

ACTS OF 2017

LEGISLATURE

Acts 1 - 112 (Except Acts 18, 28, 38, 48, 58, 68 & 78)

ACT No. 1

HOUSE BILL NO. 185

BY REPRESENTATIVES ARMES, BAGLEY, CHANEY, COX, HENSGENS, HOFFMANN, HORTON, HUNTER, JOHNSON, LEBAS, DUSTIN MILLER, MORENO, POPE, RICHARD, AND STAGNI AND SENATORS BARROW, BOUDREAUX, ERDEY, MILLS, AND JOHN SMITH

AN ACT

To enact Chapter 59-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3661 through 3665, relative to military medical personnel; to establish a pilot program to authorize retired military medical personnel to provide certain healthcare services; to provide for definitions; to require progress reports and final recommendations; to provide for a termination date of the pilot program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 59-A of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3661 through 3665, is hereby enacted to read as follows:

CHAPTER 59-A. LOUISIANA MILITARY MEDICS AND CORPSMEN PILOT PROGRAM

§3661. Short title

This Chapter shall be known and may be cited as the “Louisiana Military Medics and Corpsmen Pilot Program”.

§3662. Definitions

As used in this Chapter, the following words have the following meanings unless the context clearly requires otherwise:

(1) “Department” means the Louisiana Department of Veterans Affairs.
(2) “Military medical personnel” means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

(3) “Pilot program” means the Louisiana Military Medics and Corpsmen Pilot Program established pursuant to this Chapter.

§3663. Military medical personnel; pilot program

A.(1) The department, in collaboration with each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare profession, shall establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute healthcare services under the supervision of a physician or podiatrist who holds an active, unrestricted license in Louisiana. The activities shall reflect the level of training and experience of the military medical personnel.

(2) The supervising physician or podiatrist shall retain responsibility for the care of the patient.

B. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in the pilot program.

C.(1) The department shall establish general requirements for participating military medical personnel, licensees, and employers.

(2) Each state agency or professional or occupational licensing board or commission that participates in the pilot program may promulgate, in accordance with the Administrative Procedure Act, any rules necessary for the implementation of the program.

§3664. Reporting requirements

The department shall report to the governor and to the House and Senate committees on health and welfare no later than thirty days prior to the start of the regular legislative session each year on the progress of the pilot program and shall provide a written report of findings and recommendations upon termination of the program.

§3665. Termination date

Implementation of the Louisiana Military Medics and Corpsmen Pilot Program shall terminate on December 31, 2020.

Approved by the Governor, May 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 2

HOUSE BILL NO. 30

BY REPRESENTATIVE SCHEXNAYDER AND SENATORS CARTER, CORTEZ, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAMBERT, LONG, MILKOVICH, MILLS, MIZELL, MORRELL, MORRISH, PEACOCK, RISER, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To enact R.S. 47:463.192, relative to motor vehicle special prestige license plates; to provide for the “Louisiana Patriot Guard Riders” specialty license plate; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige license plate; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.192 is hereby enacted to read as follows:

§463.192. Special prestige license plates: “Louisiana Patriot Guard Riders”

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Louisiana Patriot Guard Riders” plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the captain and assistant captain of the Louisiana Patriot Guard Riders to select the color and design of the plate, provided that it is in compliance with all requirements of R.S. 47:463(A)(3). The design shall include the words “Louisiana Patriot Guard Riders”.

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

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Patriot Guard Riders. The monies received from the royalty fees shall be used solely for the activities of the Louisiana Patriot Guard Riders.

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

Section 2. The provisions of this Act shall become effective on January 1, 2018.

Approved by the Governor, May 26, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 3

HOUSE BILL NO. 476

BY REPRESENTATIVES HAZEL, TERRY BROWN, CARPENTER, STEVE CARTER, HALL, MARCELLE, PIERRE, POPE, AND STEFANSKI AND SENATORS APPEL, CARTER, CHABERT, CORTEZ, ERDEY, FANNIN, HEWITT, JOHNS, LAMBERT, LONG, MILKOVICH, MILLS, MIZELL, PEACOCK, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 46:122(A)(1) and R.S. 47:463.131(A), (B)(2), and (D), relative to the Louisiana Military Family Assistance Fund; to provide relative to the Support Our Troops special prestige license plate; to provide for the design of the license plate; to provide for the license plate fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:122(A)(1) is hereby amended and reenacted to read as follows:

§122. Louisiana Military Family Assistance Fund

A.(1) Funds received by the state treasurer pursuant to the provisions of R.S. 47:120.31 and 306.3, or received by the treasurer or the Louisiana Military Family Assistance Board from other public or private donations, gifts, grants, appropriations or other revenue, including revenue derived from the Support Our Troops special prestige license plate as provided for in R.S. 47:463.131, shall be deposited and credited to a special fund hereby created in the state treasury to be known as the Louisiana Military Family Assistance Fund. The money in the fund shall be used solely as provided for in Subsection B of this Section. In addition to funds from any other source, public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities may be made to the fund and accepted by the fund for military family relief and assistance as provided in this Part.

* * *

Section 2. R.S. 47:463.131(A), (B)(2), and (D) is hereby amended and reenacted to read as follows:

§463.131. Special prestige license plates; Support Our Troops
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige license plate to be known as the Support Our Troops plate. He shall not require any minimum number of applicants prior to establishing or issuing this plate. The license plate shall be restricted for passenger cars, pickup trucks, vans, and recreational vehicles. The secretary shall design the plate, and it shall bear ~~the logo of a soldier and a child as developed by Support Our Troops, Inc. and the words “Support Our Troops”~~.

B.
* * *
(2) Application for the Support Our Troops prestige license plate on or after January 1, 2018, constitutes prior written consent and instruction by the applicant to the department to provide his name, address, and birth date to ~~Support Our Troops, Inc.~~ the Louisiana Military Family Assistance Board. The secretary shall ensure that the application for the plate includes a statement granting such consent.

D. The monies received from the additional twenty-five dollar fee shall be disbursed to ~~Support Our Troops, Inc.~~ the Louisiana Military Family Assistance Fund.

Section 3. The provisions of this Act shall become effective on January 1, 2018.

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

ACT No. 4

HOUSE BILL NO. 16
BY REPRESENTATIVE MCFARLAND
AN ACT

To enact R.S. 47:338.218, relative to the town of Jonesboro; to authorize the governing authority of the town, subject to voter approval, to levy and collect a hotel occupancy tax; to provide for the use of the tax proceeds; 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. 47:338.218 is hereby enacted to read as follows:
~~§338.218. Town of Jonesboro; hotel occupancy tax; authorization~~
A.(1) In addition to any other tax levied and collected, the governing authority of the town of Jonesboro may levy and collect a tax upon the paid occupancy of hotel rooms located within the town. The hotel occupancy tax shall not exceed three percent of the rent or fee charged for such occupancy.

(2) The word “hotel” as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. “Person” as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority of the town of Jonesboro shall impose the hotel occupancy tax by ordinance. The governing authority may adopt such ordinance only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the town voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate, including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the town.

D. Except as provided in Subsection C of this Section, the governing authority of the town shall use the proceeds of the tax to fund tourism-related activities and recreation programs within the town of Jonesboro.

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

Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 5

HOUSE BILL NO. 24
BY REPRESENTATIVE THIBAUT
AN ACT

To enact R.S. 33:4574(F)(10), relative to the West Baton Rouge Parish Tourist Commission; to provide for changes to the membership of the commission; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:4574(F)(10) is hereby enacted to read as follows:
§4574. Tourist commissions; creation; purpose; directors; powers

F.
* * *
(10) Notwithstanding the provisions of Paragraph (1) of this Subsection, the West Baton Rouge Parish Tourist Commission shall be governed by a board of directors composed of nine members. The two additional members provided for by this Paragraph shall be appointed as follows:
(a) One member shall be appointed by the board of directors of the commission.
(b) One member shall be appointed by the governing authority of West Baton Rouge Parish.

Section 2. Notwithstanding the provisions of R.S. 33:4574(F)(1)(b)(ii), the governing authority of West Baton Rouge Parish may set initial terms of less than three years for the two additional members of the tourist commission provided for in R.S. 33:4574(F)(10) as enacted by this Act.

Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 6

HOUSE BILL NO. 25
BY REPRESENTATIVE ANDERS AND SENATOR THOMPSON
AN ACT

To enact R.S. 13:5554(W)(4), relative to group insurance benefits for retired sheriffs and deputy sheriffs of the Madison Parish Sheriff's Department; to provide for the availability of certain insurance benefits to certain retired employees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554(W)(4) is hereby enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

W. Notwithstanding the provisions of Subsection D of this Section, the sheriff of Madison Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retires from the Madison Parish Sheriff's Department as follows:

* * *
(4) For any sheriff or deputy sheriff who retires on and after July 1, 2017, one hundred percent of the premium costs of group hospital, surgical, medical expense, dental insurance, and life insurance contracted for under the provisions of this Section, if the sheriff or deputy sheriff retires with twenty-four years or more of continuous service with the Madison Parish Sheriff's Department and is at least fifty-five years of age.

Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 7

HOUSE BILL NO. 75
BY REPRESENTATIVE MIGUEZ
AN ACT

To amend and reenact R.S. 40:41(C)(1) and (2), relative to vital records; to provide relative to access to such records; to authorize attorneys to obtain a death certificate for succession purposes under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:41(C)(1) and (2) are hereby amended and reenacted to read as follows:

§41. Disclosure of records

* * *

C.(1) The state registrar shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant ~~thereof is any of the following:~~

(a) ~~The the person named in the certificate;~~
(b) ~~A or is a member of the immediate or surviving family of said person, the person named in the certificate.~~

(c) ~~A person or is named in a court proceeding as a member of the immediate or surviving family of said person, the person named in the certificate.~~

(d) ~~The or is the beneficiary of an insurance policy or trust.~~

(e) ~~A succession representative.~~

(2)(a) The credentials of an attorney, together with a written declaration of the record in which he is interested and a written declaration or oral statement that he is a legal representative of one of the named parties referenced in Paragraph ~~(c)~~(1) of this Subsection shall constitute sufficient proof of a direct interest in the matter recorded.

(b) In addition to the provisions of Subparagraph (a) of this Paragraph, a written declaration by the attorney that he is preparing a small succession pursuant to Code of Civil Procedure Article 3431 et seq. for the deceased person whose death certificate is being requested shall constitute sufficient proof of a direct interest in the matter recorded.

* * *

Approved by the Governor, June 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 8

HOUSE BILL NO. 106
BY REPRESENTATIVE POPE
AN ACT

To enact R.S. 13:5554(FF), relative to the qualification for certain group insurance benefits for the Livingston Parish Sheriff's Office; to require service with the sheriff's office for a certain period of time; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§5554. Group insurance; kinds; amounts; subrogation

* * *

FF. Notwithstanding the provisions of Subsection D of this Section, the sheriff of Livingston Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retires from the Livingston Parish Sheriff's Office as follows:

(1) For any sheriff or deputy sheriff hired before July 1, 2017, the provisions of Paragraph (G)(1) of this Section shall apply.

(2) For any sheriff or deputy sheriff hired on and after July 1, 2017, the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full from the sheriff's general fund for all sheriffs and deputy sheriffs who are at least fifty-five years of age and who retire with at least twenty years of continuous and creditable service with the Livingston Parish Sheriff's Office, or who are any age and who retire with at least thirty years of continuous and creditable service with the Livingston Parish Sheriff's Office.

Approved by the Governor, June 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 9

HOUSE BILL NO. 233
BY REPRESENTATIVE THOMAS
AN ACT

To enact R.S. 22:436(B)(4), relative to approved unauthorized insurers; to provide for placement on the list of approved unauthorized insurers; to provide filing requirements of surplus lines insurers; to require evidence from the insurer's domiciliary jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:436(B)(4) is hereby enacted to read as follows:

§436. Approved unauthorized insurers; list; requirements; removal

* * *

B. To obtain and maintain placement on the list of approved unauthorized insurers, an unauthorized insurer shall comply with the provisions of R.S. 22:435 applicable to foreign or alien insurers, respectively, and shall annually file with the commissioner the following, unless available to the commissioner through the NAIC or from public sources:

* * *

(4) Evidence obtained from the insurer's domiciliary jurisdiction showing the types of insurance it may write in that jurisdiction.

* * *

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

Approved by the Governor, June 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 10

HOUSE BILL NO. 289
BY REPRESENTATIVE THOMAS
AN ACT

To enact R.S. 22:41.2, relative to the disclosure of contact information; to require that each risk-bearing entity transmit accurate contact information to the commissioner; to provide guidelines for whom the contact information is needed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41.2 is hereby enacted to read as follows:

§41.2. Submission of contact information

A. Each risk-bearing entity authorized by the commissioner shall provide accurate contact information to the commissioner.

B. A risk-bearing entity shall annually inform the commissioner by electronic means of the name, mailing address, phone number, and electronic mail address of each individual responsible for each of the following:

(1) Receipt of and response to consumer complaints.

(2) Receipt of rules, regulations, and other directives from the commissioner.

(3) Receipt and filing of inquiries regarding the financial condition of the entity.

(4) Receipt and filing of inquiries regarding tax payments.

(5) Any other function the commissioner deems necessary to the exercise of his authority.

C. A risk-bearing entity shall inform the commissioner within thirty days of any change in the information required to be submitted in Subsection B of this Section.

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

Approved by the Governor, June 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 11

HOUSE BILL NO. 290
BY REPRESENTATIVE COX
AN ACT

To amend and reenact R.S. 37:3415.10(D), relative to appraisal management company license applications and renewals; to change a sunset provision; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3415.10(D) is hereby amended and reenacted to read as follows:

§3415.10. License application assessment; delinquent renewal

* * *

D. The provisions of this Section shall expire on December 31, 2017 ~~2019.~~

Approved by the Governor, June 1, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 12

HOUSE BILL NO. 299
BY REPRESENTATIVE COUSSAN
AN ACT

To repeal Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2101 and 2102, relative to the Louisiana Immersive Technologies Enterprise; to dissolve the Louisiana Immersive Technologies Enterprise Commission; to transfer the ownership of certain property; to provide for certain authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 31 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2101 and 2102, is hereby repealed in its entirety.

Section 2. Ownership of all property of the Louisiana Immersive Technologies Enterprise Commission, movable or immovable, corporeal or incorporeal, shall be transferred to the University of Louisiana at Lafayette.

Section 3. Notwithstanding any other provision of law to the contrary, including but not limited to Titles 17, 39, and 41 of the Louisiana Revised Statutes of 1950, the Board of Supervisors for the University of Louisiana System, acting through the President of the University of Louisiana at Lafayette, has the authority to grant leases of any portion of the

Louisiana Immersive Technologies Enterprise building to public or private lessees without the necessity of advertisement or bid.
Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 13

HOUSE BILL NO. 378
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:2083(A)(4) and to enact 22:2083(B)(2)(k), relative to the Louisiana Life and Health Insurance Guaranty Association; to exclude a person acquiring rights to receive payments through a “structured settlement factoring transaction” from guaranty fund coverage; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:2083(A)(4) is hereby amended and reenacted and 22:2083(B)(2)(k) is hereby enacted to read as follows:
§2083. Coverages and limitations
A. This Part shall provide coverage for the policies and contracts specified in Subsection B of this Section:

(4) This Part shall not provide coverage to:
(a) ~~a~~ A person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded any coverage by the association of another state.
(b) A person who acquires rights to receive payments through a “structured settlement factoring transaction” as defined in 26 U.S.C. 5891(c)(3)(A), regardless of when the transaction occurred.

B.
(2) This Part shall not provide coverage for:
(k) Structured settlement annuity benefits to which a payee or beneficiary has transferred his rights in a “structured settlement factoring transaction” as defined in 26 U.S.C. 5891(c)(3)(A), regardless of when the transaction occurred.

Section 2. The provisions of this Act shall be given prospective and retroactive application.
Section 3. This Act shall become effective on July 1, 2017.
Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 14

HOUSE BILL NO. 480
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:821(B)(36) and (37), 2440(C), (D)(3), and (E), 2441(E)(1), and 2443 and to repeal R.S. 22:2440(F) and 2451, relative to the Health Insurance Issuer External Review Act; to extend the period during which independent review organizations are approved by the commissioner; to require independent review organizations to immediately notify the commissioner of insurance of any material change to the organization’s accreditation; to repeal certain administrative and regulatory requirements related to independent review organizations; to repeal annual reporting fees; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:821(B)(36) and (37), 2440(C), (D)(3), and (E), 2441(E)(1), and 2443 are hereby amended and reenacted to read as follows:
§821. Fees

B.
(36) Utilization review organization other than a health insurance issuer
(a) Application fee. \$1,500.00
(b) Annual report filing fee..... \$500.00
(37) Independent review organization
(a) Application fee \$500.00
(b) Annual filing fee..... \$500.00

§2440. Approval of independent review organizations

C. The commissioner shall develop an application form for initially approving and for re-approving independent review organizations to conduct external reviews.

D.
* * *
(3) The commissioner shall charge an application fee as specified in R.S. 22:821(37) that independent review organizations shall submit to the commissioner with an application for approval or re-approval.
E.(1) An approval shall be remain effective for two years, unless the commissioner determines before its expiration that the independent review organization is not satisfying the minimum qualifications provided for by R.S. 22:2441, or if the independent review organization gives notice of intent to cease operations. An application for renewal shall be submitted not less than sixty days prior to the expiration of such approval, shall be made on a form provided by the commissioner, and shall be accompanied by the fee required by R.S. 22:821(37).

(2) Whenever the commissioner determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under R.S. 22:2441, the commissioner shall terminate the approval of the independent review organization, and remove the independent review organization from the list of independent review organizations approved to conduct external reviews under this Part that is maintained by the commissioner pursuant to Subsection F of this Section.
§2441. Minimum qualifications for independent review organizations
* * *

E.(1) An independent review organization that is accredited by a nationally recognized private accrediting entity that has independent review accreditation standards that the commissioner has determined are equivalent to or exceed the minimum qualifications of this Section shall be presumed in compliance with this Section and be eligible for approval pursuant to R.S. 22:2440. An independent review organization submitting proof of accreditation in support of an application for approval shall immediately inform the commissioner of any subsequent loss, revocation, or other material change to any accreditation.
* * *

§2443. External review reporting requirements
A.(1) An independent review organization assigned pursuant to R.S. 22:2436 through 2438 to conduct an external review shall maintain written records in the aggregate, by state, and by health insurance issuer on all requests for external review for which it conducted an external review during a calendar year and, upon request, submit a an annual report to the commissioner, as required by Paragraph (2) of this Subsection.
(2) ~~Each independent review organization required to maintain written records on all requests for external review pursuant to Paragraph (1) of this Subsection for which it was assigned to conduct an external review shall submit to the commissioner an annual report. The annual report shall include each of the following:~~
(a) ~~The total number of requests for external review.~~
(b) ~~The number of requests for external review resolved and their resolution.~~
(c) ~~A synopsis of actions being taken to correct problems identified.~~
(3) ~~The report shall include in the aggregate, by state, and for each health insurance issuer:~~
(a) ~~The total number of requests for external review.~~
(b) ~~The number of requests for external review resolved and, of those resolved, the number resolved upholding the adverse determination or final adverse determination and the number resolved reversing the adverse determination or final adverse determination.~~
(c) ~~The average length of time for resolution.~~
(d) ~~A summary of the types of coverages or cases for which an external review was sought, as provided in the format required by the commissioner.~~
(e) ~~The number of external reviews conducted pursuant to R.S. 22:2436(G) that were terminated as the result of a reconsideration by the health insurance issuer of its adverse determination or final adverse determination after the receipt of additional information from the covered person or his authorized representative.~~
(f) ~~A general description for each request for external review including the following:~~
(i) ~~A general description of the reason for the request for external review.~~
(ii) ~~The date received.~~
(iii) ~~The date of each review.~~
(iv) ~~The resolution.~~
(v) ~~The date of the resolution.~~
(vi) ~~The name of the covered person for whom the request for external review was filed.~~
(g) ~~Any other information that the commissioner may request or require.~~

(4) The independent review organization shall retain the written records required pursuant to this Subsection for at least three years.
B.(1) Each health insurance issuer shall maintain written records in the aggregate, by state, and for each type of health benefit plan offered by the health insurance issuer, for all requests for external review that the health insurance issuer receives notice of from the commissioner pursuant to this Part.
(2) Each health insurance issuer required to maintain written records on all requests for external review pursuant to Paragraph (1) of this Subsection shall submit to the commissioner, upon request, a report in the format specified by the commissioner.

~~(3) The report shall include in the aggregate, by state, and by type of health benefit plan:~~
~~(a) The total number of requests for external review.~~
~~(b) From the total number of requests for external review reported under Subparagraph (a) of this Paragraph, the number of requests determined eligible for an external review.~~
~~(c) Any other information the commissioner may request or require.~~
~~(4) The health insurance issuer shall retain the written records required pursuant to this Subsection for at least three years.~~

Section 2. R.S. 22:2440(F) and 2451 are hereby repealed in their entirety.
Approved by the Governor, June 1, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 15

HOUSE BILL NO. 4
BY REPRESENTATIVE MIGUEZ
AN ACT

To amend and reenact R.S. 11:710(A)(8) and to enact R.S. 11:710(A)(5)(d) and (9), relative to the reemployment of retired members of the Teachers' Retirement System of Louisiana in school nurse positions covered by the system; to authorize the reemployment of retirees as school nurses; to provide relative to earnings restrictions on such reemployment; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:710(A)(8) is hereby amended and reenacted and R.S. 11:710(A)(5)(d) and (9) are hereby enacted to read as follows:
§710. Employment of retirees
A. Definitions. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

(5) "Reemployment-eligible position" means any of the following:

(d) A position for a school nurse.

(8) "School nurse" means the position provided for in R.S. 17:28.

(9) "Substitute classroom teacher" means any classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach or to proctor tests for any reason.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. This Act shall become effective on July 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 16

HOUSE BILL NO. 5
BY REPRESENTATIVE JEFFERSON AND SENATOR GATTI
AN ACT

To enact R.S. 33:457, relative to mayor's courts; to establish a mayor's court in the village of Athens in Claiborne Parish; to provide for territorial jurisdiction; to provide for the powers and authority of the mayor as magistrate of the court and other officers of the court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:457 is hereby enacted to read as follows:

§457. Mayor's court; village of Athens

A. There is hereby created the Mayor's Court of the village of Athens, the territorial jurisdiction of which shall extend throughout the village of Athens in Claiborne Parish.

B. The general provisions of R.S. 33:441 and 442 shall be applicable to and shall govern and regulate the Mayor's Court of the village of Athens, the jurisdiction of the court, and the powers and authority of the mayor and other officers of the court.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 17

HOUSE BILL NO. 9
BY REPRESENTATIVE ABRAHAM
AN ACT

To amend and reenact R.S. 11:2252(9)(a), relative to calculation of contributions and benefits in the Firefighters' Retirement System; to provide for the definition of earnable compensation; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2252(9)(a) is hereby amended and reenacted to read as follows:

§2252. Definitions

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

(9)(a) "Earnable compensation" shall mean the full amount of compensation earned by an employee on a regular tour of duty, including supplemental pay paid by the state of Louisiana, educational incentive pay, holiday pay, seniority incentive pay, and pay to an employee acting in a civil service classification higher than the one he holds, but shall not include overtime.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 18

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

ACT No. 19

HOUSE BILL NO. 11
BY REPRESENTATIVE BARRAS
AN ACT

To enact R.S. 11:1441(E), relative to benefits for surviving spouses from the Assessors' Retirement Fund; to provide for Back-Deferred Retirement Option Program benefits payable to surviving spouses of members of the fund under certain circumstances; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1441(E) is hereby enacted to read as follows:

§1441. Surviving spouse's benefit

E. If an active, contributing member dies and meets the eligibility requirements provided in R.S. 11:1456.1(B) on the day of his death and the member's surviving spouse is eligible for benefits payable pursuant to Subsection C of this Section, which are equal to the Option 2 benefits provided for in R.S. 11:1423, the surviving spouse may elect to receive such benefits in the same manner as described in R.S. 11:1456.1, as if the member had retired on the day following the member's death and elected Back-Deferred Retirement Option Program benefits, and for a Back-DROP period selected by the surviving spouse which shall not exceed the duration limitations included in R.S. 11:1456.1(C). The surviving spouse shall make the elections provided for in this Subsection at the time he applies for survivor benefits.

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

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 20

HOUSE BILL NO. 12
BY REPRESENTATIVE MACK
AN ACT

To enact R.S. 33:103(C)(1)(n), relative to the Livingston Parish Planning Commission; to authorize the governing authority of the parish to pay members a per diem for attending commission meetings; to provide

relative to the amount of the per diem and for the number of meetings for which members may be paid; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:103(C)(1)(n) is hereby enacted to read as follows:
§103. Planning commission; membership; appointment

C. (1) All members of a commission, whether a parish or a municipal planning commission, shall serve without compensation, except as otherwise provided by this Paragraph or as otherwise provided by law, and shall hold no other public office, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part.

(n) Notwithstanding any other provision of law to the contrary, the governing authority of Livingston Parish may pay members of the parish planning commission a per diem not to exceed one hundred dollars for attendance at meetings of the commission for a maximum of twenty-four meetings per year.

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 21

HOUSE BILL NO. 21
BY REPRESENTATIVE ABRAHAM
AN ACT

To amend and reenact R.S. 11:2259(A)(2) and to enact R.S. 11:2259(A)(3), relative to payment of benefits in the Firefighters' Retirement System; to provide with respect to optional beneficiaries and the selection thereof; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:2259(A)(2) is hereby amended and reenacted and R.S. 11:2259(A)(3) is hereby enacted to read as follows:
§2259. Optional allowances

A.
(2) The nomination made pursuant to Option 2, Option 3, or Option 4 as provided in this Subsection is irrevocable on and after the date that the first of any benefit payments becomes due.
(3) For the purposes of this Subsection, the term "person" includes a trust as provided in R.S. 11:2256.2.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 22

HOUSE BILL NO. 22
BY REPRESENTATIVE ABRAHAM
AN ACT

To repeal R.S. 11:2258(B)(2)(d), relative to retirement options in the Firefighters' Retirement System; to provide with respect to conversion from service retirement to disability retirement; to provide an effective date; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:2258(B)(2)(d) is hereby repealed in its entirety.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 23

HOUSE BILL NO. 32
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:1821(B), (C), and (G), relative to the board of trustees of the Municipal Employees' Retirement System of Louisiana; to provide for a trustee who is a retired member; to provide for a term; to provide for elections; to provide for implementation; and to provide for related matters.
Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:1821(B), (C), and (G) are hereby amended and reenacted to read as follows:
§1821. Board of trustees; membership; term of office; oath of office; compensation; voting power; vacancies

B. The board shall be composed of eleven trustees as follows:
(1) Three active and contributing members of the system each of whom is an elected official elected to office in accordance with the Louisiana Election Code and has at least six years of creditable service.
(2) ~~Three active and contributing~~ Two members of the system who are not elected officials elected to office in accordance with the Louisiana Election Code, each of whom has at least six years of creditable service.
(3) ~~One retired member of the system.~~
(4) The president of the Louisiana Municipal Association, who shall serve as an ex officio member during his tenure, or his designee.
(4) (5) The chairman of the Senate Committee on Retirement, who shall serve as an ex officio member, or his designee.
(5) (6) A member of the House Committee on Retirement appointed by the speaker of the House, who shall serve as a voting member, or the member's designee.
(6) (7) The commissioner of administration, who shall serve as an ex officio member, or his designee.
(7) (8) The state treasurer, who shall serve as an ex officio member, or his designee.
C. ~~Except as otherwise provided in this Subsection, the~~ The term of office for each of the six trustees who are active contributing members of the system trustees provided for in Paragraphs (B)(1) through (3) of this Section shall be for a period of six years. No person who has been elected to serve as an active and contributing member a trustee for more than one and one-half terms shall be elected to the board for another term.

G.(1) ~~No participating employer shall have more than two elected trustees serving~~ No more than two elected trustees employed by the same participating employer may serve on the board at the same time.
(2)(a) The members of the system shall elect ~~each trustee the trustees provided for in Paragraphs (B)(1) and (2) of this Section~~ in accordance with the election rules prescribed by the board.
(b) The retired membership of the system shall elect the trustee provided for in Paragraph (B)(3) of this Section in accordance with the election rules prescribed by the board.
(3) A trustee elected pursuant to ~~Paragraph (B)(1) or (2) of this Section Subparagraph (2)(a) of this Subsection~~ may continue to serve his full term if he remains a member of the system regardless of change in employment which qualified him for such position.
(4) A vacancy on the board in a position held by an elected trustee shall be filled for the unexpired term by election ~~by the members of the system, as provided in Paragraph (2) of this Subsection,~~ except that if the unexpired term is less than two years, the board may fill the vacancy by appointment; for the unexpired portion of the term. If a trustee provided for in Paragraph (B)(1) or (2) of this Section retires, he may continue to serve for the remainder of the term for which he was elected; however, if he ceases to be a member, his term shall expire.

Section 2. Notwithstanding Section 2 of Act No. 225 of the 2014 Regular Session of the Legislature, the board position provided for in R.S. 11:1821(B) (3) as amended by this Act shall be filled in 2017 for an initial term of four years.
Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 24

HOUSE BILL NO. 35
BY REPRESENTATIVE CARPENTER
AN ACT

To amend and reenact R.S. 11:2258(D), relative to disability retirement benefits of members of the Firefighters' Retirement System; to provide for reporting; to provide a presumption; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:2258(D) is hereby amended and reenacted to read as follows: §2258. Disability retirement

D.(1) Notwithstanding the provisions of R.S. 23:1225, when any member acquires a disability and is entitled to a disability benefit from the retirement system, the disability benefit payable for any month that the member is also receiving ~~worker's~~ workers' compensation benefits shall be reduced, if necessary, so that the total of both benefits shall not exceed the member's average final compensation. The benefit to be paid shall be computed such that the disability benefit from the retirement system and the ~~worker's~~ workers' compensation benefit shall each be paid in respect to the ratio that each individual benefit bears to the total of both benefits, to which the member would be entitled prior to reduction, multiplied by the average final compensation of the member.
(2) On or before May thirty-first of each calendar year, the system shall submit to the workers' compensation payor the name, social security number, and amount of reduction to the member's benefit payable by the retirement system for the forthcoming fiscal year. The reported reduction shall be presumed correct unless the workers' compensation payor objects to the reduction amount by written notice to the system on or before June thirtieth of the same calendar year.

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 25

HOUSE BILL NO. 38
BY REPRESENTATIVE ABRAHAM
AN ACT

To repeal R.S. 11:1658(C) and 1659(H), relative to the board of trustees of the District Attorneys' Retirement System; to remove certain procedural requirements regarding setting the employer contribution rate and directing the use of funds in the funding deposit account. Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:1658(C) and 1659(H) are hereby repealed in their entirety.

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 26

HOUSE BILL NO. 62
BY REPRESENTATIVE HALL
AN ACT

To enact R.S. 13:5554(FF), relative to payment of group insurance premiums for retirees from the Rapides Parish Sheriff's Office; to provide for qualifications for and payment of certain insurance premiums; and to provide for related matters. Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554(FF) is hereby enacted to read as follows: §5554. Group insurance; kinds; amounts; subrogation

FF.(1) Notwithstanding the provisions of Subsection D of this Section, the premium costs of group hospital, surgical, and medical expense and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full by the sheriff of Rapides Parish, from the sheriff's general fund, for all sheriffs and deputy sheriffs retired from the Rapides Parish Sheriff's Office hired on or after July 1, 2017, who are entitled to receive benefits from the Sheriff's Pension and Relief Fund, have at least fifteen years of service with the Rapides Parish Sheriff's Office, and are at least fifty-five years of age.
(2) The provisions of Paragraph (G)(1) of this Section shall apply to all persons hired by the Rapides Parish Sheriff's Office prior to July 1, 2017.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to

become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 27

HOUSE BILL NO. 72
BY REPRESENTATIVE LEOPOLD
AN ACT

To amend and reenact R.S. 13:5554(N) and 5554.3(B), (C), (D), (E), and (F) and to repeal R.S. 13:5554.3(G), relative to the Plaquemines Parish Sheriff's Office; to provide for the payment of certain group insurance premiums for retirees of the Plaquemines Parish Sheriff's Office; to provide for the qualifications for payment of certain insurance premiums; to provide relative to the Plaquemines Parish Retired Employees' Insurance Fund; to provide for sheriff contributions; to provide for limitations on withdrawal; to provide for limitations on investments; to provide for membership and election of the advisory board; to provide relative to the requirement for the advisory board and certain positions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554(N) and 5554.3(B), (C), (D), (E), and (F) are hereby amended and reenacted to read as follows: §5554. Group insurance; kinds; amounts; subrogation

N.(1) Notwithstanding the provisions of Subsection D of this Section, effective July 1, 2003, the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full by the sheriff of Plaquemines Parish from the sheriff's general fund for all sheriffs and deputy sheriffs who retired from the sheriff's office of that parish with at least twelve years of service with that sheriff's office and who have either (1) at least fifteen years of service and being at least fifty-five years of age or (2) at least thirty years of service at any age. The provisions of this Paragraph shall apply to all persons hired by the Plaquemines Parish Sheriff's Office prior to July 1, 2017.
(2) Notwithstanding the provisions of Subsection D of this Section, the Plaquemines Parish Sheriff's Office shall pay the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance out of the sheriff's general fund for any retired sheriff and any retired deputy sheriff who was hired on or after July 1, 2017, and retired from the Plaquemines Parish Sheriff's Office as follows:
(a) Fifty percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff's Office with fifteen years of creditable service with the Plaquemines Parish Sheriff's Office and is at least fifty-five years of age.
(b) Seventy-five percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff's Office with twenty years of creditable service with the Plaquemines Parish Sheriff's Office and is at least fifty-five years of age.
(c) One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff's Office with twenty-five years of creditable service with the Plaquemines Parish Sheriff's Office and is at least fifty-five years of age.
(d) One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff or deputy sheriff who retires from the Plaquemines Parish Sheriff's Office with at least thirty years of creditable service with the Plaquemines Parish Sheriff's Office regardless of age.
§5554.3. Plaquemines Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund
B. The following monies shall be deposited into the PREIF: until the total amount of the monies including principal and earnings in the PREIF equals the sum of five million dollars:
(1) One and one-half percent of the monies received by the Plaquemines Parish Sheriff's Office for their efforts of collecting parish property tax.
(2) Fifty percent of the revenues received by the Plaquemines Parish Sheriff from video poker proceeds in accordance with R.S. 27:312.
(3) Any other monies that the sheriff of Plaquemines Parish may contribute to the PREIF. The sheriff of Plaquemines Parish may contribute to the PREIF at his discretion.

C. Upon recommendation of the board established in Subsection G F of this Section, the sheriff of Plaquemines Parish shall invest the monies in the PREIF as follows:

- (1) Not more than fifty percent in equities.
(2) At least fifty percent in fixed income investments, provided that not more than one-half of the investment in fixed income may be invested in corporate bonds.

~~(3) The amount of earnings received pursuant to Paragraphs (1) and (2) of this Subsection shall be accounted for separately from the amount of the monies deposited into the PREIF pursuant to Subsection B of this Section.~~

D. ~~The earnings realized on the monies invested deposited pursuant to Subsection E B of this Section and the monies invested pursuant to Subsection C of this Section and the accumulated earnings shall be available for the sheriff to withdraw for the purpose of paying the insurance premium costs, claims or premiums for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided in R.S. 13:5554(N) for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the PREIF is equal to the sum of five million dollars. In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of five million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 13:5554(N) shall be paid in full from the sheriff's general fund.~~

E. ~~The monies deposited pursuant to Subsection B of this Section and the accumulated earnings up to a total of five million dollars shall not be appropriated except in compliance with the provisions of Subparagraphs G(1) (f) and (g) of this Section and shall be used only for making income-producing investments as provided in this Section.~~

F. Any financial audit conducted of the sheriff's office of Plaquemines Parish shall specifically address compliance with the provisions of this Section.

~~G(1) F.~~ To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of three members as follows:

- ~~(a)(1)~~ The sheriff.
~~(b)(2)~~ Two active deputy sheriffs of the department elected by the other active deputy sheriffs of the department. If more than two people qualify for the election, the two candidates receiving the highest number of votes cast shall be elected to the board.

~~(c)(3)~~ The sheriff shall use and provide all means necessary and proper to conduct the initial and subsequent elections. All expenses, including the printing of the ballots for the initial and subsequent elections, shall be borne by the sheriff and paid out of the sheriff's general fund.

~~(d)(4)~~ The members of the board shall elect a chairperson at its first board meeting which shall be held within thirty days after the election of board members. The board shall adopt rules governing the election of the members of the board. The election of board members shall be called and supervised by the board with the assistance of the sheriff.

~~(e)(5)~~ ~~Should~~ If a vacancy ~~occur~~ occurs on the board, within sixty days of the date the vacancy occurs, the board shall appoint a member to fill the vacancy for the unexpired term who is qualified to serve on the board as provided in ~~Subparagraph (b) of this Paragraph (2) of this Subsection~~. If a board member who is an active deputy sheriff elected pursuant to ~~Subparagraph (b) of this Paragraph (2) of this Subsection~~ retires, he may continue to serve for the remainder of the term for which he was elected, if less than two years remain on his term; however, if more than two years remain on his term, the board shall appoint an active deputy sheriff to fill the remainder of that term.

~~(f)(6)~~ The members of the board shall ~~retain a financial advisor and legal counsel to provide recommendations and legal consultation concerning the investment of the funds. The board shall adopt rules governing their selection and compensation. The board may retain the sheriff's office in-house legal counsel; be paid a per diem for each day of attendance at meetings of the board or on authorized business of the board. The board shall establish the per diem rates.~~

~~(g)(7)~~ ~~The board members of the board shall be paid a per diem for each day of attendance at meetings of the board or on authorized business of the board. The board shall establish the per diem rates. retain a financial advisor and legal counsel to provide recommendations and legal consultation concerning the investment of the funds. The board shall adopt rules governing their selection and compensation. The board may retain the sheriff's office in-house legal counsel.~~

~~(2)(8)~~ Members of the board shall serve terms concurrent with that of the sheriff.

~~(9) If the monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section fall below ten thousand dollars, the requirement for an investment advisory board, as provided in Subsection F of this Section, and a financial advisor and legal counsel, as provided in Paragraph (7) of this Subsection, will be extinguished.~~

Section 2. R.S. 13:5554.3(G) is hereby repealed in its entirety.

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No.28

HOUSE BILL NO. 2
Capital Outlay
will publish in a later edition.

ACT No. 29

HOUSE BILL NO. 89
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 22:1662(2), relative to claims adjusters; to allow non-licensed claims adjusters to adjust certain losses that do not exceed five hundred dollars; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1622(2) is hereby amended and reenacted to read as follows:

§1662. General exemptions

This Part does not apply to:

* * *

(2)(a) An employee of an insurer who is not regularly engaged in the adjustment or investigation of insurance claims.

(b) An individual employed by an insurer who adjusts a loss not to exceed five hundred dollars or authorizes a payment on a claim for a loss for which there is a specified coverage limit of five hundred dollars or less, arising from a first-party claim under a property and casualty insurance policy.

* * *

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 30

HOUSE BILL NO. 90
BY REPRESENTATIVES DANAHAY AND GREGORY MILLER
AN ACT

To enact R.S. 42:1111.1 and to repeal R.S. 42:1123(36), relative to ethics; to allow public servants to accept certain donations and contributions from not-for-profit organizations or funds within the organizations following a gubernatorially declared disaster or emergency; to require disclosures to the Board of Ethics; to provide relative to the effectiveness of such provisions; to remove a substantially similar exception specific to Hurricanes Katrina and Rita; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111.1 is hereby enacted to read as follows:

§1111.1. Charitable giving to public servants during gubernatorially declared disasters and emergencies; limitations; requirements; annual reports

A. Notwithstanding any contrary provision of this Part, during the time period extending from the date of a gubernatorially declared disaster or emergency and ending on the date five years after the date the gubernatorially declared disaster or emergency was initially declared by the governor, a public servant may receive any thing of economic value as a contribution or donation from a not-for-profit organization or a fund within a not-for-profit organization for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of the gubernatorially declared disaster or emergency, provided that the total value of contributions or donations received by the public servant related to the gubernatorially declared disaster or emergency from not-for-profit organizations or funds within not-for-profit organizations shall not exceed twenty-five thousand dollars.

B. Each not-for-profit organization which disburses, either directly or through a fund, a contribution or donation to a public servant that, except for the provisions of Subsection A of this Section, would otherwise be prohibited by this Part shall utilize objective criteria in both evaluating the need for and the disbursement of contributions or donations to public servants to ensure that fair and equitable disbursements are made and that the disbursements are based upon demonstrated and documented needs directly related to the gubernatorially declared disaster or emergency.

C. Not later than February fifteenth of each year following a year that a not-for-profit organization has given, either directly or through a fund, a contribution or donation to a public servant that, except for the provisions of Subsection A of this Section, would otherwise be prohibited by this Part, the not-for-profit organization shall file a report with the Board of Ethics containing the identification of the gubernatorially declared disaster associated with the contribution or donation, the objective criteria utilized as required by Subsection B of this Section, the name of each public servant to whom a contribution or donation was given, the name of the agency of each such public servant, the nature of the donation or contribution given to each such public servant, and the value of the donation or contribution given to each such public servant.

Section 2. Each not-for-profit organization that gave a public servant a contribution or donation, either directly or through a fund, for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of a gubernatorially declared disaster or emergency occurring in 2016, that, except for the provisions of R.S. 42:1111.1(A) as enacted by Section 1 of this Act, was otherwise prohibited by the Code of Governmental Ethics, shall file a report no later than February 15, 2018, with the Board of Ethics containing the identification of the gubernatorially declared disaster associated with the contribution or donation, the criteria used by the not-for-profit organization to determine the need for and make disbursements to public servants, the name of each public servant to whom a contribution or donation was given, the name of the agency of each such public servant, the nature of the donation or contribution given to each such public servant, and the value of the donation or contribution given to each such public servant.

Section 3. R.S. 42:1123(36) is hereby repealed in its entirety.
Section 4. The provisions of Section 1 of this Act are declared to be remedial and curative and shall be applied retroactively to January 1, 2016, as well as prospectively.

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

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 31

HOUSE BILL NO. 107
BY REPRESENTATIVES ZERINGUE AND MAGEE
AN ACT

To amend and reenact R.S. 13:783(F)(7), relative to group insurance expenses of the clerk of court’s offices; to provide for the Terrebonne Parish clerk of court’s group insurance expenses; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(7) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk’s office
* * *
F.

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

* * *
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 32

HOUSE BILL NO. 155
BY REPRESENTATIVES DANAHAJ AND JIM MORRIS
AN ACT

To amend and reenact R.S. 15:587(A)(1)(a), relative to criminal identification and information; to provide relative to the Louisiana Bureau of Criminal Identification and Information; to require the bureau to make available to the House and Governmental Affairs Committee criminal history record and identification files; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information
A.(1)(a) The bureau shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and the Louisiana Department of Health, the state fire marshal when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the executive director of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney such information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

* * *
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 33

HOUSE BILL NO. 159
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To enact R.S. 40:2154.1 and to repeal R.S. 40:2154(A)(14), relative to behavioral health services providers; to provide for healthcare provider licensing and regulatory functions of the Louisiana Department of Health; to provide for applicability of the Behavioral Health Services Provider Licensing Law; to require certain healthcare providers to be licensed as behavioral health services providers; to require such providers to complete applications for licenses by a certain date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2154.1 is hereby enacted to read as follows:
§2154.1. Accredited mental health rehabilitation providers; licensure required

A. Any healthcare provider that meets all of the following criteria is hereby required to obtain a license in accordance with the provisions of this Part prior to April 1, 2018, in order to provide behavioral health services:

- (1) Was an accredited mental health rehabilitation provider enrolled in the Louisiana Medicaid program as of February 28, 2012.
- (2) Was enrolled with the statewide management organization for the Louisiana Behavioral Health Partnership as of March 1, 2012.
- (3) Maintains continuous, uninterrupted accreditation through an approved accreditation organization.
- (4) Maintains continuous, uninterrupted enrollment with the statewide management organization for the Louisiana Behavioral Health Partnership.

B. Each healthcare provider required by the provisions of this Section to obtain a license shall submit a completed application to the department for such license on or before December 1, 2017.

Section 2. R.S. 40:2154(A)(14) is hereby repealed in its 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, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 34

HOUSE BILL NO. 165
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 22:984, relative to the identification of a health benefit plan insurer and sponsor; to require that dental benefit plan documentation identify the plan’s insurer; to require information on the face of the identification documentation regarding the level of insurance coverage; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:984 is hereby amended and reenacted to read as follows:
§984. Identification of health benefit plan insurer and sponsor

A. Every health insurer authorized to write health and accident policies of insurance in this state, or dental plans issued in this state or issued for delivery in this state, including plans described pursuant to Subpart G of this Part, who issues an identification card, ~~member~~ membership card, insurance coverage card, or other documentation of coverage to any policyholder or health plan participant shall, in issuing such card or cards, satisfy the requirements of this Section.

B. No health insurer acting as the administrator for a health benefit plan which plan is not fully insured shall issue any identification card, membership card, insurance coverage card, or other documentation of coverage on which the name of the health insurer is prominently displayed on the face of ~~such the~~ card or documentation. The name of the health benefit plan's sponsor shall be prominently displayed on the face of ~~such the~~ card or documentation with an annotation that the plan's benefits are being administered by the health insurer.

C. Every identification card, membership card, insurance coverage card, or other documentation of coverage issued to any policyholder or health plan participant by a health insurer for a plan that is fully insured shall include the phrase "Non-ERISA" prominently displayed on its face.

D. The commissioner may promulgate rules and regulations implementing the provisions of this Section.

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

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 35

HOUSE BILL NO. 188
BY REPRESENTATIVE CROMER
AN ACT

To amend and reenact R.S. 22:2444, relative to the funding of an external review of a health insurance issuer; to provide that the issuer pay the cost of the review; to provide for documentation of the costs; to provide for appeal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2444 is hereby amended and reenacted to read as follows:
§2444. Funding of external review

A. The health insurance issuer against which a request for a standard external review or an expedited external review is filed shall pay the cost of the independent review organization for conducting the external review, and no fee or other charge may be levied upon a covered person for any costs of an external review.

B.(1) The amount charged by the independent review organization as the cost to be paid by the health insurance issuer shall be a reasonable amount for the actual review performed. The independent review organization shall provide adequate documentation to the health insurance issuer justifying the amount charged.

(2) A health insurance issuer that believes that the amount charged for a review by an independent review organization is not reasonable may appeal those charges to the commissioner. In conducting the appeal, the commissioner shall review the amount charged, make a determination regarding the reasonableness of the amount charged, and, if warranted, may order an appropriate reduction. The commissioner may request additional information from the independent review organization, the health insurance issuer, or other independent review organizations or healthcare providers in making his determination.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 36

HOUSE BILL NO. 190
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact Code of Criminal Procedure Article 892(A) and (B) (2), relative to post-sentence statements by sheriffs; to provide relative to statements prepared by the sheriff indicating the amount of time a defendant has spent in custody prior to conviction; to provide for the cases in which such statements must be prepared; to provide with respect to the duties of the clerk of court relative to the sheriff's statement and other documents; to provide relative to the dissemination of the sheriff's statement and other documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 892(A) and (B)(2) are hereby amended and reenacted to read as follows:

Art. 892. Post-sentence statement by sheriff; accompanying documents

A. The sheriff shall prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when ~~such the~~ defendant has been convicted of a felony and is committed to the Department of Public Safety and Corrections, has been convicted of a misdemeanor and sentenced for a term of one year or more to any penal institution, or has been ordered committed to any mental institution or mental hospital. The sheriff shall retain a copy of the statement and submit the original to the ~~officer in charge~~ sheriff of the ~~institution or department~~ parish to which the defendant is sentenced.

B.

* * *

(2) The clerk shall retain a copy of the statement and documents and send the original to the ~~officer in charge~~ sheriff of the ~~department or penal institution~~ parish to which the defendant has been sentenced, where they shall be preserved. The documents, or copies thereof, shall be made available to the governor, the pardon board, and the parole committee.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 37

HOUSE BILL NO. 212
BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 29:26.1(C)(1), relative to applications for death or disability benefits; to provide for the submission of claims for disability benefits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:26.1(C)(1) is hereby amended and reenacted to read as follows:

§26.1. National Guard death and disability benefits

* * *

C. Claims for benefits. (1) All claims for death ~~or disability~~ benefits provided for under this Section shall be submitted to the Louisiana National Guard. All claims for disability benefits shall be submitted to the Louisiana Department of Veterans Affairs.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 38

HOUSE BILL NO. 3
General Appropriations
will publish in a later edition.

ACT No. 39

HOUSE BILL NO. 232
BY REPRESENTATIVE THOMAS
AN ACT

To amend and reenact R.S. 3:903 and 904(B), relative to the mislabeling of fresh fruits and vegetables; to clarify certain authority of the commissioner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:903 and 904(B) are hereby amended and reenacted to read as follows:

§903. Fees for inspection, classification, and grading

The ~~commission~~ commissioner may collect fees for the inspection, classification, and grading of farm products, fruits, and vegetables. The fees shall not exceed the actual cost necessary to provide for the proper inspection, grading, and classification of the products.

§904. Penalty for violations; injunctive relief; costs

* * *

B. In addition to the penalties authorized in this Section, the ~~commission~~ commissioner may apply for injunctive relief restraining violations of this Part or institute necessary actions for failure to pay accounts due the ~~commission~~ department. The person condemned in any such proceeding shall be liable for the costs of court and for any additional costs incurred by the ~~commission~~ department in gathering the necessary evidence, including reasonable attorney fees and expert witness fees.

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 40

HOUSE BILL NO. 250
BY REPRESENTATIVES PYLANT AND BOUIE
AN ACT

To enact R.S. 40:1024(C), relative to needle exchange programs; to authorize local governing authorities to establish needle exchange programs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1024(C) is hereby enacted to read as follows:

§1024. Exceptions; defenses; local needle exchanges

* * *

C. Any provision of law to the contrary herein notwithstanding, the provisions of this Part shall not prohibit the establishment and implementation of a needle exchange program within the jurisdiction of a local governing authority, including but not limited to a city, town, or parish, upon the express approval of the local governing authority.

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

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 41

HOUSE BILL NO. 251
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 3:2452(B) and to enact R.S. 3:2452(C), relative to the declaration of abandoned animals after a declared emergency; to provide requirements for declaring an animal abandoned after a declared emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2452(B) is hereby amended and reenacted and R.S. 3:2452(C) is hereby enacted to read as follows:

§2452. Abandoned animals

* * *

B. After a declared emergency, an animal shall be considered abandoned when such animal is receiving temporary shelter services in a facility operated by the Department of Agriculture and Forestry and the owner has not claimed the animal within thirty days of the declared emergency and a reasonable effort has been made to contact the owner.

C. The owner of an abandoned animal shall be deemed to have relinquished all rights and claims to such animal by virtue of such abandonment, except as provided in R.S. 3:2454(B).

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 42

SENATE BILL NO. 15
BY SENATOR HEWITT
AN ACT

To repeal R.S. 38:291(V)(5), relative to certain levee, drainage and conservation districts; to repeal provision that prohibits a commissioner of the St. Tammany Levee, Drainage and Conservation District, whose term is expired, from continuing to serve or vote notwithstanding any provision of law to the contrary; 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. 38:291(V)(5) is hereby repealed.

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

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 43

SENATE BILL NO. 20
BY SENATORS WARD AND WHITE

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

AN ACT

To amend and reenact the introductory paragraph of R.S. 34:1221(A) and 1222, relative to ports, harbors, and terminals; to provide relative to meetings, election of officers, and per diem for members of the Greater Baton Rouge Port Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 34:1221(A) and 1222 are hereby amended and reenacted to read as follows:

§1221. Creation of Greater Baton Rouge Port Commission; ~~per diem; number of days per diem allowed~~ **members**

A. There is hereby created a commission to be known as the Greater Baton Rouge Port Commission which shall be composed of fifteen members appointed by the governor who shall serve at the pleasure of the governor. ~~The members shall receive per diem; provided, however, that the per diem of each member shall not exceed seventy-five dollars per day during the time the member is in actual attendance upon the board, or performing duties authorized by the board. The per diem shall be payable for a maximum of twenty-four days per year, except if an emergency is declared by the governor. During the period of an emergency as determined by the governor, the commission shall be authorized to hold as many meetings or emergency activities as the commission deems necessary and the members shall be paid per diem for such meetings or activities.~~ Members shall be appointed as follows:

* * *

§1222. Officers of the board; meetings; **quorum; per diem**

The commission shall elect from among its own members **at its regularly scheduled meeting each November**, a president, a vice president, a secretary, and a treasurer, whose respective duties shall be prescribed by the commission. At the option of the commission the offices of the secretary and treasurer may be held by one person. The commission shall meet in regular ~~session as provided in R.S. 34:1221~~ **sessions** and shall also meet in special ~~session~~ **sessions** at the call of the president of the commission, or on the written request of five members of the commission. A majority of the members of the commission shall constitute a quorum and all action or resolutions of the commission ~~must~~ **shall** be approved by the affirmative vote of not less than a majority of all members of the commission. The commission shall prescribe rules to govern its meetings and shall fix the place at which meetings shall be held. **The members shall receive per diem set by the commission, not to exceed three hundred dollars, during the time the member is in actual attendance upon the board, or performing duties authorized by the board. The per diem shall be payable for a maximum of twenty-four days per year, except when an emergency is declared by the governor. During the period of an emergency as determined by the governor, the commission shall be authorized to hold as many meetings or emergency activities as the commission deems necessary and the members shall be paid per diem for such meetings or activities.**

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 44

SENATE BILL NO. 71
BY SENATOR DONAHUE

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

AN ACT

To amend and reenact R.S. 17:5002(A)(2), (B), (D)(1)(b) and (2)(b), the introductory paragraph of 5041, and the introductory paragraph of 5042, relative to the Taylor Opportunity Program for Students; to provide relative to the amounts of program awards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5002(A)(2), (B), (D)(1)(b) and (2)(b), the introductory paragraph of 5041, and the introductory paragraph of 5042 are hereby amended and reenacted to read as follows:

§5002. Awards and amounts

* * *

(2) The award amount **shall be** as provided ~~for~~ in Subsection B or D of this Section ~~to a student enrolled in any given institution shall be equal to the award amount paid for a student at that institution during the 2016-2017 academic year unless the legislature, by law, increases the award amount.~~

B. Any student who is eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter and who has enrolled:

(1) In any public college or university in this state, shall be awarded by the state an amount determined by the administering agency to equal the tuition charged by the public college or university during the 2016-2017 academic year.

(2) At any regionally accredited independent college or university in the state which is a member of the Louisiana Association of Independent Colleges and Universities to pursue an academic undergraduate degree, shall be awarded by the state an amount to be determined by the administering agency to equal the weighted average of ~~amounts paid under this Section to~~ **the tuition amounts charged to** students attending public colleges and universities that offer academic undergraduate degrees at the baccalaureate level during the 2016-2017 academic year.

(3) In a school that has a valid and current certificate of registration issued by the Louisiana State Board of Cosmetology in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education or in any proprietary school that has a valid and current license issued by the Board of Regents in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of ~~amounts paid under this Section for~~ **the tuition amounts charged to** students attending public colleges and universities during the 2016-2017 academic year and who are enrolled in the permitted skill or occupational training, as may be applicable.

(4) In an out-of-state college or university that is specifically designed to accommodate deaf and hard-of-hearing students under R.S. 17:5027(C), shall be awarded an amount determined by the administering agency to equal the weighted average of ~~amounts paid under this Section for~~ **the tuition amounts charged to** students attending Louisiana public colleges and universities that offer academic undergraduate degrees during the 2016-2017 academic year.

D.(1) Except as otherwise provided in this Subsection, a student who is eligible for a TOPS-Tech Award pursuant to this Chapter and who is enrolled:

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term training education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council shall be awarded by the state an amount determined by the administering agency to equal the weighted average of ~~amounts paid~~ **the tuition amounts charged to** students attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce Investment Council determine that a program is no longer aligned with those priorities, an otherwise eligible student who had previously received an award and enrolled in that program may continue to use the award.

(2) A student who graduated prior to the 2016-2017 school year, who is eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled:

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph shall be awarded by the state an amount determined by the administering agency to equal the weighted average of ~~amounts paid~~ **the tuition amounts charged to** students attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year.

§5041. Maintaining eligibility; Honors, Performance, Opportunity
To maintain continued state payment of ~~an amount equal to tuition and other amounts for~~ **any amount pursuant to an** Opportunity, Performance, or Honors Award pursuant to this Chapter once enrolled in college a student shall meet all of the following:

§5042. Maintaining eligibility; TOPS-Tech
To maintain continued state payment of ~~an~~ **any** amount ~~equal to tuition~~ pursuant to a TOPS-Tech Award once enrolled in an institution, a student shall meet all of the following:

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

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 45

SENATE BILL NO. 107
BY SENATOR WHITE

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

AN ACT

To amend and reenact R.S. 32:1261(A)(1)(k) and to enact R.S. 32:1254(O), relative to distribution and sale of motor vehicles; to provide for a licensing

exception for specialty vehicle dealers who manufacture wheeled, armored personnel carriers for sale to law enforcement agencies; to provide for an expiration date; to modify certain requirements regarding sales or offers to sell made directly to a consumer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section. 1. R.S. 32:1261(A)(1)(k) is hereby amended and reenacted and R.S. 32:1254(O) is hereby enacted to read as follows:

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

O. Notwithstanding the provisions of this Chapter and the provisions of Subsection N of this Section to the contrary, this Chapter shall not apply to specialty vehicle dealers who manufacture wheeled, armored personnel carriers for sale to law enforcement agencies and who do not maintain or have a place of business in this state. The provisions of this Subsection shall expire on July 1, 2018.

§1261. Unauthorized acts

A. It shall be a violation of this Chapter:

(1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof:

(k)(i) To sell or offer to sell a new or unused motor vehicle directly to a consumer except as ~~provided in this Chapter, or to compete with a licensee in the same line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are~~ **is** met:

(aa) Operating a **an existing, licensed, and franchised motor vehicle** dealership temporarily for a reasonable period, not to exceed two years.

(bb) Operating a ~~bona fide retail~~ **an existing, licensed, and franchised motor vehicle** dealership which is for sale to any qualified independent person at a fair and reasonable price, not to exceed two years.

(cc) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the dealership, and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions.

(ii) After any of the conditions have been met under Subitems (aa) and (bb) of Item (i) of this Subparagraph, the commission ~~shall~~ **may** allow the manufacturer to ~~compete with licensees of the same line makes, models, or classifications under an agreement or franchise from said manufacturer~~ **continue operating an existing, licensed, and franchised motor vehicle dealership** for longer than two years when, in the discretion of the commission, the best interest of the manufacturer, consuming public, and licensees are best served.

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

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 46

SENATE BILL NO. 127
BY SENATOR THOMPSON

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

AN ACT

To amend and reenact R.S. 32:53(A)(3), relative to motor vehicles; to provide relative to display of a motor vehicle license plate; to prohibit coverings and devices from obstructing a motor vehicle license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:53(A)(3) is hereby amended and reenacted to read as follows:

§53. Proper equipment required on vehicles; display of plate

A.
(3) Every permanent registration license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible. **Unless authorized by the commissioner, a person shall not apply a covering or any substance to the license plate or use an electronic device or electrochromatic film that obscures from any angle the numbers, characters, year registration sticker, or name of the jurisdiction issuing the plate.**

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 47

SENATE BILL NO. 4

BY SENATORS MARTINY AND JOHNS

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

AN ACT

To enact R.S. 51:703(D)(4)(d), relative to investment adviser representatives; to provide for registration; to provide for examination and certification requirements; to exempt certain persons from the examination and certification requirements; to provide for an effective date; 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. 51:703(D)(4)(d) is enacted to read as follows:

§703. Registration of dealers, salesmen, and investment advisers and investment adviser representatives; surety bonds; records

* * *

D.(1) * * *

(4)(a) * * *

(d) The examination requirement or certification requirement as provided for in Subparagraph (a) of this Paragraph shall not apply to a person who meets both of the following requirements:

(i) Was registered as an investment adviser representative or salesman with any state securities administrator on or before August 31, 2016.

(ii) Has been registered as an investment adviser representative or salesman for more than ten years.

* * *

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

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 48

HOUSE BILL NO. 64

Ancillary Appropriations
will publish in a later edition.

ACT No. 49

SENATE BILL NO. 104

BY SENATOR APPEL

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

AN ACT

To amend and reenact R.S. 37:2163(A)(1), relative to contractors; to provide for bid specifications and requirements; to provide for certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2163(A)(1) is hereby amended and reenacted to read as follows:

§2163. Bid procedures; penalty

A.(1) It is the intent of this Section that only contractors who hold an active license be awarded contracts either by bid or through negotiation. All architects, engineers, and awarding authorities shall place in their bid specifications the requirement that a contractor shall certify that he holds an active license under the provisions of this Chapter ~~and show~~ **by displaying** his license number on the bid envelope. In the case of an electronic bid proposal, a contractor may submit an authentic digital signature on the electronic bid proposal accompanied by the contractor's license number in order to meet the requirements of this Paragraph. Except as otherwise provided herein, if the bid does not ~~contain the contractor's certification and show~~ **display** the contractor's license number on the bid envelope, the bid shall be automatically rejected, shall be returned to the bidder marked "Rejected", and shall not be read aloud.

* * *

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 50

SENATE BILL NO. 108

BY SENATOR WHITE

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

AN ACT

To enact R.S. 37:1436(E) and (F), relative to licensing and registration of persons engaged in real estate activity; to provide for penalties; to provide for procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1436(E) and (F) are hereby enacted to read as follows:
§1436. Licensing and registration required

* * *

E. Whoever violates the provisions of this Section shall be guilty of a misdemeanor and fined not more than five hundred dollars per day of violation, beginning from five calendar days from service by certified mail of the cease-and-desist letter issued by the commission, or imprisoned for not more than three months, or both.

F. The district attorney in whose jurisdiction the violation occurs shall have sole authority to prosecute criminal actions pursuant to this Section.

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 51

SENATE BILL NO. 112

BY SENATOR WHITE

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

AN ACT

To enact R.S. 39:1622(H), relative to performance-based energy efficiency contracts; to provide for the effect of certain modifications and change order and approvals thereof; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1622(H) is hereby enacted to read as follows:
§1622. Performance-based energy efficiency contracts

* * *

H. Notwithstanding the requirements of Paragraph C of this Section, if, at any time after the execution of a performance-based energy efficiency contract, a state agency makes a unilateral change or modification to the scope of work under the contract, the annual energy cost savings attributable to the services or equipment shall be adjusted to account for any expended costs and any projected savings that can no longer be measured or verified as a result of the change or modification. However, any adjustment that reduces the annual energy cost savings attributable to the services or equipment by twenty percent or more shall require approval of the Joint Legislative Committee on the Budget prior to the amendment of the contract. This Subsection shall apply to all performance-based energy efficiency contracts in effect on and after January 1, 2010, and all future contracts executed pursuant to this Section.

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 52

HOUSE BILL NO. 252

BY REPRESENTATIVE SCHEXNAYDER

AN ACT

To amend and reenact R.S. 36:628(C)(1) and (E), relative to animal health and food safety for commercial feeds; to provide clarification regarding the regulation of commercial feeds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:628(C)(1) and (E) are hereby amended and reenacted to read as follows:

§628. Offices; purposes and functions

* * *

C.(1) The office of agricultural and environmental sciences shall administer the provisions of law relating to fertilizers, seeds, plant diseases, ~~commercial feeds~~, pesticides, horticulture, and apiaries. The office shall perform technical services and laboratory functions for the farmers of the state and shall perform functions designed to expand and improve seed certification; increase production of rice and nursery stock; monitor and provide for the prevention, control, and eradication of regulated and exotic crop pests or diseases endangering Louisiana's agricultural, horticultural, and apiary industries; assure that products certified for export are free from pests; oversee the qualifications and practices of persons engaged in the green industry; sample pesticides, ~~feeds~~, fertilizer, seed, and agricultural materials to assure that they meet all requirements of law and regulation; assure the proper labeling, distribution, storage, sale, offering for sale, and application

of pesticides; license and regulate pesticide applicators and pest control companies; regulate the treatment, storage, and disposal of pesticide wastes; and perform other related functions, all in accordance with applicable law.

E. The office of animal health and food safety shall be responsible for the inspection of meat, fruits, and vegetables, the control and eradication of infectious diseases that affect the livestock and poultry industries of the state, the control of livestock theft and denying a market for stolen cattle and horses in Louisiana, the regulation of the manufacturing and sale of commercial feeds, and the enforcement of Louisiana grown products and performance of other related functions, all in accordance with applicable law.

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 53

HOUSE BILL NO. 286
BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 15:574.4.2(C) and R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(5) and (C)(1) and to enact R.S. 46:1806(F), 1809(D), and 1816(C)(3), relative to restitution as a condition of parole; to provide for the payment of restitution to the Crime Victims Reparations Fund in certain cases; to provide for recovery by the victim of restitution payments directed to the Crime Victims Reparations Fund; to provide relative to the duties of the Crime Victims Reparations Board; to provide relative to the source and use of funds in the Crime Victims Reparations Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:574.4.2(C) is hereby amended and reenacted to read as follows:

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

C.(1)(a) When a victim of the crime for which parole is being considered has suffered a direct pecuniary loss other than damage to or loss of property, the parole committee may impose as a condition of parole that restitutions restitution be made to the victim be made. When such a condition is imposed, the committee shall take into account consider the defendant's ability to pay and shall not revoke parole based upon this condition unless the parolee has willfully failed to comply. When the victim's loss consists of damage to or loss of property, the committee shall impose as a condition of parole payment of restitution, either in a lump sum or in monthly installments based on the earning capacity and assets of the defendant. If the victim was paid for such property loss or damage with monies from the Crime Victims Reparations Fund, the committee shall order the parolee to make such payments as reimbursement to the fund in the same amount as was paid from the fund to the victim. This condition of parole shall continue until such time as the restitution is paid or the parolee is discharged from parole in accordance with R.S. 15:574.6.

(b) If restitution to the victim is ordered as a condition of parole in accordance with the provisions of this Subsection and the victim cannot be located by the probation and parole officer within one year after the condition is imposed, the defendant shall direct the restitution payments to the Crime Victims Reparations Fund as provided for in R.S. 46:1816.

(2) Nothing herein in this Subsection shall affect a victim's civil remedy except that funds actually received shall be credited to any civil judgment arising out of the same offense.

Section 2. R.S. 46:1807(B)(1), (3), and (5) and 1816(B)(5) and (C)(1) are hereby amended and reenacted and R.S. 46:1806(F), 1809(D), and 1816(C)(3) are hereby enacted to read as follows:

§1806. Application; requirements; confidentiality

F. A victim who was owed restitution as a condition of an offender's parole pursuant to R.S. 15:574.4.2(C)(1)(a) but whose restitution payments were directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b) may file an application for recovery of the restitution in a written format developed by the board.

§1807. Powers and duties of board; staff

B. In the performance of its powers and duties the board shall:
(1) Prescribe, distribute, and otherwise make available forms for use in making application for reparations and, where appropriate, recovery of restitution funds directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(3) Receive, verify, and process applications for reparations and, where appropriate, recovery of restitution funds directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(5) Make a written decision with respect to each application received by it and order payment of reparations or, where appropriate, recovery of restitution funds to victims in accordance with this Chapter.

§1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

D.(1) When a victim applies for the recovery of restitution pursuant to R.S. 46:1806(F) the board shall order the payment of the restitution to the victim if all of the following conditions apply:

(a) The board determines that an offender was ordered to pay restitution to the victim as a condition of the offender's release on parole pursuant to R.S. 15:574.4.2(C)(1)(a).

(b) The restitution payments were directed to the Crime Victims Reparations Fund pursuant to R.S. 15:574.4.2(C)(1)(b).

(2) When the board orders payment pursuant to the provisions of Paragraph (1) of this Subsection, the provisions of Subsections A and B of this Section regarding criteria for and determinations of eligibility for reparations and determinations of the amount of reparations do not apply.

§1816. Crime Victims Reparations Fund; creation; sources and use of funds

B. The fund shall be composed of:

(5) Any restitution paid by an offender to a victim for damages for a crime which was the basis of a reparations award under this Chapter, and any restitution payments owed to a victim as a condition of an offender's release on parole but directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b).

C.(1) Except as provided in Paragraph Paragraphs (2) and (3) of this Subsection, all monies deposited in the fund shall be used solely to pay reparation awards to victims pursuant to this Chapter and disbursements therefrom shall be made by the state treasurer upon written order of the board, signed by the chairman, or a court.

(3) Monies directed to the fund pursuant to R.S. 15:574.4.2(C)(1)(b) may be used to pay restitution owed to a victim pursuant to R.S. 15:574.4.2(C)(1)(a) who applies for recovery of the restitution funds pursuant to the provisions of this Chapter.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 54

HOUSE BILL NO. 295
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 27:402(17), 405(D), and 407(A), relative to video draw poker devices; to provide relative to the forms of payment video draw poker devices may accept; to authorize the use of ticket vouchers; to raise the denomination of cash accepted in video draw poker devices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(17), 405(D), and 407(A) are 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:

(17) "Video draw poker device" means any unit, mechanism, or device authorized pursuant to the provisions of this Chapter, that, upon insertion of a ticket voucher or cash, is available to play or simulate the play of the game of draw poker, or other card games approved by the division utilizing a video display and microprocessors in which the player may win games or credits that can be redeemed for cash only. The term does not include a device that directly dispenses coins, cash, tokens, or any thing else of value, except the ticket voucher required in accordance with the provisions of this Chapter. The term does not include any device authorized to be used in the conducting of charitable gaming. The term does not include video line up games, mechanical reel games, or any combination thereof, or any slot machine as defined in R.S. 27:353(14).

§405. Description and specifications of devices

D. A video draw poker device may have a mechanism that accepts ticket vouchers of any amount and cash in the form of bills with a denomination not to exceed twenty one hundred dollars.

§407. Games without minimum wager; Orleans excepted

Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

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— — —

HOUSE BILL NO. 297

Be it enacted by the Legislature of Louisiana:

A. The Louisiana Sweet Potato Advertising and Development Commission is created with its domicile at Baton Rouge, Louisiana, to be composed of ~~eleven~~ nine members, ~~ten~~ eight of whom shall be appointed by the commissioner of agriculture and forestry. The ~~eleventh~~ ninth member shall be the commissioner, or his designee, who shall serve as an ex officio member of the commission with the same rights and privileges, including voting rights, as other members. Four of the ~~ten~~ eight members to be appointed shall be practical sweet potato growers, ~~four~~ three shall be handlers or shippers of sweet potatoes, and ~~two~~ one shall be a commercial processors processor.

Approved by the Governor, June 3, 2017.

■■■■■

— — —

HOUSE BILL NO. 298

Be it enacted by the Legislature of Louisiana:

§3246. Certification and licensing of agricultural consultants

D. No new applications for an agricultural consultant's certificate shall be accepted unless the applicant furnishes satisfactory evidence that he meets the following requirements:

(3) He has earned at least ~~four~~ three hours of college credit in each discipline area for which certification is sought. The ~~four~~ discipline areas requiring certification are entomology, plant pathology, weed science, and soil science.

Approved by the Governor, June 3, 2017.

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HOUSE BILL NO. 310

To amend and reenact R.S. 12:1-140(25B), 1-402(C), 1-727(A), 1-728(A), 1-1435(I), 1-1436(E) and (F), and 1-1444(A)(2) and (F)(1) and to enact R.S. 12:1-742.2 and

Be it enacted by the Legislature of Louisiana:

§1-140. Definitions

In this Chapter:

(25B) “Votes entitled to be cast”, when used in specifying the proportion of votes required to provide a shareholder quorum or approval of an action, means the number of votes in a voting group that would be cast at a meeting at which all shares in the voting group were present and voting.

* * *

§1-402. Reserved name

* * *

* * *

§1-727. Greater quorum or voting requirements

A. The articles of incorporation may provide for a greater voting requirement for shareholders, or voting groups of shareholders, than is provided for by this Chapter. The articles of incorporation may make a quorum requirement for shareholders, or for a voting group of shareholders, greater or lesser than that provided by this Chapter, but the requirement may not be lower than shares having twenty-five percent of the shares entitled to vote votes entitled to be cast on a matter.

* * *

§1-728. Voting Quorum and voting for directors: cumulative voting

A. Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present. If a quorum is not present at an annual meeting or at a special meeting called for the election of directors, the shareholders present at the meeting in person or by proxy may, by a majority of the votes cast on the matter, adjourn the meeting to the next day, at the place and time specified in the approved motion to adjourn. The shareholders present in person or by proxy at the meeting to which the earlier meeting is adjourned shall constitute a quorum for the purpose of electing directors, even if a quorum would not otherwise be present.

* * *

§1-742.2. Jurisdiction over a director

A court may exercise personal jurisdiction over a nonresident who is or has been a director of a domestic corporation as to a cause of action arising from a breach by the nonresident of a duty owed to the corporation or its shareholders because of the nonresident's position as a director.

§1-742.3. Venue in derivative proceeding

A derivative proceeding shall be brought in the parish where the registered office of the corporation is located.

— * * *

§1-1435. Oppressed shareholder's right to withdraw

* * *

I. A corporation's obligation to purchase of a withdrawing shareholder's shares as provided in this Section or R.S. 12:1-1436 is subject to ~~the rules on any limitation or requirement respecting~~ a corporation's acquisition of its own shares provided in as imposed by R.S. 12:1-631, and to the limitations on distribution imposed by R.S. 12:1-640, or any other provision of state or federal law applicable to the corporation, including any order, plan, directive, or enforcement action issued by an administrative or regulatory agency pursuant to state or federal law.

* * *

§1-1436. Judicial determination of fair value and payment terms for withdrawing shareholder's shares

* * *

E. If at the conclusion of the trial the court finds that the corporation has proved that a full payment in cash of the fair value of the withdrawing shareholder's shares would violate the provisions of R.S. 12:1-640 its payment of the judgment rendered in accordance with Subsection D of this Section would violate a limitation or requirement as described in R.S. 12:1-1435(I) or cause undue harm to the corporation or its creditors, the court shall not render the judgment specified in Subsection D of this Section, but shall instead render a final judgment that, by itself or in conjunction with earlier orders or partial judgments of the court, provides relief as close in value and effect as feasible to that contemplated by Subsection D of this Section, but adjusted as necessary to avoid the relevant violation or undue harm. does both of the following:

(1) Orders the corporation to issue and deliver to the shareholder within thirty days of the date of the judgment an unsecured negotiable promissory note of the corporation which is all of the following:

~~(a) Payable to the order of the shareholder.~~

~~(b) In a principal amount equal to the fair value of the withdrawing shareholder's shares.~~
~~(c) Bearing simple interest on the unpaid balance of the note at a floating rate equal to the judicial rate of interest.~~
~~(d) Having a term up to ten years, as specified by the court in its judgment as necessary to prevent a violation of R.S. 12:1-640 or undue harm to the corporation or its creditors.~~
~~(e) Containing such other terms, customary in negotiable promissory notes issued in commercial transactions, as the court may order.~~
~~(2) Terminates the shareholder's ownership of shares in the corporation upon delivery to the shareholder of the note required by the judgment issued pursuant to Paragraph (1) of this Subsection, and orders the shareholder to deliver to the corporation, within ten days of the delivery of the note, any certificate issued by the corporation for the shares or an affidavit by the shareholder that the certificate has been lost, stolen, destroyed, or previously delivered to the corporation.~~
F. If a withdrawing shareholder fails to deliver the certificate for a share covered by a judgment rendered under as provided in Subsection C or D or E of this Section, and a third person presents the certificate to the corporation after the shareholder's ownership of the share is terminated by the judgment, the shareholder shall indemnify the corporation for any dilution in value imposed on other shareholders as a result of the corporation's obligations obligation to recognize the person presenting the certificate as the owner of the shares represented by the certificate.

* * *
§1-1444. Reinstatement of terminated corporation
A. A terminated corporation may be reinstated if the corporation satisfies both of the following conditions:

* * *
(2) It requests reinstatement in accordance with this Section no later than three five years after the effective date of its articles or certificate of termination.

* * *
F. The secretary of state shall file the articles of reinstatement only if both of the following conditions are satisfied:

(1) The articles are delivered for filing to the secretary of state within three five years after the effective date of the articles or certificate of termination for the corporation.

* * *
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 58

HOUSE BILL NO. 625
Supplemental Appropriations
will publish in a later edition.

ACT No. 59

HOUSE BILL NO. 317
BY REPRESENTATIVE BAGLEY
AN ACT

To amend and reenact Children's Code Article 1117(B), relative to the surrender of children for adoption; to provide relative to the agencies who may accept the surrender of children for adoption; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Children's Code Article 1117(B) is hereby amended and reenacted to read as follows:
Art. 1117. Domiciliary requirements; acceptance of surrender ~~by agency on behalf of resident adoptive parent~~

* * *
B. In order for a surrender to an agency to be effective, the agency accepting the surrender shall either be the Department of Children and Family Services or have been issued a child-placing or adoption license by the Department of Children and Family Services department.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 60

HOUSE BILL NO. 320
BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 46:121(5) and 123(C) and to enact R.S. 46:121(6), relative to military family assistance; to provide for the designation of a third party administrator; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:121(5) and 123(C) are hereby amended and reenacted and R.S. 46:121(6) is hereby enacted to read as follows:
§121. Definitions
For purposes of this Part, the following terms shall be defined as follows:

* * *
(5) "Third party administrator" shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board unless the board has entered into a cooperative agreement as provided in R.S. 46:123(C).

(6) "Veteran" means any servicemember of the United States Armed Forces who has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he or she was ordered to active duty, other than active duty for training, and received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and has been discharged under the specific authority of 10 U.S.C. 1171 or 1173, or has been determined to have a compensable service-connected disability.

(c) Has received a discharge with less than ninety days of service for a service-connected disability.

* * *
§123. Louisiana Military Family Assistance Board
* * *

C. The board may enter into a cooperative agreement with a third party administrator to accomplish the necessary administration or required claims adjudication in accordance with rules promulgated by the board. However, such agreement shall not be valid until approved by the Joint Legislative Committee on the Budget. If the board has not entered into a cooperative agreement, the third party administrator shall be one or more employees of the Louisiana Department of Veterans Affairs designated by the secretary and approved by the board.

* * *
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 61

HOUSE BILL NO. 392
BY REPRESENTATIVE CONNICK
AN ACT

To enact R.S. 22:1460(I)(1)(c), relative to fire insurance rates; to provide for the determination of fire insurance rates; to prohibit certain methods of determination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:1460(I)(1)(c) is hereby enacted to read as follows:
§1460. Fire insurance rates; the Property Insurance Association of Louisiana

I.(1)

* * *
(c) No insurance company shall combine a higher classified public fire protection area with a lower classified public fire protection area for the purpose of determining the fire insurance rate for the combined public fire protection areas.

* * *
Approved by the Governor, June 3, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 62

HOUSE BILL NO. 400
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 9:5172(A)(introductory paragraph) and (1) and (B) and 5173 and to enact R.S. 9:5172(A)(3) and 5173.1, relative to the cancellation of mortgages; to provide for procedure; to change certain form requirements; to provide a form for partial cancellation of a mortgage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5172(A)(introductory paragraph) and (1) and (B) and 5173 are hereby amended and reenacted and R.S. 9:5172(A)(3) and 5173.1 are hereby enacted to read as follows:

§5172. Cancellation; partial cancellation; licensed financial institution
A. In lieu of complying with the provisions of R.S. 9:5169, 5170, and 5171, a request for cancellation or partial cancellation may have attached to it the signed, written act of a licensed financial institution ~~executed before a notary public represented by one of its officers and executed or~~ duly acknowledged before a notary public with or without witnesses, ~~or any act in any form that is otherwise self-proving under the provisions of Code of Evidence Article 902(1), (2), (3), or (8), or an act under private signature by two authorized officers of the licensed financial institution,~~ declaring that the obligee is a licensed financial institution as defined in Subsection C of this Section and that the institution ~~meets any of the following criteria:~~

(1) Was the obligee or the authorized agent of the obligee of the obligation secured by the mortgage or privilege when the obligation was extinguished and that the secured obligation has been paid or otherwise satisfied or extinguished;~~or~~ .

* * *

(3) ~~Is the obligee or authorized agent of the obligee of the secured obligation and that it partially releases the mortgage or privilege and directs the recorder to partially cancel its recordation.~~

B. When a request for cancellation or partial cancellation is made by the licensed financial institution, in lieu of attaching a separate act of release or partial release, the financial institution may include the information required by R.S. 9:5169, 5170, and 5171 if the request is in authentic or authenticated form or otherwise complies with Subsection A of this Section.

* * *

§5173. Mortgage or privilege cancellation by financial institution-standard form

A financial institution seeking to cancel a mortgage or privilege inscription pursuant to R.S. 9:5172 may use, and the recorder of mortgages for each and every parish in the state of Louisiana shall accept, the following form as fully compliant as a request for cancellation and act of release. The form contained in this Section is not the exclusive form to be accepted for filing, and any other form meeting the requirements of R.S.9:5172 may be used and filed for canceling the recordation of a mortgage or privilege:

R.S. 9:5172 FORM:

REQUEST FOR CANCELLATION OF MORTGAGE OR PRIVILEGE AND
RELEASE BY LICENSED FINANCIAL INSTITUTION
PURSUANT TO R.S. 9:5172

State of _____
Parish or County of _____
BE IT KNOWN THAT on this _____ day of _____, 20____, ~~before me, the undersigned Notary Public, appeared~~ _____ (name of

financial institution) herein represented by its undersigned duly authorized ~~representative, which declared officer or officers,~~ declares that it is a licensed financial institution as defined in R.S. 9:5172 et seq. and that one of the following statements is true and correct:

(1) The institution was the obligee or the authorized agent of the obligee of the obligation secured by the mortgage or privilege described below when the obligation was extinguished, and the secured obligation has been paid or otherwise satisfied or extinguished; or

(2) The institution is the obligee or authorized agent of the obligee of the secured obligation, and it releases the mortgage or privilege described below.

The Clerk of Court and Ex-Officio Recorder of Mortgages for the Parish identified below is hereby expressly requested, authorized, and directed to cancel the recordation of the mortgage or privilege described as follows:

A mortgage or privilege granted by: _____
In favor of: _____
Date of Instrument: _____
Parish of Recordation: _____
Recording Data: _____
Legal description is as follows or is hereby attached as Exhibit “A”:

(3) The recorder of mortgages shall not be liable for any damages resulting to any person or entity as a consequence of canceling a mortgage or vendor’s privilege pursuant to this form.

[Choose one of the two following signature options.]
THUS DONE AND ~~PASSED SIGNED~~ before me, Notary Public, on the date set forth above.

Name of officer and title
Name of financial institution
Requested mailing address
City, state, and zip code

Notary Public
(Printed name of notary and bar roll or notary number)

OR

THUS DONE AND SIGNED by the two undersigned authorized officers of the above named financial institution.

Name of officer and title

Name of financial institution
Requested mailing address
City, state, and zip code

Name of officer and title
Name of financial institution
Requested mailing address
City, state, and zip code

§5173.1. Mortgage or privilege partial cancellation by financial institution-standard form

A financial institution seeking a partial cancellation of a mortgage or privilege inscription pursuant to R.S. 9:5172 may use, and the recorder of mortgages for each and every parish in the state of Louisiana shall accept, the following form as fully compliant as a request for partial cancellation and act of partial release. The form contained in this Section is not the exclusive form to be accepted for filing, and any other form meeting the requirements of R.S. 9:5172 may be used and filed to partially cancel the recordation of a mortgage or privilege:

REQUEST FOR PARTIAL CANCELLATION OF MORTGAGE
OR PRIVILEGE AND PARTIAL RELEASE BY LICENSED FINANCIAL
INSTITUTION PURSUANT TO R.S. 9:5172

State of _____
Parish or County of _____
BEITKNOWNTHATonthis _____ day _____ of20____, _____
(name of financial institution), herein represented by its undersigned duly authorized officer or officers, declares the following:

The institution is a licensed financial institution as defined in R.S. 9:5172 et seq., and is the obligee or authorized agent of the obligee for the obligation secured by the mortgage or privilege described as follows:

A mortgage or privilege granted by: _____
In favor of: _____
Date of Instrument: _____
Parish of Recordation: _____
Recording Data: _____
The institution grants a partial release of the above-described mortgage or privilege, and does hereby release ONLY the following described property from the above-described mortgage or privilege, to wit:
Legal description of released property is as follows or is hereby attached as Exhibit “A”:

The institution hereby requests, authorizes, and directs the Clerk of Court and Ex-Officio Recorder of Mortgages for the Parish in which the above-described property is situated to release the above-described property from the mortgage or privilege described above and to partially cancel the above-described mortgage or privilege ONLY AS TO such described property hereby released from the same.

The institution further expressly declares that the above-described mortgage or privilege is not released or cancelled as to any other property described in such mortgage or privilege, and such mortgage or privilege shall continue to encumber and remain in full force and effect as to all other property described therein.

The recorder of mortgages shall not be liable for any damages resulting to any person or entity as a consequence of partially cancelling a mortgage or vendor’s privilege pursuant to this form.

[Choose one of the two following signature options.]
THUS DONE AND SIGNED, before me, Notary Public, on the date set forth above.

Name of officer and title
Name of financial institution
Requested mailing address
City, state, and zip code

Notary Public
(Printed name of notary and bar roll or notary number)

OR

THUS DONE AND SIGNED, by the two undersigned authorized officers of the above named financial institution on the date set forth above.

Name of officer and title
Name of financial institution
Requested mailing address
City, state, and zip code

Name of officer and title
Name of financial institution
Requested mailing address
City, state, and zip code
Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 63

HOUSE BILL NO. 407
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:855(B)(1) and (2)(c) and 1568(B) and to enact R.S. 22:855(B)(2)(d), relative to producer compensation; to authorize agency fees on individual and group health insurance policies and supplemental benefit insurance policies; to provide for commissions and other forms of compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:855(B)(1) and (2)(c) and 1568(B) are hereby amended and reenacted and R.S. 22:855(B)(2)(d) is hereby enacted to read as follows:

§855. Quoted premium shall include all charges; dollar amount required

* * *

B.(1) No insurer or its officer, employee, producer, or other representative shall charge or receive any fee, compensation, or consideration for insurance which is not included in the premium quoted to the insured and the premium specified in the policy delivered to the insured, except for the premium tax on a surplus lines policy which shall be separately stated, and except for reimbursement for expenses due the producer, and except for an agency fee, if any, as authorized hereunder for all lines of insurance including but not limited to property insurance, casualty insurance, individual and group health insurance, and supplemental benefit insurance coverages.

(2)

* * *

(c) Expenses or agency fees charged for an individual health insurance policy shall be disclosed on a separate document which shall be signed by the named insured. The exclusive remedy for failure to obtain a signed disclosure on an individual health insurance policy shall be the return of expenses and agency fees.

(d) The commissioner of insurance may promulgate rules to enforce the provisions of this Section.

* * *

§1568. Producer compensation for sales of health and welfare plans

* * *

B. In addition to a commission for a individual and group health insurance ~~product~~ products, a health insurance producer may negotiate a charge, fee, or any other form of compensation directly with the insured, plan sponsor, or employer group as authorized by R.S. 22:855(B). The producer shall also provide notification in a separate written document of sufficient size and legibility that advises the insured that he may purchase the same health insurance policy online or by contacting a health care navigator. The notice shall also inform the insured that if he elects to purchase a health insurance policy with his current agent he may be charged a fee and expenses that he would not incur if he purchases a policy online or through a health care navigator. The form shall be signed by the named insured.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 64

HOUSE BILL NO. 408
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:1564(B)(1)(b) through (d), relative to the qualifications and licensing of insurance producers; to provide with respect to producers on record; to provide for a change in producer; to require quotations and proposals; to provide notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1564(B)(1)(b) through (d) are hereby amended and reenacted to read as follows:

§1564. Producers of record

* * *

B.(1)

* * *

(b) If the insurer receives a producer of record letter for an application, the insurer shall provide the new producer of record with a quotation or proposal based on new applications submitted by the new producer of record regardless of any other outstanding quotations or proposals. If the quotation or proposal is accepted by the insured, the insurer shall issue the policy with the designated producer of record. If the insurer receives a written request by the insured to change the producer of record on an application, the insurer shall give the initial producer of record written notice ~~fifteen ten calendar~~ days in advance of the change or removal. If the insurer receives a request to change a producer of record on an application within ~~fifteen ten calendar~~ days of the policy inception, the insurer shall provide the required ~~fifteen-day ten-calendar day~~ notice; however, any required change of producer shall be effective on the inception date of the policy.

(c) If a change or removal of a producer is requested by an insured during a policy period, the insurer shall give the producer written notice ~~fifteen ten calendar~~ days in advance of the change or removal. If the insurer receives a request to change a producer within the last ~~fifteen ten calendar~~ days of the policy period, the insurer shall provide the required ~~fifteen-day ten-calendar day~~ notice; however, any required change of producer shall be effective on the inception date of the renewal policy.

(d) Property, casualty, and bond commissions shall be paid to the ~~original~~ producer of record at the policy inception for the full term of the policy, unless such policy is written for more than one year or is continuous until canceled, in which case commissions shall be paid to the new producer of record starting on the anniversary rating date when new rates take effect. Accident, health, or benefits commissions shall be paid to the current producer of record and shall change when the producer of record changes.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 65

HOUSE BILL NO. 431
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 3:121, 124, and 125(1), relative to co-operative marketing associations; to provide for an expansion and clarification of the purposes of a co-operative marketing association; to provide for an expansion of the powers of a co-operative marketing association; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:121, 124 and 125(1) are hereby amended and reenacted to read as follows:

§121. Declaration of policy

The purpose of this Part is to promote, foster, and encourage the intelligent and orderly marketing of agricultural products through co-operation, ~~to eliminate speculation, unnecessary middlemen, and waste; to make the distribution of agricultural products as direct as can be efficiently done between producer and consumer; and to stabilize the marketing of agricultural products.~~

* * *

§124. Purposes

A. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, shipping, or utilizing thereof, or the manufacturing or marketing of by-products thereof; or in connection with the manufacturing, selling, or supplying to its members of machinery, equipment, or supplies; or more of the activities specified herein; or in the financing of the above enumerated activities; or to represent the interest of its members; or to engage in any lawful activity for which corporations may be formed under the laws of the state of Louisiana.

B. Every group of persons contemplating the organization of an association under this Part is urged to communicate with the dean of the college of agriculture of the Louisiana State University and Agricultural and Mechanical College, who will inform them whatever a survey of the marketing conditions affecting the commodities proposed to be handled may indicate regarding probable success.

§125. Powers

Each association incorporated under this Part shall have the following powers:

(1) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, or utilization of any agricultural product produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities; or the representation of the interest of its members; or any lawful activity for which any corporation may be formed under the laws of the state of Louisiana. ~~or in any one or more of the activities specified in this Section.~~ No association shall handle the agricultural products of any non-member, except as necessary and incidental to the handling of the products of the members; and in any case, the value of the products of nonmembers handled, shall not exceed the value of the products handled by the association for its members.

* * *

Approved by the Governor, June 3, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 66

HOUSE BILL NO. 493
BY REPRESENTATIVES MAGEE, BAGLEY,
HORTON, RICHARD, AND STAGNI
AN ACT

To enact R.S. 40:31.39, relative to powers and duties of the office of public health of the Louisiana Department of Health; to provide for authority of the office with respect to enforcement of the state sanitary code; to provide for assessment of fees by the office; to establish and provide for a reinspection fee; to provide the amount and procedures for assessment of the fee; to provide for definitions; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:31.39 is hereby enacted to read as follows:
§31.39. Office of public health reinspection fees
A. As used in this Section, the following terms and phrases have the meaning ascribed to them in this Subsection:

(1) “Critical item” has the meaning ascribed in the sanitary code, LAC 51:XXIII.101.

(2)(a) “Initial inspection” means any routine, complaint-based, or pre-opening inspection of a commercial facility conducted to determine compliance with the sanitary code that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item that is not corrected during the inspection.

(b) Any reinspection that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item, and in which none of the violations were previously identified in the most recent inspection, constitutes an initial inspection for purposes of this Section.

(3) “Reinspection” means any inspection subsequent to an initial inspection conducted to determine remedial compliance related to any sanitary code violation identified during an initial inspection.

(4) “Second or subsequent reinspection” means any reinspection conducted following a prior reinspection and that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item that remain uncorrected after being identified either in an initial inspection or in a reinspection.

B.(1) The department may conduct a reinspection of any commercial facility subject to regulation and inspection by the department pursuant to R.S. 40:4 or 5.

(2) The department shall charge a fee of one hundred fifty dollars to conduct any second or subsequent reinspection, which shall be assessed to the owner of the reinspected facility by notice served in the same manner provided for in the sanitary code for service of a notice of violation.

(3) Failure of the owner to pay the fee within thirty days of service shall be grounds for the issuance of an order revoking any permit held by the owner. The order shall be subject to an adjudicatory hearing before the division of administrative law if requested by the owner within the time limit set forth in the order.

(4) The department shall not issue any permit to the owner of an unpermitted facility until any fee for a second or subsequent reinspection is paid.

Section 2.(A) 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.

(B) Notwithstanding the provisions of Subsection A of this Section, the provisions of this Act authorizing a fee to be assessed for a violation which does not constitute a critical item, as defined in R.S. 40:31.39 enacted by Section 1 of this Act, shall become effective on March 1, 2018.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 67

HOUSE BILL NO. 566
BY REPRESENTATIVE HAZEL
AN ACT

To enact Subpart ZZ of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.331, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate all or a portion of any refund due to them to the Louisiana Horse Rescue Association; to provide for the administration and disbursement of donated monies; to provide for reporting; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart ZZ of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.331, is hereby enacted to read as follows:

SUBPART ZZ. LOUISIANA HORSE RESCUE ASSOCIATION DONATION
§120.331. Income tax checkoff; donation for Louisiana Horse Rescue Association

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

B. The House Committee on Ways and Means may, at its discretion, request a report from the Louisiana Horse Rescue Association relative to its operations. The form and content of the report shall be prescribed by the chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the organization’s activities. The committee may summon any person employed by or associated with the Louisiana Horse Rescue Association to provide testimony with respect to the report.

Section 2. The provisions of this Act shall be effective for taxable years beginning on or after January 1, 2018.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 68

HOUSE BILL NO. 620
Judicial Appropriations
will publish in a later edition.

ACT No. 69

HOUSE BILL NO. 593
BY REPRESENTATIVE PUGH
AN ACT

To amend and reenact R.S. 3:2358.1, 2358.2(B), 2358.3, 2358.7(A), and 2358.13, to enact R.S. 3:2358.4(D), and to repeal R.S. 3:2358.5, 2358.6, 2358.7(B), 2358.8, 2358.9, 2358.10, 2358.11, and 2358.12, relative to the regulation of turtles; to provide for rules and regulations; to provide for definitions; to provide for licensing fees; to provide for records; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2358.1, 2358.2(B), 2358.3, 2358.7(A), and 2358.13 are hereby amended and reenacted and R.S. 3:2358.4(D) is hereby enacted to read as follows:

§2358.1. Legislative findings

The purpose of this Part is to prevent the introduction into and dissemination within this state of contagious and infectious diseases of turtles by providing for the regulation, inspection, and control of farm-raised turtles, which activities are hereby found and declared by the legislature to promote agriculture and aquaculture within the state of Louisiana.

§2358.2. Administration and enforcement; rules and regulations

* * *

B. The commissioner shall adopt such rules and regulations as are necessary to implement the provisions of this Part, including rules regarding breeding, disposal, raising, identification, inspecting, licensing, monitoring, sanitization, shipping or transporting, testing, and quarantine of farm-raised turtles or turtle eggs. The rules and regulations shall be adopted in accordance with the Administrative Procedure Act.

* * *

§2358.3. Definitions

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

~~(1) “Antibiotic” means any bactericide or other organic substance which can kill bacteria.~~

~~(2) “Certificate of inspection” means a document which verifies species, destination, turtle group number, and utilization of the Siebeling method and which is signed by a veterinarian who is licensed in this state, federally accredited, and approved by the Department of Agriculture and Forestry. The certificate of inspection shall be used for movement in intrastate commerce only.~~

~~(3)(1) “Certified laboratory” means a laboratory which has a current certification or accreditation by the Federal Food and Drug Administration~~

or other national certifying or accrediting agency to perform microbiological or residue testing of organic or inorganic samples and has a microbiologist on staff, and has been approved by the Department of Agriculture and Forestry.

(2) “Chain of custody form” means a document approved by the department which verifies species, destination, origin, and turtle group and which is used for transporting turtles within the state of Louisiana only.

~~(4)(3)~~ “Commissioner” means the ~~commissioner of the Department of Louisiana~~ commissioner of agriculture and forestry.

(4) “Farm-raised turtle” means any reptile of the order Testudines which is bred, born, raised, or kept, by a licensed turtle farmer within a closed circumscribed pond for the purpose of buying, selling, or trading in commerce.

(5) “Health certificate” means a document which verifies a certificate of inspection, attaches a laboratory report and certifies that the turtles or turtle eggs are free of visible signs of infectious, contagious, or communicable diseases, and which is signed by a veterinarian who is licensed in this state, federally accredited and approved by the Department of Agriculture and Forestry. A health certificate shall be required before turtles or turtle eggs may be shipped or transported or before they are moved from a certified turtle farm into interstate commerce. A health certificate may be used in place of a certificate of inspection for movement of turtles or turtle eggs in intrastate commerce.

(6) “Licensed turtle farm” means any individual, firm, corporation, or entity person engaged in the collection, hatching, sale, shipping, or distribution of farm-raised turtles or turtle eggs using the Siebeling method or any other sanitization method which may be required by the Department of Agriculture and Forestry.

(7) “Person” means any individual, partnership, association, organization, or corporation engaged in any phase of the pet farm-raised turtle industry.

(8) “Siebeling method” means a process by which turtle eggs are cleaned, their surfaces disinfected, and a bactericide forced through the pores of the shells without violating the natural structural integrity of the shell, thereby rendering the hatchling free of Salmonella Arizona, or any other species of bacteria harmful to humans or other turtles.

~~(9)(8)~~ “Turtle group” means any amount, either multiple or single units, consisting of no more than twenty thousand farm-raised turtles or turtle eggs.

§2358.4. Licensing; fees; renewal * * *

D. Each person applying for a turtle farmer license shall complete a written application as provided by the commissioner, pay the required license fee, and comply with any other requirements for licensure required by the rules and regulations adopted pursuant to this Part.
* * *

§2358.7. Records

A. Each licensed turtle farmer shall maintain accurate records including the source, ~~identity~~ identification, treatment, health, inspection, and disposal of the farm-raised turtles and turtle eggs, as well as any other information that may be required by the commissioner.
* * *

§2358.13. Violations

Violations of this Part shall include but shall not be limited to the following:
(1) Engaging in the farming of turtles or turtle eggs without first obtaining a turtle farmer license.

~~(2) Failing to dispose of all turtles or turtle eggs in a quarantined group as provided in R.S. 3:2358.12.~~

~~(3)(2)~~ Shipping or moving farm-raised turtles or turtle eggs without a certificate of inspection or a health certificate for any purpose other than testing the required documentation.

(4)(3) Commingling, transporting, shipping, or disposing of any diseased turtles or turtle eggs from a farm which is under quarantine, without written approval from the commissioner.

~~(5)(4)~~ Willfully failing to maintain complete and accurate records.

~~(6)(5)~~ Falsifying documents or records.

~~(7)(6)~~ Willfully failing to follow or willfully misapplying sanitization methods.

~~(8)(7)~~ Importing of any turtles or turtle eggs of any species from any other state or foreign country, except as provided ~~in R.S. 3:2358.10 in the rules and regulations promulgated pursuant to this Chapter.~~

~~(9) Willfully disposing of improperly any antibiotic solution.~~

~~(10)(8)~~ Violating any provision of this Part or of any rule or regulation adopted under the provisions of this Part.

Section 2. R.S. 3:2358.5, 2358.6, 2358.7(B), 2358.8, 2358.9, 2358.10, 2358.11, and 2358.12 are hereby repealed in their entirety.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 70

HOUSE BILL NO. 615
BY REPRESENTATIVE TERRY LANDRY
AN ACT

To amend and reenact R.S. 15:574.4.1(D), relative to inmate programs; to provide relative to completion of programs prior to release on parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4.1(D) is hereby amended and reenacted to read as follows:

§574.4.1. Parole consideration and hearings

* * *

~~D.(1) The Except as provided in Paragraph (2) of this Subsection, the release date of the prisoner shall be fixed by the committee, but such date shall not be later than six months after the parole hearing or the most recent reconsideration of the prisoner’s case.~~

(2) If the committee on parole determines that it is necessary for the prisoner to complete one or more rehabilitative programs prior to his release to ensure public safety and enhance the prisoner’s opportunity for success, the release date of the prisoner may be extended to no later than nine months after the parole hearing or the most recent reconsideration of the prisoner’s case.

Approved by the Governor, June 3, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 71

HOUSE BILL NO. 308
BY REPRESENTATIVES MCFARLAND, ABRAHAM, ANDERS, BACALA, BAGLEY, BERTHELOT, BILLIOT, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, CONNICK, DAVIS, DEVILLIER, DWIGHT, EDMONDS, FOIL, GLOVER, LANCE HARRIS, HAZEL, HOFFMANN, HORTON, HOWARD, JACKSON, LYONS, MARINO, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, JIM MORRIS, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHRODER, SHADOIN, STAGNI, THIBAUT, THOMAS, AND ZERINGUE AND SENATORS FANNIN, THOMPSON, AND WALSWORTH
AN ACT

To enact R.S. 42:1119(H), relative to nepotism; to provide an exception to allow the continued employment of a cadet or graduate of the state police training academy in the classified state police service under certain circumstances; to provide for the application and effectiveness of the exception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(H) is hereby enacted to read as follows:

§1119. Nepotism

* * *

H. Nothing in this Section shall prohibit the continued employment of a cadet or graduate of the state police training academy in the classified state police service nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee in the classified state police service where a member of the public employee’s immediate family becomes the agency head of such public employee’s agency, provided that such public employee has been employed in the classified state police service for a period of at least four months prior to the member of the public employee’s immediate family becoming the agency head.

Section 2. The provisions of this Act shall be given prospective and retroactive application.

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

Approved by the Governor, June 4, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 72

HOUSE BILL NO. 111
BY REPRESENTATIVES BISHOP, GLOVER, AND THIBAUT
AND SENATOR WALSWORTH
AN ACT

To enact R.S. 17:267 and 3996(B)(44), relative to required instruction; to require instruction in litter prevention and awareness for public school students in certain grades; to provide relative to materials used for such instruction; to

require public school governing authorities to adopt rules and regulations to implement such instruction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:267 and 3996(B)(44) are hereby enacted to read as follows:
§267. Litter prevention and awareness; required instruction

A. Instruction in litter prevention and awareness shall be provided to each public school student in kindergarten through grade five. Such instruction shall be integrated into the existing curriculum and may include instructional materials created and developed for students in Louisiana to assist such students in making environmentally sound decisions and understanding the vital role they play in preserving the beauty of the state.

B. Each public school governing authority shall adopt rules and regulations necessary for the implementation of this Section.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(44) Instruction in litter prevention and awareness, R.S. 17:267.

* * *

Approved by the Governor, June 7, 2017.

A true copy:

Tom Schedler

Secretary of State

ACT No. 73

SENATE BILL NO. 58

BY SENATOR MILLS

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

AN ACT

To amend and reenact R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918, to enact R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7, and to repeal Chapter 14 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896, Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901 through 906, and R.S. 28:919 and 920, relative to the statewide human services districts and authorities; to provide for legislative intent; to provide for definitions; to provide for board and district identification; to provide for governing board membership; to provide for terms; to provide for education and training for board members; to provide for sole-source contracting to specific community partners; to provide for interagency council actions and obligations; to provide for coordination with the Louisiana Department of Health; to repeal expired statutes; to repeal duplicate provisions of law; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918 are hereby amended and reenacted and R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7 are hereby enacted to read as follows:

**CHAPTER 21. STATEWIDE HUMAN SERVICES DELIVERY
PART I. HUMAN SERVICES DISTRICTS AND AUTHORITIES:
GENERAL PROVISIONS**

§910. Legislative intent and public policy

A. The legislature finds and declares that state-funded behavioral healthcare and care for persons with intellectual disabilities and developmental disabilities are better directed at a local level to ensure local accountability, responsiveness to the unique needs of the community, and the establishment of local partnerships and relationships with other local agencies that serve individuals in the community.

B. The legislature also finds and declares that the statutory creation of the ten statewide human services districts and authorities was intended to serve this purpose and each has done so since initial inception and completion of the readiness assessment enacted by the legislature.

C. The legislature further finds and declares that it is now time to move past the readiness assessment phase of operation of the statewide human services districts and authorities through a modernization and consolidation of the law established in this Part.

D. The legislature therefore declares that this Part establishes the evolution of the statewide human services districts and authorities to create a more robust opportunity for them to excel at their mission of being the community director

for behavioral health services and services for individuals with intellectual disabilities and developmental disabilities.

§911. Definitions

As used in this Chapter and unless the context clearly requires otherwise:

(1) “Behavioral health services” means community-based mental health and addictive disorders services.

(2) “Board” means the governing body of the district **or authority**.

(3) “Case records” means medical and treatment records, records and investigations of abuse or neglect of adults, records of public health services including children’s special health services, nutrition, and immunization, and other medical, disability, or behavioral health service records related to services provided by the district **or authority** or the department.

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

(5) “District” means the human services district ~~or authority~~.

(6) “Human services accountability plan”, referred to in this Chapter as “accountability plan”, means the statewide human services plan developed by the department in consultation with the Human Services Interagency Council which sets forth the criteria, process, timelines, guidelines for service delivery, clinical protocols, evidence-based practices, quality management and monitoring, data collection and reporting, performance outcome measures, **and** information management, ~~and readiness assessment protocols~~ to be followed by the department and the districts.

~~(7)(6)~~ “Human services district or authority”, referred to in this Chapter as **or** “district **or authority**”, means an existing or newly created a local governmental **governing** entity, **as identified in R.S. 28:912(A)**, with local accountability and management of behavioral health, **intellectual disability**, and developmental disabilities **disability** services as well as any public health or other services contracted to the district **or authority** by the department.

~~(8)(7)~~ “Human services framework”, referred to in this Chapter as “framework”, means the requirements specified in the contract between the department and the district that set forth the organizational structure, ~~operational readiness requirements~~, eligible and priority populations, core and targeted services, and standards for intake and access to institutional and community services, which require adherence to the human services accountability plan for a district. The framework is developed, implemented, and monitored through an ongoing statewide process performed by the department in consultation with the Human Services Interagency Council.

~~(9)~~ “Human Services Interagency Council”, referred to in this Chapter as “interagency council”, means the interagency council established by the department to provide policy guidance to the department in the development, implementation, and ongoing management of the districts.

~~(10)~~ “Readiness assessment” means the process by which a survey team reviews all areas of business management of the district to determine operational readiness based on a set of uniform criteria. The readiness assessment shall address, at a minimum, financial controls, clinical protocols, human resources competency and capacity, legal resources, purchasing, contracting, any applicable national or accreditation standards, and outcomes measurement capability. The survey team shall be composed of at least one representative of the secretary and at least two directors of districts that have been in operation for at least two years.

~~(11)(8)~~ “Secretary” means the secretary of the Louisiana Department of Health.

§912. Creation and jurisdiction

~~A. (1) It is the intent of the legislature to create statewide integrated human services delivery systems, with local accountability and management, to provide behavioral health and developmental disabilities services.~~

~~(2) Upon successful completion of a readiness assessment, execution of a contract with the department, and compliance with other applicable criteria as provided for in this Chapter, the department may authorize the board to operate and manage community-based programs and services related to behavioral health, developmental disabilities, selected public health services, and any other services contracted to the districts by the department.~~

B. The human services districts **and authorities shall be:**

(1) The following statutory entities:

(a) Capital Area Human Services District, **which shall comprise the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana.**

(b)(2)(a) Jefferson Parish Human Services Authority, **which shall comprise the parish of Jefferson.**

(b) The governing authority of Jefferson Parish shall continue to provide funds and in-kind contributions for the Jefferson Parish Human Services Authority on at least the level of funding and in-kind contributions in effect during the 1990 fiscal year.

(c) The Jefferson Parish Council shall have the authority to levy taxes and issue bonds or other obligations for the provision of services at the Jefferson Parish Human Services Authority.

~~(e)(3) Florida Parishes Human Services Authority, **which shall comprise the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.**~~

~~(d)(4) Metropolitan Human Services District, **which shall comprise the parishes of Orleans, St. Bernard, and Plaquemines.**~~

~~(e)(5) South Central Louisiana Human Services Authority, **which shall comprise the parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne.**~~

~~(6)~~**(6)** Northeast Delta Human Services Authority, which shall comprise the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

~~(2)~~ The following districts created by this Chapter organized by region:

~~(a)~~**(7)** Acadiana Area Human Services District, which shall comprise the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion.

~~(b)~~**(8)** Imperial Calcasieu Human Services Authority, which shall comprise the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

~~(c)~~**(9)** Region 6 Human Services District, or any name formally adopted by the district's board Central Louisiana Human Services District, which shall comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

~~(d)~~**(10)** Region 7 Human Services District, or any name formally adopted by the district's board Northwest Louisiana Human Services District, which shall comprise the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster.

C. A district may incorporate more than one region, but regions may not be split into smaller units.

B. The domicile of each human services district or authority shall be within the statutory governance area of the district or authority.

C. No new human services district or authority may be established without the express authorization of the legislature.

§913. Governing board for Acadiana Area Human Services District, Imperial Calcasieu Human Services Authority, Central Louisiana Human Services District, and Northwest Louisiana Human Services District; membership; appointment; terms; compensation

A.(1) For districts created pursuant to R.S. 28:912(B)(2), each district shall be governed by a board whose membership consists of residents of the respective regions. The number of members on the board shall consist of one representative from each parish in the region who is appointed by the local governmental authority. The membership shall also include three appointees by the governor.

(2) The parish appointees shall be persons with professional experience or parents, consumers, or advocates in the fields of addictive disorders, developmental disabilities, mental health, or public health.

(3) The governor's three appointees shall be one member with experience in the financial operation of a business enterprise, one member who is a parent, consumer, or caregiver of a consumer of services, and one member who represents one of the following fields: addictive disorders, developmental disabilities, mental health, or public health. The governing authority of each parish may submit three names to the governor for consideration as one of the governor's three appointees.

B. The initial terms of office for board members from the first two parishes alphabetically shall be one year. The initial terms for board members from the second two parishes alphabetically shall be two years. The initial terms for all other board members shall be three years. All subsequent appointees shall serve terms of three years. No board member shall serve more than two three-year terms.

C. Each board member shall serve without compensation but shall be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees for each day in actual attendance at board meetings or for representing the board in an official board-approved activity.

D. The chairman shall be elected by a majority vote of the board. The term of the chairman shall be established under the board's bylaws.

E. The board shall adopt bylaws to provide for the governance of the board within ninety days of being established. Such bylaws shall include but not be limited to:

(1) Procedures for the election of board officers, including terms of office and methods and grounds for removal. Board officers shall include, at a minimum, a chairman, treasurer, and secretary.

(2) Procedures and grounds for the removal of any board member. Grounds for removal shall include the conviction of a felony and a violation of the provisions of R.S. 28:914(2). Grounds for removal may include failure to meet board attendance as provided in the bylaws.

F. All board members and employees of the district shall be subject to the Code of Governmental Ethics. No member of the board or of his immediate family shall own or have any interest or part in any public or private organization, business, company, or entity conducting business of any kind with the district.

A. The Acadiana Area Human Services District shall be governed by a board of ten members who are residents of the seven parishes within the statutory governance area of the district. Seven members shall consist of one representative from each parish within the statutory governance area of the district who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) One member with professional expertise in the field of mental health.

(2) One member with professional expertise in the field of addictive disorders.

(3) One member with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents the judiciary, with particular emphasis on specialty courts.

(6) Two members who represent law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the respective appointing parishes.

(7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

B. The Imperial Calcasieu Human Services Authority shall be governed by a board of eight members who are residents of the five parishes within the statutory governance area of the authority. Five members shall consist of one representative from each parish within the statutory governance area of the authority who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) One member with professional expertise in the field of mental health.

(2) One member with professional expertise in the field of addictive disorders.

(3) One member with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents either the judiciary, with particular emphasis on specialty courts; or law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the parishes.

(6) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(7) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

C. The Central Louisiana Human Services District shall be governed by a board of eleven members who are residents of the eight parishes within the statutory governance area of the district. Eight members shall consist of one representative from each parish within the statutory governance area of the district who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) One member with professional expertise in the field of mental health.

(2) One member with professional expertise in the field of addictive disorders.

(3) One member with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents the judiciary, with particular emphasis on specialty courts.

(6) Three members who represent law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the respective appointing parishes.

(7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

D. The Northwest Louisiana Human Services District shall be governed by a board of twelve members who are residents of the nine parishes within the statutory governance area of the district. Nine members shall consist of one representative from each parish within the statutory governance area of the district who is appointed by the local governmental authority of the parish and three members shall be appointed by the governor as follows:

(1) Two members with professional expertise in the field of mental health.

(2) Two members with professional expertise in the field of addictive disorders.

(3) Two members with professional expertise in the field of developmental disabilities.

(4) One member with professional expertise in finance, accounting, business enterprise, or auditing.

(5) One member who represents the judiciary, with particular emphasis on specialty courts.

(6) One member who represents law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the parishes.

(7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

E. Appointees shall serve terms of three years. No board member shall serve more than three consecutive three-year terms.

F. Effective January 1, 2018, all boards established pursuant to this Section shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive

director of each district or authority provided for in this Section to ensure that the board of the district or authority satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district's or authority's statutory governance area and with the governor to ensure compliance with the board requirements of this Section.

§913.1. Governing board for Jefferson Parish Human Services Authority; membership; appointment; terms

A. The Jefferson Parish Human Services Authority shall be governed by a board of twelve members who are residents of Jefferson Parish. Nine members shall be appointed by the Jefferson Parish Council and three members shall be appointed by the governor as follows:

- (1) Two members with professional expertise in the field of mental health.
- (2) Two members with professional expertise in the field of addictive disorders.
- (3) Two members with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member who represents the judiciary, with particular emphasis on specialty courts.

(6) One member who represents law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the parish.

(7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.

(8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.

(9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

B. Each member shall serve for a three-year term. No board member shall serve more than two consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the Jefferson Parish Council and the governor to ensure compliance with the board requirements of this Section.

D. The Jefferson Parish attorney shall be the legal advisor for the authority.

§913.2. Governing board for Florida Parishes Human Services Authority; membership; appointment; terms

A. The Florida Parishes Human Services Authority shall be governed by a board of nine members. The board shall include three residents from the parish of St. Tammany; two residents each from the parishes of Livingston and Tangipahoa; and one resident each from the parishes of St. Helena and Washington.

B. The members shall be appointed by the governing authority of each parish. All appointments shall require ratification by a plurality of the legislative delegation representing the five parishes which are included in the authority.

C. The Florida Parishes Human Services Authority board shall be comprised of the following nine members:

- (1) One member with professional expertise in the field of mental health.
- (2) One member with professional expertise in the field of addictive disorders.
- (3) One member with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member who represents the judiciary, with particular emphasis on specialty courts.
- (6) One member who represents law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the parish.
- (7) One member who is a parent, consumer, or advocate in the field of mental health.
- (8) One member who is a parent, consumer, or advocate in the field of addictive disorders.
- (9) One member who is a parent, consumer, or advocate in the field of developmental disabilities.

D. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

E. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the authority's statutory governance area and with the governor to ensure compliance with the board requirements of this Section.

§913.3. Governing board for Metropolitan Human Services District; membership; appointment; terms

A. The Metropolitan Human Services District shall be governed by a board of thirteen members. The board shall include nine residents from the parish of Orleans and two residents each from the parishes of St. Bernard and Plaquemines who shall be appointed by the chief executive officer of each parish subject to approval of the governing authority of each parish. The board shall be comprised of the following thirteen members:

- (1) Two members with professional expertise in the field of mental health.
- (2) Two members with professional expertise in the field of addictive disorders.
- (3) Two members with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member who represents the judiciary, with particular emphasis on specialty courts.
- (6) Two members who represent law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the respective appointing parishes.
- (7) One member who is a parent, consumer, or advocate in the field of mental health.
- (8) One member who is a parent, consumer, or advocate in the field of addictive disorders.
- (9) One member who is a parent, consumer, or advocate in the field of developmental disabilities.

B. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district's statutory governance area to ensure compliance with the board requirements of this Section.

§913.4. Governing board for South Central Louisiana Human Services Authority; membership; appointment; terms

A. The South Central Louisiana Human Services Authority shall be governed by a board of nine members. The board shall include two residents from the parishes of Lafourche and Terrebonne and one resident each from the parishes of Assumption, St. Charles, St. James, St. John the Baptist, and St. Mary who shall be appointed by their respective police jury and ratified by a plurality of the legislative delegation representing the seven parishes which are included in the statutory governance area of the authority. The board shall be comprised of the following nine members:

- (1) One member with professional expertise in the field of mental health.
- (2) One member with professional expertise in the field of addictive disorders.
- (3) One member with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member who represents the judiciary, with particular emphasis on specialty courts.
- (6) One member who represents law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the parish.
- (7) One member who is a parent, consumer, or advocate in the field of mental health appointed by the governor.
- (8) One member who is a parent, consumer, or advocate in the field of addictive disorders appointed by the governor.
- (9) One member who is a parent, consumer, or advocate in the field of developmental disabilities appointed by the governor.

B. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

C. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the authority's statutory governance area to ensure compliance with the board requirements of this Section.

§913.5. Governing board for Northeast Delta Human Services Authority; membership; appointment; terms

A. The Northeast Delta Human Services Authority shall be governed by a board of seventeen members. The board shall include four residents from the parish of Ouachita; two residents each from the parishes of Morehouse and Lincoln; and one resident each from the parishes of Caldwell, East Carroll, Franklin, Jackson, Madison, Richland, Tensas, Union, and West Carroll.

B. The members shall be appointed by the governing authority of each parish, with the exception of Ouachita Parish, in which they shall be appointed by the Ouachita Council of Government. All appointments shall require ratification by a plurality of the legislative delegation representing the twelve parishes which are included in the authority.

C. The seventeen-member board shall be comprised as follows:

- (1) Two members with professional expertise in the field of mental health.
- (2) Two members with professional expertise in the field of addictive disorders.
- (3) Two members with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member who represents the judiciary, with particular emphasis on specialty courts.
- (6) Three members who represent law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the respective appointing parishes.
- (7) Two members who are parents, consumers, or advocates in the field of mental health.
- (8) Two members who are parents, consumers, or advocates in the field of addictive disorders.
- (9) Two members who are parents, consumers, or advocates in the field of developmental disabilities.

D. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

E. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the authority's statutory governance area to ensure compliance with the board requirements of this Section.

§913.6. Governing board for Capital Area Human Services District; membership; appointment; terms

A. The Capital Area Human Services District shall be governed by a board of seventeen members. The board shall include two residents of each of the following parishes: Ascension, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana. Five of the members shall be residents of East Baton Rouge Parish. The members shall be appointed by the governor from among a list of qualified candidates nominated by the governing authority of each parish. The candidates from Ascension Parish shall be nominated by the parish president. The seventeen-member board shall be comprised as follows:

- (1) Two members with professional expertise in the field of mental health.
- (2) Two members with professional expertise in the field of addictive disorders.
- (3) Two members with professional expertise in the field of developmental disabilities.
- (4) One member with professional expertise in finance, accounting, business enterprise, or auditing.
- (5) One member with professional expertise in the field of public health.
- (6) One member who represents the judiciary, with particular emphasis on specialty courts.
- (7) Two members who represent law enforcement, school-based healthcare, public health, or the coroner's office based on the needs of the respective appointing parishes.
- (8) Two members who are parents, consumers, or advocates in the field of mental health.
- (9) Two members who are parents, consumers, or advocates in the field of addictive disorders.
- (10) Two members who are parents, consumers, or advocates in the field of developmental disabilities.

B. Each appointment by the governor shall be submitted to the Senate for confirmation.

C. Each member shall serve for a three-year term. No board member shall serve more than three consecutive three-year terms.

D. Effective January 1, 2018, the board shall comply with the enumerated requirements of expertise in this Section. Any board member serving on the board prior to January 1, 2018, who satisfies at least one of the enumerated criteria shall be considered to have satisfied the requirement to serve and shall remain on the board for the duration of his unexpired term. Any board member who does not satisfy one of the enumerated criteria shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term. It shall be the responsibility of the executive director to ensure that the board satisfies the enumerated criteria herein. The executive director shall work with the local parish governmental authorities in the district's statutory governance area to ensure compliance with the board requirements of this Section.

§913.7. Governing board; general provisions

The following provisions shall apply to all district and authority governing boards:

(1) Each board member shall serve without compensation, but shall be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees for each day in actual attendance at board meetings or for representing the board in an official board-approved activity.

(2) The chairman shall be selected by a majority vote of the board. The term of the chairman shall be established under the board's bylaws.

(3) No member of the board or of his immediate family shall own or have any interest or part in any public or private organization, business, company, or entity conducting business of any kind with the district or authority.

(4) The board shall adopt and maintain bylaws to provide for the governance of the board. Such bylaws shall include but not be limited to:

(a) Procedures for the election of board officers, including terms of office and methods and grounds for removal.

(b) Procedures and grounds for the removal of any board member. Grounds for removal shall include conviction of a felony or may include failure to meet board attendance as provided in the bylaws.

(5) Procedures for filling a vacancy created by the removal, resignation, or death of any board member prior to the end of the board member's term shall follow those used for initial appointments.

(6) All members of the board and employees of the district or authority shall be subject to the Code of Governmental Ethics.

§914. Requirements for districts and authorities; board education and awareness

A. The board shall be briefed by the executive director on the following issues in the manner deemed appropriate by the executive director:

- (1) Mission and purpose of the district or authority.
- (2) How the mission and purpose are practically applied in the community.
- (3) Relationships in the community that are crucial to the district or authority's success.
- (4) How those relationships are established, maintained, and built upon.
- (5) How each member of the board serves as a delegate to foster those crucial community relationships.
- (6) Role of the district or authority in times of disaster.
- (7) Funding for the district or authority, including state and federal funding, grant opportunities, and other funding sources.
- (8) Billing and collections processes.
- (9) Budgeting and account balances.
- (10) Audits by the legislative auditor within the past five years.
- (11) Employees and contractors, and their roles in operating the district or authority.
- (12) The option of the board to select a new executive director.
- (13) The contractual relationship with the Louisiana Department of Health.
- (14) Compliance with the Code of Governmental Ethics.
- (15) Compliance with the Public Records Law.
- (16) Compliance with the Open Meetings Law.
- (17) Process for development and ratification of bylaws.
- (18) Discussion of how regularly scheduled board meetings will be conducted.
- (19) The district or authority's responsibility to prioritize and provide for state-funded services, as established in R.S. 28:821 et seq., in order to meet the needs of the individuals in their statutory governance area. Each fiscal year, every district and authority shall allocate a minimum of an amount equal to nine percent of its state general fund appropriation for the provision of services established in R.S. 28:821 et seq. for persons with developmental disabilities and their families. The state general fund appropriation for which the minimum nine percent is calculated may be adjusted to align with any budget reductions mandated by the division of administration.
- (20) Any other matter deemed important by the executive director.

B. The executive director may include representatives from the Louisiana Department of Health, office of the Louisiana legislative auditor, Louisiana Ethics Administration, office of the Louisiana attorney general, or any other entity that can provide important information to the board members during any board meeting.

C. A new board member orientation shall be held upon appointment of any new member and the executive director shall brief the new board member on the issues set forth in Subsection A of this Section.

D. Regardless of when created, all ~~All~~ district and authority boards shall adopt:

(1) A policy statement ensuring recognition that one of the functions of the ~~board is to establish a mission, vision, and policies~~ **policy** for the operation of the district or authority. The board shall set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.

(2) Bylaws that specify that the board may act only as a body and not through the individual actions of any individual board member, unless the board member is given explicit authority by a majority vote of the board to carry out a specific function, or the function is reasonably required of a board member serving as an officer of the board. Under penalty of removal, no board member shall, directly or indirectly, provide direction to or interfere with any employee of the district or authority.

§915. Districts and authorities; functions, powers, and duties; sole source contracting

A. Pursuant to a contract with the department, all human services districts and authorities shall:

(1) Perform the functions which provide community-based services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care of mental and emotional illness.

(2) Be responsible for community-based programs and functions relating to the care, diagnosis, training, treatment, case management, and education of persons with intellectual disabilities, persons with developmental disabilities and persons with autism.

(3) Perform community-based functions for the care, diagnosis, training, treatment, and education related to addictive disorders, including but not limited to alcohol, drug abuse, or gambling.

(4) Perform community-based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation, and follow-up care relating to personal health, as determined to be feasible by the department.

(5) Maintain services specified in Paragraphs (1) through (4) of this Subsection ~~on at least the same level as the state maintains similar programs or~~ as stipulated by the contract with the department.

(6) Collect or cause to be collected all monies due the district or authority for the provision of services pursuant to statutory requirements and any other form of contract or agreement by which the district or authority provides services and levies charges.

(7) Manage through their governing board the services required by Paragraphs (1) through (4) of this Subsection and operate within the scope of a contract with the department. Each district or authority shall be operated in a manner that meets the standards and competencies ~~established by the framework and accountability plan, with such standards and competencies addressing~~ regarding financial controls, clinical protocols, human resources, legal resources, purchasing, contracting, and outcomes measurement.

(8) Participate, as a critical part of Louisiana's ~~health care~~ healthcare infrastructure, in all emergency planning, preparedness, response, and recovery efforts as directed by the department within the statutory governance area of the human services district or authority and assist on a statewide basis if requested to do so by the secretary or his designee.

(9) Provide state-funded services, as established in R.S. 28:821 et seq., to meet the needs of the individuals in their statutory governance area. Each fiscal year, every district and authority shall allocate a minimum of an amount equal to nine percent of its state general fund appropriation for the provision of services established in R.S. 28:821, et seq. for persons with developmental disabilities and their families. The state general fund appropriation for which the minimum nine percent is calculated may be adjusted to align with any budget reductions mandated by the division of administration.

B. In addition to the functions as provided in Subsection A of this Section, the district or authority shall have the following powers and duties:

(1) To enter into contracts of every nature in compliance with this Chapter and other state laws.

(2) To enter into contracts with the judicial branch to be a provider of behavioral health services ordered by the court through any statutorily authorized specialty court program which requires certain behavioral health treatments. Such sole-source contracts shall be limited to a district court physically located within the statutory governance area of the human services district or authority.

(3) To enter into contracts with a correctional facility to be a provider of behavioral health services if the correctional facility is in need of such services as part of an emergency department diversion program, or upon successful completion of a re-entry program that requires ongoing services. Such sole-source contracts shall be limited to a correctional facility, emergency department, or residence of an individual completing the re-entry process located within the statutory governance area of the human services district or authority.

~~(2)~~(4) To acquire movable and immovable property by lease, purchase, donation, or otherwise and to obtain title to same in its own name. The district or authority may lawfully sell or dispose of the movable property.

~~(3)~~(5) To have possession and operating control, but not title to, all immovable and movable property owned by the state and dedicated to the provision of behavioral health services, developmental disabilities or intellectual disabilities services, public health services, or any other service contracted by the department to the district or authority. The state shall continue to be responsible for the maintenance of those properties which are provided by the state on the effective date of this Chapter.

~~(4)~~(6) To establish community-based behavioral health, developmental disabilities or intellectual disabilities, public health, and other contracted program policies in conformance with the contract with the department and applicable state and federal laws, rules, and regulations.

~~(5)~~(7) To establish performance indicators and reporting requirements as outlined in the contract between the district or authority and the department to determine the quality of services delivered by the district or authority and maintain the services at the level of the standards set by the department.

~~(6)~~(8) To employ an executive director to oversee the operations of the district or authority and who shall be responsible for the administration and management of all aspects of the district or authority.

~~(7)~~(9) To retain all ~~federal~~, self-generated funds and any funds collected for the provision of services ~~under the Medical Assistance Program, Title XIX of the Social Security Act~~, in excess of funds provided through contract with the department.

~~(8)~~(10) To name the district.

~~(9)~~ To carry out responsibilities relative to developmental disabilities and intellectual disabilities services delivery provided in R.S. 28:451.3.

C. Each human services district or authority shall constitute a body corporate in law, with all of the powers of a corporation, including the power to sue and be sued. Each district or authority shall also have all the powers and rights conferred by this Chapter and the power to perform any other act in its corporate capacity and in its corporate name which is necessary and proper for effectuating the purposes for which the district or authority was created. Each district or authority shall constitute a special district or authority within the meaning of Article VI, Section 19 of the Constitution of Louisiana, shall be a political subdivision of the state, and enjoy all rights, powers, and privileges enjoyed by other political subdivisions of the state under the constitution and laws of the state, excluding the rights to incur long-term debt, issue bonds, ~~and or~~ levy taxes and special assessments.

D. The board shall submit any reports or information to the secretary of the department upon request of the secretary. The board shall also submit quarterly reports as outlined in the contract with the department, indicating the services provided, the number of persons served, and the amount spent on such services.

E. Notwithstanding any provision of state law to the contrary, the districts and authorities and the department shall share access to each other's client case records of clients for whom they both provide services, to the extent that access is not prohibited by any contrary provision of federal law or regulation.

F. The provisions of Subsections A and B of this Section shall not include the following:

(1) Operation and management of any inpatient facility under the jurisdiction of the department.

(2) Operation, management, and performance of functions and services relating to environmental health, including but not limited to regulatory function as performed by sanitarians and engineers within the office of public health pursuant to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 37:2101 et seq., the State ~~state's~~ Sanitary Code, and all other relevant federal and state law, rules, and regulations.

(3) Operation, management, and performance of functions and services relating to the Louisiana Vital Records Registry and the collection of vital statistics within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S. ~~44:402~~ 44:401 et seq., and R.S. 40:~~1299-35-6~~ 1061.17, including the Putative Father Registry and the vital records management information system.

(4) Operation, management, and performance of functions and services relating to laboratory analyses by the state division of laboratories with the office of public health in the area of personal and environmental health.

(5) Operation, management, and performance of functions and services relating to education provided by or authorized for any state or local education department or agency.

~~§916. Functions; transferred~~

A. The boards and the secretary of the department are hereby authorized to enter into all contracts necessary for the provision of the functions and funds relative to the operation of community-based behavioral health and developmental disability services as well as public health or any other services contracted to the districts. As part of the contract, the board shall agree to make a good faith effort to use providers within the district who have traditionally provided community-based behavioral health, developmental disabilities, public health, and any other contracted services for the state.

B. The department shall submit an annual report to the legislature detailing the services provided by each district, a financial summary of the operations of each district, and other information demonstrating the performance of each district.

~~C. The secretary shall be responsible for monitoring the contract and promptly reporting failure to comply with any contract to the governor, the Senate and House committees on health and welfare, and the Joint Legislative Committee on the Budget.~~

~~§917. Employees; transferred~~

A. All employees of the district or authority engaged in the performance of duties relating to the functions of the programs and services transferred by contract from the department to a district are hereby transferred to the respective district to shall carry out the functions of the district or authority and its programs and services and shall ~~continue to~~ perform their duties subject to applicable state civil service laws, rules, and regulations.

B.~~(1)~~ All employees of the districts and authorities shall participate in and be covered by state services, systems, and programs for which provision is made in ~~comprehensive liability, automobile, workers' compensation, and fire and extended coverage insurance~~ and medical malpractice liability laws as provided for in R.S. 39:1527 et seq. and R.S. 40:~~1299-39~~ 40:1237.1 et seq.

~~(2)~~ The districts and authorities may participate in and be covered by state services, systems, and programs for which provision is made in ~~comprehensive liability, automobile, workers' compensation, and fire and extended coverage insurance~~ provided for in R.S. 39:1527 et seq.

C. The districts and authorities, including their contract service delivery employees, may participate in and be covered by the state program for medical malpractice notwithstanding the prohibition in R.S. 40:~~1299-39(A)~~ 1237.1(A)(9)(b) and (M) to the contrary, provided that the districts and

authorities or covered contract service delivery employees have paid the appropriate premium to the office of risk management.

D. All employees of the districts and authorities shall be members of the state civil service system and the Louisiana State Employees' Retirement System.

~~§918.~~ **§917.** Human Services Interagency Council; membership and responsibilities

A. There shall be a human services The interagency council established by the department to provide policy guidance to the department in the ongoing operations of the districts and authorities. The council shall be chaired by the secretary of the department or his designee and shall include the assistant secretaries of the office of behavioral health, office for citizens with developmental disabilities, office of public health, office of aging and adult services, as well as the director of Medicaid or his designee, the executive directors of the districts and authorities, and other members as deemed appropriate by the secretary. ~~The interagency council membership shall participate in the readiness assessment process and in the monitoring and planning of the framework and accountability plan~~ the council.

B. The purpose of the council meetings shall be to share information between the state and the districts and authorities and among the districts and authorities. All council members shall have the opportunity to present information, request information, and engage in dialogue regarding any matter before the council.

C. The council shall meet at least once quarterly, but may meet more often if called by the chair. The council shall meet at locations that rotate throughout the state, as appropriate, to provide ease of travel for the members of the council. A quorum is not required and council members may participate by phone during any meeting in which a vote of the council members is not being requested, but a quorum shall be required for any vote to be taken on a matter before the council.

D.(1) Beginning February 1, 2018, the secretary shall submit a single comprehensive annual report on the operations of the districts and authorities to the Senate and House committees on health and welfare. The annual report shall include a detailed list of the services provided and populations served by each district or authority, a financial summary of the operations of each district or authority, and other information demonstrating the performance of each district or authority for the previous fiscal year. The report shall include the secretary's assessment and recommendations based on the data in the report. The report shall also include recommendations by the council and recommendations of any individual district or authority in the event that they wish to provide additional information or commentary regarding the data in the report. The report shall also include information on the meetings of the council and recommendations on how to build upon the work of the council.

(2) Within thirty days of receipt of the report by the House and Senate committees on health and welfare, either committee may issue notice of intent to convene a hearing separately or jointly for the purpose of conducting a public hearing on the report that was submitted. The department and each human services district or authority may be called collectively or independently to appear before the committee.

E. At least once annually, the council shall convene a meeting to include the board chairman or his designee from each of the ten human services districts and authorities. All board members from each of the ten human services districts and authorities shall have the opportunity to participate if they so choose. This meeting shall be hosted by the Louisiana Department of Health at its central office in Baton Rouge. The purpose of this meeting shall include but is not limited to facilitating and fostering the exchange of best practices to ensure that each district or authority throughout the state is maximizing service delivery in their statutory governance area. Each board chairman, or his designee board member, shall give a presentation on the status of service delivery in his district or authority and shall include specifics on practices that are yielding the best results regarding scope of service and client access. All statewide board members shall have the opportunity to learn from the council and other board members and obtain knowledge on best practices through discussion and dialogue at this annual meeting.

~~§919.~~ **§918.** Louisiana Department of Health; responsibility and authority to contract; monitor; sanction; readiness assessment; surveys; framework and accountability plan; sanctions

A. The secretary, upon consultation with the human services districts and authorities, shall be responsible for policy, development, implementation, and monitoring of service provision of the statewide human services system to assure the provision of the appropriate and reasonable delivery of behavioral health, intellectual disability, and developmental disabilities disability services funded by appropriations from the state as well as any public health or other human services contracted to the district or authority by the department.

B.(1) The secretary of the department shall have the authority to enter into a sole source contract with districts or authorities for the provision of behavioral health services, developmental disabilities and intellectual disabilities services, and selected public health services, or any other human services which contribute to the integrated continuum of care for the clients served by the district or authority. For any service contracted by the department, the department shall provide the funding appropriate for the adequate delivery of such services. The department shall have the authority to examine utilization rates for services provided and populations served, actual expenditures, and remaining forecasted expenditures for each

human service district or authority in order to make appropriate funding determinations. When necessary, the department, in consultation with the human services districts or authorities, shall submit such data and information to the legislature prior to making any recommendation of funds adjustment for the subsequent fiscal year.

(2) The contract shall establish performance indicators, quality outcomes, and reporting requirements for the human services districts and authorities, as provided for in this Chapter, as a condition of entering into a contract with the department or as a condition of receiving grant funds or funding from the department.

C. Funding for districts listed in R.S. 28:912(B)(1)(e) and (f) and (2) shall be released only at such time as each district has met readiness criteria established within this Section and the framework and accountability plan as approved by the secretary.

D.(1) The department shall not contract with a new district until the department, in consultation with the interagency council, has determined and confirmed in writing to the governor that the department is prepared to contract the provision of services to the district, and the district is prepared to accept and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district.

(2) The readiness assessment shall evaluate the operational preparedness of the district based on a set of uniform criteria established by the interagency council and approved by the secretary.

(3) The readiness assessment shall be conducted by a survey team pursuant to R.S. 28:911(10) whose members have experience in behavioral health, developmental disabilities, financial management, human resources, or with experience in startup and operation of an existing district. The assessment team shall be selected by the secretary or his designee within thirty days of being notified in writing by the board chair that the district requests a readiness assessment by the department. The department may secure outside audit expertise when deemed necessary by the department to assist a readiness assessment team.

(4) Upon completion of a readiness assessment, the assessment team shall conduct an exit conference with the district board. If the assessment team has determined the district is prepared to accept responsibility for the provision of services, the team shall, within thirty days of the completed exit conference, notify the secretary in writing that both the department and the district are prepared to begin the provision of services based on the result of the assessment and the exit conference. The document of notification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team, as well as a description of each element of readiness needing improvement and strategies being implemented to address each one.

E. All districts and authorities shall participate in surveys to ensure compliance with the statewide human services system of care, framework, and accountability plan. The interagency council shall recommend to the secretary a schedule for surveys, with such surveys beginning within one year after the standards are approved. Each district and authority shall be surveyed at least every two years. The survey team members shall be selected by the secretary or his designee and shall include a minimum of two experienced district or authority executives as well as department staff. Each survey shall be designed to, at a minimum, ensure each district and authority maintains competency standards for human resources, adequate financial controls, operational and clinical protocols, and shall be used as an opportunity to share best practices.

F.D. The contract shall incorporate by reference the provisions of the framework and accountability plan in the delivery of behavioral health services and intellectual disability and developmental disabilities disability services, as well as and may provide for the delivery of public health or any other human services contracted by the department and funded by appropriations. The ~~framework contract~~ shall include but not be limited to:

(1) Definitions of eligible and priority populations in accordance with the department's statewide human services system of care, including behavioral health, developmental disabilities and intellectual disabilities, public health, or any other contracted services as applicable.

(2) Definitions of core and targeted services, including the development of indicators and a monitoring plan to measure the provision of and access to these services. Core services are the minimum and essential services available to eligible populations in all urban and rural areas. Targeted services are mandated specialized services available to priority populations based on the source and availability of funds.

(3) Standards for intake and access to institutional and community services.

G. The accountability plan shall include but not be limited to:

~~(1)(4) Development and implementation of a plan for the provision of statewide monitoring of human services system performance, including the establishment of a minimum A minimum required data set of consumer-focused and systems outcome measurements required for reliable outcome measurement that use consistent definitions statewide.~~

~~(2)(5) Development and implementation of a plan for provision of statewide monitoring to assure A mechanism to survey and monitor quality of care and protection of consumer rights through consistent and reliable outcome measurements.~~

~~(3)(6) Development and implementation of standards Standards for subcontractor agreements funded by appropriations from the state to assure~~

compliance with the state human services plan and applicable state and federal laws, rules, regulations, and court orders and to provide remedies for correction of noncompliance and sanctions for failure to comply.

~~(4)(7)~~ Ongoing standards for operational performance, including human resources competency, contracting and procurement, clinical protocols, financial controls, and consumer satisfaction.

(8) Conditions and cause for termination of the contract by either party pursuant to the provisions of Subsection E of this Section.

~~H. E.(1)(a)~~ The secretary of the department shall have the authority to issue sanctions for noncompliance with the terms of the contract. ~~Sanctions may include but are not limited to appointment of temporary management to carry out the provisions of the contract at the expense of the district, monetary penalties, and suspension or termination of the contract.~~ The contracts between the districts **and authorities** and the department shall include a provision for **corrective action or** termination of the contract if a deficiency continues after such time as the district **or authority** has been given the opportunity to correct it. The department shall notify the district **or authority** in writing of any deficiency. The district **or authority** shall have a period of time set forth in the contract to **submit a corrective action plan** to correct any noticed deficiency. If the deficiency continues after such period of time, or if the district **or authority** does not make a good faith effort to correct the deficiency, the contract shall have a provision for termination by the department. Written notice providing that the district is in noncompliance and such noncompliance constitutes a threat to public health or well-being shall be provided to the speaker of the House of Representatives, the president of the Senate, and the governor. In the event a contract is terminated under this provision, the department shall assume responsibility and oversight for the provision of services with funds appropriated to the district until such time as the district has met the compliance standards and has successfully completed a new readiness assessment.

(b) The department shall submit written notice to the Senate and House committees on health and welfare if a district or authority is in noncompliance with their contract and a corrective action plan has been requested. The department shall inform the committees of the time line for the district or authority to come into compliance with their contract and shall inform the committees when the matter is resolved.

(2)(a) The contracts between the districts and authorities and the department shall also include a provision authorizing the department to assume temporary management of the district or authority if noncompliance with the contract constitutes a threat to public health or well-being and a corrective action plan can not sufficiently address the threat to the public health. In the event a contract is terminated under this provision, the department shall assume responsibility and oversight for the provision of services with funds appropriated to the district until such time as the district has met the compliance standards of their contract.

(b) The department shall submit written notice to the Senate and House committees on health and welfare if a district or authority is in noncompliance with their contract and the department intends to terminate the contract and assume temporary management of the district or authority. Approval of the Senate and House committees on health and welfare, meeting separately or jointly, is required before imposing the sanction of temporary management by the department.

(c) If a district or authority has been placed under temporary management by the department, and subsequently resumes compliance with their contract, the department shall submit written notice to the Senate and House committees on health and welfare of their intent to resume the contract and relinquish temporary management of the district or authority.

F. The department shall have the authority to survey and monitor the human services districts and authorities by conducting onsite reviews, desk reviews, data reviews, requiring data submission on grant funds, legislative reporting, federal or state requirements, and budgeting purposes.

Section 2. Chapter 14 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896, Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901 through 906, and R.S. 28:919 and 920 are hereby repealed.

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

Approved by the Governor, June 7, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 74

SENATE BILL NO. 152

BY SENATORS CARTER, CORTEZ AND GARY SMITH

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

AN ACT

To enact R.S. 32:412(O) and R.S. 40:1321(R), relative to motor vehicles; to provide for identification of persons who need accommodation; to require promulgation of administrative rules by a certain date; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:412(O) is hereby enacted to read as follows:

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

* * *

O.(1) Upon request of an applicant for a driver’s license who needs accommodation, a designation that the applicant needs accommodation shall be exhibited on the driver’s license, upon presentation of a statement from a qualified medical professional licensed in Louisiana or any other state or territory of the United States verifying the medical reason, including any mental, physical, or developmental disability, the applicant needs accommodation as established by administrative rule. No additional fee shall be charged to include such designation.

(2) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations to implement this Subsection, including a waiver of liability for the release of any medical information. Such rules shall be effective no later than July 1, 2018. Notwithstanding the provisions of R.S. 49:968(12), the senate and house committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

(3) The designation authorized by this Subsection shall not be available prior to the effective date of the administrative rules required by Paragraph (2) of this Subsection.

Section 2. R.S. 40:1321(R) is hereby enacted to read as follows:

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

* * *

R.(1) Upon request of an applicant for a special identification card who needs accommodation, a designation that the applicant needs accommodation shall be exhibited on the special identification card, upon presentation of a statement from a qualified medical professional licensed in Louisiana or any other state or territory of the United States verifying the medical reason, including any mental, physical, or developmental disability, the applicant needs accommodation as established by administrative rule. No additional fee shall be charged to include such designation.

(2) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations to implement this Subsection, including a waiver of liability for the release of any medical information. Such rules shall be effective no later than July 1, 2018. Notwithstanding the provisions of R.S. 49:968(12), the senate and house committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

(3) The designation authorized by this Subsection shall not be available prior to the effective date of the administrative rules required by Paragraph (2) of this Subsection.

Approved by the Governor, June 7, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 75

SENATE BILL NO. 147

BY SENATOR RISER

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

AN ACT

To amend and reenact R.S. 29:40, 102, 116, 120(C)(1), 132, and 136, relative to the Military Department; to provide for leasing for military purposes; to provide for the jurisdiction of courts-martial; to provide for the regulation of the Military Department; to provide for the composition and conduct of disciplinary proceedings of service members; to provide for administration of disciplinary hearings and actions; to provide for exceptional circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:40, 102, 116, 120(C)(1), 132, and 136 are hereby amended and reenacted to read as follows:

~~\$40. Leasing of airport space for military purposes~~

The public advertising and bidding procedures governing the leasing of airport space, military facilities, or reservations shall not apply to the ~~Military~~ Department of Military Affairs of the state of Louisiana when leasing of such airport space, at a publicly-owned airport military facilities, or reservations is for military purposes.

* * *

~~§102. Article 2. Persons subject to this code~~

A. This code applies to all members of the state military forces ~~when not subject to the Uniform Code of Military Justice and while in a duty status or during a period of time in which the member is under lawful order to be in a duty status at all times and in all places. A court-martial or court of inquiry may be convened and held in a unit of the state military forces serving outside the state, and the court has the same jurisdiction and powers as if the court-martial or court of inquiry were held within the state. An offense committed outside the state may be tried and punished outside the state or within the state. For members of the state military forces on active duty service in the Army National Guard of the United States under Title 10, United States Code, this code shall apply if the federal convening authority declines to convene a court-martial under the Uniform Code of Military Justice.~~

B. For purposes of Article 112a of this code, members of the state military forces shall be considered to be in a duty status at all times during said membership.

C. However, ~~the~~ **The** processing of charges and all proceedings, including trial, may be conducted without regard to the duty status of the accused.

C. Subject matter jurisdiction for judicial or nonjudicial punishment exists if there is a clear and convincing nexus between an offense under this code and the state military force. When a member is in a duty status under either Title 32 of the United States Code or state active duty under R.S. 29:7, there shall be a rebuttable presumption that subject matter jurisdiction exists.

* * *

~~§116. Article 16. Courts-martial classified~~

A. The three kinds of courts-martial in the state military forces are:

(1) general courts-martial, consisting of:

(a) a military judge and not less than six members; or

(b) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;.

(2)(a) special courts-martial, consisting of a military judge and not less than six members; or

(b) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;.

(3) summary courts-martial, consisting of one commissioned officer.

B. A waiver of the right to a trial by members may be waived by the accused, but such waiver shall be exercised no later than forty-five days prior to commencement of trial on the merits in the court-martial. A waiver, once exercised, may not be revoked by the accused.

* * *

~~§120. Article 20. Summary courts-martial~~

* * *

C. A summary court-martial may sentence to:

(1) Confinement of not more than ~~one week~~ **thirty days**;

* * *

~~§132. Article 32. Investigation~~ **Preliminary hearing**

A. Preliminary Hearing Required.

(1) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline **completion of a preliminary hearing, unless such hearing is waived by the accused.**

(2) The purpose of the preliminary hearing shall be limited to the following:

(a) determining whether there is probable cause to believe an offense has been committed and the accused committed the offense;

(b) determining whether the convening authority has court-martial jurisdiction over the offense and the accused;

(c) considering the form of the charges; and

(d) recommending the disposition that should be made of the case.

B. The accused shall be advised of the charges against him and of his right to be represented at that investigation by counsel. Upon his own request he shall be represented by civilian counsel if provided by him at his own expense or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court martial jurisdiction over the command. At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied

by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused. **Hearing officer. (1) A preliminary hearing conducted pursuant to Subsection A of this Section shall be conducted by an impartial judge advocate certified under Article 27(B) of this code whenever practicable or, in exceptional circumstances in which the interests of justice warrant, by an impartial hearing officer who is not a judge advocate. If the hearing officer is not a judge advocate, a judge advocate certified under Article 27(B) shall be available to provide legal advice to the hearing officer.**

(2) Whenever practicable, the judge advocate or other hearing officer detailed to conduct a preliminary hearing shall be equal to or senior in grade to the military counsel detailed to represent the accused or the government at a preliminary hearing.

C. If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross examination, and presentation prescribed in Subsection (B), no further investigation of that charge is necessary under this Section unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross examination and to offer any new evidence in his own behalf. **Report of results. At the conclusion of a preliminary hearing conducted pursuant to Subsection A of this Section, the judge advocate or other officer that conducted the preliminary hearing shall prepare a report that addresses the matters specified in Paragraph (A)(2) and Subsection F of this Section.**

D. The requirements of this Section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction. **Rights of accused and victim. (1)The accused shall be advised of the charges against him and of his right to be represented by counsel at a preliminary hearing conducted pursuant to Subsection A of this Section. The accused has the right to be represented at the preliminary hearing as provided in Article 38 of this Code and in regulations prescribed under that Article.**

(2) The accused may cross-examine witnesses who testify at the preliminary hearing and present additional evidence in defense and mitigation, relevant to the limited purposes of the hearing, as provided for in Paragraph (4) of this Subsection and Paragraph (A)(2) of this Section.

(3) A victim may not be required to testify at a preliminary hearing. A victim who declines to testify shall be deemed to be not available for purposes of a preliminary hearing.

(4) The presentation of evidence and examination, including cross-examination, of witnesses at a preliminary hearing shall be limited to the matters relevant to the limited purpose of the hearing, as provided in Paragraph (A)(2) of this Section.

E. Recording of preliminary hearing. A preliminary hearing under Subsection A of this Section shall be recorded by a suitable recording device. The victim may request the recording and shall have access to the recording as prescribed by the Manual for Courts-Martial.

F. Effect of evidence of uncharged offense. If evidence adduced in a preliminary hearing conducted pursuant to Subsection A of this Section indicates that the accused committed an uncharged offense, the hearing officer may consider the subject matter of that offense without the accused having first been charged with the offense if all of the following occur in that the accused:

(1) Is present at the preliminary hearing.

(2) Is informed of the nature of each uncharged offense considered.

(3) Is afforded the opportunities for representation, cross-examination, and presentation consistent with Subsection D of this Section.

G. Effect of violation. The requirements of this Section are binding on all persons administering this Chapter, but failure to follow the requirement does not constitute jurisdictional error.

H. Victim defined. For purposes of this Section, “victim” shall mean a person who:

(1) is alleged to have suffered a direct physical, emotional, or pecuniary harm as a result of the matters set forth in a charge or specification being considered; and

(2) is named in one of the specifications.

* * *

~~§136. Article 36. Governor may prescribe rules~~ **Rules of procedure for court-martial**

A. The procedure, including modes of proof, in cases before military courts may be prescribed by the governor by regulations which shall, so far as he considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in this state, but which may not be ~~shall be~~ **the federal Rules for Courts-Martial, as published in the most recent version of the Manual for Courts-Martial, United States, except when such rules are** contrary to or inconsistent with this code.

B. The modes of proof in cases before courts-martial under this code shall be the federal Military Rules of Evidence, as prescribed in the most recent version of the Manual for Courts-Martial, United States, except when such rules are contrary to or inconsistent with this code.

C. The governor or adjutant general may promulgate additional rules and regulations regarding courts-martial procedure. All rules and regulations made under this Section shall be uniform insofar as practicable.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III,

Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 8, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 76

SENATE BILL NO. 55
BY SENATORS MILLS AND THOMPSON AND REPRESENTATIVES BAGNERIS, BILLIOT, HENSGENS, HOFFMANN, HOWARD, JACKSON, JOHNSON, LEBAS, LYONS, DUSTIN MILLER, MORENO, NORTON, POPE, STAGNI, THIBAUT AND WHITE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 40:973(A) and 978(F) and to enact R.S. 40:978.3, relative to prescribing controlled dangerous substances; to provide for automatic renewal in the prescription monitoring program; to provide for mandated access of the program by prescribers; to provide for exceptions; to provide for continuing education requirements; to provide for rulemaking; to provide for effective dates; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:973(A) and 978(F) are hereby amended and reenacted to read as follows:

§973. Licensing requirements
A.(1) Every person who conducts research with, manufactures, distributes, procures, possesses, prescribes, or dispenses any controlled dangerous substance within this state or who proposes to engage in the research, manufacture, distribution, procurement, possession, prescribing, or dispensing of any controlled dangerous substance within this state; shall obtain a controlled dangerous substance license issued by the Board of Pharmacy in accordance with the rules and regulations promulgated by it prior to engaging in such activity.
(2) Upon initial application or upon renewal of a controlled dangerous substance license from the Board of Pharmacy, a prescribing practitioner shall automatically and without further action be registered as a participant in the Prescription Monitoring Program established in R.S. 40:1001 et seq. For purposes of this Subsection, practitioner shall include those with prescription authority for controlled substances in Louisiana, excluding veterinarians.
* * *

§978. Prescriptions
* * *

F.(1) A prescriber or his delegate shall access and review the patient's record in the Prescription Monitoring Program prior to initially prescribing any ~~Schedule II controlled dangerous substance~~ opioid to a patient and shall access the Prescription Monitoring Program and review the patient's record at least every ninety days if the patient's course of treatment continues for more than ninety days for the treatment of non-cancer-related chronic or intractable pain. The requirement established in this Subsection shall not apply in the following instances:
(a) The drug is prescribed or administered to a hospice patient or to any other patient who has been diagnosed as terminally ill.
(b) The drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain.
(c) The drug is ordered or administered to a patient being treated in a hospital.
(d) The Prescription Monitoring Program is inaccessible or not functioning properly due to an internal or external electronic issue. However, the prescriber or his delegate shall check the Prescription Monitoring Program once electronic accessibility has been restored and note the cause for the delay in the patient's chart.
(e) No more than a single seven-day supply of the drug is prescribed or administered to a patient.
(2) The provisions of this Subsection shall be enforced by the health profession licensing board that regulates the prescriber. Each health profession licensing board that regulates prescribers shall promulgate rules and regulations in accordance with the Administrative Procedure Act to comply with the mandate in this Subsection. If a health profession licensing board becomes aware of a prescriber's failure to comply with this Subsection, the board shall treat the notification as a complaint against the licensee, but shall not consider such notice as evidence of deviation from standard of care.
Section 2. R.S. 40:978.3 is hereby enacted to read as follows:
§978.3. Continuing education for the prescribing of controlled substances
A. The continuing education requirement established in this Section shall apply to all practitioners with prescriptive authority in Louisiana that have a controlled dangerous substance license in Louisiana.
B. Each licensing board that regulates practitioners with prescriptive authority in Louisiana shall establish continuing education requirements as a prerequisite to license renewal. Each board shall develop continuing education criteria, to include drug diversion training, best practice prescribing of controlled substances, appropriate treatment for addiction, and any other matters regarding the prescribing of controlled dangerous substances that

are deemed appropriate by the board. Rules and regulations to implement this Section shall be promulgated in accordance with the Administrative Procedure Act. Such rules shall include all of the following:
(1) Each practitioner with prescriptive authority in Louisiana who holds a controlled dangerous substance license shall obtain three credit hours of continuing education as a prerequisite to license renewal with their professional licensing board. Successful completion of this requirement once shall satisfy the requirement in full.
(2) A practitioner with prescriptive authority in Louisiana who has a controlled dangerous substance license shall be exempt from the continuing education requirements for license renewal established in this Section if he completes and submits to his licensing board a certification form developed by his licensing board attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire applicable reporting period. The licensing board shall verify the attestation of the prescriber through the Prescription Monitoring Program.
C. The licensing board shall provide its members with information on how to access the continuing education courses as required by this Section and shall retain annual compliance documentation that shall be submitted to the Senate and House committees on health and welfare to demonstrate aggregate prescriber compliance. No license shall be renewed for an individual who fails to comply with the provisions of this Section.
D. The continuing education hours required by this Section shall be considered among the credit hours required of the prescriber by the licensing board on and after August 1, 2017, and shall not be considered an additional requirement to be met by a prescriber.
Section 3. This Section, Section 1, and Section 4 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Section 4. Section 2 of this Act shall become effective on January 1, 2018.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 77

HOUSE BILL NO. 14
BY REPRESENTATIVES FALCONER AND SCHRODER
AN ACT
To enact R.S. 25:212.2, relative to the Madisonville branch library in St. Tammany Parish; to authorize the governing authority of St. Tammany Parish to name the library in honor of a living person; 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. 25:212.2 is hereby enacted to read as follows:
§212.2. Naming of the Madisonville branch library by governing authority of St. Tammany Parish
The governing authority of St. Tammany Parish may name the Madisonville branch library in honor of Peter L. “Pete” Gitz.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 78

HOUSE BILL NO. 665
Legislative Appropriations
will publish in a later edition.

ACT No. 79

HOUSE BILL NO. 27
BY REPRESENTATIVE CONNICK
AN ACT
To amend and reenact R.S. 14:35.3(B)(5) and 37.7(B)(2) and R.S. 46:2132(4), relative to victims of domestic abuse; to amend the definition of “household member” for purposes of domestic abuse battery, domestic abuse aggravated assault, and domestic abuse assistance; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:35.3(B)(5) and 37.7(B)(2) are hereby amended and reenacted to read as follows:

§35.3. Domestic abuse battery

* * *

B. For purposes of this Section:

* * *

(5) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender as a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

* * *

§37.7. Domestic abuse aggravated assault

* * *

B. For purposes of this Section:

* * *

(2) “Household member” means any person of the opposite sex presently or formerly living in the same residence with the offender as a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

* * *

Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

§2132. Definitions

As used in this Part:

* * *

(4) “Family members” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. “Household members” means any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not, and who is involved or has been involved in a sexual or intimate relationship with the defendant and who is seeking protection under this Part. “Dating partner” means any person protected from violence under R.S. 46:2151 who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 80

HOUSE BILL NO. 182

BY REPRESENTATIVE JIMMY HARRIS

AN ACT

To amend and reenact R.S. 33:9078(D) and (F)(2) and (4), relative to Orleans Parish; to provide relative to the Kenilworth Improvement District; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the parcel fee imposed within the district; to provide relative to the maximum rate, expiration, and renewal of the fee; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9078(D) and (F)(2) and (4) are hereby amended and reenacted to read as follows:

§9078. Kenilworth Improvement District

* * *

D. Governance. (1) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of nine members appointed as follows:

(a) The board of directors of the Kenilworth Civic and Improvement Association shall appoint five members, one of whom shall be the president of the Kenilworth Civic and Improvement Association.

(b) The member or members of the Louisiana House of Representatives who represent the area which comprises the district shall appoint one member.

(c) The member or members of the Louisiana Senate who represent the area which comprises the district shall appoint one member.

(d) The member or members of the city council of the city of New Orleans who represent the area which comprises the district shall appoint one member.

(e) The mayor of the city of New Orleans shall appoint one member.

(2) Every member of the board shall be a property owner in or a resident of the district.

(3)(a) Members of the board shall serve two-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.

(b) Three members shall serve initial terms of one year, three shall serve initial terms of eighteen months, and three shall serve initial terms of two years, all as determined by lot at the first meeting of the board.

(4) Vacancies resulting from the expiration of a term or for any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

(5) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided in the bylaws of the board.

(6) All members of the board, including the officers of the board, shall be voting members.

(7) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

(1) The district shall be governed by the members of the board of directors of the Kenilworth Civic and Improvement Association, referred to in this Section as the “board”.

(2) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The terms and responsibilities of officers shall be as provided in the bylaws of the board.

(3) A majority of the members of the board shall constitute a quorum for the transaction of business.

(4) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

(5) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

(6) The board shall keep minutes of all meetings and shall make them available through the board's secretary to residents of the district.

(7) The monies, funds, and accounts of the district shall be in the official custody of the board.

* * *

F. Parcel fee.

* * *

(2) The fee shall be a flat fee and shall be imposed on each parcel located within the district. The amount of the fee shall be two hundred not exceed two hundred twenty-five dollars per parcel per year.

* * *

(4)(a) The fee shall be imposed only upon request to the city of New Orleans by the board by duly adopted resolution and only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose at the same time as a regularly scheduled election in the city of New Orleans and conducted in accordance with the Louisiana Election Code. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized by this Subsection and approved by the voters. No other election shall be required except as provided in this Paragraph.

(b) The initial election on the question of the imposition of the fee shall be held at the same time as the regularly scheduled election in the city of New Orleans to be held on November 2, 2004, or if not held on that date, it shall be held at the same time as a regularly scheduled election in the city of New Orleans held after that date.

(c)(b) The fee shall expire on December 31, 2010, but the fee may be renewed, the amount of the fee provided in Paragraph (2) of this Subsection may be changed, or a maximum fee amount in excess of the amount of the fee provided in Paragraph (2) of this Subsection may be established, if approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, if the amount of fee is changed with voter approval, or if a new maximum fee amount is established, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, change in fee amount, or maximum fee amount, not to exceed eight years. If a new maximum fee amount is established as provided in this Subparagraph, the amount of the fee shall be determined and such amount may be changed by duly adopted resolution of the board without the necessity of an election, provided that the fee amount shall not exceed the maximum fee amount and the term of imposition shall not exceed the term of imposition established with voter approval. at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years, but may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held at the same time as the regularly scheduled election in the city of New Orleans. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

* * *

Section 2. The terms of the members of the board of commissioners of the Kenilworth Improvement District in office on the effective date of this Act shall terminate on such date; however, such members shall remain in office until all members of the board of directors of the Kenilworth Civic and Improvement Association take office.

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

subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 81

HOUSE BILL NO. 191
BY REPRESENTATIVE GUINN
AN ACT

To amend and reenact R.S. 47:463.46(Section Heading) and (C)(2) and R.S. 56:10(B)(6)(b)(ii) and (10), relative to the Quail Unlimited prestige license plate; to rename the “Quail Unlimited” prestige license plate; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.46(Section Heading) and (C)(2) are hereby amended and reenacted to read as follows:
§463.46. Special prestige license plates; Louisiana Quail ~~Unlimited~~ Forever plate

* * *
C.
* * *
(2) Five percent of the net proceeds from the twenty-six dollar fee imposed by Subsection B of this Section shall be used to promote the existence of the Louisiana Quail ~~Unlimited~~ Forever prestige license plate and its availability for use on passenger vehicles.

* * *
Section 2. R.S. 56:10(B)(6)(b)(ii) and (10) are hereby amended and reenacted to read as follows:
§10. Annual report to governor; estimate of proposed expenditures; particular funds; warrants; vouchers; surplus funds

* * *
B.
* * *
(6)
* * *
(b)
* * *

(ii) Five percent of the net proceeds derived from the fifty dollar fee imposed by R.S. 47:463.46(B) for the Louisiana ~~quails-unlimited~~ Quail Forever prestige plate shall be used to promote the existence of the Louisiana ~~quails-unlimited~~ Quail Forever prestige plate and its availability for use on passenger cars, pickup trucks, recreational vehicles, and vans.

* * *
(10) There is hereby created within the Conservation Fund a special account known as the “quail account” which shall consist of those revenues collected from the sale of the ~~quail-unlimited~~ Louisiana Quail ~~Forever~~ license plates provided for in R.S. 47:463.46. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in this account shall be used solely for the purpose of conserving, restoring, and enhancing quail habitat in Louisiana.

* * *
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 82

HOUSE BILL NO. 192
BY REPRESENTATIVES MORENO, AMEDEE, BAGLEY, BILLIOT, CARMODY, STEVE CARTER, CHANEY, CONNICK, COX, DAVIS, DEVILLIER, FALCONER, FOIL, GLOVER, GUINN, LANCE HARRIS, HOFFMANN, HOLLIS, HORTON, JACKSON, JEFFERSON, JOHNSON, LEBAS, LEGER, LYONS, MARINO, GREGORY MILLER, NORTON, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHRODER, SMITH, STAGNI, TALBOT, THOMAS, AND WHITE AND SENATORS MILLS, PEACOCK, AND THOMPSON
AN ACT

To enact R.S. 40:978(G) and (H), relative to opioid prescriptions; to provide for a seven-day limit on prescriptions; to provide for exceptions to the limitation; to authorize a prescription to be filled for a lesser quantity than the maximum prescribed amount; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:978(G) and (H) are hereby enacted to read as follows:
§978. Prescriptions

* * *
G.(1)(a) Except as provided in Paragraph (2) of this Subsection, when issuing a first-time opioid prescription for outpatient use to an adult patient

with an acute condition, a medical practitioner shall not issue a prescription for more than a seven-day supply.

(b) Except as provided in Paragraph (2) of this Subsection, a medical practitioner shall not issue a prescription for an opioid to a minor for more than a seven-day supply at any time and shall discuss with a parent, tutor, or guardian of the minor the risks associated with opioid use and the reasons why the prescription is necessary.

(2) If, in the professional medical judgment of a medical practitioner, more than a seven-day supply of an opioid is required to treat the adult or minor patient’s acute medical condition or is necessary for the treatment of chronic pain management, pain associated with a cancer diagnosis, or for palliative care, the practitioner may issue a prescription for the quantity needed to treat the patient’s acute medical condition or pain. The condition triggering the prescription of an opioid for more than a seven-day supply shall be documented in the patient’s medical record and the practitioner shall indicate that a nonopioid alternative was not appropriate to address the medical condition.

(3) This Subsection shall not apply to medications designed for the treatment of substance abuse or opioid dependence.

H.(1) Prior to issuing a prescription for an opioid, a medical practitioner shall do both of the following:

(a) Consult with the patient regarding the quantity of the opioid and the patient’s option to fill the prescription in a lesser quantity.

(b) Inform the patient of the risks associated with the opioid prescribed.

(2)(a) A pharmacist filling a prescription for an opioid may dispense the prescribed substance in an amount less than the recommended full quantity indicated on the prescription if requested by the patient and the prescription complies with the provisions of this Section. The patient may request that the pharmacist fill an additional amount not to exceed the remaining prescribed quantity in accordance with 21 U.S.C. 829.

(b) If the dispensed amount is less than the recommended full quantity, the pharmacist or a designee shall ensure that the actual dispensed amount is accurately recorded in the prescription monitoring program. The pharmacist or a designee shall also, within seven days, make a notation in the interoperable electronic health record of the patient if the pharmacist has access to the record.

(c) Nothing in this Subsection shall be interpreted to conflict with or supersede any other requirement established in this Section for a prescription of a controlled dangerous substance or any requirements or conditions for drug substitutions established by law.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 83

HOUSE BILL NO. 200
BY REPRESENTATIVE FALCONER
AN ACT

To amend and reenact Section 3 of Act No. 164 of the 1984 Regular Session of the Legislature, relative to the city of Mandeville; to provide relative to the municipal police civil service system; to provide relative to the personnel director responsible for the administration of such system; to provide relative to the appointment of such director; 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. Section 3 of Act No. 164 of the 1984 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

* * *
Section 3. Personnel director; ~~classification and compensation plan; rules and rulemaking~~

~~A. Subject to the approval of the municipal governing authority, the board may appoint and employ by competitive test a personnel director who shall be a classified member of the civil service system and shall be responsible to the board for the administration of the classified civil service system. The director shall be qualified and experienced in public administration and shall receive compensation as fixed by the board in accordance with the compensation plan. The director shall be subject to removal by the board but only for just cause and after public hearing by the board. The human resources director for the classified civil service system established by the home rule charter for the city of Mandeville shall be the personnel director for the classified civil service system established by this Act.~~

B. The duties of the personnel director shall be as follows:

(1) To develop, to maintain, and to administer a classification plan to consist of classes designated by standard titles and descriptions designed to provide for all positions in the classified service. The adoption of such classification plan shall be by rule of the board after public hearing.

(2) To develop and to administer a compensation plan for all positions in the classified civil service. Such compensation plan shall be effective only upon approval by the board after public hearing thereon and approval by the municipal governing authority.

(3)(a) To develop such rules and regulations in accordance with this Section as are necessary to carry out the provisions of this Act and to submit such proposed rules and regulations to the board for review and public hearing and adoption, amendment, or repeal. The board is hereby authorized to adopt, to amend, or to repeal and to execute any such rule or part thereof.

(b) For the purposes of this Subsection, the personnel director shall be responsible for the development of rules and regulations with respect to the following:

(i) Policies and procedures for the administration of the classification plan and for the compensation plan.

(ii) Policies and methods for administering competitive tests to determine the merit and fitness of candidates.

(iii) Establishment and maintenance of employment eligibility lists and procedures for certification of individuals from such eligibility lists for the filling of vacancies.

(iv) Procedures for layoff, suspension, demotion, and dismissal of employees which shall provide for public hearing before the board in cases of suspension, demotion, or dismissal of permanent employees.

(v) Hours of work, attendance, and sick and vacation leave regulations.

(vi) Prohibition against political activities of employees and assessment for political purposes.

(vii) Other policies, procedures, and practices as necessary to administer the classified civil service system.

~~C. In lieu of appointing a personnel director, as provided in this Section, the board may assume all the powers and duties of the personnel director as provided in this Section.~~

* * *

Section 2. 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 Mandeville approve an amendment of the city’s home rule charter to provide that the human resources director of the classified civil service system established by the charter shall be the personnel director of the classified civil service system established by Act No. 164 of the 1984 Regular Session of the Legislature.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 84

HOUSE BILL NO. 223

**BY REPRESENTATIVE MORENO AND SENATOR CLAITOR
AN ACT**

To amend and reenact R.S. 14:95.10(A), (C), and (E), R.S. 15:590(8), R.S. 46:2136.3(A)(introductory paragraph) and (I) and 2151(B), Code of Evidence Article 412(A) and (D), and Code of Criminal Procedure Article 387(A) (introductory paragraph) and to enact R.S. 14:2(B)(47), 34.9, and 34.9.1, relative to domestic abuse; to provide relative to acts of abuse involving dating partners; to provide relative to the definition of “dating partner”; to create the crimes of battery of a dating partner and aggravated assault upon a dating partner; to prohibit the possession of a firearm by persons convicted of certain offenses of battery of a dating partner; to add offenses of abuse involving dating partners to the types of offenses for which certain information is obtained upon arrest and conviction; to provide relative to the possession of firearms by persons subject to a permanent injunction or protective order for acts of abuse involving dating partners; to provide relative to admissibility of evidence of similar crimes, wrongs, or acts in cases of abuse involving dating partners; to provide relative to the information required when instituting the prosecution for an offense involving abuse against a dating partner; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.10(A), (C), and (E) are hereby amended and reenacted and R.S. 14:2(B)(47), 34.9, and 34.9.1 are hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, “crime of violence” means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as “crimes of violence”:

* * *

(47) Aggravated assault upon a dating partner.

* * *

§34.9. Battery of a dating partner

A. Battery of a dating partner is the intentional use of force or violence committed by one dating partner upon the person of another dating partner.

B. For purposes of this Section:

(1) “Burning” means an injury to flesh or skin caused by heat, electricity, friction, radiation, or any other chemical or thermal reaction.

(2) “Court-monitored domestic abuse intervention program” means a program, comprised of a minimum of twenty-six in-person sessions occurring over a minimum of twenty-six weeks, that follows a model designed specifically for perpetrators of domestic abuse. The offender’s progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

(a) Experience in working directly with perpetrators and victims of domestic abuse.

(b) Experience in facilitating batterer intervention groups.

(c) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.

(d) “Dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.

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

(5) “Strangulation” means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim.

C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve four days in jail and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.

(2) The offender is placed on probation with a minimum condition that he perform eight eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.

D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary and regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to complete a court-monitored domestic abuse intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.

(2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.

E. On a conviction of a third offense, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars. The first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

F.(1) Except as otherwise provided in Paragraph (2) of this Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any other provision of law to the contrary and regardless of whether the fourth offense occurred before or after an earlier conviction, the offender shall be imprisoned with hard labor for not less than ten years nor more than thirty years and shall be fined five thousand dollars. The first three years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

(2) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth or subsequent offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.

G.(1) For purposes of determining whether an offender has a prior conviction for violation of this Section, a conviction under this Section, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the

intentional use of force or violence committed by one household member, family member, or dating partner upon another household member, family member, or dating partner shall constitute a prior conviction.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if the date of completion of sentence, probation, parole, or suspension of sentence is more than ten years prior to the commission of the crime with which the offender is charged, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

H. An offender ordered to complete a court-monitored domestic abuse intervention program required by the provisions of this Section shall pay the cost incurred by participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

I. This Subsection shall be cited as the “Dating Partner Abuse Child Endangerment Law”. When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by Subsection C or D of this Section, as appropriate, shall not be suspended, the minimum mandatory sentence imposed under Subsection E of this Section shall be two years without suspension of sentence, and the minimum mandatory sentence imposed under Subsection F of this Section shall be four years without suspension of sentence.

J. If the victim of the offense is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, who is sentenced under the provisions of this Section, shall be required to serve a minimum of forty-five days without benefit of suspension of sentence for a first conviction, upon a second conviction shall serve a minimum of one year imprisonment without benefit of suspension of sentence, upon a third conviction shall serve a minimum of two years with or without hard labor without benefit of probation, parole, or suspension of sentence, and upon a fourth and subsequent offense shall serve a minimum of four years at hard labor without benefit of probation, parole, or suspension of sentence.

K. Notwithstanding any other provision of law to the contrary, if the offense involves strangulation, the offender shall be imprisoned at hard labor for not more than three years.

L. Notwithstanding any other provision of law to the contrary, if the offense is committed by burning that results in serious bodily injury, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five nor more than fifty years without benefit of probation, parole, or suspension of sentence.

§34.9.1. Aggravated assault upon a dating partner

A. Aggravated assault upon a dating partner is an assault with a dangerous weapon committed by one dating partner upon another dating partner.

B. For purposes of this Section, “dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.

C. Whoever commits the crime of aggravated assault upon a dating partner shall be imprisoned at hard labor for not less than one year nor more than five years and fined not more than five thousand dollars.

D. This Subsection shall be cited as the “Aggravated Assault Upon a Dating Partner Child Endangerment Law”. When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, the mandatory minimum sentence imposed by the court shall be two years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

§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

A. It is unlawful for any person who has been convicted of the crime of domestic abuse battery, R.S. 14:35.3, any of the following offenses to possess a firearm or carry a concealed weapon:

- (1) Domestic abuse battery (R.S. 14:35.3).
- (2) A second or subsequent offense of battery of a dating partner (R.S. 14:34.9).
- (3) Battery of a dating partner when the offense involves strangulation (R.S. 14:34.9(K)).
- (4) Battery of a dating partner when the offense involves burning (R.S. 14:34.9(L)).

C. A person shall not be considered to have been convicted of domestic abuse battery or battery of a dating partner for purposes of this Section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this Section for which a person was

entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person shall not be considered convicted of R.S. 14:35.3 or 34.9 for the purposes of this Section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned or had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, possess, or receive firearms.

E. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of domestic abuse battery the offenses set forth in Subsection A of this Section shall not apply to any person who has not been convicted of domestic abuse battery any of the offenses set forth in Subsection A of this Section for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

Section 2. R.S. 15:590(8) is hereby amended and reenacted to read as follows:

§590. Obtaining and filing fingerprint and identification data
The bureau shall obtain and file the name, fingerprints, description, photographs, and any other pertinent identifying data as the deputy secretary deems necessary, of any person who meets any of the following:

(8) Has been arrested, or has been issued a summons and subsequently convicted, for a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against any family member or household member as those terms are defined by R.S. 14:35.3 or any household member as defined by R.S. 14:35.3 or that prohibits the use of force or violence against a dating partner as defined by R.S. 14:34.9.

Section 3. R.S. 46:2136.3(A)(introductory paragraph) and (1) and 2151(B) are hereby amended and reenacted to read as follows:

§2136.3. Prohibition on the possession of firearms by a person against whom a protective order is issued

A. Any person against whom the court has issued a permanent injunction or a protective order 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, or 2173, Children’s Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2 320, or 871.1 shall be prohibited from possessing a firearm for the duration of the injunction or protective order if both of the following occur:

(1) The permanent injunction or protective order includes a finding that the person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member, or household member, or dating partner.

§2151. Dating violence

B. For purposes of this Section, “dating partner” means any person who is involved or has been involved in a social sexual or intimate relationship of a romantic or intimate nature with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context, victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

Section 4. Code of Evidence Article 412.4(A) and (D) are hereby amended and reenacted to read as follows:

Art. 412.4. Evidence of similar crimes, wrongs, or acts in domestic abuse cases and cruelty against juveniles cases

A. When an accused is charged with a crime involving abusive behavior against a family member, household member, or dating partner or with acts which constitute cruelty involving a victim who was under the age of seventeen at the time of the offense, evidence of the accused’s commission of another crime, wrong, or act involving assaultive behavior against a family member, or household member, or dating partner or acts which constitute cruelty involving a victim who was under the age of seventeen at the time of the offense, may be admissible and may be considered for its bearing on any matter to which it is relevant, subject to the balancing test provided in Article 403.

D. For purposes of this Article:
(1) “Abusive behavior” means any behavior of the offender involving the use or threatened use of force against the person or property of a family member, or household member, or dating partner of the alleged offender.
(2) “Dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly

lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.

~~(2)(3)~~ “Family member” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children.
~~(3)(4)~~ “Household member” means any person having reached the age of majority presently or formerly living in the same residence with the offender as a spouse, whether married or not, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Section 5. Code of Criminal Procedure Article 387(A)(introductory paragraph) is hereby amended and reenacted to read as follows:

Art. 387. Additional information required when prosecuting certain offenses

A. When instituting the prosecution of an offense involving a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against any family member or household member as those terms are defined by R.S. 14:35.3 or any household member as defined by R.S. 14:35.3 or that prohibits the use of force or violence against a dating partner as defined by R.S. 14:34.9, the district attorney, or city prosecutor for criminal prosecutions in city court, shall include the following information in the indictment, information, or affidavit:

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 85

**HOUSE BILL NO. 329
BY REPRESENTATIVE BAGNERIS
AN ACT**

To amend and reenact R.S. 33:9077(D) and (F)(5)(b), relative to Orleans Parish; to provide relative to the Lake Barrington Subdivision Improvement District; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the special taxes and fees levied within the district; to provide relative to the renewal of such taxes and fees; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9077(D) and (F)(5)(b) are hereby amended and reenacted to read as follows:

§9077. Lake Barrington Subdivision Improvement District

* * *

D. Governance. ~~(1) In order to provide for the orderly development of the district and effectuation of the services to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the area, the district shall be managed by a seven-member board of commissioners, referred to in this Section as the “board”. Each member of the board shall be a qualified voter and resident of the district and shall be appointed as follows:~~

~~(a) Three members shall be appointed by the board of directors of the Lake Barrington Homeowners Association.~~

~~(b) One member shall be appointed by the mayor of the city of New Orleans.~~

~~(c) One member shall be appointed jointly by any members of the governing authority of the city of New Orleans who represent the area which comprises the district.~~

~~(d) One member shall be appointed jointly by any members of the Louisiana House of Representatives who represent the area which comprises the district.~~

~~(e) One member shall be appointed jointly by any members of the Louisiana Senate who represent the area which comprises the district.~~

~~(2)(a) Members shall serve four-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.~~

~~(b) Two members shall serve an initial term of one year; two shall serve an initial term of two years; two shall serve an initial term of three years; and one shall serve an initial term of four years, as determined by lot at the first meeting of the board. Such members shall serve until their successors have been appointed and qualified.~~

~~(c) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(3) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.~~

~~(4) The minute books and archives of the district shall be maintained by the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.~~

~~(5) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings~~

~~at such times and places within the district as may be prescribed in the bylaws.~~

~~(6) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to the residents of the district.~~

~~(7) The members of the board shall serve without compensation.~~

~~(1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:~~

~~(a) Three officers of the governing board of the Lake Barrington Homeowners Association shall be members and shall be appointed by the governing board of the association.~~

~~(b) Four members shall be appointed by the members of the Lake Barrington Homeowners Association, all of whom shall be members of the association.~~

~~(c) Each member shall be a qualified voter and resident of the district.~~

~~(2)(a) The members appointed pursuant to Subparagraph(1)(b) of this Subsection shall serve four-year terms after initial terms as provided in this Subparagraph. One member shall serve an initial term of one year; one shall serve an initial term of two years; one shall serve an initial term of three years; and one shall serve an initial term of four years, as determined by lot at the first meeting of the board. Such members shall serve until their successors have been appointed and qualified.~~

~~(b) The members serving pursuant to Subparagraph(1)(a) of this Subsection shall serve during their terms of office.~~

~~(c) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(3) The board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.~~

~~(4) A majority of the members of the board shall constitute a quorum for the transaction of business.~~

~~(5) The members of the board shall serve without compensation.~~

~~(6) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.~~

~~(7) The board shall keep minutes of all meetings and shall make them available through the secretary of the board to the residents of the district.~~

~~(8) The monies, funds, and accounts of the district shall be in the official custody of the board.~~

* * *

F. Taxing authority.

* * *

(5)

* * *

(b) The tax or fee shall expire at the time provided in the proposition authorizing the tax or fee, not to exceed eight years from its initial imposition, but the tax or fee may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize renewal of the tax or fee shall be held only at the same time as ~~the mayoral primary election~~ a regularly scheduled election in the city of New Orleans. If renewed, the term of the imposition of the tax or fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

* * *

Section 2. The terms of the members of the governing board of the Lake Barrington Subdivision Improvement District in office on the effective date of this Act shall terminate on the effective date of this Act; however, such members shall remain in office until the board members are appointed as provided in this Act and take office.

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

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 86

HOUSE BILL NO. 452

BY REPRESENTATIVES ABRAMSON, ANDERS, ARMES, BAGNERIS, BILLIOT, CARMODY, STEVE CARTER, FOIL, GISCLAIR, LANCE HARRIS, HORTON, JAY MORRIS, JIM MORRIS, STOKES, TALBOT, THOMAS, AND WHITE AND SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 17:437.1(B) and to enact R.S. 17:3996(B)(13), relative to training for certain school employees; to make requirement

for in-service training in suicide prevention applicable to nonpublic and charter school personnel; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:437.1(B) is hereby amended and reenacted and R.S. 17:3996(B)(13) is hereby enacted to read as follows:

§437.1. Suicide prevention; in-service training; materials and supplies; limitation on liability

* * *

B. The board shall adopt rules to require that all public and approved nonpublic school teachers, school counselors, and principals and, as determined by the board, other school administrators for whom such training is deemed beneficial participate annually in at least two hours of in-service training in suicide prevention ~~and that such training begin not later than the 2008-2009 school year.~~ Such rules shall include provisions permitting such training to be provided by self-review of suitable materials.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(13) In-service training regarding suicide prevention, R.S. 17:437.1.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 87

HOUSE BILL NO. 487
BY REPRESENTATIVE TERRY LANDRY
AN ACT

To amend and reenact R.S. 32:410.1(A), (B), (C), (D), and (E) and to enact R.S. 14:70.7(D), relative to fictitious, fraudulent, or facsimile identification documents; to prohibit novelty, unofficial, or fraudulent credentials intended to simulate certain identification credentials issued by governmental entities; to clarify unacceptable defenses for violations of this prohibition; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:70.7(D) is hereby enacted to read as follows:

§70.7. Unlawful production, manufacturing, distribution, or possession of fraudulent documents for identification purposes

* * *

D. It shall not be a defense to prosecution for a violation of this Section that a fraudulent document for identification purposes contains words indicating that it is a novelty item or an indication that it is not a document for identification purposes.

Section 2. R.S. 32:410.1(A), (B), (C), (D), and (E) are hereby amended and reenacted to read as follows:

§410.1. Novelty or unofficial credentials; prohibited

A. It shall be unlawful for any person to manufacture, advertise for sale, sell, or possess any fictitious or facsimile credential that is intended to simulate a ~~valid~~ credential issued by any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any foreign country or government, a United States government-issued credential, or a United States passport or foreign government visa.

B. For purposes of this Section, a ~~valid~~ credential shall include but is not limited to any driver's license, driver permit, temporary driver's license, restricted or hardship ~~driver's~~ license, government-issued identification card, school-issued identification card, vehicle registration certificate, or vehicle license plate.

C. ~~The following language shall appear on every item that can be interpreted as a novelty credential in a size or font equal in size to the largest print appearing anywhere on the novelty item: "This document is a novelty item and cannot be used for any official purposes or as a lawful means of identification or for the operation of a motor vehicle on any public highway or street". It shall not be a defense to a violation of this Section that a fictitious or facsimile credential contains words indicating that it is a novelty item or an indication that it is not a valid identification document, vehicle registration certificate, or vehicle license plate.~~

D. The Department of Public Safety and Corrections, office of motor vehicles, may issue a cease and desist order to any person or business who manufactures, advertises for sale, sells, or possesses any credential, including any novelty or unofficial credential, which ~~is not in compliance with it determines to be in violation of~~ this Section. Any such cease and desist order may be served by regular mail with a proof of mailing issued by

the United States Postal Service, or hand delivered by a representative of the department. If the cease and desist order is served by mail with proof of mailing, it shall be deemed delivered on the seventh calendar day after the date affixed on the certificate or proof of mailing. The presumption of delivery in this Subsection shall not apply if the cease and desist order is returned as undeliverable.

E.(1) If the person or business subject to the cease and desist order cannot be served or does not comply with the cease and desist order, the department may file a petition for injunctive relief as provided in the Code of Civil Procedure for injunctions in the district court. There shall be no suspensive appeal or stay of an order or judgment of the district court granting the department a preliminary or permanent injunction.

(2) In the suit for an injunction, the department may demand of the defendant a penalty of not more than five hundred dollars for each day the defendant engaged in any activity prohibited by the cease and desist order issued by the department and court costs. Judgment for penalty and court costs may be rendered in the same judgment in which the injunction is made final.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 88

HOUSE BILL NO. 490
BY REPRESENTATIVES LEGER, BAGNERIS, AND HOFFMANN AND
SENATORS BARROW, COLOMB, MILLS, AND THOMPSON
AN ACT

To enact R.S. 49:219.5, relative to the Drug Policy Board's Advisory Council on Heroin and Opioid Prevention and Education; to establish the Advisory Council on Heroin and Opioid Prevention and Education within the Drug Policy Board; to provide for the membership, powers, and duties of the council; to require an Interagency Heroin and Opioid Coordination Plan; to provide for the content of the plan; to require staffing support for the council; to provide for meetings and official actions of the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:219.5 is hereby enacted to read as follows:

§219.5. Advisory Council on Heroin and Opioid Prevention and Education

A. The Drug Policy Board shall establish an Advisory Council on Heroin and Opioid Prevention and Education to coordinate resources and expertise to assist in a statewide response.

B. The council shall consist of the following members:

(1) The secretary of the Louisiana Department of Health or his designee.
(2) The secretary of the Department of Children and Family Services or his designee.

(3) The state superintendent of education or his designee.

(4) The secretary of the Department of Public Safety and Corrections or his designee.

(5) The superintendent of state police or his designee.

(6) The commissioner of higher education or his designee.

(7) The secretary of the Department of Veterans Affairs or his designee.

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

(9) The president of the Senate or his designee.

(10) The speaker of the House of Representatives or his designee.

(11) The attorney general or his designee.

(12) The commissioner of insurance or his designee.

(13) A judge from a drug division of a district court appointed by the chief justice of the Louisiana Supreme Court.

C. The council may engage and solicit, as necessary, input, recommendations, and guidance pertaining to heroin and opioid prevention and education from interested parties and stakeholders, including but not limited to the following:

(1) The Louisiana Board of Pharmacy.

(2) The Louisiana State Board of Medical Examiners.

(3) The Louisiana Sheriffs' Association.

(4) The Louisiana District Attorneys Association.

(5) The Louisiana State Medical Society.

(6) The Chiropractic Association of Louisiana.

(7) The Louisiana Physical Therapy Association.

(8) The Louisiana Association of Chiefs of Police.

(9) The Louisiana Independent Pharmacies Association.

(10) The Louisiana State Nurses Association.

(11) The Louisiana Association of Nurse Practitioners.

(12) The Louisiana Ambulance Alliance.

(13) The Louisiana State Board of Nursing.

(14) The Louisiana Psychiatric Medical Association.

(15) The Louisiana Poison Control Center.

(16) The Louisiana-Mississippi Hospice and Palliative Care Organization.

(17) The Optometry Association of Louisiana.

(18) The Louisiana Association of Health Plans.

(19) The Louisiana State Coroners Association.
D.(1) The council shall serve in an advisory capacity to the board and establish an Interagency Heroin and Opioid Coordination Plan.
(2) The plan shall include but not be limited to all of the following:
(a) Parish-level data on opioid overdoses and the dispensing of overdose-reversal medication.
(b) Progress of current initiatives in the state relating to the heroin and opioid epidemic.
(c) Specific impacts to agencies in addressing education, treatment including the use of medication-assisted treatment, prevention, overdose, and recovery.
E. The Interagency Heroin and Opioid Coordination Plan shall be submitted annually to the board, governor, president of the Senate, speaker of the House, and chief justice of the Louisiana Supreme Court at the end of each calendar year.
F. The council shall coordinate parish-level data on opioid overdoses and usage of overdose-reversal medication as current and accurate statewide data is critical in educating both those involved in policy development and the citizens of this state.
G. The council shall also coordinate a central online location to disseminate information and resources, including the Interagency Heroin and Opioid Coordination Plan.
H. The secretary of the Louisiana Department of Health, or his designee, shall serve as chairman of the council. The council may also elect a vice chairman and other officers as they may deem appropriate.
I. A majority of the voting membership of the council shall constitute a quorum for the transaction of business. All official actions of the council shall require the affirmative vote of not less than a majority of the members present.
J. Council members shall not receive compensation or a per diem for their services or attendance at council meetings, except for those travel-related expenses already provided for by their agency.
K. The council shall be domiciled in East Baton Rouge Parish.
L. Each department participating on the council shall assist as needed in providing staff support for the council, including but not limited to the scheduling of meetings, providing public notice of scheduled meetings, and posting information about the council and its meeting minutes online.
M. The council shall meet at least once every quarter, with meetings to be called by the chair.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 89

HOUSE BILL NO. 499
BY REPRESENTATIVE SCHRODER
AN ACT

To amend and reenact R.S. 14:40.2(F)(1) and (G), relative to the crime of stalking; to provide relative to the issuance of protective orders against persons convicted of stalking; to provide relative to the exception to the crime of stalking for private investigators; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:40.2(F)(1) and (G) are hereby amended and reenacted to read as follows:
§40.2. Stalking

* * *

F.(1)(a) Upon motion of the district attorney or on the court's own motion, whenever it is deemed appropriate for the protection of the victim, the court may, in addition to any penalties imposed pursuant to the provisions of this Section, grant a protective order which directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.
(b) For any defendant placed on probation for a violation of the provisions of this Section, the court shall, in addition to any penalties imposed pursuant to the provisions of this Section, grant a protective order which directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.

* * *

G.(1) The Except as provided in Paragraph (2) of this Subsection, the provisions of this Section shall not apply to a private investigator licensed pursuant to the provisions of Chapter 56 of Title 37 of the Louisiana Revised Statutes of 1950, acting during the course and scope of his employment and performing his duties relative to the conducting of an investigation.
(2) The exception provided in Paragraph (1) of this Subsection does not apply if both of the following conditions apply:
(a) The private investigator was retained by a person who is charged with an offense involving sexual assault as defined by R.S. 46:2184 or who is subject to a temporary restraining order or protective order obtained by a victim of sexual assault pursuant to R.S. 46:2182 et seq.

(b) The private investigator was retained for the purpose of harassing the victim.
* * *
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 90

HOUSE BILL NO. 509
BY REPRESENTATIVE SCHRODER
AN ACT

To amend and reenact R.S. 14:79(A)(1)(a), (B), and (C) and Code of Criminal Procedure Article 320(G), relative to the issuance and violation of protective orders; to provide for penalties for violations of temporary restraining orders; to provide relative to the issuance of protective orders and the prohibition on communication and contact as conditions of release on bail for certain offenses; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:79(A)(1)(a), (B), and (C) are hereby amended and reenacted to read as follows:
§79. Violation of protective orders
A.(1)(a) Violation of protective orders is the willful disobedience of a preliminary or permanent injunction or protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 320, 327.1, 335.1, 335.2, and 871.1 after a contradictory court hearing, or the willful disobedience of a temporary restraining order or any ex parte protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., criminal stay-away orders as provided for in Code of Criminal Procedure Articles 320, 327.1, 335.1, 335.2, Children's Code Article 1564 et seq., or Code of Civil Procedure Articles 3604 and 3607.1, if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.

* * *

B.(1) On a first conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.
(2) On a second conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not more than one thousand dollars and imprisoned for not less than forty-eight hours nor more than six months. At least forty-eight hours of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.
(3)(2) On a third second or subsequent conviction for violation of protective orders which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than fourteen days nor more than two years. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.
C.(1) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, and who has not been convicted of violating a protective order or of an assault or battery upon the person protected by the protective order within the five years prior to commission of the instant offense, shall be fined not more than five hundred dollars and imprisoned for not less than fourteen days nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3 as part of that probation.
(2)(1) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, and who has been convicted not more than one time of violating

~~a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect within the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions,~~ shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than three months nor more than two years. At least thirty days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

~~(3)(2)~~ Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, and who has ~~more than one~~ a conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.

Section 2. Code of Criminal Procedure Article 320(G) is hereby amended and reenacted to read as follows:
Art. 320. Conditions of bail undertaking

G. Domestic offenses, stalking, and sex offenses. ~~(1)~~ In determining conditions of release of a defendant who is alleged to have committed an offense against the defendant’s family or household member, as defined in R.S. 46:2132(4), or against the defendant’s dating partner, as defined in R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse battery under the provisions of R.S. 14:35.3, or who is alleged to have committed the offense of stalking under the provisions of R.S. 14:40.2, or who is alleged to have committed a sexual assault as defined in R.S. 46:2184, or who is alleged to have committed the offense of first degree rape under the provisions of R.S. 14:42, the court shall consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim. If the court determines that the defendant poses such a threat or danger, it shall require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim’s school, and the victim’s place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also consider any statistical evidence prepared by the United States Department of Justice relative to the likelihood of such defendant or any person in general who has raped or molested victims under the age of thirteen years to commit sexual offenses against a victim under the age of thirteen in the future.

(2) If the defendant is alleged to have committed any of the offenses included in Paragraph (1) of this Subsection, the court may require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim’s immediate family members, while the case is pending. This condition does not apply if the victim consents in person or through a communication through the local prosecuting agency.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 91

HOUSE BILL NO. 524
BY REPRESENTATIVE SCHRODER
AN ACT

To repeal Code of Civil Procedure Article 1426.1(E), relative to discovery in civil matters; to provide relative to the authority of a district attorney to move to stay discovery in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Article 1426.1(E) is hereby repealed in its entirety.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 92

HOUSE BILL NO. 540
BY REPRESENTATIVE DEVILLIER
AN ACT

To enact R.S. 33:423.27, relative to the Eunice police department; to provide that the board of aldermen may authorize the police chief to appoint, discipline, and discharge police personnel; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:423.27 is hereby enacted to read as follows:
§423.27. City of Eunice; authority over police personnel by chief of police Notwithstanding the provisions of R.S. 33:423 or any other provision of law to the contrary, in and for the city of Eunice, the board of aldermen may, by resolution, designate the chief of police as the appointing authority of the police department and thereby authorize him to appoint, discipline, and discharge police personnel subject to the budgetary limitations established by the mayor and board of aldermen pertaining to the number of allotted positions for the police department.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 93

HOUSE BILL NO. 87
BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact R.S. 33:2551(4)(b) and (8)(b), 2554(C)(2)(introductory paragraph), and 2558(B), relative to the city of Eunice; to provide relative to the classified police service; to provide relative to departmental and promotional seniority; to provide relative to the establishment and maintenance of employment lists; to provide relative to the certification and appointment of eligible persons; to provide relative to the abolition of classes of positions; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:2551(4)(b) and (8)(b), 2554(C)(2)(introductory paragraph), and 2558(B) are hereby amended and reenacted to read as follows:
§2551. Establishment and maintenance of employment lists
The board shall establish and maintain lists containing names of persons eligible for appointment to the various classes of positions in the classified service as follows:

(4) (b) Names of persons attaining a passing score on the promotional test in the ~~DeRidder Police Department~~ police department for the city of DeRidder or Eunice shall be placed on the promotion employment list for the class for which they were tested, from highest to lowest, according to their total promotional seniority in the next lower class. If two or more persons possess an equal amount of promotional seniority, the names of those persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

(8) (b) When new names are to be placed on a promotion list for a given class in the ~~DeRidder Police Department~~ police department for the city of DeRidder or Eunice, the remaining names thereon shall be rearranged with the new names so that all names appearing on the list for the class shall rank, from highest to lowest, according to total promotional seniority in the next lower class from which the promotion list is established. If two or more persons possess an equal amount of promotional seniority, the names of those persons shall be placed on the promotional list in the order of departmental seniority, from highest to lowest.

§2554. Certification and appointment
C. (2) Notwithstanding any other provision of law to the contrary, in the ~~city~~ cities of DeRidder and Eunice a vacant position in the police department shall be filled in the following manner:

§2558. Abolition of positions in the classified service
B. Notwithstanding any other provision of law to the contrary, if an entire class in the ~~DeRidder Police Department~~ police department for the city of DeRidder or Eunice is abolished in the classified service, the regular

employees of the class shall be demoted to lower classes and priority to positions shall be governed by the total promotional seniority earned in the class, from highest to lowest. If two or more persons possess an equal amount of promotional seniority, the names of such persons shall be placed on the reinstatement list in the order of departmental seniority, from highest to lowest.

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 94

HOUSE BILL NO. 97
BY REPRESENTATIVE BACALA
AN ACT

To amend and reenact R.S. 40:2405.8(B), relative to homicide investigator training; to provide an exception to homicide investigator training requirements for peace officers investigating vehicular homicide; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405.8(B) is hereby amended and reenacted to read as follows:

§2405.8. Additional peace officer training requirements

* * *

B. Homicide Investigator. The council shall create and maintain a current list of those peace officers who have successfully completed the homicide investigator training program for purposes of coordinating homicide investigations occurring in the state. ~~Except for peace officers investigating cases of vehicular homicide as defined in R.S. 14:32.1, on~~ on and after January 1, 2017, only peace officers who successfully complete the homicide investigator training program or receive a waiver of compliance based on prior training or experience as a homicide investigator shall be assigned to lead investigations in homicide cases.

* * *

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 95

HOUSE BILL NO. 114
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 26:351(2)(a) and (4)(a), relative to alcoholic beverages; to provide relative to the sale and shipment of certain alcoholic beverages; to provide for container size limitations of certain alcoholic beverages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:351(2)(a) and (4)(a) are hereby amended and reenacted to read as follows:

§351. Limitation on size of containers of beverages of high alcoholic content; standards of fill

Except for wines, no manufacturer or wholesaler in this state shall have in his possession any beverages of high alcoholic content outside of his bonded stockroom unless they are in containers of no greater capacity than 1.75 liters. The standards of fill shall be the following:

* * *

(2)(a) All wine, sold in or shipped into this state shall be in the following containers: twenty liters, nineteen and five-tenths liters, eighteen liters, seventeen liters, sixteen liters, fifteen liters, fourteen liters, thirteen liters, twelve liters, eleven liters, ten liters, nine liters, eight liters, seven liters, six liters, five liters, four liters, three liters, one and five-tenths liters, one liter, seven hundred fifty milliliters, five hundred milliliters, three hundred seventy-five milliliters, three hundred fifty-five milliliters, two hundred fifty milliliters, and one hundred eighty-seven milliliters.

* * *

(4)(a) Wines bottled subject to the standards of fill prescribed in Paragraph (2) of this Subsection shall be packed with the following number of containers per shipping case or shipping container:

Container sizes	Containers per case
5 through 20 liters	1
4 liters	4
3 liters	4
1.5 liters	6
1 liter	12
750 milliliters	12
500 milliliters	12
375 milliliters	24
355 milliliters	24
<u>250 milliliters</u>	<u>24</u>
187 milliliters	48

* * *

Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 96

HOUSE BILL NO. 129
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact Code of Civil Procedure Articles 3421 and 3422, relative to successions; to provide for the definition of a small succession; to provide relative to court costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 3421 and 3422 are hereby amended and reenacted to read as follows:

Art. 3421. Small successions defined

A small succession, within the meaning of this Title, is the succession or the ancillary succession of a person who at any time has died ~~leaving and the decedent's~~ leaving and property in Louisiana ~~having~~ having a gross value of ~~seventy-five~~ one hundred twenty-five thousand dollars or less valued as of the date of death or, if the date of death occurred at least ~~twenty-five~~ twenty years prior to the date of filing of a small succession affidavit as authorized in this Title, leaving property in Louisiana of any value.

Art. 3422. Court costs; compensation

In judicial proceedings under this Title, the following schedule of costs, ~~commissions~~ 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 ~~commission~~ compensation of the succession representative shall be not more than five percent of the gross assets of the succession.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 97

HOUSE BILL NO. 171
BY REPRESENTATIVE STEVE CARTER
AN ACT

To amend and reenact R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A), 10.7.1(D)(2)(introductory paragraph) and (c)(i) and (E)(6), 24.4(F)(2)(h) and (3)(a) and (b)(ii) and (iii) and (J)(1)(introductory paragraph) and (a), 100.1(A)(1), (C)(6), and (D), 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9), 407.23(B)(2) and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K), 436.3(C)(1) and (6)(introductory paragraph), 440(C)(2), 444(B)(4)(c)(i), 1519.2(C)(1), 1681(B), 1982(4), 2925(A)(2), (3), and (4), 3023(A)(2)(a), (6), and (9), 3095(A)(1)(b) and (c) and (D), 3165.2(C)(1)(introductory paragraph), 3168(introductory paragraph), 3351(H)(4), 3351.20(C), 3803(B)(1)(e), 3995(A)(3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b), 5023(D)(1) and (2)(a), 5024(A)(3)(a), 5025(7), 5029(B)(1)(b)(i), 5061, 5064, 5067(A)(2), 5068(B) and (C), 5081(F) and (G), 5101(B)(1)(introductory paragraph) and (2) and (C), and 5102(B)(1)(introductory paragraph) and (2) and (C); to provide for technical corrections in various education laws in Title 17 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A), 10.7.1(D)(2)(introductory paragraph) and (c)(i) and (E)(6), 24.4(F)(2)(h) and (3)(a) and (b)(ii) and (iii) and (J)(1)(introductory paragraph) and (a), 100.1(A)(1), (C)(6), and (D), 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9), 407.23(B)(2) and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K), 436.3(C)(1) and (6)(introductory paragraph), 440(C)(2), 444(B)(4)(c)(i), 1519.2(C)(1), 1681(B), 1982(4), 2925(A)(2), (3), and (4), 3023(A)(2)(a), (6), and (9), 3095(A)(1)(b) and (c) and (D), 3165.2(C)(1)(introductory paragraph), 3168(introductory paragraph), 3351(H)(4), 3351.20(C), 3803(B)(1)(e), 3995(A)(3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b), 5023(D)(1) and (2)(a), 5024(A)(3)(a), 5025(7), 5029(B)(1)(b)(i), 5061, 5064, 5067(A)(2), 5068(B) and (C), 5081(F) and (G), 5101(B)(1)(introductory paragraph) and (2) and (C), and 5102(B)(1)(introductory paragraph) and (2) and (C) are hereby amended and reenacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(2)

* * *

(f)

* * *

(iii) The State Board of Elementary and Secondary Education shall annually publish revenue and expenditure data, including but not limited to the allocation and expenditure of funds generated by the minimum foundation

program, local revenues, and federal grants, for each city, parish, or other local public school board by district and by school level, to the extent possible, in an easily understandable format on the state Department of Education website. Such data shall include but not be limited to comparative per pupil expenses reported by the school system for personnel, transportation, and other major categories of common expenditures as determined by the state Department of Education. Student membership counts and any weighted student counts generated by student need characteristics as provided in the minimum foundation program formula, calculations of the amounts of minimum foundation program funding allocated to each city, parish, or other local public school board through the minimum foundation program, amounts provided to and removed from calculations for each city, parish, or other local public school board including the source of funding shifts between city, parish, or other local public school board boards, and expenditures of funds by school ~~system~~ systems relative to the amounts generated by the weighted student characteristics and factors through the formula applied to city, parish, or other local public school board boards shall also be reported.

(6) * * *
* * *
(d) Any examination selected by the state superintendent of education which would supercede the examination ~~currently utilized~~ used pursuant to Subparagraph (b) of this Paragraph, and any criteria established to determine the level at which either the examination ~~currently~~ used or any examination selected to supercede it is satisfactorily completed shall be approved by the State Board of Elementary and Secondary Education.

(28) * * *
(b) The board shall appoint a task force to assist in developing forms and questions to be ~~utilized~~ used in the exit interview.

(33) * * *
(b) The board may submit the report required by this Paragraph in electronic format; and ~~is further authorized, but is not required, to may~~ submit the report at the time of submission to the legislature of the progress profiles required by Paragraph (22) of this Section.

§10.3. School and district accountability; prohibited testing; exceptions
A. A student with an exceptionality as defined in R.S. 17:1942(B), ~~but who~~ is not deemed gifted and talented; and who is not pursuing a regular diploma shall not be administered any test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, unless the student's parent or other legal guardian requests, in writing, that the student be administered the test or the student's Individualized Education ~~Plan~~ Program indicates that the test is an appropriate assessment instrument for the student.

§10.7.1. Return of certain schools from the Recovery School District to the transferring school system; time line; conditions; funding

D. * * *
(2) Notwithstanding the provisions of this Subsection, unless otherwise agreed to by the Recovery School District and the local school system; and subject to any necessary approval by the appropriate federal agency, the following shall apply:

(c)(i) The Recovery School District shall return all buildings, facilities, and property that are related to a school ~~which~~ and that are owned by; or under the control of; the district to the local school system free of any encumbrances, including liens and judgments, other than those financing transactions to which the local school board is a party.

E. Notwithstanding any law to the contrary, in order to support and protect the interests and rights of the children it serves, the local school board:

(6) May provide a lottery preference for enrollment at elementary and middle schools under the board's jurisdiction for students residing within defined geographic zones as one of the factors to determine student assignment, according to policies adopted by the board. Such preference shall be applied to not more than one-half of the seats available in each grade level to ensure that seats in all schools are accessible to students residing outside of a school's respective geographic zones zone. Notwithstanding the provisions of this Subsection, any Type 1 or Type 3 charter school ~~which~~ that was first authorized by the board on, or prior to, July 1, 2016, and whose charter contract includes a geographic preference in accordance with R.S. 17:3991; may maintain such preference with the approval of the board, in accordance with board policy adopted for this purpose.

§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment

Program; parish or city school board comprehensive pupil progression plans; waivers

F. * * *
* * *
(2) For assessments to be administered during the 2015-2016 school year:
* * *
(h) The questions included in the end-of-course assessments administered in grades nine through eleven shall be developed using the same methodology ~~utilized~~ used for such assessments for the 2014-2015 school year.

(3)(a) In lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education and approved by the State Board of Elementary and Secondary Education. A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's ~~Individual Education Plan~~ Individualized Education Program committee and shall be so noted on that student's ~~Individual Education Plan~~ Individualized Education Program. The alternate assessment developed pursuant to this Paragraph shall be administered on a schedule determined by the state Department of Education and approved by the State Board of Elementary and Secondary Education. The alternate assessment shall be part of the Louisiana Education Assessment Program otherwise provided for in this Subsection, and the alternate assessment shall be used for information, accountability, compliance, and planning purposes as provided by the State Board of Elementary and Secondary Education.

(b) * * *
(ii) Students with persistent academic disabilities shall be allowed to take academic assessments that are sensitive to measuring progress in their learning and that recognize their individual needs. Academic assessments ~~are to shall~~ be geared specifically toward accommodating students to enable them to perform on standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection. Such accommodations shall include at a minimum verbalized test questions and shall provide for writing assistance of a scribe and any other accommodations deemed appropriate by the student's ~~Individual Education Plan~~ Individualized Education Program committee. However, any such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test.

(iii) At each IEP Individualized Education Program meeting a written list of accommodations shall be discussed and provided to the parent of each student with a disability.

J.(1) Notwithstanding any provision of this Section or any other law to the contrary, a public high school student with an exceptionality as defined in R.S. 17:1942(B), except a gifted or talented student, ~~and~~ who is not pursuing a high school diploma shall not be administered any examination pursuant to this Section or the Louisiana school and district accountability system, including the American College Test, unless one or both of the following apply:

(a) The student's Individualized Education ~~Plan~~ Program indicates that the examination is an appropriate assessment instrument for the student.

§100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula

A.(1) Any child who has been adjudicated delinquent or as a member of a family in need of services by a court or who is in the custody of the office of juvenile justice as a result of any such adjudication and is assigned by the office of juvenile justice to a community-based program or facility shall be counted by the city, parish, or other local public school board for the city or parish where such program or facility exists for purposes of the ~~Minimum Foundation Program~~ minimum foundation program and any other available state or federal funding for which the child is eligible. No other city, parish, or other local public school board shall include such a child in any count for purposes of the ~~Minimum Foundation Program~~ minimum foundation program or any other available state or federal funding for which the child may be eligible. Funds inuring to the city, parish, or other local public school board as a result of the presence of such children in ~~their~~ its jurisdiction shall be used to provide educational services for such children.

C. * * *
* * *
(6) The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations to assure that no funds provided through the ~~Minimum Foundation Program~~ minimum foundation program or any other state or federal program as provided in this Section shall supplant any other funding provided to the office of juvenile justice for the educational services for such children.

D. It is the intent of the legislature that the expenditure of minimum foundation program funds and other state and federal funds for youth

in office of juvenile justice schools be subject to the same oversight and accountability as the expenditure of such funds for other city, parish, and other local public school boards.

* * *
§183.2. Career option description
* * *
B.
* * *

(2) If an Individualized Education Program team determines that state-established benchmarks on the required state assessments are no longer a condition for promotion or graduation for a student, the team shall:
(a) Within thirty days of the student entering the course or grade level, establish minimum performance requirements in the student's Individualized Education ~~Plan~~ Program relevant to promotion or graduation requirements, including but not limited to end-of-course assessments, ~~and that shall be incorporated for awarding course credits.~~ The state board shall make available a list of multiple appropriate assessments and guidance for use in establishing minimum score requirements on the assessments that an Individualized Education Program team may, but shall not be required to, use for this purpose. The Individualized Education Program team shall consider establishing minimum performance requirements for annual academic and functional goals designed to meet the student's needs that result from the student's disability and that will enable the student to be involved in and make progress in the general education curriculum, and to meet other educational needs of the student that result from the student's disability, including the student's postsecondary goals related to training, education, employment, and, where appropriate, independent living skills.

* * *
§194. Administration of nutrition program; general powers of governing authorities of nutrition program providers; funds for privately supplied programs for profit prohibited; exceptions
* * *

D. The state Department of Education and any governing authority of a nutrition program provider may use the simplified acquisition procedures for small purchases up to the ~~Federal Small Purchase Threshold~~ federal threshold set by 41 U.S.C. ~~40341~~, 134 in order to support procurement of local agricultural products and the USDA Farm to School initiatives. ~~No such authority in this statute shall be in, and such authority shall not conflict with the United States Department of Agriculture child nutrition program requirements, including 2 CFR 200.319(b).~~

* * *
§223. Discipline of pupils; suspension from school, corporal punishment
* * *
B. ~~In addition, school~~ School principals may suspend from school any pupil for good cause; as stated in R.S. 17:416. Principals shall notify the visiting teacher; or supervisor of child welfare ~~and/or~~ and attendance; of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the visiting teacher; or supervisor of child welfare ~~and/or~~ and attendance; shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

* * *
§407.22. Legislative findings and intent
A. The legislature finds and declares that:
* * *

(2) ~~Publicly-funded~~ Publicly funded early childhood programs should prioritize kindergarten readiness and public monies should fund programs that excel at achieving high levels of kindergarten readiness, or progression towards kindergarten readiness, as applicable for the ages of children served.
(3) Parents who choose to send their children to ~~publicly-funded~~ publicly funded early childhood programs should have clear and actionable information on the quality of the programs available.
(4) Providers of ~~publicly-funded~~ publicly funded early childhood programs should be held accountable for the public monies they receive; but given the autonomy to implement an educational program that promotes and achieves kindergarten readiness without undue regulation.
(5) State entities involved in the oversight or provision of early childhood programs should collaborate, set standards of educational achievement for young children that align with standards established for children enrolled in grades kindergarten through twelve, and hold providers of ~~publicly-funded~~ publicly funded early childhood programs accountable without imposing undue regulation on ~~said~~ such programs.
(6) There are high quality early childhood programs in this state that can serve as a model for increasing standards of achievement and financial efficiency in ~~publicly-funded~~ publicly funded early childhood programs.
(7) ~~Publicly-funded~~ Publicly funded early childhood programs receive a significant amount of public monies that can and should be maximized in pursuit of high quality early childhood programs that achieve high levels of kindergarten readiness or progression towards kindergarten readiness, as applicable for the ages of children served.
* * *
(9) A fragmented system of standards, funding, and oversight of the state's ~~publicly-funded~~ publicly funded early childhood programs serves as a barrier to providing every child with the high quality services and programs which he deserves and to providing parents with the information needed

to make an informed choice when selecting the programs that best fit the needs of their children.

* * *
§407.23. Early Childhood Care and Education Network; creation; components; duties and responsibilities
* * *
B. To facilitate the creation of this network, the state board shall:
* * *

(2) Establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children to be used in ~~publicly-funded~~ publicly funded early childhood education programs.
(3)(a) Create a uniform assessment and accountability system for ~~publicly-funded~~ publicly funded early childhood education programs that includes a letter grade indicative of student performance.
* * *

§407.51. Advisory Council
A. The board shall establish an Advisory Council on Early Childhood Care and Education that shall consist of the following members:
* * *

(5) Two representatives of local education agencies operating ~~publicly-funded~~ publicly funded early childhood programs other than Head Start, selected by the state board.
* * *
(7) Two representatives of approved nonpublic schools with ~~publicly-funded~~ publicly funded early childhood care and education programs, selected by the state board.
* * *

(12) One parent of a child currently enrolled in a ~~publicly-funded~~ publicly funded early learning center or prekindergarten program, selected by the state board.
* * *

L. The department shall provide the council with reports not less than annually of the following activities, provided that data is available, pursuant to a schedule agreed upon by the chair and the state superintendent of education:
(1) A description of each ~~publicly-funded~~ publicly funded early care and education program, including the eligibility criteria, the program requirements, average number of hours and days of the program, and the amount of total funding and source of funding for each program. The description shall also include a specific description of the fee structure for the Child Care Assistance Program.
(2) The number of children served in each ~~publicly-funded~~ publicly funded early childhood care and education program in Louisiana, broken down by the age of the child and amount of public funding per child per program.
* * *

§416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint
* * *

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education ~~Plan~~ Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.
* * *

§436.3. Students with diabetes; management and treatment plans; provision of care; unlicensed diabetes care assistants; student self-monitoring and treatment
* * *

C.(1) For purposes of this Section, "unlicensed diabetes care assistant" means a school employee who volunteers to be trained in accordance with this Section. "Unlicensed diabetes care assistant" also means an employee of an entity that contracts with the school or school system to provide school nurses who are responsible for providing health care services required by law or state Department of Education regulation.
* * *

(6) The State Board of Elementary and Secondary Education and the Louisiana State Board of Nursing jointly shall promulgate rules and regulations specifying methods and a curriculum for the training of unlicensed diabetes care assistants in accordance with the Administrative Procedure Act. The rules and regulations shall ~~utilize~~ use the guidelines as required by this Section and by the latest National Diabetes Education Program, "Helping the Student with Diabetes Succeed: A Guide for School Personnel". In developing such rules and regulations, the boards shall include the following in the rule-making process:
* * *

§440. School employees; prohibition on use of social security numbers as personal identifiers
* * *

C. No teacher or school employee in the course of his employment shall be required to include or provide his social security number on any form or other written document unless:

* * *

(2) The form or written document is required for employment, retirement, application for leave, or an ~~individualized education plan~~ Individualized Education Program.

* * *

§444. Promotions to and employment into positions of higher salary and tenure

* * *

B.

* * *

(4)

* * *

(c)(i) The board and the employee may enter into subsequent contracts of employment. Not less than one hundred and twenty days prior to the termination of such a contract, the superintendent shall notify the employee of termination of employment under such contract, or in lieu thereof the board and the ~~employer~~ employee may negotiate and enter into a contract for subsequent employment.

* * *

§1519.2. State hospitals operated by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College as part of the Louisiana State University Health Sciences Center

* * *

C.(1) Notwithstanding any provision of law to the contrary, ~~in the event if~~ the board determines it is in the best interest of the state, the legislature has authorized the closure of a hospital, and the building is no longer being ~~utilized~~ used for the provision of healthcare services, or the board receives an inquiry from a financially viable party regarding the purchase of a hospital listed in Subsection B of this Section, ~~hereinafter hereafter in this Section~~ referred to as the property, the board shall notify the commissioner of administration within five business days that it is contemplating the option of selling the property or is in receipt of such an inquiry. The board shall participate in and cooperate with the commissioner of administration in reviewing the benefits and consequences of selling the property.

* * *

§1681. Children of police officers and deputy sheriffs; definitions

* * *

B. College or university means any institution of ~~post-secondary~~ postsecondary education situated in this state, operated by an agency, board, or other body created by the constitution or laws of this state, operated in whole or in part with funds appropriated for that purpose by the legislature, and authorized to confer degrees in the arts and sciences.

* * *

§1982. Definitions

As used in this Part, the following words, terms, and phrases shall have the meanings ascribed to them in this Section as follows:

* * *

(4) “~~Individualized education program~~ Education Program” means a written statement developed for a student eligible for special education services pursuant to ~~Section 602(a)(20) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1401(a)~~ 1401.

* * *

§2925. Individual graduation plans

A.

* * *

(2) By the end of the eighth grade, each student's Individual Graduation Plan; or the student's Individualized Education ~~Plan~~ Program, if applicable, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school. Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Elementary and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. The plan shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required core courses are completed.

(3) By the end of the tenth grade, each student's Individual Graduation Plan, based on the student's academic record, talents, and interests, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or other legal custodian and school counselor, shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals. Each student's Individual Graduation Plan; or the student's Individualized Education ~~Plan~~ Program, if applicable, shall include the recommended sequence of courses for successful completion of a standard diploma and shall be reviewed annually and updated or revised as needed.

(4) The Individual Graduation Plan shall be sufficiently flexible to allow the student to change his program of study, yet be sufficiently structured to ensure that the student will meet the high school graduation requirements for his chosen major; or the requirements of the student's Individualized Education ~~Plan~~ Program, if applicable, and be qualified for admission to a postsecondary education institution or to enter the workforce.

* * *

§3023. Powers and duties

A. The board may:

* * *

(2)(a) Pay to the lending agencies ~~and/or~~ or any holders of such loans the interest as prescribed in R.S. 17:3023.4; on loans made to students; as long as the student is enrolled in any postsecondary education institution of ~~higher learning~~ approved by the board; or for not in excess of three years during which the borrower is in the active military service of the United States.

* * *

(6) Enter into contracts with any bank or other lending agency ~~and/or~~ or any holder of such loan upon such terms as may be agreed upon between the board and the bank or other lending agency or holder, to provide for the administration by such bank or other lending agency or holder, of any loan or loan plan guaranteed by the commission including but not limited to applications therefor and terms of repayment thereof, and to establish the conditions for payment by the board to the bank or other lending agency ~~and/or~~ or the holder of the guarantee on any loan. A loan shall be defaulted when the bank or other lending agency ~~and/or~~ or holder makes application to the board for payment on the loan stating that such loan is in default in accordance with the terms of a contract executed under this Paragraph.

* * *

(9) Adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act, not inconsistent with the provisions of this Chapter, governing the guarantee, disbursement, ~~and/or~~ or servicing of loans made by the board; and governing any other matters relating to the activities of the board. Such rules and regulations shall include procedures for the denial of licenses, permits, and certificates required by the state to practice or engage in a trade, occupation, or profession to applicants and renewal applicants in default on the repayment of loans guaranteed by the board, for the conditional issuance or renewal of such a license, permit, or certificate pending an applicant's compliance with loan repayment requirements, and for other matters necessary to implement the provisions of R.S. 37:2951.

* * *

§3095. Education savings accounts; types, use, limitations, and disclosures

A.(1)

* * *

(b) For tax years beginning on and after January 1, 2001, amounts which an account owner deposits into an education savings account shall be exempt from inclusion in the account owner's taxable income for the purposes of state income tax up to a maximum of two thousand four hundred dollars per account owned per taxable year for account owners filing single returns and up to a maximum of four thousand eight hundred dollars per beneficiary per taxable year for account owners filing joint returns, as provided in R.S. 47:293(9)(a)(vi). If an account owner deposits less than the maximum two thousand four hundred dollars per year in an owned account and files a single return or if married account owners deposit less than the maximum of four thousand eight hundred dollars per year in an account or accounts for a beneficiary and file a joint return, the difference between the total deposits and two thousand four hundred dollars or four thousand eight hundred dollars, respectively, ~~will shall~~ roll over to subsequent years and ~~will shall~~ be exempt from inclusion in the account owner's taxable income for the purposes of state income tax in addition to the two thousand four hundred dollars or four thousand eight hundred dollars in the year actually deposited, as provided in R.S. 47:293(9)(a)(vi).

(c) For tax years beginning on and after January 1, 2005, twice the amount that an account owner donates into an education savings account classified under R.S. 17:3096(A)(1)(e) shall be exempt from inclusion in the account owner's taxable income for the purposes of state income tax, up to a maximum donation of two thousand four hundred dollars per account owned, per taxable year, if the beneficiary's family reported a federal adjusted gross income of less than thirty thousand dollars or the beneficiary was entitled to a free lunch under the Richard B. Russell National School Lunch Act, (42 U.S.C. 1751 et seq.), as provided in R.S. 47:293(9)(a)(viii). If an account owner deposits less than the amount that would qualify for the maximum exclusion or two thousand four hundred dollars per year in an owned account, the difference between the total deposits and two thousand four hundred dollars ~~will shall~~ roll over to subsequent years and shall increase the amount of deposits that qualify for the double exclusion from the account owner's taxable income for the purposes of state income tax in addition to the applicable exclusion for the year actually deposited, as provided in R.S. 47:293(9)(a)(vi).

* * *

D. An education savings account depositor's agreement may provide that the authority ~~will shall~~ pay directly to the institution of postsecondary education in which the beneficiary is enrolled the amount represented by the qualified higher education expenses incurred that term.

* * *

§3165.2. College credit for military service; spouses of veterans

* * *

C.(1) The Statewide Articulation and Transfer Council shall coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public postsecondary education institutions ~~and that will shall~~:

* * *

§3168. Reporting

The Board of Regents shall submit a written report to the Senate and House committees on education, not later than September thirtieth of each

year, on the status of statewide articulation and transfer of credit across all educational institutions in Louisiana as provided in this Chapter. Such report shall, at a minimum, include the following:

§3351. General powers, duties, and functions of postsecondary education management boards

H.

(4) The provisions of this Subsection shall be implemented as expeditiously as and to the maximum extent possible utilizing using any and all available funding sources, including funding provided by the legislature.

§3351.20. Mandatory fees

C. Each management board shall establish a need-based financial assistance fund at each of its member institutions. Each institution shall allocate to its fund funds from its operating budget in an amount not less than five percent of revenues realized by the institution from fees assessed pursuant to this Section. Such funds shall be utilized used to provide need-based financial assistance to students at that institution who are eligible to receive a Pell Grant.

§3803. Investment authority; treasurer

B. Grant of authority. (1) The state treasurer is hereby authorized and directed to invest offshore revenues which are deposited into any fund created pursuant to the constitution or statutes of the state which are determined by the state treasurer to be available for investment in the following permitted investments:

(e)(i) Investment grade commercial paper issued in the United States, traded in the United States markets, denominated in United States dollars, with a short-term rating of at least A-1 by Standard & Poor's Financial Services LLC or P-1 by Moody's Investor Service, Inc. or the equivalent rating by a Nationally Recognized Statistical Rating Organization (NRSRO) nationally recognized statistical rating organization.

(ii) Investment grade corporate notes and bonds issued in the United States, traded in United States markets, denominated in United States dollars, rated Baa or better by Moody's Investor Service, Inc. or BBB or better by Standard & Poor's Financial Services LLC, and the trades of which are settled through The Depository Trust & Clearing Corporation (DTCC), a national clearinghouse in the United States for the settlement of securities trades.

§3995. Charter school funding

A.

(3) Notwithstanding Paragraph (1) of this Subsection and unless otherwise provided for in the approved minimum foundation program formula:

(b) The local school board shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, and as revised in subsequent years as appropriate, based upon student characteristics or needs to distribute the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the geographic boundaries of the local school system.

§5002. Awards and amounts

D.(1) Except as otherwise provided in this Subsection, a student who is eligible for a TOPS-Tech Award pursuant to this Chapter and who is enrolled: (a) In an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level in those associate's degree or other shorter-term training and education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council, shall be awarded by the state an amount determined by the administering agency to equal the tuition charged by the college or university during the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce Investment Council determine that a program is no longer aligned with those priorities, an otherwise eligible student who had previously received an award and enrolled in that program may continue to use the award.

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term training education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid to students attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce Investment Council determine that a program is no longer aligned with those priorities, an otherwise eligible student who had

previously received an award and enrolled in that program may continue to use the award.

(2) A student who graduated prior to the 2016-2017 school year, who is eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled: (a) In an eligible college or university that does not offer an academic undergraduate degree at the baccalaureate level, shall be awarded by the state an amount determined by the administering agency to equal the tuition charged by the college or university during the 2016-2017 academic year.

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid to students attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year.

G. In lieu of the payment of tuition as provided in this Section, any student participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein. However, in In addition to any other payments provided for by R.S. 29:36.1:

(1) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of an Opportunity Award or a TOPS-Tech Award, the state shall pay on behalf of such student a sum of three hundred dollars per semester or six hundred dollars per academic year to be applied toward the cost of books and other instructional materials.

(2) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of a Performance Award, the state shall pay on behalf of the student a sum of three hundred dollars per semester or six hundred dollars per academic year to be applied toward the cost of books and other instructional materials plus the sum of four hundred dollars per semester or eight hundred dollars per academic year for other educational expenses as defined by the Louisiana Student Financial Assistance Commission administering agency.

(3) For any student who is participating in the tuition exemption program provided by R.S. 29:36.1 and who also meets the qualifications provided in this Section for receipt of an Honors Award, the state shall pay on behalf of the student a sum of three hundred dollars per semester or six hundred dollars per academic year to be applied toward the cost of books and other instructional materials plus the sum of eight hundred dollars per semester or one thousand six hundred dollars per academic year for other educational expenses as defined by the Louisiana Student Financial Assistance Commission administering agency.

§5021. Louisiana high school graduation

A.

(b) Notwithstanding the requirements of Subparagraph (a) of this Paragraph, those nonpublic high schools that, not later than May 15, 2000, were approved by the State Board of Elementary and Secondary Education pursuant to R.S. 17:11 and applied for and had their application forwarded by the state Department of Education seeking the approval necessary for the students in such school schools to be eligible to receive from the state the benefits of appropriations for such items as transportation, textbooks, and administrative cost reimbursement shall have until the 2003-2004 school year to meet the latter requirement in order for the graduates from such high school schools to be eligible for an award under this Chapter.

§5023. Residency requirements

D.(1) Any student who is the dependent child of a member of the United States Armed Forces who is not a resident of this state, is living in this state under permanent change of station orders but does not claim Louisiana as his state of legal residence, and who graduates from a public or approved nonpublic high school in this state in the 2000-2001 academic school year or thereafter shall meet the requirements of this Section if he actually lives in this state for the period of his last two full years of high school culminating in graduation as certified by the high school.

(2)(a) Any displaced student as defined by R.S. 17:5101(A)(2) who graduates from an out-of-state school during the 2006-2007 school year and is awarded a Louisiana Distance Diploma issued by the state Department of Education shall meet the requirements of this Section if he actually resided in Louisiana during his entire tenth grade year of high school and was enrolled for such time in an eligible Louisiana high school or, for dependent students, if the displaced student has a parent or court-ordered custodian who actually resided in a parish listed in R.S. 17:5101(A)(2)(a) for at least the twelve months prior to August 26, 2005, or in a parish listed in R.S. 17:5101(A)(2)(b) for at least the twelve months prior to September 20, 2005.

§5024. Academic requirements

A.

(3)(a) The calculation of the minimum cumulative grade point average specified in Paragraph (1) of this Subsection shall ~~utilize~~ use a five-point scale for grades earned in certain Advanced Placement courses, International Baccalaureate courses, gifted and talented courses, honors courses, articulated courses for college credit, and dual enrollment courses as approved by the Board of Regents and the State Board of Elementary and Secondary Education, which may result in a student earning a cumulative grade point average that exceeds 4.00. For such courses, five quality points shall be assigned to a letter grade of “A”, four quality points shall be assigned to a letter grade of “B”, three quality points shall be assigned to a letter grade of “C”, two quality points shall be assigned to a letter grade of “D”, and zero quality points shall be assigned to a letter grade of “F”.

~~*****~~
§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards
To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:
~~*****~~

(7) For the purposes of this Section, any core curriculum course that is taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student’s Individualized Education ~~Plan~~ Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.
~~*****~~

§5029. Alternative initial eligibility requirements
~~*****~~

B. A student who completes a home study program shall be eligible to receive an award pursuant to this Chapter if each of the following conditions is met:
~~*****~~

(1)
~~*****~~
(b)(i) Any such student who has previously attended a Louisiana public high school or nonpublic high school that has been approved by the State Board of Elementary and Secondary Education, ~~must~~ shall have begun his studies in the approved home study program no later than the conclusion of the tenth grade year.
~~*****~~

§5061. Administering agency
The provisions of this Chapter shall be administered by the ~~Louisiana Student Financial Assistance Commission~~ Board of Regents. The administering agency may provide by rule adopted as provided by the Administrative Procedure Act for all matters necessary to the implementation of this Chapter.
~~*****~~

§5064. School boards
~~Each city and parish~~ city, parish, or other local public school board for the high school under its jurisdiction or the principals of such high schools and the principal or headmaster of each nonpublic high school approved by the State Board of Elementary and Secondary Education shall, using the criteria in Subpart B of Part I of this Chapter as the minimum qualifications for selection, identify and certify to the administering agency those achieving the required academic standards to qualify for an award pursuant to this Chapter.
~~*****~~

§5067. Program information reporting system; implementation; requirements; applicability; participation by eligible institutions and others
A.
~~*****~~

(2) In formulating and developing the information reporting system, the Board of Regents shall consult with and seek written recommendations from ~~the Louisiana Student Financial Assistance Commission~~, each college or university eligible for participation in the Taylor Opportunity Program for Students, each of the public postsecondary education management boards, the Louisiana Association of Independent Colleges and Universities, legislators, and knowledgeable others as determined appropriate by the Board of Regents.
~~*****~~

§5068. Miscellaneous
~~*****~~

B. Notwithstanding any other provision of this Chapter to the contrary, any public or private entity, including any nonprofit organization, may make a directed donation to any eligible postsecondary institution for a student who is a recipient of a Louisiana Taylor Opportunity Program for Students eligibility award.
C. Annually, the ~~Louisiana Student Financial Assistance Commission~~ administering agency shall, with the cooperation and assistance of the state’s institutions of postsecondary education, query each first-time recipient of a Taylor Opportunity Program for Students award to determine the extent to which receiving the award influenced the decision of the student to attend a Louisiana college or university.
~~*****~~

§5081. TOPS-Tech Early Start Award; purpose; eligibility; limitations; administration; implementation; reports
~~*****~~

F.(1) ~~The provisions of this Section shall be administered by the Louisiana Student Financial Assistance Commission, herein referred to as the “administering agency”.~~ Except as otherwise provided by this Section, the authority granted to and limitations placed on the administering agency by Parts I and II of this Chapter relative to administering other awards pursuant to the Taylor Opportunity Program for Students shall be deemed to apply also to the administration of the TOPS-Tech Early Start Award.
(2) The administering agency shall adopt, in accordance with the Administrative Procedure Act, rules to implement and administer the provisions of this Section. Such rules shall include but not be limited to necessary guidelines, policies, procedures, forms, and time lines.
G. Prior to the convening of each regular legislative session, the ~~Louisiana Student Financial Assistance Commission~~ administering agency shall provide to the governor, the House Committee on Education, and the Senate Committee on Education a written review and analysis of TOPS-Tech Early Start awards relative to award use by students and the benefits therefrom as well as the impact on subsequent use by students of TOPS-Tech awards.
~~*****~~

§5101. Initial eligibility for program awards; students displaced by certain natural disasters; waivers and exceptions; limitations
~~*****~~

B.(1) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable to a student displaced during the 2005-2006 school year, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in accordance with the Administrative Procedure Act, shall provide by rule as follows:
~~*****~~

(2)(a)(i) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 school year to a displaced student, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.
(ii) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 school year to any student displaced during the 2005-2006 school year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita and for which the governor declares a state of emergency to exist, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such student a program requirement or condition that the student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of the declared disaster or emergency.
(b) In addition to provisions of the Administrative Procedure Act relative to oversight by the legislature of the adoption of ~~commission~~ administering agency rules, the Joint Legislative Committee on the Budget, in accordance with procedures and threshold amounts established by the committee, shall have oversight and approval authority over any rule proposed for adoption pursuant to the provisions of this Paragraph that has a significant program or other cost, or both, to the state.

C. The ~~Louisiana Student Financial Assistance Commission~~ administering agency shall take all administrative action necessary to expedite full implementation of the provisions of this Section. The ~~commission~~ administering agency also shall disseminate information to displaced students and others regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

§5102. Continuing eligibility for program awards; students displaced by certain natural disasters; waivers and exceptions; limitations
~~*****~~

B.(1) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in accordance with the Administrative Procedure Act, shall provide by rule as follows:
~~*****~~

(2)(a)(i) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on a displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a

failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

(ii) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to any student displaced during the 2005-2006 academic year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita and for which the governor declares a state of emergency to exist, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such student a program requirement or condition that the student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of the declared disaster or emergency.

(b) In addition to provisions of the Administrative Procedure Act relative to oversight by the legislature of the adoption of ~~commission~~ administering agency rules, the Joint Legislative Committee on the Budget, in accordance with procedures and threshold amounts established by the committee, shall have oversight and approval authority over any rule proposed for adoption pursuant to the provisions of this Paragraph that has a significant program or other cost, or both, to the state.

C. The ~~Louisiana Student Financial Assistance Commission~~ administering agency shall take all administrative action necessary to expedite full implementation of the provisions of this Section. The ~~commission~~ administering agency also shall disseminate information to displaced students and others regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 98

HOUSE BILL NO. 204
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1), relative to criminal sentences; to provide for documentation regarding criminal cases; to remove the requirement that the court provide a copy of the court minutes to the Department of Public Safety and Corrections in certain cases; to require the court to provide the department with a certified copy of the Uniform Sentencing Commitment Order; to authorize the department to request additional information from the court when necessary; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1) are hereby amended and reenacted to read as follows:

Art. 883.1. Sentences concurrent with sentences of other jurisdictions

A. The sentencing court may specify that the sentence imposed be served concurrently with a sentence imposed by a federal court or a court of any other state and that service of the concurrent terms of imprisonment in a federal correctional institution or a correctional institution of another state shall be in satisfaction of the sentence imposed in this state in the manner and to the same extent as if the defendant had been committed to the ~~Louisiana~~ Department of Public Safety and Corrections for the term of years served in a federal correctional institution or a correctional institution of another state. When serving a concurrent sentence in a federal correctional institution or a correctional institution of another state, the defendant shall receive credit for time served as allowed under the laws of this state.

B. Whenever sentence is imposed under the provisions of this Article, the court shall order that the defendant be remanded to the custody of the sheriff of the parish in which the ~~conviction was had~~ defendant was convicted in the event that the terms of imprisonment to which the defendant is sentenced in the foreign jurisdiction terminates prior to the date on which the sentence imposed in this state is to terminate. If the defendant completes the term of imprisonment during his incarceration in the other jurisdiction, the department shall forward a copy of the discharge papers to the sheriff in the parish of conviction and to the appropriate authorities having physical custody of the defendant.

C. In every case where a sentence at hard labor is imposed under the provisions of this Article, the court shall order that a certified copy of the ~~court minutes and court order~~ Uniform Sentencing Commitment Order in the format authorized by the Louisiana Supreme Court be forwarded to the ~~Louisiana~~ Department of Public Safety and Corrections. If the department needs information relating to the sentence not provided in the Uniform Sentencing Commitment Order, it may request that information from the court. ~~Should the defendant complete his term of imprisonment during his incarceration in the other jurisdiction, the department shall forward a copy of the discharge papers to the sheriff in the parish of conviction and to the appropriate authorities having physical custody of the defendant.~~

* * *

Art. 892. Post-sentence statement by sheriff; accompanying documents

A. The sheriff shall prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when such defendant is committed to the Department of Public Safety and Corrections, sentenced for a term of one year or more to any penal institution, or ordered committed to any mental institution or mental hospital. The sheriff shall retain a copy of the statement and submit the original to the officer in charge of the institution or department to which the defendant is sentenced.

B.(1) When a sheriff's statement is required pursuant to Paragraph A of this Article, the clerk of court shall also prepare the following documents:

(a) A copy of the indictment under which the defendant was convicted.

(b) ~~A copy of the sentence as recorded in the minutes of the court.~~

(c) A copy of the Uniform Sentencing Commitment Order in the format authorized by the Louisiana Supreme Court which shall include the name and address of the judge, the district attorney, and the defense attorney who participated in the sentencing trial. If the department needs information relating to the sentence not provided in the Uniform Sentencing Commitment Order, it may request that information from the court.

* * *

Section 2. The provisions of this Act shall become effective on December 1, 2017.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 99

HOUSE BILL NO. 216
BY REPRESENTATIVE JONES
AN ACT

To amend and reenact R.S. 13:2005(D), 2005.1(B), 2013(A), and 2488.77(B), relative to city courts; to provide for the city courts of Morgan City, New Iberia, Jeanerette, and Breaux Bridge; to provide relative to fees collected for purposes of indigent defense; to authorize a portion of those fees to be deposited into a special fund; to remove mandatory language; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2005(D), 2005.1(B), 2013(A), and 2488.77(B) are hereby amended and reenacted to read as follows:

§2005. Morgan City

* * *

D. Thirty percent of the funds collected by the city court of Morgan City pursuant to the provisions of R.S. 15:168(B) ~~shall may~~ be deposited into a special fund created for this purpose. The fund shall be referred to as the Morgan City Indigent Defender Fund.

* * *

§2005.1. New Iberia

* * *

B. Notwithstanding any other provision of this Section to the contrary, thirty percent of the funds collected by the city court of New Iberia pursuant to the provisions of R.S. 15:168(B) ~~shall may~~ be deposited into a special fund created for this purpose. The fund shall be referred to as the New Iberia Indigent Defender Fund.

* * *

§2013. Jeanerette

A. Thirty percent of the funds collected by the city court of Jeanerette pursuant to the provisions of R.S. 15:168(B) ~~shall may~~ be deposited into a special fund created for this purpose. The fund shall be referred to as the Jeanerette Indigent Defender Fund.

* * *

§2488.77. Collection of fines, forfeitures, penalties, and costs

* * *

B. Notwithstanding any other provision of this Section to the contrary, thirty percent of the funds collected by the city court of Breaux Bridge pursuant to the provisions of R.S. 15:168(B) ~~shall may~~ be deposited into a special fund created for this purpose. The fund shall be referred to as the Breaux Bridge Indigent Defender Fund.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 100

HOUSE BILL NO. 225
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 40:961(25) and to enact R.S. 40:964(Schedule I) (A)(57) through (60), (D)(5), (Schedule II)(B)(29), (F)(2), and (Schedule V)(D) (4) and (F)(1), relative to the Uniform Controlled Dangerous Substances

Law; to amend the definition of marijuana; to add certain substances to Schedules I, II, and V; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:961(25) is hereby amended and reenacted and R.S. 40:964(Schedule D)(A)(57) through (60), (D)(5), (Schedule II)(B)(29), (F)(2), and (Schedule V)(D)(4) and (F)(1) are hereby enacted to read as follows:

§961. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

* * *

(25) “Marijuana” means all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, o preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination,or cannabidiol when contained in a drug product approved by the United States Food and Drug Administration.

* * *

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

* * *

*(57) U-47700(3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)

*(58) Furanylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide)

*(59) Acrylfentanyl (N-[1-(2-phenylethyl)piperidin-4-yl]-N-phenylacrylamide)

*(60) 3,4-Dichloro-N-[1-(dimethylamino)cyclohexyl]methyl-benzamide (AH-7921)

* * *

D. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * *

(5) Etizolam

* * *

SCHEDULE II

* * *

B. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

* * *

(29) Thiafentanil

* * *

F. Hallucinogenic substances:

* * *

(2) Dronabinol [delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

* * *

SCHEDULE V

* * *

D. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

* * *

(4) Brivaracetam (2-[2-oxo-4-propylpyrrolidin-1-yl]butanamide), also referred to as BRV; UCB-34714; Briviact.

* * *

F. Hallucinogens

(1) (2-[3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzene-1,2-diol) cannabidiol when contained in a drug product approved by the United States Food and Drug Administration.

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 101

HOUSE BILL NO. 276

BY REPRESENTATIVE JAMES AND SENATOR BARROW

AN ACT

To amend and reenact R.S. 40:2531(B)(4)(b), relative to law enforcement officers; to provide for officer-involved incidents; to provide relative to securing representation for officer-involved incident investigations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2531(B)(4)(b) is hereby amended and reenacted to read as follows:

CHAPTER 25. RIGHTS OF LAW ENFORCEMENT OFFICERS

WHILE UNDER INVESTIGATION

§2531. Applicability; minimum standards during investigation; penalties for failure to comply

* * *

B. Whenever a police employee or law enforcement officer is under investigation, the following minimum standards shall apply:

* * *

(4)

* * *

(b) ~~The (i) Except as otherwise provided in this Subparagraph, the police employee or law enforcement officer shall be granted up to thirty days to secure such representation, during which time all questioning shall be suspended.~~

(ii) If a police employee or law enforcement officer is involved in an officer-involved incident, the police employee or law enforcement officer shall be granted up to fourteen days to secure representation, during which time all questioning shall be suspended. However, if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, or if two or more police employees or law enforcement officers are involved in the officer-involved incident, the police employees or law enforcement officers shall be granted up to thirty days to secure representation.

(iii) For purposes of this Subparagraph, “officer-involved incident” means any incident in which serious bodily injury or death of another individual is caused by any intentional or accidental use of a dangerous or deadly weapon by a police employee or law enforcement officer which results from the efforts of a police employee or law enforcement officer attempting to effectively arrest or otherwise gain control of another or while in police custody.

(iv) For purposes of this Subparagraph, “serious bodily injury” means bodily injury which involves unconsciousness, extreme physical pain, protracted or obvious disfigurement, protracted loss or impairment of a bodily member, organ, or mental faculty, or a substantial risk of death.

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 102

HOUSE BILL NO. 328

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact R.S. 9:5176(D), relative to the extinction of rights; to provide for acknowledgment of the extinction of rights; to provide with regard to attorney fees and costs in actions related to extinction of rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5176(D) is hereby amended and reenacted to read as follows:

§5176. Extinction of certain rights; acknowledgment by owner or holder

* * *

~~D. The prevailing party in an action pursuant to this Section may be awarded reasonable attorney fees in addition to the costs of the action from the person who demanded or refused delivery of the written acknowledgment. In an action pursuant to this Section, the court may order the losing party or parties to pay the costs of the action and reasonable attorney fees incurred by the prevailing party or parties.~~

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 103

HOUSE BILL NO. 410
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 15:151(A), relative to the Louisiana Public Defender Board; to provide relative to the quorum of the board; to change the quorum of voting members necessary for transacting business; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:151(A) is hereby amended and reenacted to read as follows:

§151. Quorum; compensation; officers; records

A. ~~Eight~~ A majority of the voting members shall constitute a quorum for transacting business. A vote of a majority of the membership of the board shall be required to take action on any issue.

* * *

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 104

HOUSE BILL NO. 485
BY REPRESENTATIVE JEFFERSON
AN ACT

To amend and reenact Code of Criminal Procedure Article 404(A), (C), (D), (E), and (F) and to enact Code of Criminal Procedure Article 404(G) and (H), relative to jury commissions; to provide for technical corrections; to provide for the functions of the jury commission in the parishes of Claiborne, DeSoto, Union, and Webster; to transfer the functions of the jury commission to the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 404(A), (C), (D), (E), and (F) are hereby amended and reenacted and Code of Criminal Procedure Article 404(G) and (H) are hereby enacted to read as follows:

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

A. ~~Except in the parish of East Baton Rouge as otherwise provided in this Article:~~

(1) ~~The jury commission of each parish shall consist of the clerk of court or a deputy clerk designated by him in writing to act in his stead in all matters affecting the jury commission, and five~~ four other members, each having the qualifications set forth in Article 401 and appointed by written order of the district court, who shall serve at the court's pleasure.

(2) ~~In Orleans Parish the jury commission shall be appointed by the judges en banc of the Criminal District Court of the parish of Orleans, and the jury commissioners shall serve at the pleasure of the court. Upon the effective date of the Forty-First Judicial District Court, January 1, 2009, the jury commission shall be appointed by the judges en banc of the Forty-First Judicial District Court, Criminal Division, with the concurrence of the judges en banc of the civil division of the court. The jury commissioners shall serve at the pleasure of the court. In other parishes, the jury commission shall consist of the clerk of court or a deputy clerk designated by him in writing to act in his stead in all matters affecting the jury commission, and four other persons appointed by written order of the district court, who shall serve at the court's pleasure.~~

(3) ~~Before entering upon their duties, members of the jury commission shall take an oath to discharge their duties faithfully.~~

(4)(3) ~~Three members of the jury commission shall constitute a quorum.~~

(5)(4) ~~Meetings of the jury commission shall be open to the public.~~

* * *

C. In Orleans Parish, the jury commission shall be appointed by the judges en banc of the Criminal District Court of the parish of Orleans, and the jury commissioners shall serve at the pleasure of the court.

E.D. In the parish of Lafourche, the function of the jury commission may be performed by the clerk of court of the parish of Lafourche or by a deputy clerk of court designated by him 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 applicable provisions of law pertaining to jury commissioners. The clerk of court of the parish of Lafourche 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.

D.E. In the parish of Terrebonne, the function of the jury commission shall be performed by the clerk of court of Terrebonne Parish or by a deputy clerk of court designated by him 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 clerk of court of Terrebonne 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.

E.F. In the parish of St. Charles, the function of the jury commission shall be performed by the clerk of court of St. Charles Parish or by a deputy clerk of court designated by him 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 clerk of court of St. Charles 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.

F.G. In the parishes of East Feliciana and West Feliciana, the function of the jury commission shall be performed by the clerks of court of East Feliciana Parish and West Feliciana Parish or by 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 East Feliciana Parish and West Feliciana 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.

H. In the parishes of Claiborne, DeSoto, Union, and Webster, the function of the jury commission shall be performed by the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish or by 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 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, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 105

SENATE BILL NO. 9
BY SENATOR ALLAIN

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

AN ACT

To amend and reenact Civil Code Arts. 655 and 656, relative to servitudes; to provide relative to natural servitudes; to provide relative to natural drainage, obligations of owners, and dominant and servient estates; to provide certain terms and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 655 and 656 are hereby amended and reenacted to read as follows:

Art. 655. Natural Drainage

An estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from ~~an~~ a dominant estate situated above unless an act of man has created the flow.

Art. 656. Obligations of the owners

The owner of the servient estate situated below may not do anything to prevent the flow of the water. The owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

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

Approved by the Governor, June 12, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 106

SENATE BILL NO. 14
BY SENATORS LUNEAU, BARROW, BOUDREAUX, CARTER, CHABERT, GATTI, MILKOVICH, MILLS, GARY SMITH AND THOMPSON AND REPRESENTATIVES BAGLEY, CHANEY, COX, HENSGENS, HOFFMANN, HORTON, HUNTER, JACKSON, LEBAS, DUSTIN MILLER, POPE, STAGNI AND STOKES
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 40:1131(5), relative to emergency medical services; to provide for a definition of auto-injector; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1131(5) is hereby amended and reenacted to read as follows:
§1131. Definitions
For purposes of this Chapter:

* * *
(5) “Auto-injector” means a ~~spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine~~ portable, disposable drug delivery device that contains a measured, single dose of epinephrine that is used to treat a person suffering a potentially life-threatening anaphylactic reaction.
* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 107

SENATE BILL NO. 28
BY SENATOR MORRISH
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT
To amend and reenact R.S. 40:2852(D) and to repeal R.S. 40:2852(E), relative to facilities providing housing or temporary residence for individuals arrested for commission of a crime; to remove accreditation requirement; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2852(D) is hereby amended and reenacted to read as follows:
§2852. Facilities providing housing or temporary residence to individuals referred by judicial agencies

* * *
~~D. All facilities shall be accredited by the American Correctional Association within twenty-four months of opening as a judicial agency referral residential facility and shall maintain accreditation by the American Correctional Association at all times thereafter.~~
~~E. For the purposes of this Chapter, “judicial agency” means the district court and officers thereof, including the district judge, the prosecutor and district attorneys. However, no sheriff or sheriff’s department of any parish in this state shall be deemed to be a judicial agency pursuant to this Chapter. Judicial agency referral residential facilities shall not participate in sheriffs’ work release programs nor shall they receive funding from the state.~~
Section 2. R.S. 40:2852(E) is hereby repealed.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 108

SENATE BILL NO. 70
BY SENATOR DONAHUE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT
To amend and reenact R.S. 40:639 and to enact R.S. 40:971.3, relative to controlled dangerous substances; to make the misbranding or adulteration of drugs with the intent to defraud or mislead a felony offense; to provide penalties; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:639 is hereby amended and reenacted and R.S. 40:971.3 is hereby enacted to read as follows:
§639. Penalties
~~Whoever~~ **Except as provided in R.S. 40:971.3, whoever** violates any provision of this Part shall be fined, for the first offense, not more than one thousand dollars or imprisoned for not more than one year, or both. For the second or subsequent offense, he shall be fined not more than three thousand dollars or imprisoned for not more than two years, or both. But any person who violates the provisions of ~~Subsection C of~~ R.S. 40:625(**C**) shall only be fined not more than one thousand dollars for each violation if the violation does not involve gross deception or imminent danger to health, and is established by opinion evidence only.

* * *
§971.3. Misbranding or adulteration of drugs with intent to defraud or mislead
Any person who violates the provisions of R.S. 40:617 or R.S. 40:636 with respect to any drug, as defined in R.S. 40:602, and with the intent to defraud or mislead shall be imprisoned, with or without hard labor, for not more than five years, or fined not more than ten thousand dollars, or both.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 109

SENATE BILL NO. 77
BY SENATOR LAMBERT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT
To amend and reenact R.S. 56:322.2(D), relative to shad gill nets; to provide for the commercial harvest of shad and skipjack; to provide for the seasons for taking of shad and skipjack; to provide limitations for the taking of shad as bait; to provide terms and requirements; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 56:322.2(D) is hereby amended and reenacted to read as follows:
§322.2. Shad gill nets; commercial harvest of shad and skipjack herring

* * *
D.(1) The closed season for commercially harvesting shad and skipjack as provided for in this Section shall include the months of July, August, September, and October of each year. ~~Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.~~
(2) During the open season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed shad gill net commercial fishermen. **Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.**
(3) **During the closed season and any Saturday or Sunday during open season, shad may be taken with a shad gill net for bait purposes only and with the following limitations:**
(a) **The shad gill net shall not exceed one hundred fifty feet in length.**
(b) **No more than fifty pounds of shad shall be taken per day.**
(c) **The gill net shall be attended at all times.**
* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 12, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 110

SENATE BILL NO. 94
BY SENATORS GARY SMITH, ALARIO, APPEL, BISHOP, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES BACALA, BARRAS, BERTHELOT, BILLIOT, BROADWATER, CHAD BROWN, TERRY BROWN, COUSSAN, COX, DWIGHT, EDMONDS, GAINES, GAROFALO, LANCE HARRIS, JOHNSON, NANCY LANDRY, LYONS, MIGUEZ, GREGORY MILLER, REYNOLDS, SCHEXNAYDER, STOKES AND THIBAUT
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To provide relative to state highways; to designate the parallel bridges crossing the Reserve Relief Canal on Interstate 10 in St. John the Baptist Parish as the “Spencer Chauvin Memorial Bridge”; to designate a portion of United States Highway 190 in West Baton Rouge Parish as the “Trooper Francis C. Zinna Memorial Highway”; to designate that portion of United States Highway 190 within the corporate limits of the town of Livonia as the “Lawrence Russo Memorial Highway”; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. The parallel bridges crossing the Reserve Relief Canal on Interstate 10 in St. John the Baptist Parish are hereby designated as the “Spencer Chauvin Memorial Bridge”.

Section 2. Notwithstanding any other law to the contrary, that portion of United States Highway 190 in West Baton Rouge Parish from the foot of the Mississippi River Bridge to its intersection with Louisiana Highway 415 is hereby designated as the “Trooper Francis C. Zinna Memorial Highway”.

Section 3. Notwithstanding any other law to the contrary, that portion of United States Highway 190 within the corporate limits of the town of Livonia in Pointe Coupee Parish is hereby designated as the “Lawrence Russo Memorial Highway”.

Section 4. 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 the material, fabrication cost, mounting posts, and installation required for installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 111

SENATE BILL NO. 119

BY SENATOR WARD

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

AN ACT

To authorize and provide for the lease to Williams, Inc. of any right, title, and interest the state may claim in and to the surface of certain immovable property located in Iberville Parish; to provide for a description of the surface of the land to be leased; to provide for the reservation of mineral and timber rights; to provide for the discretion of the administrator of the state land office to negotiate such other terms and conditions as he shall deem necessary, appropriate, and in the best interests of the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The administrator of the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to lease any right, title, and interest the state may have to all or any portion of the following described parcel of property, excluding mineral and timber rights, to Williams, Inc.:

A certain tract of land located in Iberville Parish, Louisiana, more particularly described as follows:

Commencing at the southwest corner of Lot No.5, Section 30, T11S-R12E, proceed north along the west section line of Section 30 for a distance of 634 feet to the northwest corner of Lot No.5, Section 30, T11S-R12E, said point being the Point of Beginning; thence proceed due north for a distance of 300 feet to a point on the south bank of the existing pipeline canal; thence proceed N 53° 00’ W for a distance of 1,075 feet to a point on the south bank of the existing pipeline canal; thence proceed N 41° 00’ E for a distance of 200 feet to a point on the north bank of the existing pipeline canal; thence proceed S 62° 00’ E for a distance of 5,000’ to a point on the north bank of the existing pipeline canal; thence proceed S 64° 00’ E for a distance of 5,500’ to a point on the north bank of the existing pipeline canal; thence proceed S 51° 00’ E for a distance of 2,800 feet to the intersection with the northerly meander line of Section 10, T12S-R12E; thence proceed westerly along the northern meander line of Section 10 for a distance of 5,800 feet to the intersection with the east line of Lot No.1, Section 9, T12S-R12E; thence proceed northerly along the eastern meander line of Lot No.1, Section 9, T 12S-R12E for a distance of 2,250 feet to the intersection with the south line of Lot No.6, Section 4, T12S-R12E; thence proceed northerly along the eastern meander line of Lot Nos. 6 and 1, Section 4, T12S-R12E for a distance of 6,350 feet to the intersection with the south line of Lot No.5, Section 30, T11S-R12E; thence proceed westerly along the northern meander line of Lot No.5, Section 30, T11S-R12E for a distance of 1,025 feet to the Point of Beginning, said described tract of land containing 650 acres, more or less.

Section 2. The administrator of the office of state lands is hereby authorized to enter into any such agreement, covenant, term, condition, and stipulation as he shall, in his sole and exclusive discretion, deem necessary and appropriate, and in the best interests of the state; and to execute such documents as may be necessary to properly effectuate the lease of the surface of the property described in Section 1, excluding mineral and timber rights, to Williams, Inc. in exchange of proportionate consideration

equivalent to the fair market value of a surface lease for the property during the full term of the lease.

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

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 112

SENATE BILL NO. 230

BY SENATOR LAFLEUR

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

AN ACT

To amend and reenact R.S. 36:851(A), and to repeal Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.41 through 380.46, Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.61 through 380.66, Chapter 5-J of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.71 and 380.74 through 380.76, Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.101 through 380.106, Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.121 through 380.126, and R.S. 36:744 (P), (T), (U), (X), (Z), and 801.11, 801.13, 801.17, and 801.19, relative to museums; to remove certain museums from the jurisdiction of the Department of State and to delete all statutory provisions relative to such museums and their governing boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:851(A) is hereby amended and reenacted to read as follows:

§851. Transfer; merger and consolidation of functions

A. The powers, duties, functions, responsibilities, programs, and operations as vested by the constitution and laws of this state, of each of the agencies transferred by the provisions of R.S. 36:209(B), 259(C), 409(O), ~~and 610(D), and 744(U)~~ upon and after the date of each such transfer shall be exercised by and be under the administration and control of the secretary of the department to which each is transferred, except for those functions of each which are required to be performed and administered by the undersecretary of each department, as heretofore provided for each by this Title.

* * *

Section 2. Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.41 through 380.46, and R.S. 36:744(P) and 801.11 are hereby repealed.

Section 3. Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13 are hereby repealed.

Section 4. Chapter 5-J of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.71 and 380.74 through 380.76, and R.S. 36:744(U) are hereby repealed.

Section 5. Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17 are hereby repealed.

Section 6. Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:380.121 through 380.126, and R.S. 36:744(Z) and 801.19 are hereby repealed.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State
