authority cannot amicably acquire property needed by the city of Lafayette and the parish of Lafayette for the Kaliste Saloom Road Widening Project or the construction, repair, or enhancement of drainage, roads, or bridges, it may acquire the same by expropriation and may acquire the property prior to judgment in the trial court fixing the amount of compensation due to the owner of the property.

D. As used in this Part, the term "property" means any portion of immovable property, including servitudes, rights-of-way, and other rights in or to immovable property; the term "governing authority" means the city of Lafayette and the Kaliste Saloom Road Widening Project or the construction, repair, or enhancement of drainage, roads, or bridges.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 420

SENATE BILL NO. 518
BY SENATOR APPEL
AN ACT

To amend and reenact R.S. 33:9091.24(F)(7), relative to the University Neighborhood Security and Improvement District in the parish of Orleans; to provide for the collection of proceeds of fees; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.24(F)(7) is hereby amended and reenacted to read as follows:

§9091.24. University Neighborhood Security and Improvement District

F. (7) The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the Orleans Parish Sheriff Department of Finance for the City of New Orleans

THE ADVOCATE

* As it appears in the enrolled bill
To amend and reenact R.S. 38:3304(A) and to enact R.S. 38:3304(C), relative to the Amite River Basin Drainage and Water Conservation District, to provide for meetings of the board; to require compliance with the Open Meetings Law; to provide for the location of the meetings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3304(A) is hereby amended and reenacted and R.S. 38:3304(C) is hereby enacted to read as follows:

§3304. Meetings of board; quorum; officers; removal of commissioners; salaries and expenses.

A. A majority of the commissioners shall constitute a quorum to do business. They shall organize and elect a president and a vice president from their members and such other officers as the board deems necessary. They shall appoint a secretary and an attorney. They shall designate the time and select the place for holding their regular sessions, which may be convened at any time upon call of the president or upon call of two of the commissioners, but the board shall meet at least quarterly. All meetings of the board shall be held at a meeting space located in a public building and open to the public for the purposes of the meetings. The location of the meetings shall be rotated among public buildings in Ascension, East Baton Rouge, and Livingston parishes.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 421
SENNATE BILL NO. 539
BY SENATORS LAMBERT AND ERDEY
AN ACT
To amend and reenact R.S. 38:3304(A) and to enact R.S. 38:3304(C), relative to the Amite River Basin Drainage and Water Conservation District; to provide for meetings of the board; to require compliance with the Open Meetings Law; to provide for the location of the meetings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3304(A) is hereby amended and reenacted and R.S. 38:3304(C) is hereby enacted to read as follows:

§3304. Meetings of board; quorum; officers; removal of commissioners; salaries and expenses.

A. A majority of the commissioners shall constitute a quorum to do business. They shall organize and elect a president and a vice president from their members and such other officers as the board deems necessary. They shall appoint a secretary and an attorney. They shall designate the time and select the place for holding their regular sessions, which may be convened at any time upon call of the president or upon call of two of the commissioners. The salary of the secretary shall be fixed by the board.

C.(1) The board shall adhere to the Open Meetings Law, R.S. 42:11 et seq. The board shall operate under Robert’s Rules of Order.

(2) The board shall designate the time and select the place for holding its regular sessions, which may be convened at any time upon call of the president or upon call of two of the commissioners, but the board shall meet at least quarterly. All meetings of the board shall be held at a meeting space located in a public building and open to the public for the purposes of the meetings. The location of the meetings shall be rotated among public buildings in Ascension, East Baton Rouge, and Livingston parishes.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 422
SENNATE BILL NO. 543
BY SENATOR LAMBERT
AN ACT
To amend and reenact Code of Civil Procedure Art. 3422, relative to small successions; to provide for related provisions; to provide for meetings of the board; to require compliance with the Open Meetings Law; to provide for the location of the meetings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 3422 is hereby amended and reenacted to read as follows:

Art. 3422. Court costs; compensation

In judicial proceedings under this Title, the following schedule of costs, compensation, and fees shall prevail:

1. Court costs for successions valued less than seventy-five thousand dollars shall be one-half the court costs in similar proceedings in larger successions, but the minimum costs in any case shall be five dollars; and

2. The compensation of the successional representative shall be not more than five percent of the gross assets of the succession.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 423
SENNATE BILL NO. 29
BY SENATOR MILLS
AN ACT
To amend and reenact R.S. 22:1006.1(A)(4) and (B) and R.S. 46:460.33 and to enact R.S. 22:1006.1(C), (D), and 1651(J), relative to a single uniform prescription drug prior authorization form; to provide for applicability to health insurance issuers and Medicaid managed care organizations; to provide for promulgation of the form by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners; to provide for the authority to impose sanctions pursuant to current regulatory and contract authority; to provide for licensure requirement; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1006.1(A)(4) and (B) are hereby amended and reenacted and R.S. 22:1006.1(C), (D), and 1651(J) are hereby enacted to read as follows:

§1006.1. Prior authorization forms required; criteria

A. As used in this Section:

1. * * *

4. “Prior authorization form” shall mean a standardized, uniform application developed by a health insurance issuer, single uniform prescription drug prior authorization form used by all health insurance issuers, including any health insurance issuer pharmacy benefit managers, for the purpose of obtaining prior authorization of prescription drug benefits.

B. Notwithstanding any other provision of law to the contrary, in order to establish uniformity in the submission of prescription drug prior authorization forms, on and after January 1, 2019, a health insurance issuer shall utilize only a single, standardized prior authorization uniform prescription drug prior authorization form for obtaining prior authorization for prescription drug benefits. The requirement for a single uniform prescription drug prior authorization form shall not apply to prior authorization of specialty drugs or in cases where electronic prescriptions are utilized. The form shall not exceed two pages in length, excluding any instructions or guidance documentation. The only form allowable for use shall be the form jointly promulgated by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners. A health insurance issuer may include issuer specific information on the form, including but not limited to the issuer’s name, address, logo, and other contact information for the issuer. A health insurance issuer may make the form accessible through multiple computer operating systems. Additionally, the health insurance issuer shall submit its single uniform prescription drug prior authorization forms to the Department of Insurance to be kept on file on or after January 1, 2013. A copy of any subsequent replacements or modifications of a health insurance issuer’s prior authorization form shall be filed with the Department of Insurance within fifteen days prior to use or implementation of such replacement or modification.

C. The Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners shall promulgate rules and regulations prior to January 1, 2019, that establish the form that shall be utilized by all health insurance issuers. The boards may consult with the health insurance issuers, Medicaid managed care organizations, Louisiana Department of Health, and Department of Insurance as necessary in development of the prior authorization form.

D. The Department of Insurance, under its authority in this Title, shall assess sanctions against any health insurance issuer that directly, or through its pharmacy benefit managers, utilizes any prescription drug prior authorization form other than the single uniform prescription drug prior authorization form provided for in this Section.

E. The single uniform prescription drug prior authorization form provided for in this Section shall be the same as provided for in R.S. 46:460.33.

§460.33. License required

A. There shall be a single uniform prescription drug prior authorization form used by all Medicaid managed care organizations, including any Medicaid managed care organization pharmacy benefit managers. The requirement for a single uniform prescription drug prior authorization form shall not apply to prior authorization of specialty drugs or in cases where electronic prescriptions are utilized. All managed care organizations shall accept, in addition to any currently accepted electronic and electronic prior authorization forms, a standardized single uniform prescription drug prior authorization form, not to exceed two pages, excluding any instructions or guidance documentation, that has been jointly promulgated by the department, Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners in accordance with the Administrative Procedure Act. A Medicaid managed care organization may include organization specific information on the form, including but not limited to the organization’s name, address, logo, and other contact information for the organization. A health care provider may submit the prior authorization form electronically if the Medicaid managed care organization allows for submission of the form in this manner.

B. The Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners shall promulgate rules and regulations prior to January 1, 2019, that establish the form which shall be utilized by all Medicaid managed care organizations. The department boards may consult with the health insurance issuers, Medicaid managed care organizations, Louisiana Department of Health, and Department of Insurance as necessary in development of the prior authorization form.

C. Pursuant to its contract with any Medicaid managed care organization, the department shall assess sanctions against any Medicaid managed care organization that directly or through its pharmacy benefit managers, utilizes any prescription drug prior authorization form other than the single uniform prescription drug prior authorization form provided for in this Section.

D. The single uniform prescription drug prior authorization form provided for in this Section shall be the same as provided for in R.S. 22:1006.1.

Section 3. The provisions of this Section and Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for the governor to veto, then the signatures of one or more laws and any veto by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Section and Section 1 of this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE
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The registrar shall prepare a supplemental list, arranged alphabetically by precinct, of the names of all persons from whom absentee ballots by mail have been received after the last day for early voting and before election day. The registrar shall deliver the supplemental list for each precinct to the parish custodian. The parish custodian shall then deliver the supplemental list for each precinct to the deputy parish custodian appointed for that precinct when the key envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure that the list is reliable for inspection by members of the public at the principal office of the registrar when the office is open and retain a copy of the supplemental list for use by the parish board of election supervisors on election night and shall post a copy of the supplemental list in a conspicuous place accessible to the public at the entrance to his office.

The commissioners at the polling place shall use the supplemental list provided for in Subsection C Paragraph (A)(2) of this Section to ensure that persons who have voted absentee by mail do not vote in person at the polls on election day. Approved by the Governor, May 23, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 426

HOUSE BILL NO. 261
BY REPRESENTATIVE MARINO AND SENATOR CARTER

To amend and reenact R.S. 14:285(A)(1), (2), (4), and (5) and to enact R.S. 14:285(E), relative to unlawful telephone and telecommunications device communications; to prohibit the use of any telecommunications device to send certain types of communications; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:285(A)(1), (2), (4), and (5) and (B) and (E) is hereby amended and reenacted and R.S. 14:285(E) is hereby enacted to read as follows:

§285. Telephone Unlawful communications: telecommunications and telecommunications devices; communications; improper language; harassment; penalty

A. No person shall:
(1) Engage in or institute a telephone call, telephone conversation, or telephone conference, with another person, or use any telecommunications device to send any text message or other message containing obscene language or any obscene or graphic description of a sexual act, and
(2) The registrar shall allow this to be done by hand or otherwise, if so requested, unless such reproduction seriously interferes with the registration of voters or otherwise seriously interferes with the performance of the duties imposed on his office by law. In such instances, the registrar shall cause his employees to make copies of the requested records or print the information electronically, if the electronic copy contains the same information, and deliver them to the voters or request the secretary of state to reproduce such records which may then be forwarded to the registrar for delivery to the voters. Copying by the registrar or his employees or the secretary of state or printing an electronic copy shall be done in the presence of the requesting person or a representative of the requesting voters, if they so request.

B. The registrar shall keep a list containing the names of all persons who vote by early voting ballot during early voting and of those whose absentee ballots by mail have been received. He shall post this list in a conspicuous place accessible to the public at the entrance to his office. The registrar shall ensure that the list is available for inspection by members of the public at the principal office of the registrar when the office is open. After the last day for early voting, the registrar shall prepare a list, arranged alphabetically by precinct, of the names of all persons who have voted during early voting or from whom absentee ballots by mail were received on or before the last day for early voting. The registrar shall ensure that the list is available for inspection by members of the public at the principal office of the registrar when the office is open and retain a copy of the list for use by the parish board of election supervisors on election night and shall post a copy of the list in a conspicuous place accessible to the public at the entrance to his office.

THE ADVOCATE

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As it appears in the enrolled bill
To amend and reenact R.S. 14:43.5, relative to the crime of intentional exposure to the human immunodeficiency virus, to provide for the elements of the offense; to provide for definitions; to provide for affirmative defenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:43.5 is hereby amended and reenacted to read as follows:

§43.5. Intentional exposure to AIDS virus HIV.
A. No person shall intentionally expose another to any recognized immunodeficiency syndrome (AIDS) virus HIV through sexual contact without the knowing and lawful consent of the victim, if at the time of the exposure the infected person knew he was HIV positive.
B. No person shall intentionally expose another to any recognized immunodeficiency syndrome (AIDS) virus HIV through any means or contact without the knowing and lawful consent of the victim, if at the time of the exposure the infected person knew he was HIV positive.
C. No person shall intentionally expose a police officer first responder to any AIDS virus HIV through any means or contact without the knowing and lawful consent of the police officer first responder when the offender knows at the time of the offense that he is HIV positive, and has reasonable grounds to believe the victim is a police officer first responder acting in the performance of his duty.
D. For purposes of this Section, the following words have the following meanings:
(1) “Means or contact” is defined as spitting, biting, stabbing with an AIDS contaminated object, or throwing of blood or other bodily substances.
(2) “Police officer: “First responder” includes a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, and probation and parole officer, any emergency medical services practitioner as defined by R.S. 40:1131, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state.
E.(1) Whoever commits the crime of intentional exposure to AIDS virus HIV shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than ten years, or both.
(2) Whoever commits the crime of intentional exposure to AIDS virus HIV against a police officer first responder shall be fined not more than six thousand dollars, imprisoned with or without hard labor for not more than eleven years, or both.
F.(1) It is an affirmative defense, if proven by a preponderance of the evidence, that the person exposed to HIV knew the infected person was infected with HIV, knew the action could result in infection with HIV, and gave consent to the action with that knowledge.
(2) It is also an affirmative defense that the transfer of bodily fluid, tissue, or organs occurred after advice from a licensed physician that the accused was noninfectious, and the accused disclosed his HIV-positive status to the victim.
(3) It is also an affirmative defense that the HIV-positive person disclosed his HIV-positive status to the victim, and took practical means to prevent transmission as advised by a physician or other healthcare provider who was following professionally accepted infection control procedures.

Approved by the Governor, May 23, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 428

BY REPRESENTATIVE CHAD BROWN
AN ACT
To amend and reenact R.S. 27:402(15), relative to video draw poker devices; to provide with respect to persons who repair, service, inspect, or examine video draw poker devices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(15) is hereby amended and reenacted to read as follows:

§402. Definitions
As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:
A. “Service entity” means any person other than a distributor or device owner who repairs, services, inspects, or examines video draw poker devices in the presence of a device owner or owner’s employee.

Approved by the Governor, May 23, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

ACT No. 429

BY REPRESENTATIVE TERRY BROWN
AN ACT
To amend and reenact R.S. 3:563, 564, 734(A) and (B)(1), 735, 2092(B), and 2093(5) through (11) and to enact R.S. 3:561(6) and 2093(12) and (13), relative to market agency and livestock dealer permits; to provide for permits; to provide for the authority of the Louisiana Board of Animal Health; to provide for criteria to deny, revoke, or suspend permits; to provide for records; to provide for inspectors; to provide for prohibited activities; to provide for violations and penalties; to provide for the authority of the commissioner of agriculture; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:563, 564, 734(A) and (B)(1), 735, 2092(B), and 2093(5) through (11) are hereby amended and reenacted and R.S. 3:561(6) and 2093(12) and (13) are hereby enacted to read as follows:

§561. Definitions
As used in this Part, the following terms shall have the following meanings ascribed to them:

(6) “Board” means the Louisiana Board of Animal Health.

§563. Dealers to obtain permit
A.(1) All market agencies and livestock dealers shall secure an annual permit from the Louisiana Board of Animal Health for the privilege of conducting business.
(2) It shall be a violation of this Part to operate as a market agency or livestock dealer without a permit from the Louisiana Board of Animal Health.
(3) The provisions of this Part shall not apply to farmers or other actual producers of the livestock who offer it for sale either at public stockyards or at a privately owned sales pen or concentration point.

B. Any person seeking to be permitted as a livestock dealer or market agency shall apply for a permit annually on a form prescribed by the board.
C. The board may deny, revoke, or suspend any permit for any of the following reasons:
(1) Material misstatement in the application for the original permit, or in the application to renew a permit pursuant to this Part.
(2) Violation of this Part or of a rule or order of the board.
(3) Allowing a permit issued pursuant to this Part to be used by an unpermitted person.
(4) Conviction of a crime, an essential element of which is misstatement, fraud, or dishonesty.
(5) Violation of any law or regulation of another state or of the United States that is materially similar to a substantive provision of this Part or a rule of the board.
(6) Suspension or other disciplinary action taken by the secretary of the United States Department of Agriculture pursuant to the Packers and Stockyards Act of 1921, 7 U.S.C. 181 through 292, as amended, if it appears that the applicant or permittee committed or participated in the violation covered by the disciplinary action.
(7) Failure to possess the qualifications determined by the board to be necessary for, or failing to meet the requirements of, this Part for the issuance or holding of a permit.
(8) Any unpaid fines, fees, or penalties imposed by the board.

D. Proceedings for the denial, revocation, or suspension of a permit pursuant to the authority of this Part shall be conducted in compliance with the board’s rules, regulations, and procedures and in accordance with the Administrative Procedure Act.
E. The board may require a person against whom disciplinary action has been taken to pay the reasonable costs incurred by the board for any hearing or proceeding, including its legal fees and stenographer, investigator, witness fees, and any costs and fees incurred by the board on any judicial review appeal.

§564. Records of sales and purchases
A. Each market agency shall keep complete records of all sales and purchases for each period of twelve months. The record shall consist of the name and address of the seller, the number of the sales tag of the animal, the permanent identification number of any brucellosis test-eligible animal, the weight and price of the animal, and the name and address of the purchaser.
B. Each livestock dealer shall keep complete records of all sales and purchases for each period of twelve months. The record shall consist of the name and address of the seller, the permanent identification number of any brucellosis test-eligible animal, the weight and price of the animal, and the name and address of the purchaser.

§734. Livestock brand inspectors
A. Livestock brand inspectors employed by the commissioner and the director and assistant director and commissioners of the commission shall be commissioned by the Department of Public Safety and Corrections and, for the purposes of this Part, shall have the same power and authority as is vested in the state police. Inspectors shall have general jurisdiction throughout the state to enforce the provisions of the Louisiana Criminal Code as set forth in Paragraph (B)(1) of this Section, this Part, and the rules and regulations adopted under pursuant to the provisions of this Part.
B. Personnel of the commission who are commissioned peace officers shall be under the direction, control, and supervision of the commissioner and shall have the following powers and duties:
(1) To provide for the protection of the assets and property of the Department of Agriculture and Forestry, and to enforce the rules and regulations pertaining to the Louisiana Board of Animal Health adopted pursuant to Part I of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, as authorized in R.S. 3:2093, to enforce all of the provisions of this Part, and the rules and regulations adopted under pursuant to the provisions of this Part in the Louisiana Criminal Code relating to the theft of animals, the illegal branding or marking of animals, the disposition of strayed animals, the theft of any farm machinery, equipment, or supplies, and to perform such duties with respect to any other farm-related crime.

§735. Use of unrecorded brand or mark prohibited
A. No person shall use any brand or mark for branding or marking animals unless the brand or mark is recorded with the commission.
B. No person shall intentionally offer livestock for sale without providing the true and legal name and address of the owner of the livestock for the purpose of livestock theft or violation of a quarantine issued by the Louisiana Board of Animal Health.

§2092. Officers and employees

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* As it appears in the enrolled bill
The Louisiana Board of Animal Health shall have the following powers and duties:

(5) To issue cease and desist orders when a violation that is endangering or causing significant damage to animal health or commerce is occurring or is about to occur.

(2) To institute civil proceedings seeking injunctive relief to restrain and prevent violations of the laws or of administrative rules administered or enforced by the board.

(9) To impose penalties for violations of the laws and administrative rules administered and enforced by the board as follows:

(a) Civil penalties of up to one thousand dollars for each violation of the laws and administrative rules administered and enforced by the board. Each day on which a violation occurs shall be considered a separate offense.

(b) Issuance of a public or private letter of reprimand or concern.

(c) Restitution of the department's costs and expenses in connection with the enforcement of this Part.

(10) To advise the state Department of Agriculture and Forestry, the United States Department of Agriculture, and the legislature with respect to all phases of the meat industry in Louisiana, including but not limited to the slaughtering and processing of meat and the implementation of the Federal Meat Inspection Act, the Federal Poultry Products Inspection Act, and the state meat inspection program.

(11) To adopt such rules and regulations as may be necessary to monitor compliance with the prohibition against tampering with livestock at a public livestock exhibition as set forth in R.S. 14:102.1(B)(2).

(12) To adopt such rules and regulations as may be necessary to establish standards governing the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry breeds, kept, maintained, raised, or used for show, profit, or for the purpose of selling or otherwise producing crops, animals, or plant or animal products for market. The board shall consider the following when adopting the standards:

(a) The health and husbandry of the bovine, equine, ovine, caprine, porcine, and poultry.

(b) Generally accepted farm management practices.

(c) Generally accepted veterinary standards and practices.

(d) The economic impact the standards may have on bovine, equine, ovine, caprine, porcine, and poultry farmers, the affected bovine, equine, ovine, caprine, porcine, and poultry sectors, and consumers.

(13) To assess penalties pursuant to an administrative hearing conducted in accordance with the Administrative Procedure Act. The board may institute civil proceedings to enforce its rulings in the district court for the parish in which the violation occurred.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

Act No. 431

HOUSE BILL NO. 440
BY REPRESENTATIVE HODGES AND SENATOR BARROW

AN ACT

To amend and reenact Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1) and (B)(1), relative to the substance abuse probation program; to provide for counseling and treatment for defendants with substance abuse disorders and mental illness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1) and (B)(1) are hereby amended and reenacted to read as follows:

Art. 903. Substance abuse probation program; authorization

B. The program shall provide substance abuse counseling and treatment for defendants with substance abuse disorders, or defendants with co-occurring mental illness and substance abuse disorders, who are sentenced to substance abuse probation pursuant to the provisions of Article 903.2.

C. The department may enter into cooperative endeavors or contracts with the Department of State of Human Services, local governmental entities or the office of behavioral health, training facilities, and service providers to provide for substance abuse treatment and counseling and mental health treatment for defendants participating in the program.

Art. 903.2. Substance abuse probation; sentencing

A. Notwithstanding any other provision of law to the contrary, a court shall suspend a sentence and order an eligible defendant to participate in a substance abuse probation program provided by the department pursuant to Article 903 if the district attorney agrees that the defendant should be sentenced to a substance abuse probation and the court finds all of the following:

(1) The court has reason to believe that the defendant suffers from an addiction to a controlled dangerous substance or any other mental health disorder.

B.(1) The court shall order the department to assign an authorized evaluator to prepare a suitability report. The suitability report shall delineate the nature and degree of the treatment necessary to address the defendant's drug or alcohol dependency or addiction or mental health disorder, the reasonable availability of such treatment, and the defendant's appropriateness for the program. The district attorney and the defendant's attorney shall have an opportunity to provide relevant information to the evaluator to be included in the report.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

Act No. 432

HOUSE BILL NO. 447
BY REPRESENTATIVE JAY MORRIS AND SENATOR ALARIO

AN ACT

To amend and reenact R.S. 36:701(D)(1) and 704, to enact R.S. 49:191(11), and to repeal R.S. 49:191(8)(k), relative to the Department of Justice, including provisions to provide for the re-creation of the Department of Justice and the statutory entities made a part of the department by law and for the structure of the department; to provide for a federalism division of the department; to provide for the effective termination date for all statutory authority; 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 Justice and the statutory entities made a part of the department by law shall be re-created effective June 30, 2018, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Justice 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, 2025, pursuant to R.S. 49:191. However, the Department of Justice 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(11) is hereby enacted to read as follows:

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

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

(11) July 1, 2024:

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

Section 5. R.S. 36:701(D)(1) and 704 are hereby amended and reenacted to read as follows:

§701. Department of Justice; creation; domicile; purposes and functions

D.(1) The Department of Justice shall be composed of the executive office of the attorney general, the civil division, the public protection division, the criminal division, the investigation division, the litigation division, the gambling division, the federalism division, and the administrative services division. The executive office of the attorney general shall be
comprised of such personnel and organizational subunits as shall be necessary to carry out the functions of the attorney general as the executive head and chief administrative officer of the department, including legal services.  

§704. Divisions of the department; functions
A. Each division within the Department of Justice shall be under the immediate supervision of the attorney general, and the purposes for which the divisions of the Department of Justice are created shall be as set forth in this Section.
B. There shall be within the Department of Justice a public relations division. It shall be responsible for the department's media relations, public relations, and legislative relations. It shall be responsible for accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, grants management for the department, automated systems, governmental relations, and the collection of money owed to the state and its agencies, boards, and commissions.
C. There shall be within the Department of Justice an administrative services division. It shall be responsible for providing the full range of civil legal services requested by the officers and agencies of the state. The functions of the civil division shall include the assertion or protection of any right or interest of the state of Louisiana; legal representation of governmental officers, agencies, boards, or commissions; collection of money owed to the state of Louisiana and its agencies, boards, or commissions, construction claims and litigation on public works, and legal protection of state lands, water bottoms, and natural resources of the state.
D. There shall be within the Department of Justice a criminal division. It shall be responsible for criminal appeals, amicus curiae briefs in criminal prosecutions, habeas corpus defense, assistance to district attorneys in criminal cases, criminal prosecution, public corruption, institutional and insurance fraud cases, and extradition, in accordance with Article IV, Section 8 of the Constitution of Louisiana.
E. There shall be within the Department of Justice an investigation division. It shall be responsible for investigating alleged violations of the criminal laws of this state, conducting civil and special investigations, including investigations of public corruption, institutional and insurance fraud, and executive security.
F. There shall be within the Department of Justice a litigation division. It shall be responsible for providing legal representation for the state, its officers, agents, employees, boards, and commissions, pursuant to the provisions of Chapter 16A of Title 39.
G. There shall be within the Department of Justice a gaming division. It shall be responsible for providing legal representation, services, and staffing to gaming regulatory entities and agencies of the state as provided by law and such other functions and duties, related to gaming, as are assigned by the attorney general.
H. The duties and functions of the divisions shall be as provided in this Section and these duties and functions shall not be subject to change by the attorney general, except that the divisions shall perform such additional duties and functions as are assigned by the attorney general.
I. Whenever the attorney general determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing divisions, he shall present a plan therefor to the legislature for its approval by statute.

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, May 23, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 433

BY REPRESENTATIVES CARMODY, AMEEDE, BARRAS, BERTHELOT, CHAD BROWN, TERRY BROWN, CHANEY, COUSSAN, COX, CREWS, EDMONDS, FALCONER, HAVARD, HENSGENS, HILFERTY, HOLLIS, HORTON, HOWARD, JACKSON, JEFFERSON, JORDAN, NANCY LANDRY, LYONS, MCAFARLAND, MIGUEZ, GREGORY MILLER, JIM MORRIS, PUGH, PYLANT, REYNOLDS, SEABAUGH, SMITH, AND THOMAS AND SENATOR THOMPSON

AN ACT

To enact Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1371 through 1376, relative to protecting eligible adults from financial exploitation; to provide for legislative intent; to provide for definitions; to provide for notices relative to covered financial institutions; to provide for the delay of financial transactions in instances of suspicion of financial exploitation; to provide for applicability; to provide for immunity; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:1371 through 1376, is hereby enacted to read as follows:  

CHAPTER 20. PROTECTION OF ELIGIBLE ADULTS FROM FINANCIAL EXPLOITATION

§1371. Legislative intent
It is the intent of the legislature in enacting this Chapter to allow covered financial institutions the discretion to take actions to assist in detecting and preventing financial exploitation without liability. The legislature recognizes that covered financial institutions are in a unique position by conducting financial transactions on behalf of and at the request of their customers. Covered financial institutions have duties imposed by contract and duties imposed by both federal and state law to conduct financial transactions requested by their customers faithfully and timely in good faith, and the customer’s request. Further, covered financial institutions do not have a duty to contravene the valid instructions of their customers, nor to prevent criminal activity directed at their customers, and nothing in this Chapter creates such a duty.

§1372. Definitions
As used in this Chapter, the following terms and phrases have the meanings hereinafter ascribed to them:
(1) “Adult protection agency” has the same meaning as defined in R.S. 15:1503.
(2) “Covered agency” means any of the following:
(a) Any federal, state, or local law enforcement agency.
(b) An adult protection agency.
(3) “Covered financial institution” means any bank, credit union, savings bank, savings and loan association, or trust company operating in Louisiana.
(4) “Eligible adult” means any of the following:
(a) Any person sixty years of age or older.
(b) Any person subject to the Adult Protective Services Act as provided in R.S. 15:1501 et seq.
(5) “Financial exploitation” means any of the following:
(a) The wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, benefits, or property by deception, intimidation, or undue influence.
(b) Any act or omission committed by a person in a representative capacity through trust, power of attorney, act of procuration, contract of mandate, or letters of curatorship of an eligible adult, or by any other means, for any of the following purposes:
(i) Obtaining control over, or depriving an eligible adult of ownership, use, benefit, or possession of his money, assets, or property by deception, intimidation, or undue influence.
(ii) Converting money, assets, or property of an eligible adult.
(6) “Financial transaction” means any of the following as applicable to services provided by a covered financial institution:
(a) A transfer or request to transfer or disburse funds or assets in an account.
(b) A request to initiate a wire transfer, initiate an automated clearing house (ACH) transfer, or issue a money order, cashier’s check, or official check.
(c) A request to negotiate a check or other negotiable instrument.
(d) A request to change the ownership of, or access to an account.
(e) A request to sell or transfer securities or other assets, or a request to affix a Medallion Stamp or provide any form of guarantee or endorsement in connection with an attempt to sell or transfer securities or other assets, if the person selling or transferring the securities or assets is not required to register pursuant to Louisiana Securities Law as provided in R.S. 51:701 et seq.
(f) A request for a loan, extension of credit, or draw on a line of credit.
(g) A request to encumber any movable or immovable property.
(h) A request to designate or change the designation of beneficiaries to receive any property, benefit, or interest right on the eligible adult’s death.

§1373. Notices
A. A covered financial institution may notify any covered agency if the covered financial institution believes that the financial exploitation of an eligible adult is occurring, has or may have occurred, or is being attempted, or has been, or may have been.
B. A covered financial institution may notify any third party reasonably associated with the eligible adult if the covered financial institution believes that the financial exploitation of an eligible adult is occurring, has or may have occurred, or is being attempted, or has been, or may have been attempted. A third party reasonably associated with the eligible adult includes but is not limited to all of the following:
(1) A parent, spouse, adult child, sibling, or other known family member or close associate of an eligible adult.
(2) An authorized contact provided by the eligible adult to the covered financial institution.
(3) A co-owner, additional authorized signatory, or beneficiary on the eligible adult’s account.
C. A covered financial institution may choose not to notify any third party reasonably associated with the eligible adult of suspected financial exploitation of the eligible adult, if the covered financial institution believes such third party is, may be, or may have been engaged in
financial exploitation of the eligible adult.

D. A covered financial institution shall make a reasonable effort, at least annually, to notify all employees of the covered financial institution of their ability to report potential financial exploitation of an eligible adult to personnel within the covered financial institution.

§1374. Delaying financial transactions
A. A covered financial institution may, but is not required to, delay completion or execution of a financial transaction involving an account of an eligible adult, an account on which an eligible adult is a beneficiary, or an account of a person suspected of perpetrating financial exploitation if either of the following conditions apply:
(1) The covered financial institution reasonably believes that the requested financial transaction may result in financial exploitation of an eligible adult.
(2) The covered financial institution determines that delaying a financial transaction pursuant to this Subsection is in the best interests of the account and the eligible adult.

B. If a covered financial institution determines to delay a financial transaction pursuant to Subsection A of this Section, the covered financial institution shall, no later than two business days after the financial transaction is delayed, send written notification of the delay and the reason for the delay to all parties authorized to transact business on the account for which the covered financial institution has contact information, unless any such party is reasonably believed to have engaged in attempted financial exploitation of the eligible adult. The notification described in this Subsection may be provided by electronic means.

C. If a covered financial institution delays a financial transaction pursuant to Subsection A of this Section, the covered financial institution may provide notification of the delay, the reason for the delay, and any additional information about the financial transaction to any covered agency.

D. Except as ordered by a court, a covered financial institution is not required to delay a financial transaction when provided with information by a covered agency alleging that financial exploitation is occurring, has or may have occurred, or is being attempted, or has been, or may have been attempted.

E. If a covered financial institution determines to delay a financial transaction pursuant to Subsection A of this Section, the covered financial institution shall, no later than two business days after the financial transaction is delayed, send written notification of the delay and the reason for the delay to all parties authorized to transact business on the account for which the covered financial institution has contact information, unless any such party is reasonably believed to have engaged in attempted financial exploitation of the eligible adult. The notification described in this Subsection may be provided by electronic means.

§1375. Applicability of other laws
Notwithstanding the provisions of R.S. 6:333 or any other law to the contrary, a covered financial institution may act in accordance with the provisions of this Chapter.

§1376. Immunity
A. (1) A covered financial institution and its directors, officers, employees, attorneys, accountants, agents, and other representatives shall have no duty to act pursuant to this Chapter or otherwise to protect an eligible adult from financial exploitation by a third person.

B. A covered financial institution and its directors, officers, employees, attorneys, accountants, agents, and other representatives shall be immune from all criminal, civil, and administrative liability for not taking action pursuant to this Chapter.

C. (1) A covered financial institution and its directors, officers, employees, attorneys, accountants, agents, or other representatives who choose to act pursuant to the authority granted in this Chapter shall be immune from all criminal, civil, and administrative liability for any act taken pursuant to this Chapter, unless such act of the financial institution or its representatives was grossly negligent and caused pecuniary loss to the eligible adult who was suspected of being a victim of financial exploitation.

B. No claim shall be brought against any covered agency or the state of Louisiana in connection with the receipt of or response to any notice of financial exploitation.

C. The immunity provided for in this Section shall not extend to any individual in a case where such individual is a principal, conspirator, or an accessory after the fact to a criminal victim of financial exploitation.

D. If a covered agency provides information alleging that financial exploitation is occurring, has or may have occurred, or is being attempted, or has been, or may have been attempted, the covered agency may request that a covered financial institution provide notification of the delay and the reason for the delay to all parties authorized to transact business on the account for which the covered financial institution has contact information, unless any such party is reasonably believed to have engaged in attempted financial exploitation of the eligible adult.

E. Except as provided in Subsection F of this Section, any delay of a financial transaction as authorized pursuant to this Section shall expire or be terminated when the earliest of any of the following circumstances occur:
(1) The covered financial institution reasonably determines that the financial transaction will not result in financial exploitation of the eligible adult.
(2) Fifteen business days pass from the date on which the covered financial institution first initiated the delay of the financial transaction.

F. A covered financial institution may extend the delay provided for in Subsection E of this Section upon receiving a request to extend the delay from any covered agency, in which case the delay shall expire or be terminated no later than twenty-five business days from the date on which the covered financial institution first initiated the delay of the financial transaction.

G. A court of competent jurisdiction may enter an order extending or shortening a delay, or orders, on motion of any party in the petition of the covered financial institution, any covered agency, or any interested party.

H. Except as provided in Subsection J of this Section, any delay of a financial transaction as authorized pursuant to this Section shall expire or be terminated by the earliest of any of the following circumstances:
(1) The covered financial institution reasonably determines that the financial transaction will not result in financial exploitation of the eligible adult.
(2) Fifteen business days pass from the date on which the covered financial institution first initiated the delay of the financial transaction.

I. A covered financial institution may extend the delay provided for in Subsection E of this Section upon receiving a request to extend the delay from any covered agency, in which case the delay shall expire or be terminated no later than twenty-five business days from the date on which the covered financial institution first initiated the delay of the financial transaction.

J. A court of competent jurisdiction may enter an order extending or shortening a delay, or orders, on motion of any party in the petition of the covered financial institution, any covered agency, or any interested party.

§782. Purposes; Jurisdiction; jurisdiction and authority of the commission
A. The Louisiana Used Motor Vehicle Commission is created for the purpose of developing and advancing the independent used motor vehicle industry, promoting and stimulating its businesses, and encouraging fair business practices to strive for fair competition. The commission shall endeavor to protect consumers from the practices and conditions which are disadvantageous to them. The commission shall endeavor to protect dealers and consumers in dispute resolution, and promote fair competition. The commission shall endeavor to encourage, to develop, and to implement enforcement and administration of all laws designed to protect the interest of the public. The purpose of the Used Motor Vehicle Commission is to enhance the knowledge and competence of used motor vehicle dealers, their salespersons, and service personnel for the benefit of the public. The commission may approve any for-profit educational programs that enhance the knowledge and competence of used motor vehicle dealers, their salespersons, and service personnel for the benefit of the public.

B. The provisions of this Chapter shall not apply to any person, partnership, corporation, limited liability company, or other entity that is licensed or regulated by the Louisiana Motor Vehicle Commission. Any provision of this Chapter conflicts with any provision of Chapter 6 of this Title, the provisions of Chapter 6 of this Title shall prevail.

C. The commission shall provide educational seminars; to provide for effectiveness; and to provide for related matters.

D. As used in this Chapter:
(1) “Motor vehicle” means any motor-driven car, van, or truck required to be registered pursuant to the Vehicle Registration License Tax Law, R.S. 47:451 through 47:805, which is used or designed to be used for the transporting of passengers or goods for private, commercial, or for-hire purposes including but not limited to motor homes, motorcycles, all terrain vehicles, recreational vehicles, travel trailers, boat trailers, ambulances, buses, fire trucks, conversion vehicles, wrecker, sanitarians, hearses, and marine motor vehicles.
(2) “Used motor vehicle” means any motor vehicle manufactured for off-road use and issued a manufacturer’s statement of origin or record, either as required by the Louisiana Motor Vehicle Commission, that cannot be issued a registration certificate and license to operate on the public roads of this state because, at the time of manufacture, the vehicle does not meet the safety requirements prescribed by R.S. 32:1401 through 32:1410 which is used or designed to be used for the transporting of passengers or goods for public, private, commercial, or for-hire purposes including but not limited to motor homes, motorcycles, all terrain vehicles, recreational vehicles, travel trailers, boat trailers, ambulances, buses, fire trucks, conversion vehicles, wrecker, sanitarians, hearses, and marine motor vehicles.
(3) “Rent-to-own dealer” as defined in R.S. 32:793(A)(6) or renting on a daily basis used motor vehicles as authorized by R.S. 32:781(13)(a)(ii).
(4) “Used vehicle dealer” as defined in R.S. 32:781.
(5) “Used vehicle crusher” as defined in R.S. 32:781.
(6) “Application for license; fee; renewal; fees; educational seminar; bond requirements; liability insurance; salesperson’s license; location of business
(7) “Motor vehicle required to be registered that

ACT No. 435

BY REPRESENTATIVE SHADOOD AND SENATOR WALSWORTH

AN ACT
To amend and reenact R.S. 32:781(5), 782, 784(A)(introdductory paragraph) and (5), 791(B)(3)(b), 792(B)(16), and 801, to enact R.S. 32:783(F)(10), 784(A)(7) and (8), 782(B)(19), and 795 and to repeal R.S. 32:783(F)(3) and 784(B)(4), relative to the regulation of used motor vehicles; to amend definitions; to provide for the purpose of the Used Motor Vehicle Commission; to provide for the powers and duties of the commission; to provide for certain prohibitions and unlawful acts; to amend certain laws relating to the definition and regulation of motor vehicles; to amend certain laws relating to the definition and regulation of motor vehicles; to provide for educational seminars and required procedures; to provide for exceptions; to repeal relative to dealer sales and certain educational seminars; to provide for effectiveness; and to provide for related matters.

Approved by the Governor, May 23, 2018.

A true copy

Kyle Ardoin
Secretary of State

THE ADVOCATE PAGE 188
§792. Denial, revocation, or suspension of license; * * *

B. The commission may revoke or suspend a license, issue a fine or penalty, or enjoin a used motor vehicle dealer, dealer in used parts or used accessories of motor vehicles, used motor vehicle auctioneer, or salesperson for any of the following conduct:

(16) Violating any provision of this Chapter, any rule or regulation adopted by the commission, or any provision of law not administered by the Louisiana Motor Vehicle Commission, relating to the proper disposition of certificates of title or permits to return in connection with the purchase or sale of any used motor vehicle transaction between a used motor vehicle dealer and a consumer. * * *

(19) Selling a used motor vehicle either with a waiver of warranties or "as is" without completing and providing to the purchaser a buyers guide if required by the Federal Trade Commission. * * * * *

§795. Educational seminars; authority; initial license application seminar; renewal application seminar; exceptions

A. The commission has authority to do all of the following:

(1) Require both initial applicants and licensees seeking a renewal of their licenses, pursuant to R.S. 32:791, to attend educational seminars.

(2) Promulgate and adopt any rule for establishing educational seminar curriculum, requiring certain materials to be used, employing any person, and incurring any expense necessary to administrate the seminars.

(3) Require seminar attendees to complete a test comprised of ten questions approved by the commission and to obtain a minimum score of seventy percent in order to receive credit for satisfactory completion of the seminar.

(4) Require that an initial license application seminar shall not exceed six hours in length and require that a renewal application seminar shall not exceed four hours in length.

(5) Approve and create a uniform certificate to be issued upon satisfactory completion of an educational seminar.

B. Each initial license application shall be accompanied by a certificate issued by the commission, as described in Subsection D of this Section, documenting that a minimum of one owner, partner, officer, or local dealership manager of the dealer applicant has completed an educational seminar. For each initial license application seminar, the seminar shall include materials from the Department of Public Safety and Corrections, office of motor vehicles, the Department of Revenue, and any other information the commission deems necessary to educate attendees and their employees regarding compliance with the law.

C. Each licensee seeking to renew his license shall certify that the owner, partner, officer, or local dealership manager of the dealer has completed an educational seminar prior to filing the renewal application with the commission. Any renewal application and seminar certification shall be completed during the license period.

D. (1) The commission may approve any educational institution, private vocational school, correspondence school, or trade association that meets its requirements to conduct educational seminars as required by this Section.

(2) Any educational institution, private vocational school, correspondence school, or trade association approved pursuant to Paragraph (1) of this Subsection shall be reapproved by the commission every two years.

(3) Any educational institution, private vocational school, correspondence school, or trade association administering an educational seminar shall issue the uniform certificate of completion approved by the commission as required by Subsection A of this Section upon an attendee's satisfactory completion of the seminar.

E. Failure to satisfactorily complete an educational seminar as required by this Section is considered a violation of this Part.

F. Notwithstanding any other provision of this Section, this Section shall not apply to any licensee who does not sell or rent used motor vehicles to consumers.

§801. Definition

As used in this Part only: “Motor vehicle” means every automobile, motor home, motorcycle, all terrain vehicle, recreational vehicle trailer, boat trailer, semitrailer, tractor, and any other device which is self-propelled and drawn, in whole or in part, by any person or property, or may be propelled or drawn by any person or property except that it is not a motor vehicle if it is designed and used exclusively upon stationary rails or tracks, or if it is used as a member of a device which is so designed and used exclusively upon stationary rails or tracks.

Section 2. R.S. 32:783(F)(3) and 784(B) are hereby repealed in their entirety.

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

Approved by the Governor, May 23, 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 normal type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
To enact R.S. 33:5151(C), relative to health insurance coverage offered by parish governments to their employees and officials; to provide that the district public defender and his employees may participate in such insurance coverage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:5151(C) is hereby enacted to read as follows:

§5151. Power to contract for group insurance; premiums.

C.(1) For purposes of this Section, a district public defender and his employees may participate in any group health insurance program that the parish governing authority offers to its employees and officials.

(2) Any district public defender office that chooses to participate in the group health insurance program is responsible for the employer portion of the health insurance premium, unless paid for by the parish governing authority through a separate intergovernmental or cooperative endeavor agreement.

(3) The parish governing authority may in its discretion, pay public defender employee premiums.

To amend and reenact R.S. 25:373(B), (C), and (D) and 379.1(C) and (D) to provide for the adoption and ratification of the interstate corrections compact; to provide for legislative intent and the purpose of the compact; to provide for definitions; to authorize the state to contract with other party states for the confinement of inmates; to provide for the requirements of the contract; to provide for the rights of the states and inmates subject to the provisions of the compact; to provide for the duties of the receiving states; to provide relative to the receiving states' review of actions taken by the sending state; to provide for the acceptance of federal aid; to provide for effectiveness; to provide for withdrawal from and termination of the compact; to provide relative to the compact on other agreements or arrangements made with states that are not a part of the compact; to provide for the powers of the secretary of the Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:709(A), (B), (C), and (D) and Part II-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprising R.S. 15:771 through 780, is hereby enacted to read as follows:

§709. Prisoners convicted in other states and housed in Louisiana.

A. Except as provided by Part II-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, a prisoner convicted and sentenced to incarceration by a court in another state shall not be housed for the commission of that offense in a state correctional facility in Louisiana; however, nothing in this Section shall be construed to limit the prosecution, sentencing, or incarceration of any person for the commission of a criminal offense in the state of Louisiana.

B. Except as provided in R.S. 15:774, a prisoner convicted and sentenced to incarceration by a court in another state who is housed in a local jail or private correctional facility shall be housed in a local jail or private correctional facility located within the state where he was convicted and sentenced for release in that state.

C. Except as provided by Part II-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, a prisoner convicted and sentenced by another state shall not be housed in a local jail or private correctional facility if the prisoner would be classified as maximum custody by the Louisiana Department of Public Safety and Corrections classification procedure.

D. The Except as provided by Part II-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, the state where the prisoner was convicted and sentenced shall be responsible for the costs associated with returning the prisoner to that state.

PART II-A. INTERSTATE CORRECTIONS COMPACT

§771. Purpose and policy.

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment, and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and efficient economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

§772. Definitions.

As used in this compact, unless the context clearly requires otherwise:

(1) "Inmate" means a male or female offender who is committed under sentence to or confined in a penal or correctional institution.

(2) "Institution" means any penal or correctional facility, including but not limited to a facility for persons with a mental illness or intellectual disability, in which inmates as defined in Paragraph (1) of this Section may lawfully be confined.

(3) "Receiving state" means a state party to this compact to which an inmate is sent for confinement in another state in which conviction or court commitment was had.

(4) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(5) "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

§773. Contracts.

A. Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for the following:

B. Coordinated statewide watershed evaluations.

C. Each member shall serve until his successor is appointed and takes office.

D. Each appointed member shall be confirmed by the Senate and shall serve a term concurrent with that of the secretary of state; these members serving four-year terms shall serve terms concurrent with the governor. Each member shall serve until his successor is appointed and takes office.

E. Each appointed member shall be confirmed by the Senate and shall serve a term concurrent with that of the secretary of state; these members serving four-year terms shall serve terms concurrent with the governor. Each member shall serve until his successor is appointed and takes office.

F. Each appointed member shall be confirmed by the Senate and shall serve a term concurrent with that of the secretary of state; these members serving four-year terms shall serve terms concurrent with the governor. Each member shall serve until his successor is appointed and takes office.

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T. Each appointed member shall be confirmed by the Senate and shall serve a term concurrent with that of the secretary of state; these members serving four-year terms shall serve terms concurrent with the governor. Each member shall serve until his successor is appointed and takes office.
(1) The duration of the contract.
(2) Payments to be made to the receiving state by the sending state for inmate maintenance, except for the payment of any costs charged to an inmate's personal account. No inmate shall be charged for any such costs while in prison except as authorized by the law of the receiving state, and then only in accordance with the laws of the sending state. The sending state may provide adequate facilities for such hearing as may be conducted by the appropriate official of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide such hearing or hearings as prescribed by the sending state, or of the receiving state if authorized by the sending state. The record together with any recommendations of the hearing officials shall be transmitted to the official or officials before whom the hearing would have been held if it had taken place in the sending state.

E. Any inmate may be confined in an institution pursuant to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

F. Inmates confined in an institution pursuant to this compact shall at all times be subject to, and participate in, and derive any benefits or incur or be relieved of any obligations or have such disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

G. All inmates who may be confined in an institution pursuant to this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state. The receiving state shall provide adequate facilities for such hearing as may be conducted by the appropriate officials of the receiving state. The record together with any recommendations of the hearing officials shall be transmitted to the official or officials before whom the hearing would have been held if it had taken place in the sending state.

H. Any inmate confined pursuant to this compact shall have any rights and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

I. The parent, guardian, trustee, or other person or persons entitled under the laws of the receiving state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to this compact.

§775. Reviewing state receive reviewing state acts; extradition

A. Any decision of the sending state in regard to any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution thereon or other form of process in the receiving state, or at the sentencing, or any other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates, nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

§780. Construction and severability

A. The provisions of this compact shall be liberally construed and shall be severable. If any provision of this compact or any application thereof to any person or circumstance is held invalid, the remainder of this compact and the applicability thereof to any person, government, agency, person, or circumstance shall be effective. If any provision of this compact or the applicability thereof to any person, government, agency, person, or circumstance shall be declared invalid by any court of competent jurisdiction, the invalid provision or the invalid application thereof to any person, government, agency, person, or circumstance shall not affect the remainder of this compact or the applicability thereof to any other person, government, agency, person, or circumstance.

B. The party state to this compact shall continue in force and remain binding upon such state so acting when it has been enacted into law by any two states. Thereafter, this compact shall become effective and binding as to any other of such states upon similar action by such state.

§786. Federal aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which may be affected by this compact or any contract pursuant thereto. Any inmate in a receiving state pursuant to this compact may participate in any federal aid program or activity for which the sending and receiving states have made contractual provision. However, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

§777. Effectiveness

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall become effective and binding as to any other of such states upon similar action by such state.

§778. Withdrawal and termination

This compact shall continue in force and remain binding upon a party state until it enacts legislation repealing the compact and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An act of withdrawal shall not take effect until one year after the notices provided in the statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawal shall remove it to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

§779. Other arrangements unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates, nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.
vehicles with an inventory exceeding eight thousand vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:707(D)(4) is hereby enacted to read as follows:

§707. Application for certificate of title; exception; salvage title; antique vehicles; reconstructed title

* * *

D.  * * *

(4) Any bona fide fleet purchaser of motor vehicles with an inventory of over eight thousand vehicles shall complete the initial application for certificate of title electronically without the submission of a physical manufacturer's certificate. After completion of the initial application, the purchaser shall create an electronic image of the manufacturer's certificate. The original notarized manufacturer's certificate shall be remitted to the department within sixty days. The electronic manufacturer's certificate shall be maintained on a purchaser's database for a period of twenty-four months. The commissioner may request a copy of the electronic manufacturer's certificate for audit purposes any time during the first twenty-four months after completion of the initial application for certificate of title.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 443

BY REPRESENTATIVE CONNICK

To amend and reenact Civil Code Article 3463, relative to prescription; to provide for the effect of dismissal of a party in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 3463 is hereby amended and reenacted to read as follows:

Art. 3463. Duration of interruption; abandonment or discontinuance of suit.

An interruption of prescription resulting from the filing of a suit in a competent court and in the proper venue or from service of process within the prescriptive period continues as long as the suit is pending. Interruption is considered never to have occurred if the plaintiff abandons, voluntarily dismisses the action at any time before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial.

A settlement and subsequent dismissal of a defendant pursuant to a transaction or compromise shall not qualify as a voluntary dismissal pursuant to this Article.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 444

BY REPRESENTATIVES SCHEXNAYDER, ANDERS, BACALA, BERTELOT, BRASS, TERRY BROWN, CARMODY, CARPENTER, STEVE CARTER, CHANEY, COX, DAVIS, DWIGHT, EDMONDS, FOIL, GAINES, GISCLAIR, GLOVER, LANCE HARRIS, HAZEL, HOFFMANN, HOLLIS, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, LEEGER, MACK, MAGEE, MARCELLE, MIGUEZ, POPE, REYNOLDS, RICHARD, SMITH, THOMAS, AND ZERINGUE

AN ACT

To provide relative to state highways; to designate a portion of United States Highway 61 as the "Deputy Brandon Nielsen and Deputy Jeremy Triche Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of United States Highway 61 from Louisiana Highway 54 in Garyville, Louisiana, to United States Highway 51 in Laplace, Louisiana, shall be hereafter known and designated as the "Deputy Brandon Nielsen and Deputy Jeremy Triche Memorial Highway".

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 445

BY REPRESENTATIVE THIBAUT

AN ACT

To provide relative to state highways; to designate a portion of Louisiana Highway 415 in Port Allen, Louisiana as the "Corporal Donna LeBlanc Memorial Highway"; to designate Louisiana Highway 418 in Lettsworth, Louisiana as "Buddy Guy Way"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 415 from Interstate 10 to Louisiana Highway 76, otherwise known as Rosedale Road in Port Allen, Louisiana, shall be hereafter known and designated as the "Corporal Donna LeBlanc Memorial Highway".

Section 2. Louisiana Highway 418 in Lettsworth, Louisiana, shall be hereafter known and designated as "Buddy Guy Way".

Section 3. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of these designations provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 446

BY REPRESENTATIVE PUGH

AN ACT

To amend and reenact R.S. 47:322.5(B) and 332.14, relative to the disposition of certain state sales tax collections in Tangipahoa Parish; to provide for deposits into the Tangipahoa Parish Tourist Commission Fund; to provide for deposits into the Tangipahoa Parish Economic Development Fund; 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 III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:322.5(B) and 332.14 are hereby amended and reenacted to read as follows:

§322.5. Disposition of certain collections in Tangipahoa Parish

* * *

§332.14. Disposition of certain collections in Tangipahoa Parish

The avails of the tax imposed by R.S. 47:331 from the sales of services as defined in R.S. 47:301(4)(a) in Tangipahoa Parish under R.S. 47:331(C) and 332, as applicable, shall be credited to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay the remainder of such funds into the Tangipahoa Parish Tourist Commission Economic Development Fund as provided in and subject to R.S. 47:322.5.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 447

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact R.S. 13:996.25(A) and to enact R.S. 13:961(F)(1)(v), relative to court costs in the Fifteenth Judicial Court; to require the judges to determine certain fees to be paid to court reporters; to provide for an increase in civil court costs; to provide for an increase in criminal court costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:996.25(A) is hereby amended and reenacted to read as follows:

§961. Court reporters; generally

* * *

F(1)(a)

(2) In the Fifteenth Judicial District, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§996.25. Judicial Expense Fund for Fifteenth Judicial District; established

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Fifteenth Judicial District shall collect from every person filing any type of civil suit or proceeding and who is not otherwise exempted by law from the payment of court costs, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§961. Court reporters; generally

* * *

F(1)(a)

(2) In the Fifteenth Judicial District, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§996.25. Judicial Expense Fund for Fifteenth Judicial District; established

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Fifteenth Judicial District shall collect from every person filing any type of civil suit or proceeding and who is not otherwise exempted by law from the payment of court costs, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§961. Court reporters; generally

* * *

F(1)(a)

(2) In the Fifteenth Judicial District, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§996.25. Judicial Expense Fund for Fifteenth Judicial District; established

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Fifteenth Judicial District shall collect from every person filing any type of civil suit or proceeding and who is not otherwise exempted by law from the payment of court costs, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.