

ACTS OF 2016

LEGISLATURE

Acts 118 - 264

ACT No. 118

HOUSE BILL NO. 494 BY REPRESENTATIVE MORENO AN ACT

To amend and reenact R.S. 40:2019(A)(2), (C)(introductory paragraph), (12), and (13), (D)(2)(b), (E)(1), (F), and (G), and to enact R.S. 40:2019(C)(21) and (22), relative to the Louisiana State Child Death Review Panel; to revise the membership of the panel; to authorize functions of the panel and of the Department of Children and Family Services relative to child death investigations; to authorize sharing of information, documents, and records between the panel and the Department of Children and Family Services; to provide limitations relative to use of certain information obtained by the panel; to specify the age range of children whose deaths are subject to investigation by the panel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2019(A)(2), (C)(introductory paragraph), (12), and (13), (D)(2)(b), (E)(1), (F), and (G) are hereby amended and reenacted and R.S. 40:2019(C)(21) and (22) are hereby enacted to read as follows:

§2019. Child death investigation

A. Findings and purpose.

* * *

(2) The purpose of this Section is to identify the cause of death of children ~~fourteen years of age and below the age of fifteen~~, and thereby reduce the incidence of injury and death to infants and children by requiring that a death investigation be performed in the case of all unexpected deaths of children ~~fourteen years of age and below the age of fifteen~~, and establishing the Louisiana State Child Death Review Panel to collect data from such investigations and report to the legislature regarding the causes of such deaths and share information among local and regional panels, ~~health-care~~ healthcare providers, and state agencies which provide services to children and families.

* * *

C. Child Death Review Panel. There is established within the Department of Health and Hospitals the Louisiana State Child Death Review Panel, hereinafter referred to as the “state panel” which shall be composed of ~~twenty-five~~ twenty-seven persons. Members of the panel shall include:

* * *

(12) ~~A representative of the injury research and prevention section of the office of public health appointed by the assistant secretary of the office of public health~~ The assistant secretary of the office of behavioral health of the Department of Health and Hospitals or his designee.

(13) ~~The executive director of the Louisiana Maternal and Child Health Coalition~~ A representative of the Louisiana Partnership for Children and Families.

* * *

(21) The state superintendent of education or his designee.

(22) The director of the bureau of emergency medical services of the Department of Health and Hospitals or his designee.

D. Functions and duties of panel.

* * *

(2) The state panel may:

* * *

(b) Analyze any data available through any state systems that may decrease the incidence of injury and unexpected death to infants and children below the age of ~~fourteen~~ fifteen.

E. Child death investigation.

(1) In each unexpected death of a child ~~fourteen years of age and below the age of fifteen~~, a death investigation shall be performed in accordance with the child death investigation protocol established by the Louisiana State Child Death Review Panel which may include, at the discretion of the coroner but not be limited to, a complete autopsy performed by the coroner of the parish where the death occurred pursuant to the death investigation procedure established by ~~R.S. 33:1563~~ R.S. 13:5713. The death investigation findings shall be reported to appropriate authorities including the police, ~~health-care~~ healthcare providers, and the child protective services if appropriate, within three days of the conclusion of the death investigation.

* * *

F. Records; confidentiality; prohibited disclosure and discovery.

(1) Notwithstanding any other provision of law to the contrary, the state panel, and any local or regional panel or its agent thereof, shall be authorized to access medical and vital records in the custody of physicians, hospitals,

clinics, ~~and other health-care~~ healthcare providers, and the office of public health; and to any other information, documents, or records pertaining to the completed investigation of unexpected deaths of infants and children below the age of ~~fourteen~~ fifteen in the custody of any law enforcement agency or ~~child protective service agency~~ in order that it may perform its functions and duties as provided in Subsection D of this Section.

(2) Notwithstanding any other provision of law to the contrary, including but not limited to the provisions of Ch.C. Art. 615 and R.S. 46:56, all of the following authorizations shall be effective when an unexpected death of an infant or child below the age of fifteen has occurred:

(a) The state panel, and any local or regional panel or its agent thereof, in order that it may perform its functions and duties as provided in Subsection D of this Section, is authorized to have access to any information, documents, or records in the possession of the Department of Children and Family Services involving a child abuse and neglect investigation which are pertinent to the alleged child abuse or neglect that led to the death of the child.

(b) The Department of Children and Family Services is authorized to have access to any and all information, documents, or records in the possession of the state panel, and any local or regional panel or its agent thereof, for use by the department in any investigation or child in need of care proceeding.

(3)(a) All such records obtained by the state panel or any local or regional panel or its agent in accordance with the provisions of this Subsection, as well as the results of any child death investigation report, shall be confidential and shall not be available for subpoena nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

(b) No information, document, or record obtained by the state panel or any local or regional panel or its agent from the Department of Children and Family Services involving a report which results in an inconclusive, not justified, or invalid finding pursuant to Ch.C. Art. 615 shall be included or referenced in any manner in any report or other document issued or published by or on behalf of the panel.

(2) (4) The furnishing of confidential information, documents, and reports in accordance with this Section by any person, agency, or entity furnishing such information, documents, and reports shall not expose such person, agency, or entity to liability and shall not be considered a violation of any privileged or confidential relationship, provided the participant has acted in good faith in the reporting as required in this Section.

(3) (5) Nothing in this Subsection shall prohibit the publishing by the state panel of statistical compilations relating to unexpected child deaths of infants and children ~~fourteen years of age or below the age of fifteen~~ which do not identify individual cases or individual physicians, hospitals, clinics, or other ~~health-care~~ healthcare providers.

G. Report. The state panel shall report to the legislature annually concerning the causes of unexpected deaths of infants and children below the age of ~~fourteen~~ fifteen. The report shall include analysis of factual information obtained through review of death investigation reports required in Subsection D of this Section.

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

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 119

HOUSE BILL NO. 525 BY REPRESENTATIVE ROBBY CARTER AN ACT

To amend and reenact R.S. 46:2133(C) and to enact R.S. 46:2133(D), relative to venue in applications for protection from family violence; to provide for proper venue in certain circumstances; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2133(C) is hereby amended and reenacted and R.S. 46:2133(D) is hereby enacted to read as follows:

§2133. Jurisdiction; venue; standing
* * *

C. Notwithstanding the venue provisions of Subsection B of this Section, in a judicial district comprised of multiple parishes, if a court determines that it is in the interest of justice to afford the parties a more expeditious hearing than current docketing scheduling would permit, or to comply with the time provisions provided for by this Part, a judge or hearing officer may conduct a hearing in any parish within the judicial district.

D. An adult may seek relief under this Part by filing a petition with the court alleging abuse by the defendant. Any parent, adult household member, or district attorney may seek relief on behalf of any minor child or any person alleged to be incompetent by filing a petition with the court alleging abuse

by the defendant. A petitioner’s right to relief under this Part shall not be affected by leaving the residence or household to avoid further abuse.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 120

HOUSE BILL NO. 530
BY REPRESENTATIVE DWIGHT
AN ACT

To enact R.S. 13:5554(G)(5), relative to payment for certain benefits for retirees from the Calcasieu Parish Sheriff’s Office; to provide for the qualification 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(G)(5) is hereby enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

* * *

G.
* * *

(5) In addition to the provisions of Paragraph (1) of this Subsection, in the parish of Calcasieu, 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 contracted for under the provisions of this Section shall be paid in full from the sheriff’s general fund for any sheriff and full-time deputy sheriff who has retired from the Calcasieu Parish Sheriff’s Office and who is entitled to receive monthly benefits from the Sheriffs’ Pension and Relief Fund and who has at least eight of the required fifteen or thirty years of full-time creditable service with the Calcasieu Parish Sheriff’s Office.

* * *

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 121

HOUSE BILL NO. 562
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 17:3991(B)(3), relative to charter schools; to permit city, parish, and other local public school boards to assign students to charter schools under certain circumstances; to provide for such assignment to be based on parental preferences, charter school admission requirements and contracts, and local board policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3991(B)(3) is hereby amended and reenacted to read as follows:
§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

* * *

B. Each proposed charter shall contain or make provision for the following:
* * *

(3) Admission requirements, if any, that are consistent with the school’s role, scope, and mission may be established pursuant to rules promulgated by the state board. Such admission requirements shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a student with an exceptionality as defined in R.S. 17:1942(B). Such admission requirements may include, however, specific requirements related to a school’s mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any school which was chartered prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admission requirements may continue to ~~utilize~~ use such admission requirements. No local board shall assign any pupil to attend a charter school, except that a local board in a district in which fifty percent or more of the public schools in the district are charter schools and that uses a single application and enrollment process adopted by the local board for public school enrollment may assign a pupil to a charter school based on such enrollment process, the preferences of the pupil’s parent or legal guardian, the charter school’s admission requirements, the charter contract, and the local board’s policies.

* * *

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 122

HOUSE BILL NO. 574
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact Code of Civil Procedure Article 4551(A), relative to judgments of interdiction; to provide for the contents of judgments of interdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Article 4551(A) is hereby amended and reenacted to read as follows:

Art. 4551. Judgment
A. In the judgment of interdiction, the court shall:
(1) Appoint a curator.
(2) Appoint an undercurator, unless an undercurator is not required by law.
(3) State that the powers of the curator commence only upon qualification.
(4) Direct the clerk of court to record the judgment in the conveyance and mortgage records of the parish where it was rendered.
(5) Set forth the name, domicile, age, and current address of the defendant.

* * *

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 123

HOUSE BILL NO. 612
BY REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 22:366, relative to vehicle mechanical breakdown insurers; to allow such insurers to file certain audited statements in lieu of an audited financial statement; to provide for the auditing of submitted statements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:366 is hereby amended and reenacted to read as follows:
§366. Annual Reports

By June first of each year, every vehicle mechanical breakdown insurer shall file with the commissioner an audited financial statement, audited consolidated financial statements with the consolidating schedule, or such other financial statements deemed acceptable by the commissioner for the immediately preceding year ending December thirty-first. The financial statement submitted shall be audited by a certified public accounting firm which is acceptable to the commissioner. The commissioner may determine and require that additional information be submitted with the audited financial statements.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 124

HOUSE BILL NO. 624
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact R.S. 13:753(A)(introductory paragraph), (B), (C), and (D) and to enact R.S. 13:753(A)(6) and (E), relative to firearms; to require city and parish clerks of court to provide certain information to the Louisiana Supreme Court; to provide for mandatory reporting of convictions of certain offenses and judicial determinations which would prohibit persons from possessing, shipping, transporting, or receiving firearms pursuant to state and federal law; to provide relative to limitations of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:753(A)(introductory paragraph), (B), (C), and (D) are hereby amended and reenacted and R.S. 13:753(A)(6) and (E) are hereby enacted to read as follows:

§753. Reporting of information to Louisiana Supreme Court for NICS database; possession of a firearm
A. Effective January 1, 2014, each district clerk of court shall report to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and other identifying information of any adult who is prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C. 922(d)(4) and (g)(4), (8), and (9), by reason of a conviction or adjudication in a court of that district for any of the following:

* * *

(6) A conviction for a violation of domestic abuse battery (R.S. 14:35.3) which is a felony.
B. Effective January 1, 2017, each city and parish clerk of court shall report to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and other

identifying information of any adult who is prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C. 922(d)(4), (g)(4), (8), and (9), by reason of a conviction or adjudication in a court of that district for any of the following:

(1) A conviction for a violation of domestic abuse battery (R.S. 14:35.3) which is a misdemeanor.

(2) A verdict of an acquittal of a misdemeanor crime by reason of insanity pursuant to the provisions of Chapter 2 of Title XXI of the Code of Criminal Procedure.

(3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for a misdemeanor crime pursuant to the provisions of Chapter 1 of Title XXI of the Code of Criminal Procedure.

(4) A court order prohibiting a person from possessing a firearm or restricting a person in the use of a firearm.

B.C. The report shall be submitted to the Louisiana Supreme Court, in the manner and form as directed by the supreme court, within ten business days of the date of conviction, adjudication, or order of involuntary commitment.

E.D. The Louisiana Supreme Court shall, within fifteen business days of receipt of the report, submit the information in the report to the National Instant Criminal Background Check System database.

D.E. Except in the case of willful or wanton misconduct or gross negligence, no city, parish, or district clerk of court shall be held civilly or criminally liable on the basis of the accuracy, availability, or unavailability of any information reported or required to be reported pursuant to this Section.

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 125

**HOUSE BILL NO. 7
BY REPRESENTATIVE PRICE
AN ACT**

To amend and reenact Code of Criminal Procedure Articles 978(B)(1), 989, and 992 and to enact Code of Criminal Procedure Articles 976(A)(4) and 978(E), relative to expungement; to provide for eligibility for an expungement in cases of factual innocence; to provide for the expungement of certain crimes of violence after a cleansing period; to provide for the expungement forms to be used; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 978(B)(1), 989, and 992 are hereby amended and reenacted and Code of Criminal Procedure Articles 976(A)(4) and 978(E) are hereby enacted to read as follows:

Art. 976. Motion to expunge record of arrest that did not result in a conviction

A. A person may file a motion to expunge a record of his arrest for a felony or misdemeanor offense that did not result in a conviction if any of the following apply:

* * *

(4) The person was judicially determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8. The person may seek to have the arrest and conviction which formed the basis for the wrongful conviction expunged without the limitations or time delays imposed by the provisions of this Article or any other provision of law to the contrary.

* * *

Art. 978. Motion to expunge record of arrest and conviction of a felony offense

* * *

B. No expungement shall be granted nor shall a person be permitted to file a motion to expunge the record of arrest and conviction of a felony offense if the person was convicted of the commission or attempted commission of any of the following offenses:

(1) A crime of violence as defined by or enumerated in R.S. 14:2(B), unless otherwise authorized in Paragraph E of this Article.

* * *

E.(1) Notwithstanding any other provision of law to the contrary, after a contradictory hearing, the court may order the expungement of the arrest and conviction records of a person pertaining to a conviction of aggravated battery, second degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities if all of the following conditions are proven by the petitioner:

(a) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction.

(b) The person has not been convicted of any other criminal offense during the ten-year period.

(c) The person has no criminal charge pending against him.

(d) The person has been employed for a period of ten consecutive years.

(2) The motion filed pursuant to this Paragraph shall include a certification from the district attorney which verifies that, to his knowledge, the applicant has no convictions during the ten-year period and no pending charges

under a bill of information or indictment. The motion shall be heard by contradictory hearing as provided by Article 980.

* * *

Art. 989. Motion for expungement forms to be used

**STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF**

No.: _____ Division: “_____”

**State of Louisiana
vs.**

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____

(Last, First, MI) _____/_____/_____ (MM/DD/YYYY)

DOB: _____/_____/_____ (MM/DD/YYYY)

GENDER _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure Article 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on _____/_____/_____ (MM/DD/YYYY)

2. _____ YES _____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

_____ YES _____ NO Arrested, but it did not result in conviction

_____ YES _____ NO Convicted of and seeks to expunge a misdemeanor

_____ YES _____ NO Convicted of and seeks to expunge a felony

_____ YES _____ NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

_____ Yes _____ No **ARRESTS THAT DID NOT RESULT IN CONVICTION**

ITEM NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____ (MM/DD/YYYY)

() Not prosecuted for any offense arising out of this charge.

() Pre-trial Diversion Program.

() DWI Pre-Trial Diversion Program and 5 years have elapsed since the

date of arrest.

() Charge dismissed

() Found not guilty/judgment of acquittal

ITEM NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____ (MM/DD/YYYY)

() Not prosecuted for any

offense arising out of this charge.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

ITEM NO. 3 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Time expired for prosecution _____ (MM/DD/YYYY)

() Not prosecuted for any offense

arising out of this charge.

() Pre-trial Diversion Program.

() Charge dismissed

() Found not guilty/judgment of acquittal

MISDEMEANOR CONVICTIONS

_____ Yes _____ No **MISDEMEANOR CONVICTIONS**

ITEM NO. 1 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Conviction set aside/dismissed _____/_____/_____

pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

() More than 5 years have passed

since completion of sentence.

ITEM NO. 2 La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

() Conviction set aside/dismissed _____/_____/_____

pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)

() More than 5 years have passed

since completion of sentence.

_____ Yes _____ No **FELONY CONVICTIONS**

ITEM NO. 1 La. Rev. Stat. Ann. § _____ : _____

() Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
() More than 10 years have passed since completion of sentence
ITEM NO. 2 La. Rev. Stat. Ann. § _____ : _____
() Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
() More than 10 years have passed since completion of sentence
____ Yes ____ No **OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS**

Mover has attached the following:
() A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number
5. Mover has attached to this Motion the following pertinent documents:
☐ Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).
☐ Bill(s) of Information (if any).
☐ Minute entry showing final disposition of case (if any).
☐ Certification Letter from the District Attorney for fee waiver (if eligible).
☐ Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.
☐ Certification Letter from the District Attorney verifying that the charges were refused.
☐ Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
☐ A copy of the order waiving the sex offender registration and notification requirements.
☐ Documentation verifying that the mover has been employed for ten consecutive years.
☐ A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.
The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.
If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.
Respectfully submitted,

Signature of Attorney for Mover/
Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number
If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number
* * *

No.: _____ **Division:** " _____ "

State of Louisiana
vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement
☐ The hearing conducted and evidence adduced herein, OR
☐ Affidavits of No Opposition filed,
IT IS ORDERED, ADJUDGED AND DECREED
☐ **THE MOTION IS DENIED** for Item(s) No. _____, , , , _____ the following reasons (check all that apply):
☐ More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
☐ More than ten years have not elapsed since Mover completed the felony conviction sentence.
☐ Mover was convicted of one of the following ineligible felony offenses:
☐ A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
☐ An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
☐ An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.
☐ The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
☐ Mover has had another record of misdemeanor conviction expunged during the previous five-year period.
☐ The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.
☐ Mover has had another record of felony conviction expunged during the previous fifteen-year period.
☐ Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.
☐ Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to C.Cr.P. Art. 894(B).
☐ Mover did not complete pretrial diversion.
☐ The charges against the mover were not dismissed or refused.
☐ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 893(E).
☐ Mover's felony conviction was not set aside and dismissed pursuant to C.Cr.P. Art. 894(B).
☐ Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.
☐ Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.
☐ Mover has not been employed for ten consecutive years as required by Article 978(E)(1)(d)
☐ Mover was not convicted of a crime that would be eligible for expungement as required by Article 978(E)(1)
☐ Mover has criminal charges pending against him.
☐ Mover was convicted of a criminal offense during the ten-year period.
☐ Denial for any other reason provided by law with attached reasons for denial.
☐ **THE MOTION IS HEREBY GRANTED** for Item(s) No. _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.
☐ **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for Item(s) No. _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may

request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____
(Last, First, MI)
DOB: ____/____/____ (MM/DD/YY)
GENDER: _____ Female _____ Male
SSN (last 4 digits): XXX-XX-_____
RACE: _____
DRIVER LIC.# _____
ARRESTING AGENCY: _____
SID# (if available): _____
ARREST NUMBER (ATN): _____
AGENCY ITEM NUMBER: _____
ARREST DATE: ____/____/____ (MM/DD/YY)
THUS ORDERED AND SIGNED this ____ day of _____, 20____
at _____, Louisiana.

JUDGE

PLEASE SERVE:
1. District Attorney: _____
2. Arresting Agency: _____
3. Parish Sheriff: _____
4. Louisiana Bureau of Criminal Identification and Information _____
5. Attorney for Defendant (or defendant) _____
6. Clerk of Court _____

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 126

HOUSE BILL NO. 114

BY REPRESENTATIVES ABRAHAM, ADAMS, TERRY BROWN, CARPENTER, STEVE CARTER, FRANKLIN, GISCLAIR, GUINN, HALL, HILL, HOWARD, MONTOUCET, NORTON, AND PIERRE
AN ACT

To designate the intersection of Louisiana Highway 1138-2 West Prien Lake Road and Holly Hill Road roundabout in Calcasieu Parish as the Russell T. Tritico, Sr. Circle; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The section of Louisiana Highway 1138-2 West Prien Lake Road that intersects with Holly Hill Road roundabout in Calcasieu Parish shall be hereinafter known and designated as the “Russell T. Tritico, Sr. Circle”.

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 127

HOUSE BILL NO. 133

BY REPRESENTATIVE JIM MORRIS (BY REQUEST)
AN ACT

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

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:539(C)(8)(e) is hereby enacted to read as follows:
§539. Selection of chairman and vice chairman; executive director; hiring of employees

C. * * *
(8) * * *

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 128

HOUSE BILL NO. 147
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 40:1137.3(E)(2), relative to entities in possession of automated external defibrillators; to require that each high school in certain parishes have an automated external defibrillator on its premises; to provide for a legislative declaration; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1137.3(E)(2) is hereby amended and reenacted to read as follows:

§1137.3. Persons in possession of AEDs; training, testing, and notification requirements; manufacturer responsibility; possession required

* * *

E.

* * *

(2)(a) Each high school that participates in interscholastic athletics shall have an AED on its premises, if funding is available.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, each high school in any parish with a population of more than two hundred thousand and less than two hundred twenty-five thousand according to the latest federal decennial census shall have an AED on its premises.

* * *

Section 2.(A) The legislature hereby declares that the safety of young persons and the timely, effective provision of emergency medical services are public health priorities of this state.

(B) This Act shall be known as the “Teddy Daigle and Shane Ozene Act”.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 129

HOUSE BILL NO. 189
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 27:418(C), relative to the operation of a restaurant at a qualified truck stop facility; to provide with respect to closing the operation of a restaurant during certain legal holidays; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:418(C) is hereby amended and reenacted to read as follows:

§418. Leasing or subleasing restaurant and convenience stores at qualified truck stops; holiday operation

* * *

C. Notwithstanding any other provision of law to the contrary, the owner or lessor of a qualified truck stop facility, except for a qualified truck stop facility located in Orleans Parish, may close the restaurant on the premises of the qualified truck stop facility on Sundays or during a any other legal holiday as defined in R.S. 1:55(B)(1)(a).

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 130

HOUSE BILL NO. 217
BY REPRESENTATIVE HOFFMANN
AN ACT

To enact R.S. 17:429, relative to educational leadership certification; to provide for the qualifications for educational leadership certification; to require that an individual who meets the qualifications shall be granted an educational leadership certificate by the State Board of Elementary and Secondary Education for employment as a supervisor, director, or coordinator of special education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:429 is hereby enacted to read as follows:

§429. Educational leadership certification; qualifications

The State Board of Elementary and Secondary Education shall grant an individual who meets all of the following criteria an educational leadership certificate indicating eligibility for employment as a supervisor, director, or coordinator of special education for a public school system:

- (1) Has completed a graduate degree program from a regionally accredited institution of postsecondary education.
- (2) Has completed at least two hundred forty hours of leadership experiences at the school or district level as defined by the State Board of Elementary and Secondary Education pursuant to rules and regulations.
- (3) Has achieved a passing score on the School Leaders Licensure Assessment or other equivalent assessment as determined by the State Board of Elementary and Secondary Education pursuant to rules and regulations.
- (4) Holds a valid Louisiana ancillary certificate and meets any of the criteria for an evaluation coordinator in any of the following areas pursuant to State Board of Elementary and Secondary Education rules and regulations:
 - (a) Assessment teacher, educational consultant, or educational diagnostician.
 - (b) Certified school psychologist.
 - (c) Speech-language pathologist, speech and hearing therapist, or speech-hearing-language specialist.
 - (d) Qualified school social worker.
 - (e) Audiologist.
- (5) Has at least three years of experience working with students in his area of certification.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 131

HOUSE BILL NO. 224
BY REPRESENTATIVE LEGER
AN ACT

To enact R.S. 13:86 and to repeal R.S. 13:126.1, 352.1, 841.3, 1213.3, 1912, 2157.1, 2500.5, 2520, and 2565, relative to court costs; to provide relative to court costs collected for civil filings and criminal convictions; to provide for the use of proceeds of such costs; to provide for an audit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:86 is hereby enacted to read as follows:
§86. Judicial College; education account; sources of funds
A. In addition to any other filing fee or cost imposed or authorized by law, the clerk of the Supreme Court and each city, parish, juvenile, family, district, and appellate court shall impose and collect from each party liable for court costs the additional sum of fifty cents for the initial filing in all civil matters.
B. In addition to the costs provided for in Subsection A of this Section, a person convicted of a felony, a misdemeanor, or violating an ordinance of any local government, including a traffic felony, traffic misdemeanor, or a local traffic violation, shall be assessed an additional fifty cents as a special court cost. These costs shall be imposed by all courts, including mayor's courts and magistrate courts.
C. All funds collected pursuant to this Section shall be deposited into a special account and transmitted monthly to the Louisiana Supreme Court in the manner and form specified by the Supreme Court and shall be used to defray the costs associated with the general growth and program improvement strategies of the Judicial College. The Supreme Court shall conduct an annual audit of the books and accounts relating to the funds collected pursuant to this Section, and shall file the audit with the legislative auditor where it shall be available for public inspection.

Section 2. R.S. 13:126.1, 352.1, 841.3, 1213.3, 1912, 2157.1, 2500.5, 2520, and 2565 are hereby repealed in their entirety.
Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 132

HOUSE BILL NO. 285
BY REPRESENTATIVE GAROFALO
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Code of Civil Procedure Articles 1458, 1462(B)(1), 1465.1(B), 1467(A), 2541, 2642, and 2721(B), and R.S. 13:3852(B), and to enact R.S. 13:4611(1)(g), relative to civil procedure; to extend the time delays for responding to discovery requests; to provide for the enforcement of foreign and domestic judgments; to provide for commencement of the suspensive appeal delay from an order of seizure and sale; to provide with respect to the notice of seizure of property; to provide for an award of attorney fees in civil contempt of court proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Articles 1458, 1462(B)(1), 1465.1(B), 1467(A), 2541, 2642, and 2721(B) are hereby amended and reenacted to read as follows:

Art. 1458. Interrogatories to parties; procedures for use
Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The written answer or reasons for objection to each interrogatory shall immediately follow a restatement of the interrogatory to which the answer or objection is responding. The answers are to be signed by the person making them. When interrogatories are served on a specific party, that party shall verify he has read and confirmed the answers and objections. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within ~~fifteen~~ thirty days after the service of the interrogatories, ~~except that a defendant may serve answers or objections within thirty days after service of the petition upon that defendant and the state and its political subdivisions may serve a copy of the answers or objections within thirty days after service of the interrogatories.~~ The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Article 1469 with respect to any objection to or other failure to answer an interrogatory.

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

* * *
B.(1) The party upon whom the request is served shall serve a written response within ~~fifteen~~ thirty days after service of the request, ~~except that a defendant may serve a response within thirty days after service of the petition upon that defendant, and except that the state and its political subdivisions may serve a response within thirty days after service of the request.~~ The court may allow a shorter or longer time. With respect to each item or category, the response shall state that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The written answer or reasons for objection to each request for production of documents shall immediately follow a restatement of the request for production of documents to which the answer or objection is responding. The party submitting the request may move for an order under Article 1469 with respect to any objection to or other failure to respond to the request, or any part thereof, or any failure to permit inspection as requested. If objection is made to the requested form or forms for producing information, including electronically stored information, or if no form was specified in the request, the responding party shall state in its response the form or forms it intends to use.

* * *
Art. 1465.1. Requests for release of medical records
* * *

B. The party upon whom the request is served, within ~~fifteen~~ thirty days after service of the request, shall provide to the requesting party releases signed by the plaintiff or other authorized person unless the request is objected to, in which event the reasons for the objection shall be stated. The party requesting the release of medical records may move for an order under Article 1469 with respect to any objection or other failure to respond to the request.

* * *
Art. 1467. Requests for admission; answers and objections
A. Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within ~~fifteen~~ thirty days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney, ~~but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of thirty days after service of the petition upon him.~~ The written answer or reasons for objection to each request for admission shall immediately follow a restatement of the request for admission to which the answer or objection is responding. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Article 1472, deny the matter or set forth reasons why he cannot admit or deny it.

* * *
Art. 2541. Execution of foreign judgments
A. A party seeking recognition or execution by a Louisiana court of a judgment or decree of a court of the United States or a territory thereof, or of any other state, or of any foreign country may ~~either seek enforcement~~

~~pursuant to R.S. 13:4241, et seq., or~~ bring an ordinary proceeding against the judgment debtor in the proper Louisiana court, to have the judgment or decree recognized and made the judgment of the Louisiana court.

B. ~~In the latter case, a~~ duly authenticated copy of the judgment or decree must be annexed to the petition.

C. A judgment, decree, or order of a court of the United States or any other court that is entitled to full faith and credit in this state may also be enforced pursuant to R.S. 13:4241.

Comment - 2016

Article 2541 was amended to clarify that La. R.S. 13:4241 does not authorize ex parte enforcement of the judgments of foreign countries in a Louisiana state court. See *Baker & McKenzie Advokatbyra v. Thinkstream*, 20 So. 3d 1109 (La. App. 1 Cir. 2009).

* * *

Art. 2642. Assertion of defenses; appeal

Defenses and procedural objections to an executory proceeding may be asserted either through an injunction proceeding to arrest the seizure and sale as provided in Articles 2751 through 2754, or a suspensive appeal from the order directing the issuance of the writ of seizure and sale, or both.

A suspensive appeal from an order directing the issuance of a writ of seizure and sale shall be taken within fifteen days of ~~the signing of the order~~ service of the notice of seizure as provided in Article 2721. The appeal is governed by the provisions of Articles 2081 through 2086, 2088 through 2122, and 2124 through 2167, except that the security therefor shall be for an amount exceeding by one-half the balance due on the debt secured by the mortgage or privilege sought to be enforced, including principal, interest to date of the order of appeal, and ~~attorney's fee~~ attorney fees, but exclusive of court costs.

* * *

Art. 2721. Seizure of property; notice

* * *

B. The sheriff shall serve upon the defendant a written notice of the seizure of the property. Such notice of seizure shall be accomplished by personal service or domiciliary service. The notice of seizure shall reproduce in full the provisions of Article 2642 and include information concerning the availability of housing counseling services, as well as the time, date, and place of the sheriff's sale, in accordance with the form provided in R.S. 13:3852(B).

* * *

Section 2. R.S. 13:3852(B) is hereby amended and reenacted and R.S. 13:4611(1)(g) is hereby enacted to read as follows:

§3852. Notices of seizure

* * *

B. The following form shall be used for these notices by the sheriff:

“Notice is hereby given that I am this day seizing, in accordance with the provisions of R.S. 13:3851 through 13:3861, the following described immovable property, to wit: _____ as the property of _____, under a writ of _____, issued on the _____ day of _____, _____, by the _____ District Court for the Parish of _____, in the matter entitled _____ versus _____, No. _____ of its docket, to satisfy a claim of \$ _____, interest and costs, this _____ day of _____, _____. This matter is scheduled for sheriff's sale on _____ day of _____, _____, at _____ A.M./P.M. Please be aware that the sheriff's sale date may change. You may contact the sheriff's office to find out the new date when the property is scheduled to be sold. The new sale date will also be published in the local newspaper in accordance with R.S. 43:203. If the seized property is residential property, you may be afforded the opportunity to bring your account in good standing by entering into a loss mitigation agreement with your lender, or by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account. You are strongly encouraged to seek legal counsel. If you cannot afford to pay an attorney, you may be able to qualify for free legal services. Foreclosure prevention counseling services through a housing counselor, including loss mitigation, are provided free of charge. To find a local housing counseling agency approved by the U.S. Department of Housing and Urban Development, you may contact the U.S. Department of Housing and Urban Development or the Louisiana Housing Corporation.

THE FOLLOWING PARAGRAPH APPLIES ONLY TO PROPERTY THAT HAS BEEN SEIZED PURSUANT TO A WRIT OF SEIZURE AND SALE ISSUED IN AN EXECUTORY PROCEEDING: As provided in Louisiana Code of Civil Procedure Article 2642, defenses and procedural objections to an executory proceeding may be asserted either through an injunction proceeding to arrest the seizure and sale as provided in Articles 2751 through 2754, or a suspensive appeal from the order directing the issuance of the writ of seizure and sale, or both. A suspensive appeal from an order directing the issuance of a writ of seizure and sale shall be taken within fifteen days of service of the notice of seizure as provided in Article 2721. The appeal is governed by the provisions of Articles 2081 through 2086, 2088 through 2122, and 2124 through 2167, except that the security therefor shall be for an amount exceeding by one-half the balance due on the debt secured by the mortgage or privilege sought to be enforced, including principal, interest to date of the order of appeal, and attorney fees, but exclusive of court costs.

Sheriff
Parish of _____
By: _____”

* * *

§4611. Punishment for contempt of court
Except as otherwise provided for by law:

(1) The supreme court, the courts of appeal, the district courts, family courts, juvenile courts and the city courts may punish a person adjudged guilty of a contempt of court therein, as follows:

* * *

(g) The court may award attorney fees to the prevailing party in a contempt of court proceeding provided for in this Section.

* * *

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 133

**HOUSE BILL NO. 290
BY REPRESENTATIVE GISCLAIR
AN ACT**

To amend and reenact R.S. 56:56(A)(5) and (7), 305(B)(3), 435(A) and (B), 435.1(A), 435.1.1(A)(2), and 436(A), relative to oyster harvesting gear; to change the name of certain gear from “dredge” to “scraper”; to provide for limitations on the dimensions and use of scrapers on the public seed grounds and natural reefs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:56(A)(5) and (7), 305(B)(3), 435(A) and (B), 435.1(A), 435.1.1(A)(2), and 436(A) are hereby amended and reenacted to read as follows:

§56. Seizure or surrender of things illegally used or possessed

A. Any enforcing officer may seize:

* * *

(5) Tackle, seines and other nets, trawls, tongs, ~~dredges~~ scrapers, and other equipment and devices used in taking of fish, shrimp, oysters, or other aquatic life contrary to the provisions of this Title.

* * *

(7) Tackle, ~~dredges~~, and scrapers which are possessed or operated in an illegal manner or which are required by the provisions of this Title to be licensed or tagged and which are not so licensed or tagged or which are improperly tagged or which are taken contrary to the provisions of this Title.

* * *

§305. Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear licenses; renewals

* * *

B. Residents shall pay a commercial gear fee as follows:

* * *

(3) Oyster ~~dredge scrapers~~: twenty-five dollars for each ~~dredge scraper~~.

* * *

§435. ~~Dredges and scrapers~~ Scrapers; use in removing oysters

A. All ~~dredges and scrapers used to harvest oysters from the public seed grounds and the natural reefs~~ shall be no longer than six feet fifty-four inches in width measured along the tooth bar. No scraper shall weigh more than one hundred seventy-five pounds nor shall diving boards, hydrofoils, or any other apparatus or attachment intended to create downward pressure be attached to any scraper.

B. ~~The dredge~~ For scrapers used to harvest oysters from the public seed grounds and the natural reefs, the scraper teeth shall be no longer than five inches in length , and there and there shall be a minimum of two and one-quarter inch spacing measured from the center of a tooth to center of the adjacent tooth. A tooth shall not exceed eleven-sixteenths of an inch in diameter. In addition, there shall be no more than seven dredges two scrapers in use on any one vessel. An oyster scraper bag shall only be single mesh with a minimum mesh size of three inches stretched.

* * *

§435.1. Sabine Lake; methods of harvest; penalty; season; self-propelled vessels; harvested oysters

A. Oysters may be harvested in Sabine Lake using tongs, a hand ~~dredge scraper, a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long~~; or a single scraper with mechanical assist with a flat bar length of no more than thirty-six inches.

* * *

§435.1.1. Oyster harvest in Calcasieu Lake

A.

* * *

(2) Such permit shall be in addition to all other licenses and permits required for harvesting of oysters. At all times, such oyster harvesting shall be limited to using tongs, a hand ~~dredge scraper, a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long~~; or use of a single scraper with mechanical assist and a flat bar length of no more than thirty-six inches is allowed.

* * *

§436. Restricted time of taking oysters

A. The taking of oysters from the natural reefs of this state and from privately owned bedding grounds between the hours of one-half hour after sunset and until one-half hour before sunrise is prohibited. During these hours all ~~dredges scrapers~~ shall be unshackled, disconnected, or in such

condition as to be easily determined by an agent of the department not to have been in recent use.

* * *
Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 134

HOUSE BILL NO. 306
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 56:434.1(C), relative to the Public Oyster Seed Ground Development Account; to provide for the uses of the monies in such account; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 56:434.1(C) is hereby amended and reenacted to read as follows:
§434.1. Public Oyster Seed Ground Development Account

* * *
C. Subject to appropriation by the legislature, the monies in the Public Oyster Seed Ground Development Account shall be used solely to enhance the state's public oyster seed grounds through siting, designing, permitting, constructing, monitoring, and cultch deposition on the public seed grounds, and research into oyster propagation and habitat, oyster hatchery operations, and the administrative functions of the oyster lease and survey section of the department.

* * *
Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 135

HOUSE BILL NO. 310
BY REPRESENTATIVE CONNICK
AN ACT

To enact R.S. 45:1163(C), relative to the Louisiana Public Service Commission; to require the commission to audit adjustment clause filings and modify the fuel adjustment charge of an electric utility; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 45:1163(C) is hereby enacted to read as follows:
§1163. Power to regulate rates and service; exceptions

* * *
C. To ensure that costs passed through to consumers are just and reasonable, the commission shall, no less frequently than every other year, audit the adjustment clause filings submitted by a public electric utility in this state, exercise its authorized review and determination of such filings, and exercise its control and rate-fixing authority to modify fuel adjustment charges of an electric utility as assessed by an electric utility to rate-paying consumers through operation of the utility's fuel adjustment clause.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 136

HOUSE BILL NO. 311
BY REPRESENTATIVE DANAHAHAY
AN ACT

To designate a portion of Louisiana Highway 3063 in Calcasieu Parish as the "First Responders Memorial Highway"; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. The portion of Louisiana Highway 3063 between its intersection with West Street and Short Street in Vinton and Interstate Highway 10 in Vinton, shall be hereinafter known and designated as the "First Responders Memorial Highway".
Section 2. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage of this designation.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 137

HOUSE BILL NO. 355
BY REPRESENTATIVES MIKE JOHNSON, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BISHOP, CHAD BROWN, TERRY BROWN, CARMODY, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, FOIL, GAROFALO, GISCLAIR, GLOVER, JIMMY HARRIS, LANCE HARRIS, HAZEL, HENRY, HODGES, HOFFMANN, HORTON, HUNTER, HUVAL, IVEY, JACKSON, ROBERT JOHNSON, JONES, LEGER, LYONS, MACK, MAGEE, MIGUEZ, MONToucET, MORENO, JAY MORRIS, JIM MORRIS, POPE, PRICE, PUGH, PYLANT, RICHARD, SEABAUGH, SHADOIN, STOKES, THIBAUT, WHITE, WILLMOTT, AND ZERINGUE

AN ACT
To enact R.S. 47:490.30, relative to military honor license plates; to provide for the establishment of a military honor license plate for the recipients of the Bronze Star Medal; to require the promulgation of rules and regulations relative to the creation and implementation of a military honor license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:490.30 is hereby enacted to read as follows:
§490.30. Military honor license plates; "Bronze Star Medal"
A. The provisions of this Section shall be applicable to Bronze Star Medal recipients.

B. Upon application of a Bronze Star Medal recipient, the secretary of the Department of Public Safety and Corrections shall issue a military honor license plate to be used in lieu of a regular motor vehicle license registration plate. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. The military honor license plate shall be known as the "Bronze Star Medal" license plate and shall bear a likeness of the Bronze Star Medal centered on the left side of the license plate and the words "Bronze Star Medal" centered on the bottom of the plate under the license plate number.

C. The fee for this license plate shall be the standard motor vehicle registration license fee provided for in R.S. 47:463.

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

E.(1) Any applicant who qualifies for the military honor license plate authorized by this Section may be issued a plate for each vehicle registered in the applicant's name.

(2) Except as otherwise provided in this Paragraph, each military honor license plate issued pursuant to this Section shall be returned to the secretary upon the death of the person to whom the plate was issued. A surviving spouse of a person to whom a license plate was issued pursuant to this Section may retain a license plate issued pursuant to this Section, provided the surviving spouse has not remarried and provided the surviving spouse applies to the secretary for a transfer of the license plate to the surviving spouse. A military honor license plate transferred to a surviving spouse pursuant to this Paragraph shall be returned to the secretary upon the death or remarriage of the surviving spouse. In the event that a Bronze Star Medal recipient holds more than one military honor license plate at the time the Bronze Star Medal recipient dies, the surviving spouse may determine which of the license plates the surviving spouse wishes to retain.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 138

HOUSE BILL NO. 358
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 13:996.67(D), relative to the imposition of court costs and service charges by the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans; to provide for an extension of time in which to impose such fees and charges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:996.67(D) is hereby amended and reenacted to read as follows:
§996.67. Judicial building fund

* * *
D. If by August 15, ~~2016~~ 2021, neither public bids have been let for construction nor a lease agreement executed for a privately constructed facility for use as a courthouse, then the authority provided in this Section to levy the additional costs and charges shall terminate and be null and void. Thereafter, no costs or charges authorized in this Section shall be imposed or collected. If the authority to levy such costs and charges terminates as set forth herein, all funds collected and deposited in the separate account as provided in this Section shall be used solely for capital improvements to the facility then housing the Civil District Court for the parish of Orleans.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 139

HOUSE BILL NO. 434

BY REPRESENTATIVES HENSGENS, ADAMS, TERRY BROWN,
FRANKLIN, GISCLAIR, GUINN, HOWARD, LEBAS, AND NORTON
AN ACT

To designate a portion of Louisiana Highway 27 in Cameron Parish as the
“Terry Cox Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 27, also known as West Creole
Highway, between its intersection with Louisiana Highway 384 and Cox
Road north of Cameron and Creole in Cameron Parish, shall be hereinafter
known and designated as the “Terry Cox Memorial Highway”.

Section 2. The Department of Transportation and Development or its
contractors are hereby directed to erect and maintain appropriate signage
reflecting this designation.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 140

HOUSE BILL NO. 520

BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 22:332(A)(13), relative to the deposits made by
foreign insurers applying for admission in this state; and to provide for
related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:332(A)(13) is hereby amended and reenacted to read as
follows:

§332. Application for certificate of authority

A. A foreign or alien insurer in order to procure a certificate of authority to
transact business in this state shall prepare and deliver to the commissioner
of insurance:

* * *

(13) A certificate from the proper official of the domiciliary state of the
company applying for admission to the state of Louisiana showing that a
deposit has been made in the domiciliary state of the foreign insurer in an
amount of not less than one hundred thousand dollars, ~~as evidenced by a
safekeeping or trust receipt, for the benefit and protection of and as security
for all policyholders and creditors of the insurer making such deposit. in
compliance with the laws of that state.~~

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 141

HOUSE BILL NO. 521

BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 51:705(H)(1)(introductory paragraph) and 709(5)
(a)(introductory paragraph) and (ii) and (b) and (10), relative to Louisiana
Securities Law and the registration of securities; to maintain registration
of securities under Tier 1 of Regulation A of the Federal Securities Act
of 1933; to provide a notice filing requirement for securities under Tier
2 of Regulation A of the Federal Securities Act of 1933; to provide an
updated statutory reference; to provide a limited exemption for an issuer
to determine the level of interest in securities to be issued under Tier 1
of Regulation A of the Federal Securities Act of 1933; and to provide for
related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:705(H)(1)(introductory paragraph) and 709(5)(a)
(introductory paragraph) and (ii) and (b) and (10) are hereby amended and
reenacted to read as follows:

§705. Registration of Securities; when and how required; delivery of
prospectus

* * *

H. Registration of TIER 1 Regulation A Securities. (1) Any security that
qualifies under Tier 1 of Regulation A adopted ~~under~~ pursuant to Section
3(b) of the Federal Securities Act of 1933, as now or hereafter amended, may
be registered under the terms and conditions provided in this Subsection by
filing all of the following:

* * *

§709. Exempt transactions

Except as expressly provided in this Section, R.S. 51:703 shall not apply to
any offer or sale of a security in connection with any transaction described
in Paragraph (1), (2), (6), (7), (8), (9), (11), (12), (13), or (17) of this Section, and
R.S. 51:705 shall not apply to any offer or sale of or subscription for any
security in connection with any of the following transactions:

* * *

(5)(a) Any transaction in securities pursuant to a registration statement
effective under the Securities Act of 1933, as now or hereafter amended,
or of securities exempt from the registration requirements of such Act
pursuant to Tier 2 of Regulation A, B, E, or F adopted under Section 3(b) or
3(c), ~~thereof~~ or pursuant to any other exemption under such sections which
the commissioner has, by rule or regulation, approved, but only during
the continuance of such exemption, provided that the commissioner has
received prior to such sale:

* * *

(ii) A copy of the initial registration statement, excluding exhibits, or
the notification on Uniform Notice of Regulation A - Tier 2 Offerings, Form
1-B, 1-E, or 1-F, or any ~~form~~ substituted ~~form~~ therefor, and related offering
circular or offering sheet, but excluding other exhibits, filed with the
Securities and Exchange Commission or, in the case of an exemption under
Section 3(b) or 3(c) of such Securities Act of 1933 which has been approved
by the commissioner under this Paragraph, copies of such information or
documents as the commissioner may, by rule or regulation, require.

* * *

(b) The commissioner, after receiving the items called for by ~~Subparagraphs~~
Items (a)(i) through (iv) of this Paragraph, shall issue a written and dated
receipt therefor to the person which executed the notice of intention to sell.
In the event any offer is to be made pursuant to this exemption more than
twelve months after the date on which the commissioner issues his receipt
under this Paragraph, then it shall be necessary for the issuer to file with
the commissioner a copy of the prospectus which the issuer is currently
utilizing for the purpose of making such offer and a renewal fee as provided
in ~~R.S. 51:709(5)(c)~~ R.S. 51:706(H). After receiving such prospectus and fee,
the commissioner shall issue a written and dated receipt ~~therefor~~. The issuer
shall be required to comply with these renewal requirements every twelve
months so long as the offering shall continue in this state. The issuance by
the commissioner of any receipt called for by this Paragraph shall not be a
condition to the effectiveness of the exemption provided ~~hereby~~ within the
provisions of this Paragraph.

* * *

(10)~~(a)~~ Any offer, but not a sale, of a security for which a registration
statement has been filed under the Securities Act of 1933, as now or
hereafter amended, if no stop order or refusal order is in effect and no
public proceeding or examination looking toward such an order is pending
under such act.

~~(b) Any offer, but not a sale, of a Tier 1 Regulation A security under
Section 3(b)(2) of the Securities Act of 1933, where the issuer intends to
register the security in multiple states using a coordinated review for these
offerings, and conducts its offering in compliance with federal Regulation A
as promulgated by the Securities and Exchange Commission.~~

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 142

HOUSE BILL NO. 663

BY REPRESENTATIVE THIBAUT
AN ACT

To enact R.S. 22:1569, relative to non-captive insurance producers; to provide
for definitions; to require notice prior to terminating an appointment; to
provide for termination for cause without notice; to provide for payment
of certain commissions; to provide for exceptions to notice; and to provide
for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1569 is hereby enacted to read as follows:

§1569. Limitation on termination of independent insurance producers

A.(1) For the purposes of this Section, “captive insurance producer”
means:

(a) Any licensed insurance producer whose agency contract with an insurance company requires the insurance producer to act exclusively as an agent only for that insurance company or group of insurance companies under common ownership.

(b) A licensed insurance producer whose contract with an insurance company prohibits the producer from selling competitors' products that are the same or similar to products sold by the insurer, but allows the producer to sell other products that do not directly compete with products sold by the insurer.

(2) For purposes of this Section, "non-captive insurance producer" means any licensed insurance producer whose agency contract with an insurance company establishes the insurance producer as an independent contractor with the ability to represent more than one insurance company.

B.(1) No admitted insurance company which is authorized to do business in this state shall terminate the appointment or the agency contract of a non-captive insurance producer without the mutual agreement of the parties in writing at the time of the termination of the agency agreement or without providing at least one hundred eighty days advance written notice, except when the termination is for one of the following reasons which shall constitute "cause" for which an insurer may terminate a producer's appointment without providing such notice:

- (a) Loss of license.
- (b) Cause as set forth in R.S. 22:1554.
- (c) Nonpayment of insurance company premiums due and not in dispute by the producer.
- (d) Withdrawal of the insurance company from this state.
- (e) Violation of any state or federal law or regulation, or violation of any provision of the insurer's contract with the producer that would potentially cause the insurer to be in violation of such laws or regulations.
- (f) Commission of any dishonest or fraudulent act.
- (g) Gross or willful misconduct or negligence by the producer.
- (h) Submission of any document bearing a false or unauthorized signature or containing falsified information.
- (i) Failure to maintain the agent's professional liability coverage required in the agency contract.
- (j) Change in the ownership of the insurance agency.

(2) For purposes of this Section, a reasonable belief by the insurer that any such action has occurred is sufficient to be considered as cause as defined in this Subsection.

C.(1)(a) Any admitted insurance company which is authorized to do business in this state shall, upon issuing the written notice required in Subsection B of this Section of the termination or cancellation of a non-captive insurance producer's contract, permit the renewal of all contracts of insurance written by the non-captive insurance producer until the producer's contract is terminated, subject to the normal underwriting requirements of the insurer.

(b) If the insured fails to meet the current underwriting requirements of the insurer, the insurer shall provide the policyholder with the statutory notice of nonrenewal.

(2) Any insurer renewing contracts of insurance in accordance with this Section shall pay commissions for the renewals to the terminated or cancelled non-captive insurance producer in the same amount and manner as previously paid to the non-captive insurance producer under the terminated or cancelled contract.

- D. The provisions of this Section shall not apply to:
- (1) A captive insurance producer.
 - (2) Insurance companies whose agency contract contains a written provision expressly reserving to the insurer all right, title, and interest to the ownership or use of business written by the insurance producer.
 - (3) Nonadmitted, excess, or surplus lines insurance policies.
 - (4) Individually rated excess insurance policies.
 - (5) Non-captive producers writing life, annuity, and health insurance policies.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 143

HOUSE BILL NO. 672
BY REPRESENTATIVES DAVIS, BAGNERIS, JEFFERSON, AND NORTON
AN ACT

To amend and reenact R.S. 8:655(A), (B)(1), (C), and (D) and R.S. 37:848(B), 876(A), (B), (D), (E), and (F), 877(B)(1)(a)(v) and (b)(ii), and 879(K) and to enact R.S. 8:655(E) and R.S. 37:855 and 876(G), relative to the disposing of human remains; to provide with respect to a decedent's notarial testament; to provide for a change in priority of persons with respect to the right to control interment and the authorized arrangement of cremation; to distinguish adult grandchildren as a priority group of persons; to allow the disposal of certain human remains by certain assistants of certified embalmers; to provide for the right to arrange funeral goods and services; to limit liability of certain persons with respect to the arrangement of funeral goods and services; to require a majority relative to certain surviving family members and the right to authorize cremation; to expressly make certain military provisions applicable to cremation authorizations; to

require the attachment of declarations to cremation authorization forms; to exempt the remains of certain fetuses with respect to provisions requiring identification of human remains; to authorize a representative of a funeral establishment to deliver cremated human remains to authorized persons; to authorize a legal entity to receive cremated human remains; to require funeral establishments and cemetery authorities to retain certain receipts; to provide for other clarifying changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 8:655(A), (B)(1), (C), and (D) are hereby amended and reenacted and R.S. 8:655(E) is hereby enacted to read as follows:

§655. Right of disposing of remains; military personnel; limitation of liability

A. The right to control interment, as defined in R.S. 8:1(26), of the remains of a deceased person, unless other specific directions have been given or the designation of a specific person to control disposition has been made by the decedent in the form of a notarial testament or a written and notarized declaration, vests in and devolves upon the following in the order named the following persons, in the priority listed, have the right to control and authorize the interment of a deceased person, as defined in R.S. 8:1(26):

- (1) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.
- (2) The surviving spouse, if there is no pending petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
- (3) A majority of the surviving adult children of the decedent, not including grandchildren or other more remote descendants.
- (4) A majority of the surviving adult grandchildren of the decedent.
- (5) The surviving parents of the decedent.
- (6) A majority of the surviving adult brothers and sisters siblings of the decedent.

(7) A majority of the surviving adult persons respectively in the next degrees of kindred as established in Civil Code Article 880 et seq.

B.(1) Notwithstanding the provisions of Subsection A of this Section, if the decedent died in a manner described by 10 U.S.C. §1481 (a)(1) through (8) while serving in any branch of the United States Armed Forces, the United States Reserve Forces, or National Guard, and the decedent executed a United States Department of Defense Record of Emergency Data, known as DD Form 93, or its successor form, the right to control interment for the decedent shall devolve upon the Person Authorized to Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93 or its successor form.

* * *

C.(1) In the event that the decedent has made multiple notarial testaments or notarized declarations of interment pursuant to Subsection A of this Section, the testament or declaration, whichever is dated last, shall control.

(2) In the event that the decedent has made one or more notarial testaments or notarized declarations of interment pursuant to Subsection A of this Section, and the decedent executed a DD Form 93 and died in a manner described in Subsection B of this Section, the testament, declaration, or the DD Form 93, whichever is dated last, shall control interment of the decedent's remains.

D. Notwithstanding the provisions of Subsection A of this Section, in the event that the coroner releases the remains of the decedent to an interested person pursuant to R.S. 9:1551(A)(1), such person shall have the right to control the disposition of the remains of the decedent.

E. In the absence of specific directions given by the decedent, if the authorization of the person or persons with the right to control disposition cannot be obtained, a final judgment of a district court shall be required.

Section 2. R.S. 37:848(B), 876(A), (B), (D), (E), and (F), 877(B)(1)(a)(v) and (b)(ii), and 879(K) are hereby amended and reenacted and R.S. 37:855 and 876(G) are hereby enacted to read as follows:

§848. Unlawful practice

* * *

B. Every member of a firm or corporation engaged in the practice of the science of embalming or the business of funeral directing, or both, and the manager of each place of business conducted by such firm or corporation, whose duties engage him directly in the care and preparation, or the supervision of the disposal, burial or disinterment of dead human bodies, shall possess a certificate issued under the provisions of this Chapter. No such firm or corporation shall permit an assistant who is not a certified embalmer under the provisions of this Chapter to care for or prepare for burial or transportation, the body of any person who has died of a communicable disease.

* * *

§855. Right to arrange funeral goods and services

A. The persons in the priority listed in R.S. 8:655 have the right to arrange with a funeral director or funeral establishment for funeral goods and services, as defined in R.S. 37:831(45), in preparation for the disposition of the remains of a decedent.

B. There is no liability for a funeral director, funeral establishment, or any respective employees for following the directions or relying on the representation of a person representing himself to be the person who has the prior right to arrange the funeral goods and services for the remains of a decedent in accordance with Subsection A of this Section.

* * *

§876. Authorizing agent; notarial testaments and notarized declarations

A. The following persons, in the priority listed, ~~shall~~ have the right to serve as an authorizing agent for cremation ~~unless other specific directions have been given by the decedent in the form of a written and notarized declaration:~~

(1) Any person arranging the cremation, if the decedent has given specific directions in the form of a notarial testament or a written and notarized declaration providing for disposition of his remains by cremation.

(2) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.

~~(3) The surviving spouse, if there is no pending petition for divorce has been filed by either spouse prior to the death of the decedent spouse.~~

~~(4) A majority of the surviving adult children of the decedent, not including grandchildren or other more remote descendants.~~

~~(5) A majority of the surviving adult grandchildren of the decedent.~~

~~(6) The surviving parents of the decedent.~~

~~(7) A majority of the surviving adult siblings of the decedent.~~

~~(8) A majority of the surviving adult persons respectively in the next degree of kindred as provided in Civil Code Articles 880 et seq.~~

B. Notwithstanding the provisions of Subsection A of this Section, if ~~H~~ the coroner releases the remains of a decedent to an interested person pursuant to R.S. 9:1551(A)(1), such person may serve as the authorizing agent for cremation.

* * *

D. Notwithstanding the provisions of Subsection A of this Section, in ~~in~~ the case of those individuals whose disposition is the responsibility of the state or any of its instrumentalities, a public administrator, medical examiner, coroner, state-appointed guardian, or any other public official charged with arranging the disposition of the decedent may serve as the authorizing agent.

E. No person ~~shall be~~ is allowed to serve as an authorizing agent when a decedent has left written instructions in a notarial testament or notarized declaration that he does not wish to be cremated.

F.(1) If the decedent died in a manner described by 10 U.S.C. §1481 (a)(1) through (8) while serving in any branch of the United States Armed Forces, the United States Reserve Forces, or National Guard, and the decedent executed a United States Department of Defense Record of Emergency Data, known as DD Form 93, or its successor form, the right to serve as an authorizing agent for cremation shall devolve upon the Person Authorized to Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93 or its successor form.

(2) There is no liability for a cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents of any of them to whom a copy of a DD Form 93 is presented, purportedly executed by the decedent for conduction of a cremation of the decedent's remains, pursuant to the instructions of the PADD as indicated on the DD Form 93, or for relying on the representation of the PADD that the decedent died in a manner described in Paragraph (1) of this Subsection.

G.(1) In the event that the decedent has made multiple notarial testaments or notarized declarations of disposition pursuant to Subsection A of this Section, the last notarized declaration notarial testament or notarized declaration, whichever is dated last, shall control.

(2) In the event that the decedent has made one or more notarial testaments or notarized declarations pursuant to Subsection A of this Section, and the decedent executed a DD Form 93 and died in a manner described in Subsection F of this Section, the notarial testament, declaration, or the DD Form 93, whichever is dated last, shall control the right to serve as an authorizing agent for cremation.

§877. Authorization to arrange cremation; authorization to cremate; refusal to arrange a cremation; refusal to cremate

* * *

B. A crematory authority shall have authority to cremate human remains when they are delivered by the funeral establishment and upon receipt of all of the following:

(1)(a) A cremation authorization form signed by an authorizing agent. Such form shall contain, at a minimum, the following information:

* * *

(v) A representation that the authorizing agent has the right to authorize the cremation of the decedent and that the authorizing agent is not aware of any living person who has a superior or equal priority to that of the authorizing agent. If the authorizing agent is acting pursuant to a notarial testament or a written and notarized declaration made by the decedent, a copy of the testament or declaration shall be attached to the cremation authorization form.

* * *

(b)

* * *

(ii) The cremation authorization form, other than preneed cremation forms, shall also be signed by a funeral director of the funeral establishment arranging the cremation. The funeral director shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. However, the information requested by Item (a)(i) of this Paragraph shall be considered to be a representation of the funeral director or funeral establishment that the human remains delivered to the crematory authority have been identified as the decedent listed on the cremation authorization by the coroner pursuant

to Item (b)(iii) of this Paragraph or positively identified after a viewing of the remains by a person who is the authorizing agent or a member of the class of which the authorizing agent is composed or a designated representative, thereof unless the remains are from a spontaneous fetal death as defined in R.S. 40:32(16), in which case a viewing is not required if written identification is received when such remains are released to the funeral director. The information requested by Item (a)(iii) of this Paragraph shall be considered to be a representation of the funeral director or funeral establishment of any information received by the funeral director or funeral establishment pursuant to ~~R.S. 40:1099.1~~ R.S. 40:1271.2.

* * *

§879. Cremation procedures; pacemakers; cremation retorts; refusal to accept a cremation container; unauthorized persons in crematory; simultaneous cremation of the human remains of multiple persons; cremation residue; packaging and delivery of cremated human remains

* * *

K. Cremated human remains shall be made available by the funeral ~~director establishment~~ or the crematory authority to the ~~individual person or legal entity~~ specified on the cremation authorization form. ~~The funeral director or~~ A representative of the funeral establishment or crematory authority and the ~~individual person or representative of the legal entity~~ receiving the cremated human remains shall sign a receipt indicating the name of the deceased, the date, time, and place of ~~the receipt~~ the person's or representative's receipt of the cremated human remains, and any other information set out in the rules and regulations governing crematories to establish a chain of custody. The crematory authority shall retain a copy of the receipt. A copy of the receipt shall be retained by the funeral establishment or crematory authority whose respective representative delivers the cremated human remains to the person or representative of the legal entity specified on the cremation authorization form. After this delivery, the cremated human remains may be transported in any manner in this state, with a copy of the burial-transit permit, and disposed of in accordance with the provisions of this Chapter.

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

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 144

HOUSE BILL NO. 687

BY REPRESENTATIVES BARRAS AND HUVAL

AND SENATOR MILLS

AN ACT

To designate a portion of Louisiana Highway 86 in Iberia Parish as the “Albert “Al” Broussard Memorial Highway”; to designate a portion of Louisiana Highway 671 in Iberia Parish as the “Arthur Lee Verret Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 86, commonly referred to as Loreauville Road, in Iberia Parish between its intersection with Louisiana Highway 344, commonly referred to as Sugar Oaks Road, just west of the city of New Iberia, and its intersection with Louisiana Highway 320, commonly referred to as Belle Place Olivier Road, just west of the city of New Iberia, shall be hereinafter known and designated as the “Albert “Al” Broussard Memorial Highway”.

Section 2. Louisiana Highway 671 in Iberia Parish commonly referred to as Canal Street shall hereinafter be known and designated as the “Arthur Lee Verret Memorial Highway”.

Section 3. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage of this designation.

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 145

HOUSE BILL NO. 694

BY REPRESENTATIVES MORENO, ABRAHAM, ADAMS, AMEDEE, ANDERS, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BROADWATER, CHAD BROWN, TERRY BROWN, CARPENTER, CHANEY, CROMER, DAVIS, EDMONDS, FOIL, GISCLAIR, GLOVER, HILFERTY, HILL, HODGES, HOFFMANN, HOLLIS, HORTON, HUVAL, LYONS, GREGORY MILLER, PEARSON, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, SCHEXNAYDER, SEABAUGH, TALBOT, WHITE, WILLMOTT, AND

AN ACT

To amend and reenact R.S. 22:1077 and to repeal R.S. 22:272(E) and R.S. 40:2209, relative to required coverage of reconstructive surgeries following mastectomies; to delete the requirement that such coverage be performed under the same policy under which the mastectomy was performed; to specify that such coverage shall be for breast reconstruction procedures selected by the patient in consultation with attending physicians; to provide with respect to covered components of reconstruction; to provide with respect to notices of the availability of such coverage; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1077 is hereby amended and reenacted to read as follows: §1077. Required coverage for reconstructive surgery following mastectomies

A. The legislature hereby finds that approximately three thousand women will be diagnosed with breast cancer each year in Louisiana. Studies documenting breast cancer statistics indicate that Louisiana has the highest mastectomy rate in the nation: fifty-one percent of all women diagnosed with breast cancer will undergo a mastectomy as part of their treatment regimen. Despite laws which require insurers and physicians to inform women that breast reconstruction is an insured surgical option, seven of ten women are not provided this information. The purpose of this Section is to assure that state law mirrors the federal Women's Health and Cancer Rights Act, to extend its application to all health insurance issuers in Louisiana, to stress that decisions regarding the reconstructive procedures to be performed shall be made solely by the patient in consultation with attending physicians, and to clarify that all stages of breast reconstruction as defined pursuant to this Section are medically necessary and shall not be excluded from coverage.

~~A. B. A group health plan, a health insurance insurer providing health insurance coverage in connection with a group health plan, or health insurance coverage. Any health benefit plan offered by a health insurance insurer in the individual market issuer that provides medical and surgical benefits with respect to a partial or full mastectomy shall provide, in the case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, also provide medical and surgical benefits for breast reconstruction, coverage for reconstruction of the breast on which the mastectomy has been performed, coverage for surgery and reconstruction of the other breast to produce a symmetrical appearance, and coverage for prostheses and physical complications, all states of mastectomy, including lymphedemas and such. Such coverage shall be in a manner determined in consultation with the attending physician and the patient, for breast reconstruction procedures selected by the patient in consultation with attending physicians. The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as may be deemed appropriate and as are consistent with those established for other benefits mastectomy procedures under the plan or coverage health benefit plan. Written notice of the availability of coverage shall be delivered to the participant insured or enrollee upon enrollment and annually thereafter as approved by the commissioner of insurance.~~

~~B. C. A group health plan, a health insurance insurer providing health insurance coverage in connection with a group health plan, or health insurance coverage. Any health benefit plan offered by a health insurance insurer in the individual market issuer shall provide notice to each participant and beneficiary insured or enrollee under such plan regarding the coverage required by this Section in accordance with regulations adopted by the department. Department of Insurance. This notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted in one of the following ways, whichever is earlier:~~

- ~~(1) In the next mailing made by the plan or insurer issuer to the participant or beneficiary insured or enrollee.~~
- ~~(2) As part of any yearly annual informational packet sent to the participant or beneficiary insured or enrollee.~~
- ~~(3) Not later than January 1, 2000.~~

~~G. D. A group health plan, a health insurance insurer offering group health insurance coverage in connection with a group health plan, or health insurance coverage. Any health benefit plan offered by a health insurance insurer in the individual market may not issuer shall not: do either of the following:~~

- ~~(1) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this Section.~~
- ~~(2) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce such provider to provide care to an individual participant or beneficiary insured or enrollee in a manner inconsistent with this Section.~~
- ~~(3) Require that the mastectomy procedures and reconstructive procedures be performed under the same policy or plan.~~
- ~~(4) Reduce or limit coverage benefits to a patient for the reconstructive procedures performed pursuant to this Section as determined in consultation with the attending physician and patient.~~

~~D. E. In the case of a group health benefit plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement imposed pursuant to this Section shall not be treated as a termination of the collective bargaining agreement.~~

~~F. For purposes of this Section:~~

~~(1) "Breast reconstruction" means all stages of reconstruction of the breast on which a mastectomy has been performed and on the other breast to produce a symmetrical appearance, including but not limited to liposuction performed for transfer to a reconstructed breast or to repair a donor site deformity, tattooing the areola of the breast, surgical adjustments of the non-mastectomized breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but not limited to lymphedemas.~~

~~(2) "Health benefit plan" means a policy, contract, certificate, or agreement entered into, offered, or issued by a health insurance issuer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" shall not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061 and short-term policies that have a term of less than twelve months.~~

~~(3) "Health insurance issuer" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including through a health benefit plan as defined in this Section, and shall include a sickness and accident insurance company, a health maintenance organization, a preferred provider organization, or any similar entity, or any other entity providing a plan of health insurance or health benefits.~~

Section 2. R.S. 22:272(E) and R.S. 40:2209 are hereby repealed in their entirety.

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 146

HOUSE BILL NO. 730
BY REPRESENTATIVE HILL
AN ACT

To enact R.S. 56:1948.5(67), (68), and (69) and to repeal R.S. 56:1948.5(2), (15), (57), and (60), relative to Louisiana Byways designations; to repeal provisions of law designating certain highways and sections of highways as Louisiana Byways; to designate certain highways and sections of highways as Louisiana Byways; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1948.5(67), (68), and (69) are hereby enacted to read as follows:

§1948.5. Louisiana Byways designations

The following highways and sections of highways are hereby designated as Louisiana Byways:

* * *

(67) Myths and Legends Byway:

(a) US 165 from its intersection with US 190 in Kinder northeast to its intersection with LA 26 in Oberlin in Allen Parish.

(b) LA 26 from its intersection with US 165 in Oberlin northwest to its intersection with US 171 in Allen and Beauregard parishes.

(c) LA 113 from its intersection with LA 26 north to its intersection with LA 10 in Pitkin including its routing through Sugartown in Beauregard and Vernon parishes.

(d) LA 10 from its intersection with US 165 in Oakdale west to its intersection with US 171 south of Pickering including its routing through Elizabeth, Pitkin, Cravens, and Sandy Hill in Allen and Vernon parishes.

(e) LA 458 from its intersection with LA 10 in Pitkin northwest to its intersection with LA 399 in Fullerton in Vernon Parish.

(f) LA 399 from its intersection with LA 10 northeast to its intersection with Fullerton Lake Road, the entrance to Fullerton Lake Campground and Picnic area, including its routing through Fullerton in Vernon Parish.

(g) US 112 from its intersection with LA 113 in Sugartown west to its intersection with US 171 in Beauregard Parish.

(h) US 171 from its intersection with LA 26 west and north to its intersection with LA 10 south of Pickering including its routing through Deridder and Rosepine in Beauregard and Vernon parishes.

(i) US 190 from its intersection with US 171 in Deridder west to the Louisiana-Texas state border including its routing through Merryville in Beauregard Parish.

(j) LA 111 from its intersection with US 190 north to its intersection with LA 8 in Beauregard and Vernon parishes.

(k) LA 8 from its intersection with LA 111 west to the Louisiana-Texas state border in Vernon Parish.

(68) Zydeco Cajun Prairie Scenic Byway:

(a) US 90 from its intersection with LA 35 in Rayne west to its intersection with LA 13 in Crowley in Acadia Parish.

(b) LA 35 from its intersection with US 90 in Rayne north to its intersection with LA 95 in Church Point in Acadia Parish.

(c) LA 95 from its intersection with LA 35 southeast to its intersection with LA 178 in Church Point in Acadia Parish.

(d) LA 178 from its intersection with LA 95 in Church Point east to its intersection with LA 182 in Acadia and St. Landry parishes.

(e) LA 13 from its intersection with US 90 in Crowley north to its intersection with US 167 including its routing through Eunice, Pine Prairie, and Turkey Creek in Acadia, Evangeline, and St. Landry parishes.

(f) LA 370 from its intersection with LA 35 west to its intersection with LA 13 in Acadia Parish.

(g) US 190 from its intersection with LA 105 in Krotz Springs west to its intersection with LA 1157-2 in Basile, including its routing through Port Barre, Opelousas, and Eunice in St. Landry and Evangeline parishes.

(h) LA 1157-2 from its intersection with US 190 north to its intersection with LA 1157-1 in Basile in Evangeline Parish.

(i) LA 3277 from its intersection with US 190 north to its intersection with LA 1157-1 in Basile in Evangeline Parish.

(j) LA 1157-1 from its intersection with LA 3277 west to its intersection with LA 1157-2 in Basile in Evangeline Parish.

(k) LA 182 from its intersection with LA 93 in Sunset west and north to its intersection with LA 103 in Washington including its routing through Opelousas in St. Landry Parish.

(l) LA 93 from its intersection with LA 31 in Arnaudville west to its intersection with LA 182 in Sunset including its routing through Grand Coteau in St. Martin and St. Landry parishes.

(m) LA 31 from its intersection with LA 93 in Arnaudville north to its intersection with LA 103 in Leonville in St. Martin and St. Landry parishes.

(n) LA 103 from its intersection with LA 31 in Leonville north to its intersection with LA 741 in Port Barre in St. Landry Parish.

(o) LA 758 from its intersection with US 190 north to its intersection with LA 29 in St. Landry and Evangeline parishes.

(p) LA 29 from its intersection with LA 758 northeast to its intersection with LA 1174 in Chataignier in Evangeline Parish.

(q) LA 1174 from its intersection with LA 29 north and east to its intersection again with LA 29 all in Chataignier in Evangeline Parish.

(r) LA 105 from its intersection with US 190 in Krotz Springs north to its intersection with LA 10 in Melville in St. Landry Parish.

(s) LA 10 from its intersection with LA 105 in Melville west and south to its intersection with LA 10 in Washington including its routing through Palmetto in St. Landry Parish.

(t) US 167 from its intersection with I-49 west and north to its intersection with LA 3042 in Ville Platte in St. Landry and Evangeline parishes.

(u) LA 3042 from its intersection with US 167 in Ville Platte north to its intersection with LA 106 in Evangeline Parish.

(v) LA 106 from its intersection with I-49 west to its intersection with US 167 in Avoyelles and Evangeline parishes.

(w) US 167 from its intersection with LA 106 northwest and north to its intersection with I-49 including its routing through Turkey Creek in Rapides and Evangeline parishes.

(x) LA 3187 from its intersection with LA 13 west and north to the entrance of Crooked Creek Recreation Area in Evangeline Parish.

(69) Zachary Taylor Parkway - Louisiana's Military History Byway:

(a) LA 10 from the Mississippi state line west through Washington, Tangipahoa, St. Helena, and East Feliciana Parishes.

(b) LA 10 from the West Feliciana Parish line west to the intersection with LA 10 and LA 61.

(c) LA 61 south to the intersection of LA 61 and LA 10 at the John James Audubon Bridge.

(d) LA 10 west continuing over the John James Audubon Bridge into Pointe Coupee Parish to the intersection of LA 10 and LA 1.

(e) LA 1 west through Avoyelles Parish to the intersection of LA 1 and Broadway Avenue in Rapides Parish.

(f) South of Broadway Avenue to the intersection of Broadway and Interstate 49.

Section 2. R.S. 56:1948.5(2), (15), (57), and (60) are hereby repealed in their entirety.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler

Secretary of State

ACT No. 147

HOUSE BILL NO. 806
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 12:1335.1(A), relative to the dissolution by affidavit of a limited liability company; to provide for such dissolution if

the limited liability company does not own immovable property; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1335.1(A) is hereby amended and reenacted to read as follows:

§1335.1. Dissolution by affidavit

A. In addition to all other methods of dissolution, if a limited liability company is no longer doing business, ~~and~~ owes no debts, ~~and owns no immovable property,~~ it may be dissolved by filing an affidavit with the secretary of state executed by the members or by the organizer, if no membership interests have been issued, attesting to such facts and requesting that the limited liability company be dissolved. Thereafter, the members, or the organizer if no membership interests have been issued, shall be personally liable for any debts or other claims against the limited liability company in proportion to their ownership interest in the company.

* * *

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 148

HOUSE BILL NO. 864
BY REPRESENTATIVE LEBAS
AN ACT

To enact R.S. 22:1860.2, relative to pharmacy claims fees; to prohibit health insurance issuers and pharmacy benefit managers from assessing certain such fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1860.2 is hereby enacted to read as follows:

§1860.2. Certain pharmacy claims fees prohibited

A. A health insurance issuer or a pharmacy benefit manager may not directly or indirectly charge or hold a pharmacist or pharmacy responsible for any fee related to a claim:

(1) That is not apparent at the time of claim processing.

(2) That is not reported on the remittance advice of an adjudicated claim.

(3) After the initial claim is adjudicated.

B. For purposes of this Section, “pharmacy benefit manager” means a person, other than a pharmacy or pharmacist, who acts as an administrator in connection with pharmacy benefits.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 149

HOUSE BILL NO. 868
BY REPRESENTATIVE HUNTER AND SENATOR THOMPSON
AN ACT

To enact R.S. 17:81(AA), relative to extracurricular sports offered by public schools; to authorize public school governing authorities to require a minimum number of coaching staff for each sport to have certain health training certifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as the “Cole Tracey Act”.

Section 2. R.S. 17:81(AA) is hereby enacted to read as follows:

§81. General powers of local public school boards

* * *

(AA) The governing authority of each public school may require that at least one member of the coaching staff for each extracurricular sport offered by the school is certified in cardiopulmonary resuscitation, first aid, and the use of an automated external defibrillator.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 150

HOUSE BILL NO. 894
BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 15:745.2(D), relative to the reentry of offenders who are housed in parish jails; to provide relative to the Offender Reentry Support Pilot Program; to provide for the reporting of program results; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:745.2(D) is hereby amended and reenacted to read as follows:

§745.2. Offender Reentry Support Pilot Program; establishment; participating correctional institution; content; administration; implementation; reporting

* * *

D. Within twenty-four months following initial implementation of the “Offender Reentry Support Pilot Program”, the sheriff shall submit to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C a comprehensive report regarding the implementation of the pilot program, funding obtained for its implementation, the progress of offenders and ex-offenders under the program, and a recommendation for continuation, expansion, or termination of the program. The sheriff shall provide an additional report to the committees listed in this Subsection prior to the 2018 Regular Session and thereafter as the committees require.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 151

HOUSE BILL NO. 899
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 17:1990(C)(2)(a)(iii)(bb) and (cc), relative to funding of the Recovery School District; to provide with respect to the amount of local funds to be remitted by the Orleans Parish School Board; to provide relative to local revenue exclusions applicable to the Orleans Parish School Board; to provide with respect to the applicability of such exclusions; 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. 17:1990(C)(2)(a)(iii)(bb) and (cc) are hereby amended and reenacted to read as follows:

§1990. Recovery School District; creation; governance; operation

* * *

C.

* * *

(2)(a)

* * *

(iii)

* * *

(bb) The total amount of the exclusions provided for in Subitem (aa) of this Item shall not exceed ~~six~~ three million dollars annually. Actual expenditures in excess of ~~six~~ three million dollars in any year shall be carried forward for recapture in future years, if available.

(cc) The exclusions provided for in Subitem (aa) of this Item shall expire upon the extinguishment of the costs associated therewith, upon any action of the board to reduce the constitutional millage from the level in effect for Fiscal Year 2009-2010, except as required pursuant to a property reassessment, ~~twelve months following the full settlement of Orleans Parish School Board Special Community Disaster Loans, or on June 30, 2030, twenty tax years from the roll forward millage adoption,~~ whichever occurs first.

* * *

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 152

HOUSE BILL NO. 911
BY REPRESENTATIVE TERRY BROWN
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Grant Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The secretary of the Department of Transportation and Development, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Grant Parish Police Jury:

A certain piece or parcel of land located in part of the northwest 1/4 of the southeast 1/4 of Section 29, T6N-R2W, North of the Red River Land District, Grant Parish, Louisiana.

Commencing at a ½” iron rod at the intersection of northerly right of way of La. 492 and westerly line of the NW1/4 of the SE1/4 of Section 29, T6N-R2W; thence proceed South 00 degrees 28 minutes 02 seconds West a distance of 83.05 feet to a point on the southerly right of way of La 492; thence proceed along the right of way South 73 degrees 57 minutes 54 seconds East a distance of 407.13 feet to the point of beginning; thence continue along the right of way along a curve to the left having a radius of 368.31 feet, whose length is 294.24 feet and whose chord length is 286.48 feet and bears North 69 degrees 45 minutes 59 seconds East to a point and corner; thence proceed South 47 degrees 51 minutes and 15 seconds East a distance of 515.62 feet to a point and corner; thence proceed along a curve to the left having a radius of 1870.10 feet, whose length is 464.75 feet and whose chord length is 463.56 feet and bears North 66 degrees 50 minutes 44 seconds West to a point and corner; thence proceed North 73 degrees 57 minutes 54 seconds West a distance of 233.99 feet to the point of beginning.

All of which comprises Tract 2 as shown on a plat of survey by LA DOTD dated March 8, 2016, for the state of Louisiana, and contains an area of 1.117 acres.

Section 2. The secretary of the Department of Transportation and Development is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Department of Transportation and Development and the Grant Parish Police Jury, in exchange of consideration proportionate to the appraised value of the property.

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 153

HOUSE BILL NO. 913
BY REPRESENTATIVE CARPENTER AND
SENATOR BARROW
AN ACT

To enact Children’s Code Article 581(A)(9), relative to the Child Protection Representation Commission; to provide for the membership of the commission; to add the chairwoman of the Louisiana Legislative Women’s Caucus or her designee as a commission member; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 581(A)(9) is hereby enacted to read as follows:

Art. 581. Child Protection Representation Commission; establishment; purpose and functions

A. The Child Protection Representation Commission, referred to hereinafter as the “commission”, is hereby established for the purpose of reviewing the system of representation of children and indigent parents in child protection cases as provided in Chapters 5 and 6 of this Title. The commission shall be composed of the following members:

* * *

(9) The chairwoman of the Louisiana Legislative Women’s Caucus or her designee.

* * *

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 154

HOUSE BILL NO. 966
BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 29:295(C), relative to burials at state veterans cemeteries; to provide for fees for such burials; to provide authority for the waiving of burial fees; to provide relative to use of funds generated from burial fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:295(C) is hereby amended and reenacted to read as follows:

§295. Louisiana veterans cemeteries

* * *

C. The department may charge a fee of seven hundred forty-five dollars for burials in a cemetery operated under pursuant to this Section and may promulgate rules for the assessment of the fee department to waive the fee, or any portion thereof, for financial hardship as defined and set forth in the rules promulgated by the department. The department may use the funds generated from the collection of burial fees to pay for costs associated with the operation of the cemeteries.

* * *
Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 155

HOUSE BILL NO. 969
BY REPRESENTATIVES COX, BAGLEY, HENSGENS, HOFFMANN,
HORTON, MIKE JOHNSON, MAGEE, AND DUSTIN MILLER
AN ACT

To enact R.S. 40:2011 and 2166.9, relative to immunizations for adults; to require the Department of Health and Hospitals to provide educational information on shingles and pneumonia; to require nursing homes and adult residential care providers to disseminate educational information on shingles and pneumonia; to establish the minimum content of the information; to provide for interpretations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2011 and 2166.9 are hereby enacted to read as follows:
§2011. Immunization information; shingles; pneumonia
A. No later than September first of each year and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, the Department of Health and Hospitals shall provide licensed nursing homes with educational information on zoster, also known as shingles. The educational information shall include, at a minimum, the risks associated with shingles and how to protect oneself against the varicella-zoster virus. The licensed nursing homes shall disseminate this information to their residents.
B. No later than September first of each year and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, the Department of Health and Hospitals shall provide licensed nursing homes with educational information on pneumonia. The educational information shall include, at a minimum, the risks associated with pneumonia and the availability of the pneumococcal immunization. The licensed nursing homes shall disseminate this information to their residents.

C. Nothing in this Section shall be construed to require any licensed nursing home to provide or pay for any immunization against the varicella-zoster virus or pneumonia.
D. The Department of Health and Hospitals shall provide the educational information required by Subsections A and B of this Section through the posting of a link to its website where the information can be downloaded by the licensed nursing homes.

* * *
§2166.9. Immunization information; shingles; pneumonia
A. No later than September first of each year and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, the Department of Health and Hospitals shall provide licensed adult residential care providers with educational information on zoster, also known as shingles. The educational information shall include, at a minimum, the risks associated with shingles and how to protect oneself against the varicella-zoster virus. The licensed adult residential care providers shall disseminate this information to their residents.
B. No later than September first of each year and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, the Department of Health and Hospitals shall provide licensed adult residential care providers with educational information on pneumonia. The educational information shall include, at a minimum, the risks associated with pneumonia and the availability of the pneumococcal immunization. The licensed adult residential care providers shall disseminate this information to their residents.
C. Nothing in this Section shall be construed to require any adult residential care provider to provide or pay for any immunization against the varicella-zoster virus or pneumonia.
D. The Department of Health and Hospitals shall provide the educational information required by Subsections A and B of this Section through the posting of a link to its website where the information can be downloaded by the licensed adult residential care providers.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 156

HOUSE BILL NO. 1003
BY REPRESENTATIVE ZERINGUE
AN ACT

To enact R.S. 47:463.188, relative to motor vehicle special prestige license plates; to provide for the “K9s4COPS” special prestige license plate; to provide for 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; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.188 is hereby enacted to read as follows:
§463.188. Special prestige license plate; “K9s4COPS”
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 “K9s4COPS” plate, provided there is a minimum of one thousand applicants for such plates. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, and vans.
B. The secretary shall work in conjunction with the executive director of K9s4Cops to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3).
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 K9s4COPS. The monies received from the royalty fees shall be used to place fully trained canines in law enforcement agencies and schools in the state of Louisiana.
F. The secretary shall adopt rules and regulations as are necessary to implement the provisions of this Section.

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 157

HOUSE BILL NO. 1015
BY REPRESENTATIVE BERTHELOT AND
SENATOR THOMPSON
AN ACT

To amend and reenact R.S. 40:1563(L)(2), relative to certain rule making authority of the Department of Health and Hospitals; to redesignate such rule making authority from the Department of Health and Hospitals to the state fire marshal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1563(L)(2) is hereby amended and reenacted to read as follows:
§1563. Powers and duties generally; use of deputies; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees

* * *
L.
* * *
(2) ~~In consultation with the state fire marshal, the~~ Department of Health and Hospitals, ~~the state fire marshal~~ shall develop and promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Subsection. The rules shall be applicable to both public and private entities.

* * *
Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 158

HOUSE BILL NO. 1136
(Substitute for House Bill No. 394 by Representative Lopinto)
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 40:41(B), relative to vital records; to authorize the disclosure of data from birth and death certificates to law enforcement; and to provide for related matters.

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

§41. Disclosure of records

* * *

B.(1)(a) Disclosure of confidential birth information from which can be determined whether the child was born of or outside of marriage may be made only upon order of the court in any case where that information is necessary for the determination of personal or property rights and then only for that purpose. Upon receiving an order from the court, the vital records registrar shall file a copy of the birth certificate, marked for judicial purposes only, under seal in the records of the clerk of court. The judge presiding over the matter may review the birth certificate in chambers and may use the birth certificate within his discretion during the course of the proceedings. No copies of the birth certificate ~~may~~ shall be issued by the court to the litigants in the proceeding. The birth certificate ~~must~~ shall be destroyed at the conclusion of the proceedings after all appeal delays have lapsed.

~~(b) This Section~~ The provisions of Subparagraph (a) of this Paragraph shall not apply in any case where any ~~sheriff, member of law enforcement,~~ United States attorney, attorney general, or district attorney makes written request to the state registrar. Upon receipt of such written request, ~~such the~~ registrar shall make disclosure to any ~~sheriff, member of law enforcement,~~ United States attorney, attorney general, or district attorney requesting same, of the contents of birth records in the registrar's custody.

(2)(a) Disclosure of confidential death certificate information may be made only upon order of the court in any case where a judge orders that information is necessary for the resolution of the proceeding and then only for that purpose. Upon receiving an order from the court, the vital records registrar shall file a copy of the death certificate, marked for judicial purposes only, under seal in the records of the clerk of court. The judge presiding over the matter may review the death certificate in chambers and may use the death certificate within his discretion during the course of the proceedings. No copies of the death certificate ~~may~~ shall be issued by the court to the litigants in the proceeding. The death certificate ~~must~~ shall be destroyed at the conclusion of the proceedings after all appeal delays have lapsed.

~~(b) This Section~~ The provisions of Subparagraph (a) of this Paragraph shall not apply in any case where any ~~sheriff, member of law enforcement,~~ United States attorney, attorney general, public administrator, or district attorney makes a written request to the state registrar. Upon receipt of such written request, ~~such the~~ registrar shall make disclosure to any ~~sheriff, member of law enforcement,~~ United States attorney, attorney general, public administrator, or district attorney requesting same, of the contents of the death certificate in the registrar's custody.

* * *

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 159

SENATE BILL NO. 4
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 11:703, relative to the timing of board of trustees meetings at Teachers' Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:703 is hereby amended and reenacted to read as follows:
§703. Domicile of board; meetings

A. The system and its board of trustees shall be domiciled in the parish of East Baton Rouge.

B. The board of trustees shall meet in regular session at least ~~once each month~~ ten times each calendar year. The chairman may call special meetings and shall call a special meeting upon the request of a majority of the total members of the board.

Section 2. This Act shall become effective on June 30, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 160

SENATE BILL NO. 14
BY SENATOR MORRISH
AN ACT

To enact R.S. 11:411(12), relative to the Louisiana State Employees' Retirement System; to provide for system membership; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:411(12) is hereby enacted to read as follows:

§411. Eligibility for membership

The membership of this system shall be as follows:

* * *

(12) Employees of the Chenier Plain Coastal Restoration and Protection Authority.

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. Following the effective date of this Act, the board of commissioners of the Chenier Plain Coastal Restoration and Protection Authority may adopt a resolution declaring the authority to be a participating employer in the Louisiana State Employees' Retirement System. Such resolution shall be adopted on or before September 30, 2016, and the executive director of the system shall be provided with a copy of such resolution. Contributions to the system and accrual of benefits shall begin with the first pay period following the system's receipt of the resolution. If the resolution is not adopted on or before September 30, 2016, the provisions of this Act shall be null and void.

Section 4. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 161

SENATE BILL NO. 15
BY SENATOR MILLS
AN ACT

To enact R.S. 11:411(12), relative to the Louisiana State Employees' Retirement System; to provide for system membership; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:411(12) is hereby enacted to read as follows:

§411. Eligibility for membership

The membership of this system shall be as follows:

* * *

(12) Employees of the Iberia Parish Levee, Hurricane, and Conservation District.

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. Following the effective date of this Act, the board of commissioners of the Iberia Parish Levee, Hurricane and Conservation District may adopt a resolution declaring the district to be a participating employer in the Louisiana State Employees' Retirement System. Such resolution shall be adopted on or before September 30, 2016, and the executive director of the system shall be provided with a copy of such resolution. Contributions to the system and accrual of benefits shall begin with the first pay period following the system's receipt of the resolution. If the resolution is not adopted on or before September 30, 2016, the provisions of this Act shall be null and void.

Section 4. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 162

SENATE BILL NO. 27
BY SENATOR JOHN SMITH
AN ACT

To amend and reenact R.S. 22:1762, 1763(A), and 1766(A) and (B), relative to motor vehicle rental insurers; to provide with respect to limited licensing; to authorize employees and authorized agents to be licensed under a limited licensee's license when acting for or on behalf of a limited licensee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1762, 1763(A), and 1766(A) and (B) are hereby amended and reenacted to read as follows:

§1762. Definitions

As used in this Part, the following words are defined as follows:

(1) **"Authorized agent" means an agent or representative authorized by the limited licensee to act individually on behalf, and under the supervision, of the**

limited licensee to offer or sell insurance in connection with and incidental to the rental of vehicles.

- (2) "Commissioner" ~~shall mean~~ means the commissioner of insurance.
- (2)(3) "Department" ~~shall mean~~ means the Department of Insurance.
- (3)(4) "Limited licensee" means a person or entity authorized to sell certain coverages relating to the rental of vehicles pursuant to the provisions of this Part.
- (4)(5) "Rental agreement" means any written agreement setting forth the terms and conditions governing the use of a vehicle provided by the rental company for rental or lease.
- (5)(6) "Rental company" means any person or entity in the business of providing primarily private passenger vehicles to the public under a rental agreement for a period not to exceed ninety days.
- (6)(7) "Rental period" means the term of the rental agreement.
- (7)(8) "Renter" means any person obtaining the use of a vehicle from a rental company under the terms of a rental agreement for a period not to exceed ninety days.
- (8)(9) "Vehicle" or "rental vehicle" means a motor vehicle of the private passenger type including passenger vans, minivans, and sport utility vehicles, and of the cargo type including but not limited to cargo vans, pickup trucks and trucks with a gross vehicle weight of less than twenty-six thousand pounds and which do not require the operator to possess a commercial driver's license.

§1763. Limited licensing; fees

A. The commissioner may issue to a rental company, whether such rental company is a foreign or domestic company, that has complied with the requirements of this Part, a limited license authorizing the limited licensee and its employees and authorized agents to offer or sell insurance in connection with the rental of vehicles. Each such employee and authorized agent shall be deemed to be licensed under the limited licensee's license when acting for or on behalf of the limited licensee.

* * *

§1766. Authorized employees and agents

A. Any limited license issued under this Part shall also authorize any ~~employee~~ employees and any authorized agents of the limited licensee to act individually on behalf, and under the supervision, of the limited licensee with respect to the kinds of coverage specified in this Part.

B. Each rental company licensed pursuant to this Part shall conduct a training program in which employees and authorized agents being trained shall receive basic instruction about the kinds of coverage specified in this Part and offered for purchase by prospective renters of rental vehicles.

* * *

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 163

SENATE BILL NO. 48
BY SENATOR ALLAIN
AN ACT

To enact R.S. 33:4562.4, relative to St. Mary Parish; to authorize the governing authorities for the parish of St. Mary, the town of Berwick and Recreational District No. 3 of St. Mary Parish to enter contracts for certain services; to provide relative to taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4562.4 is hereby enacted to read as follows:

§4562.4. St. Mary Parish; contracts; taxes

Notwithstanding any provision of law to the contrary, the governing authorities for the parish of St. Mary, the town of Berwick and Recreational District No. 3 of St. Mary Parish may enter into a written contract assigning the town the obligation to provide service in the area of the district annexed by the town. The contract shall include but not be limited to:

(1) Provisions that the district shall continue to levy and collect taxes within the boundaries of the town existing as of July 1, 2016, for the retirement of any outstanding tax-secured bonds of the district existing as of July 1, 2016.

(2) Provisions that, during the time the contract is effective, the district shall not levy maintenance taxes authorized prior to the effective date of the contract within the boundaries of the town existing as of July 1, 2016.

(3) Provisions that, during the time the contract is effective, the district shall not levy or collect any new maintenance taxes within the boundaries of the town existing as of July 1, 2016.

(4) Provisions that, during the time the contract is effective, if the district issues any tax-secured bonds, the assessed valuation of any properties within the boundaries of the town existing as of July 1, 2016, shall not be used in computing the capacity of the district to issue such bonds.

(5) Provisions that taxes shall not be levied or collected affecting any properties within the boundaries of the town existing as of July 1, 2016, for the retirement of new bonds of the district issued while the contract is effective, other than bonds issued to refinance bonds of the district outstanding as of July 1, 2016, and further provides that any refinanced bonds shall not have an expiration date that extends beyond March 1, 2025.

(6) Provisions authorizing the St. Mary Parish Council, the town of Berwick, and Recreational District No. 3 of St. Mary Parish to change boundaries of the district so as to exclude any properties that are within the boundaries of the town existing as of July 1, 2016, provided the changed boundaries do not violate any tax-secured bonds of the district outstanding as of July 1, 2016, or refinanced bonds issued to refinance such bonds, provided any refinanced bonds shall not have an expiration date that extends beyond March 1, 2025.

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

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 164

SENATE BILL NO. 68
BY SENATOR WALSWORTH
AN ACT

To amend and reenact the introductory paragraph of R.S. 24:973.1(B)(1) and R.S. 24:973.1(B)(1)(a) and (b) and (3), (E)(5), and (F)(1) and (2), relative to the Legislative Youth Advisory Council; to provide for council membership and for advisors to the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 24:973.1(B)(1) and R.S. 24:973.1(B)(1)(a) and (b) and (3), (E)(5), and (F)(1) and (2) are hereby amended and reenacted to read as follows:

§973.1. Legislative Youth Advisory Council; purpose, membership, duties, administration, report, and student privacy

* * *

B. Membership. (1) The council shall consist of ~~twenty-one youth~~ thirty-one members appointed by the Louisiana Commission on Civic Education as follows:

(a) ~~Two youth~~ Three members shall be appointed from each congressional district and the remaining members from the state at large in a manner which reflects the diversity of the state to the greatest extent practicable.

(b) ~~Youth members~~ Members shall be selected pursuant to an application process as provided in Paragraph (2) of this Subsection and shall possess the qualifications as provided in Subsection C of this Section.

* * *

(3) The following persons shall serve as ~~advisory, nonvoting members of~~ advisors to the council:

(a) A member of the Senate, appointed by the president.

(b) A member of the House of Representatives, appointed by the speaker.

(c) The chairman of the Louisiana Commission on Civic Education.

(d) The state superintendent of education, or his designee.

(e) ~~Up to seven persons, as may be designated by the commission, who have completed high school and are nineteen years of age or younger.~~

(f) ~~A representative of the Council of Student Body Presidents.~~

* * *

E. Duties. The council shall have the following duties and responsibilities:

* * *

(5) To submit an annual report by ~~May~~ June thirtieth of each year of its activities, including any recommendations for proposed legislation, to the governor, the Senate and House committees on education, and the commission.

F. Council administration. (1)(a) ~~There shall be a legislative chair and a youth chair of the council; however, the~~ The chairman of the Louisiana Commission on Civic Education shall call the first meeting of the council ~~and shall serve as co-chair during the first year. Thereafter, the responsibility for presiding as a co-chair of the council shall rotate annually between the two advisory members from the Senate and the House of Representatives after selection of members each year.~~

(b) ~~Youth officers~~ Officers shall be elected at the first meeting of ~~the council~~ each calendar year, including a president who shall serve as co-chair, and a vice president, secretary, communications officer, and historian. All officers shall be elected by the ~~voting~~ members of the council and shall serve for a term of one year. Any vacancy in an office shall be filled with an election by the ~~voting~~ members of the council for the remainder of the unexpired term.

(2) Members of the council shall serve without compensation, except ~~legislative advisory members~~ each appointed legislator advisor shall receive mileage and per diem from his respective house at the rate established by the legislature when attending meetings of the council.

* * *

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

Approved by the Governor, May 19, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 165

SENATE BILL NO. 87
BY SENATOR JOHN SMITH
AN ACT

To designate the interchange of Interstate 10 with United States Highway 171 in Calcasieu Parish as the “Louisiana State Master Trooper Stephen H. Gray Memorial Interchange”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The interchange of Interstate 10 with United States Highway 171 in Calcasieu Parish shall be hereinafter known and designated as the “Louisiana State Master Trooper Stephen H. Gray Memorial Interchange”.

Section 2. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 166

SENATE BILL NO. 126
BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 6:314(A) and 766.1(A), relative to payable on death accounts; to provide for acts under private signature; to provide for certain procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:314(A) and 766.1(A) are hereby amended and reenacted to read as follows:

§314. Trust deposits; death of depositor, payment

A. Upon the death of a depositor who has deposited a sum in any bank account evidencing an intention that upon the death of the depositor, the funds shall belong to one or more named beneficiaries of the depositor, the bank may pay the deposit, together with the dividends or interest accruing thereto, to the named beneficiaries for whom the deposit was made. The depositor shall give to the depository bank an affidavit in authentic form or an act under private signature executed in the presence of an officer or a branch manager of the depository bank and two additional persons, stating the names of one or more beneficiaries. The bank may conclusively rely on this affidavit or act for the disbursal of funds. Upon receiving a death certificate, the bank may disburse funds to the named beneficiaries.

* * *

§766.1. Payable on death accounts

A. Upon the death of a depositor who has deposited a sum in any account evidencing an intention that upon the death of the depositor, the funds shall belong to one or more named beneficiaries of the depositor, the association may pay the deposit, together with the dividends or interest accruing thereto, to the named beneficiaries for whom the deposit was made. The depositor shall give to the association an affidavit in authentic form or an act under private signature executed in the presence of an officer or a branch manager of the association and two additional persons, stating the names of one or more beneficiaries. The association may conclusively rely on this affidavit or act for the disbursal of funds. Upon receiving a death certificate, the association may disburse funds to the named beneficiaries.

* * *

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 167

SENATE BILL NO. 128
BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 9:4757(5) and 4759(3), (4), (5), (8), (9), (10), and (11) and to enact R.S. 9:4757(6), (7), and (8), and 4759(12), (13), and (14), relative to self-service storage facilities; to provide for definitions; to provide for liens and privileges; to provide for notices; to provide for advertisements; to provide relative to late fees and reasonable charges; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:4757(5) and 4759(3), (4), (5), (8), (9), (10), and (11) are hereby amended and reenacted and R.S. 9:4757(6), (7), and (8) and 4759(12), (13), and (14) are hereby enacted to read as follows:

§4757. Definitions

As used in this Part, unless the context clearly requires otherwise:

* * *

(5) “Last known address” means that the mailing address or the electronic mail address provided by the lessee in the ~~most recent latest~~ rental agreement or the mailing address or the electronic mail address provided by the lessee in a subsequent written notice of a change of address.

(6) “Electronic mail” means an electronic message that is transmitted between two or more telecommunications devices, computers, or electronic devices capable of receiving electronic messages, whether or not the message is converted to printed format after receipt or is viewed upon transmission or stored for later retrieval. “Electronic mail” includes electronic messages that are transmitted through a local, regional, or global computer network.

(7) “Electronic mail address” means a destination, commonly expressed as a string of characters, to which electronic mail can be sent or delivered. An “electronic mail address” may include a user name or mailbox and a reference to an Internet domain.

(8) “Verified mail” means any method of mailing that is offered by the United States Postal Service or a private delivery service that provides evidence of mailing.

* * *

§4759. Options of owner upon lessee’s default

In the event of default by the lessee, the owner of a self-service storage facility has the option to enforce judicially all of his rights under the rental agreement, including, if the agreement so provides, his right to accelerate all rentals that will become due in the future for the full term of the lease or to cancel the lease and enforce his privilege for the debt due him, as follows:

* * *

(3) The notice shall be delivered in person to the lessee or sent by ~~certified mail to the last known address of the lessee~~ verified mail to the last known address of the lessee, and electronic mail if the email address is provided by the lessee in the rental agreement.

(4) The notice shall include:

~~(a) A copy of any written rental agreement between the owner and defaulting lessee, or, if the rental agreement is verbal, a summary of its terms and conditions;~~

~~(b) An itemized statement of the owner’s claim, showing the sum due at the time of the notice and the date when the sum became due.~~

~~(c) A brief and general description of the movable property upon which a privilege is claimed. The description shall be reasonably adequate to permit the person notified to identify it, except that any container, including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents;~~

~~(d)(b) Notification that the lessee has been or shall be denied access to the movable property, if such denial is permitted under the terms of the rental agreement, with the name, street address, and telephone number of the owner or his designated agent whom the lessee may contact to respond to the notice.~~

~~(e)(c) A demand for payment within a specified time not less than ten days after the date of mailing or delivery of the notice.~~

~~(f)(d) A statement that the contents of the lessee’s rented space are subject to the owner’s privilege and that, unless the claim is paid within the time stated in the notice, the movable property is to be advertised for sale or other disposition and to be sold or otherwise disposed of to satisfy the owner’s privilege for rent due and other charges at a specified time and place.~~

~~(5)(a) Actual receipt of the notice made pursuant to this Section shall not be required. Within ten days after receipt of the notice, or within ten days after its mailing whichever is earlier~~ At least ten days after its mailing, or at least ten days after the date by which payment is demanded, whichever is later, an advertisement of the sale or other disposition of movable property subject to the privilege shall be published on at least one occasion in a newspaper of general circulation where the self-service storage facility is located and the owner of a self-service storage facility may publish an advertisement of the sale on a publicly accessible website that conducts personal property auctions.

~~(b) The advertisement shall include:~~

~~(a)(i) A brief and general description of the movable property reasonably adequate to permit its identification as provided for in Paragraph (4)(c) of this Section~~ by the lessee, except that any container, including but not limited to a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents, may be described as such without describing its contents.

~~(b)(ii) The address of the self-service storage facility and the number, if any, of the space where the movable property is located and the name of the lessee.~~

~~(c)(iii) The time, place, and manner of the sale or other disposition.~~

* * *

(8) Any sale or other disposition of the movable property shall be held at the self-service storage facility, ~~or at the nearest suitable place to where the movable property is held or store~~ stored, as indicated in the notice required herein, or on a publicly accessible website that conducts personal property auctions. The owner shall sell the movable property to the highest bidder, if any. If there are no bidders, the owner may purchase the movable property for a price at least sufficient to satisfy his claim for rent due and all other charges, or he may donate the movable property to charity.

(9) If the property upon which the lien is claimed is a motor vehicle, watercraft, or trailer, and rent and other charges remain unpaid for sixty days,

the owner may have the property towed in lieu of foreclosing on the lien. If a motor vehicle, watercraft, or trailer is towed pursuant to the provisions of this Paragraph, the owner shall not be liable for the motor vehicle, watercraft, or trailer or for any damages to the motor vehicle, watercraft, or trailer once the tower takes possession of the property. Any tower shall be licensed pursuant to the Louisiana Towing and Storage Act, R.S. 32:1711 et seq.

(10) Prior to any sale or other disposition of movable property to enforce the privilege granted by this Section, the lessee may pay the amount necessary to satisfy the privilege, including all reasonable expenses incurred under this Section, and thereby redeem the movable property. Upon receipt of such payment, the owner shall have no liability to any person with respect to such movable property.

(11) A purchaser in good faith of movable property sold by an owner to enforce the privilege granted herein takes the property free of any claims or rights of persons against whom the privilege was valid, despite noncompliance by the owner with the requirements of this Section.

(12) In the event of a sale held pursuant to this Section, the owner may satisfy his privilege from the proceeds of the sale, but shall hold the balance, if any, as a credit in the name of the lessee whose property was sold. The lessee may claim the balance of the proceeds within two years of the date of sale, without any interest thereon, and if unclaimed within the two-year ~~two-year~~ period, the credit shall become the property of the owner, without further recourse by the lessee. If the sale or other disposition of movable property made pursuant to this Part does not satisfy the owner's claim for rent due and other charges, the owner may proceed by ordinary proceedings to collect the balance owed.

(13) A reasonable late fee may be imposed and collected by an owner for each period that a lessee does not pay rent when due under the rental agreement, provided the amount of the late fee and the conditions for imposing such fee are stated in the rental agreement or in an addendum to that agreement. For purposes of this Paragraph, a late fee of twenty dollars or twenty percent of the monthly rent, whichever is greater, shall be deemed reasonable and shall not constitute a penalty. Any reasonable expense incurred as a result of rent collection or lien enforcement by an owner may be charged to the lessee in addition to late fees.

(14) If the rental agreement contains a limit on the value of property stored in the lessee's storage space, such limit shall be deemed to be the maximum value of the property stored in that space and the lessor shall not be liable for any claims in excess of any such stated value.

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 168

SENATE BILL NO. 151
BY SENATOR CLAITOR
AN ACT

To repeal R.S. 42:261(E), relative to public officials; to repeal provisions providing liability for attorney fees on a party who files certain types of legal actions against a public official when the party is unsuccessful; to delete provisions providing a right to the defendant public official to require the plaintiff party to file a bond to cover such attorney fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:261(E) is hereby repealed.

Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S. 42:261(F) through (K) as R.S. 42:261(E) through (J) and to redesignate the reference to R.S. 42:261(K) in R.S. 17:3025(A) to R.S. 42:261(J).

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 169

SENATE BILL NO. 159
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 48:2078(A), relative to the Louisiana Transportation Authority; to authorize the authority to undertake certain projects in the Louisiana Statewide Transportation Plan; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:2078(A) is hereby amended and reenacted to read as follows:

§2078. State-designated projects; department approval

A. The authority may, upon obtaining the approval of the department, undertake a state-designated project for a transportation improvement designated as a Priority “A” or “B” Megaproject in the 2015 Louisiana Statewide Transportation Plan prepared by the department as a project under this Chapter.

* * *

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

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 170

SENATE BILL NO. 220
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 12:1333(A) and (D), relative to powers of estate of a deceased or incompetent member; to provide certain terms, conditions, procedures, requirements, and effects; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1333(A) and (D) are hereby amended and reenacted to read as follows:

§1333. Powers of estate of a deceased or incompetent member

A. If Except as otherwise provided in the articles of organization or a written operating agreement, if a member who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the member's membership ceases and the member's executor, administrator, guardian, conservator, or other legal representative shall be treated as an assignee of such member's interest in the limited liability company.

* * *

D. If Except as otherwise provided in the articles of organization or a written operating agreement, if a member is a corporation, trust, or other entity and is dissolved or terminated, the member's membership ceases and the member's legal representative or successor shall be treated as an assignee of such member's interest in the limited liability company.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 171

SENATE BILL NO. 234
BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 6:966.1(B), relative to the Additional Default Remedies Act; to provide relative to additional default remedies by certain debtors under certain secured transactions; to provide for the “Notice of Repossession”; to provide that no additional fees may be assessed for filing of the “Notice of Repossession”; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:966.1(B) is hereby amended and reenacted to read as follows:

§966.1. Notice of repossession; contents; fees

* * *

B. Within three business days of taking possession of collateral, the secured party shall deliver in person or send by mail a payment of seventy-five dollars to the recorder of mortgages and two hundred fifty dollars to the appropriate official for each “Notice of Repossession” filed. If the payment is sent by mail, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service or private delivery service. Notwithstanding any other provision of law to the contrary, the recorder of mortgages shall not assess any additional fees for the filing of the “Notice of Repossession”.

* * *

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 172

SENATE BILL NO. 235
BY SENATOR CARTER AND REPRESENTATIVE GARY CARTER
AN ACT

To amend and reenact R.S. 33:2740.27(K), relative to the Algiers Development District in Orleans Parish; to provide relative to the powers and duties of the district; to authorize the legislative auditor to audit contracts the district enters for certain purposes; to provide limitations; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.27(K) is hereby amended and reenacted to read as follows:

§2740.27. The Algiers Development District; creation, composition, and powers; levy of ad valorem taxes and issuance of bonds

* * *

K.~~(1)~~ The district may enter into contracts with any private entity for the purpose of development within the boundaries of the district. ~~No such private entity shall be considered a public or quasi-public entity or a public body as a result of entering into a contract with the district. No such private entity shall be considered a public or quasi-public entity or a public body as a result of receiving or expending funds of or on behalf of the district.~~

Such contracts shall be subject to audit by the legislative auditor who may exercise the power and authority granted to him by R.S. 24:513 with respect to such contracts. However, no private entity shall be considered a public or quasi public entity or a public body as a result of entering into a contract with the district or as a result of receiving or expending funds of or on behalf of the district.

(2) No provision of this Subsection shall be construed to apply to any contract entered into by the district with an investor owned utility that is regulated by the Louisiana Public Service Commission or by the governing authority of the city of New Orleans.

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 173

SENATE BILL NO. 261
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 56:721 and 722(A), relative to parish game and fish preserves; to authorize two or more parish governing authorities to establish a game and fish preserve when the preserve is located in multiple adjoining parishes; to provide for terms, conditions, requirements, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:721 and 722(A) are hereby amended and reenacted to read as follows:

§721. Authorization

A. Any parish may by formal resolution of its governing authority establish, maintain, and operate game and fish preserves, upon lands or waterbodies wholly located within in the parish.

B. Two or more parish governing authorities may by separate formal resolutions establish, maintain, and operate game and fish preserves composed of contiguous lands or waterbodies shared by the parishes. All of the parish governing authorities shall adopt formal resolutions in order for the game and fish preserve to become effective.

§722. Game and fish commission; rules and regulations

A.~~(1)(a)~~ The governing authority of a parish may appoint a commission composed of citizens and taxpayers of the parish, whose term shall be concurrent with that of the governing authority appointing, who serve without compensation, to be known as the _____ game and fish commission.

(b) For game and fish commissions established by multiple adjoining parishes under the authority of R.S. 56:721, the governing authority of each parish may appoint members, composed of citizens and taxpayers from that parish, to the commission whose term shall be concurrent with that of the governing authority appointing, who serve without compensation, to be known as the game and fish commission. Each parish shall have an equal number of members on that commission, unless some other composition is adopted by formal resolution approved by all of the parish governing authorities.

(2) The commission may make rules and regulations for the government, regulation, and control of the preserve and for the conservation, protection, and propagation of game and fish in the preserve, provided that such rules and regulations shall be finally approved, adopted, and promulgated by the Louisiana Wildlife and Fisheries Commission.

* * *

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 174

SENATE BILL NO. 266
BY SENATOR LONG
AN ACT

To amend and reenact R.S. 22:1664(C)(2), 1665(D) and (E), 1669, 1671 (A), (D), (E), (F), and (G), and 1672(A), to enact R.S. 22:1665(F) and 1671(H), and to repeal R.S. 22:1662(13), relative to the licensing of insurance claims adjusters; to provide for licensing requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1664(C)(2), 1665(D) and (E), 1669, 1671(A), (D), (E), (F), and (G), and 1672(A) are hereby amended and reenacted and R.S. 22:1665(F) and 1671 (H) are hereby enacted to read as follows:

§1664. Application for claims adjuster license

* * *

C.

* * *

(2) All business entities applying to do business as independent adjusting companies shall provide a listing of all executive officers and directors of the applicant and of all executive officers and directors of entities owning controlling and any individuals owning controlling, directly or indirectly, ten percent or more of the outstanding voting securities of the applicant. In order to make a determination of eligibility, the commissioner may require any person listed pursuant to this Paragraph to submit addresses, social security numbers, criminal and administrative history, fingerprints, background checks, and biographical statements. For purposes of this Section, "control" has the meaning provided in R.S. 22:691.2.

* * *

§1665. Resident license

* * *

D. A nonresident who is not eligible for a license pursuant to R.S. 22:1670 may designate Louisiana as his home state. Such person is required to successfully pass the adjuster examination and comply with the other provisions of this Section applicable to residents of this state.

~~E.~~ No resident of Canada may be licensed pursuant to R.S. 22:1663, or may designate Louisiana as their his home state, unless such person has successfully passed the adjuster examination and has complied with the other applicable ~~portions~~ provisions of this Section, except that such applicant shall not be required to comply with Paragraph (A)(4) of this Section.

~~E F.~~ The commissioner of insurance may require any documents reasonably necessary to verify the information contained in the application.

* * *

§1669. Exemptions from examination

~~A. An individual who applies for a claims adjuster license in this state who was previously licensed as a claims adjuster in another state based on a claims adjuster examination shall not be required to complete an examination. This exemption is available only if the person is currently licensed in that state or if the application is received within twelve months of the cancellation of the applicant's previous claims adjuster license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer database records or records maintained by the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries, indicate that the adjuster is or was licensed in good standing.~~

B. An individual licensed as a resident claims adjuster in another state based on a claims adjuster examination who moves to this state shall make application within ninety days of establishing legal residence to become a resident claims adjuster licensee pursuant to R.S. 22:1665. No examination shall be required of that person to obtain a claims adjuster license. This exemption is available only if the person is currently licensed in the other state, or if the application is received within ninety days of the cancellation of the applicant's previous claims adjuster license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state, or the state's producer database records or records maintained by the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries, indicate that the adjuster is or was licensed in good standing.

~~C. An individual who applies for a resident claims adjuster license in this state who was previously licensed as a claims adjuster in this state shall not be required to complete an examination. This exemption is available only if the application is received within twelve months of the cancellation of the applicant's previous claims adjuster license in this state and if, at the time of cancellation, the applicant was in good standing in this state, and had passed the examination required by R.S. 22:1668.~~

C. The commissioner may waive the workers' compensation examination requirement for an individual who has three years of verifiable experience adjusting workers' compensation claims within the preceding five years, provided the application is received on or before August 1, 2017.

* * *

§1671. License

A. Unless denied licensure pursuant to this Part, persons who have met the requirements of this Part shall be issued a claims adjuster license. The license shall contain the licensee's name, business address, license number, date of issuance, expiration date, and any other information the commissioner of insurance deems necessary. A claims adjuster may receive qualification for a license in one or more of the following lines of authority:

- ~~(1) Property and casualty.~~
- ~~(2) Workers' compensation.~~
- ~~(3) Crop.~~
- ~~(4) Any limited line pursuant to R.S. 22:1666.~~

* * *

D. ~~A claims adjuster doing business under any name other than the claims adjuster's legal name is required to notify the commissioner of insurance prior to using the assumed name. Prior to the use of or changes to any trade name or names, a claims adjuster shall provide written notification of such use or change to the commissioner, on a form prescribed by the commissioner of insurance. A certified copy of registration from the secretary of state shall accompany the application for a trade name. The use by any claims adjuster of a nonapproved trade name shall subject such person to a fine not exceeding two hundred fifty dollars. Additionally, if the claims adjuster continues to use a nonapproved trade name for ten or more days after being notified by the commissioner of insurance to cease using the nonapproved trade name, the claims adjuster shall be subject to an additional fine not to exceed five thousand dollars. If applicable, a claims adjuster shall comply with the provisions of R.S. 51:281 et seq.~~

E. A licensed claims adjuster shall be subject to R.S. 22:1961 et seq., relative to unfair trade practices, and R.S. 22:1921 et seq., relative to insurance fraud.

EF. ~~A claims adjuster whose license has lapsed may, within twelve months from the expiration date of the renewal, reinstate the license upon approval of the commissioner of insurance. However, a penalty in the amount of double the unpaid renewal fee shall be required for the reinstatement of the claims adjuster license. Reinstatement shall be effective on the date the commissioner of insurance approves the request for reinstatement. A licensed claims adjuster who allows his license to lapse may, within twenty-four months from the expiration date of the license, reinstate the same license upon proof of fulfilling all continuing education requirements through the date of reinstatement and upon payment of all fees due. If the license has been lapsed for more than twenty-four months, the applicant shall fulfill the requirements for issuance of a new license.~~

FG. A licensed claims adjuster who is unable to comply with license renewal procedures due to military service, long-term medical disability, or other extenuating circumstance, may request a waiver of those procedures. The licensed claims adjuster may also request a waiver of any examination requirement, fine, or other sanction imposed for failure to comply with renewal procedures.

GH. ~~To assist the commissioner of insurance in his licensing duties, he the commissioner of insurance may contract with nongovernmental entities, including the National Association of Insurance Commissioners (NAIC) or any affiliates or subsidiaries that the National Association of Insurance Commissioners (NAIC) oversees to perform any ministerial functions, including the collection of fees and data, related to licensing that the commissioner of insurance may deem appropriate.~~

~~§1672. License denial, nonrenewal, or revocation~~

A. The commissioner of insurance may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a claims adjuster's license or may levy a fine not to exceed five hundred dollars for each violation up to ten thousand dollars aggregate for all violations in a calendar year, unless a fine is established by separate statute in this Title authorizing a greater penalty, or any combination of actions, for any one or more of the following causes:

(1) Providing incorrect, misleading, incomplete, or materially false information in the license ~~or renewal~~ application.

(2) Violating ~~any state the insurance law laws or regulation regulations of the United States, this state, or any other jurisdiction~~ or a subpoena or order of the commissioner of insurance or of another state's insurance commissioner.

(3) Obtaining or attempting to obtain a license through misrepresentation or fraud ~~or improperly using notes or any other reference material to complete an examination for an insurance license, or otherwise cheating or attempting to cheat on an examination for an insurance license of any kind.~~

(4) Improperly withholding, misappropriating, or converting any money or property received in the course of conducting insurance business.

(5) Intentionally misrepresenting the terms of an actual or proposed insurance contract ~~binder, rider, plan, or application for insurance, including all forms or documents that are attached, or will be attached, to an actual or proposed insurance contract, binder, rider, plan, or application for insurance.~~

(6) Conviction of a ~~or nolo contendere plea to any felony, related to participation in a pretrial diversion program pursuant to a felony charge, suspension or deferral of sentence and probation pursuant to Article 893 of the Code of Criminal Procedure or similar law of another state, or conviction of any misdemeanor involving moral turpitude, public corruption, or the adjustment of insurance claims.~~

(7) Admitting to or committing fraud or unfair trade practices.

(8) Using fraudulent, coercive, or dishonest practices ~~or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business that might endanger the public.~~

(9) ~~Demonstrating incompetence, untrustworthiness, or financial irresponsibility while conducting business.~~

~~(10) Denial, suspension, or revocation of an insurance license, or its equivalent, in any other state, province, district, or territory.~~

~~(11) Forging a name on an application for insurance or any document related to an insurance transaction.~~

~~(12) Cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license.~~

~~(13) Knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the commissioner of insurance.~~

~~(14) Failure to comply with an administrative or court order imposing a child support obligation.~~

~~(15) Failure to pay state income tax or comply with any administrative or court order directing payment of state income tax.~~

~~(16) The refusal to submit physical evidence of identity or the conviction of a felony, in accordance with R.S. 22:1922(B) and (C).~~

~~(17) Employing or allowing to associate with his business, in any manner, any person engaged in the business of insurance who has been convicted of a felony under the laws of this or any other state, the United States, or any other jurisdiction. As used in this Section, "business of insurance" means the writing of insurance or the reinsuring of risks by an insurance producer or insurer, including all acts necessary or incidental to such writing or reinsuring, and the activities of persons who act as, or are, officers, directors, agents, or employees of producers or insurers, or who are other persons authorized to act on behalf of such persons.~~

~~(18) The conviction of a felony involving dishonesty or breach of trust pursuant to 18 U.S.C. §1033 and §1034, without written consent from the commissioner of insurance pursuant to 18 U.S.C. §1033, or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.~~

~~(19) Violating R.S. 22:1674(F).~~

~~(20) Failure to complete assignment of adjustment of a claim in a thorough and timely manner, including submission of the adjustment of a claim to the party which made that assignment.~~

* * *

Section 2. R.S. 22:1662(13) is hereby repealed.
Section 3. The provisions of Section 2 of this Act shall become effective on August 1, 2017.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 175

SENATE BILL NO. 368
BY SENATOR MORRISH
AN ACT

To amend and reenact Children's Code Art. 1243(B), relative to intrafamily adoptions; to provide for the adoption of a child by a married blood relative grandparent as a sole petitioner in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 1243(B) is hereby amended and reenacted to read as follows:

Art. 1243. Persons who may petition for intrafamily adoption

* * *

B.(1) When the spouse of the stepparent or one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

(2) When a petitioner is the grandparent of a child and the petitioner's spouse is the stepgrandparent of the child and that spouse files an authentic act requesting that the blood relative grandparent petitioner be allowed to file or complete the adoption proceedings as the sole petitioner, then any court of competent jurisdiction may grant the adoption in the same manner as if the grandparent was a single petitioner. Any petitioner and stepgrandparent filing a petition pursuant to this Paragraph shall be required to undergo the background check provided for in Article 1243.2.

* * *

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, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 176

SENATE BILL NO. 372
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 24:521(B)(1), relative to the legislative auditor; to provide relative to actuarial notes prepared by the legislative auditor; to provide for timing requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:521(B)(1) is hereby amended and reenacted to read as follows:

* * *

B.(1) Subject to the provisions of this Subsection, for each bill or resolution for which an actuarial note is required as provided in Subsection A of this Section, a request for an actuarial note shall be presented to the legislative auditor who shall have the duty to prepare the note as promptly as possible. **The actuarial note for any bill prefiled at least forty-five days prior to a regular session of the legislature shall be completed and filed at least five days prior to the convening of that session.** Actuarial notes shall be prepared in the order of receipt of request for such notes.

* * *

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 177

SENATE BILL NO. 384
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 33:2491(D)(2) and (H)(2), the introductory paragraph of R.S. 33:2494(C)(2) and 2498(C) all as amended by Acts 240 and 243 of the 2015 Regular Session of the Legislature, relative to the Lafayette Police Department; to limit promotions and reinstatements by promotional seniority to certain ranks; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2491(D)(2) and (H)(2), the introductory paragraph of R.S. 33:2494(C)(2) and 2498(C) all as amended by Acts 240 and 243 of the 2015 Regular Session of the Legislature are hereby amended and reenacted to read as follows:

§2491. Establishment and maintenance of employment lists

The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

* * *

D.

* * *

(2) Names of persons attaining a passing score on the promotional test in the Lafayette Police Department **for the rank of Lieutenant or above**, or in the Lake Charles Police Department, shall be placed upon 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.

* * *

H.

* * *

(2) When new names are to be placed upon a promotion list for a given class in the Lafayette Police Department **for the rank of Lieutenant or above**, and in the Lake Charles Police Department, the remaining names thereon shall be rearranged with the new names so that all names appearing upon 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.

* * *

§2494. Certification and appointment

* * *

C.

* * *

(2) Notwithstanding any other provision of law to the contrary, the municipal fire and police civil service system for the cities of Lafayette **for the rank of Lieutenant or above** and Lake Charles shall fill a vacant position in the police department in the following manner:

* * *

§2498. Abolition of positions in the classified service

* * *

C. Notwithstanding the provisions of Subsection B of this Section, in the Lafayette Police Department **for the rank of Lieutenant or above**, and in the Lake Charles Police Department, whenever an entire class 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 total promotional seniority earned in the class in the order of 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 ~~promotional~~ **reinstatement** list in the order of departmental seniority, from highest to lowest.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

SENATE BILL NO. 396
BY SENATOR JOHNS AND REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 33:2473(20)(b) and 2493(A)(1) and R.S. 33:2491(D)(2) and 2498(C) both as amended by Act Nos. 240 and 243 of the 2015 Regular Session of the Legislature, relative to the Lake Charles Police Department; to provide for promotional seniority and military deployment; to provide relative to promotional tests and promotional lists; to provide for promotional seniority and reinstatement; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2473(20)(b) and 2493(A)(1) and R.S. 33:2491(D)(2) and 2498(C) both as amended by Act Nos. 240 and 243 of the 2015 Regular Session of the Legislature are hereby amended and reenacted to read as follows:

§2473. Definitions

The following words and phrases when used in this Part shall have the following meaning, unless the context clearly requires otherwise:

* * *

20. “Seniority” means the following:

* * *

(b)(i) “Promotional seniority” means the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Employment counted toward seniority in the next lower class shall include the aggregate of all temporary appointments, the working test period, and employment as a regular and permanent employee in the class, less the aggregate of suspensions without pay while serving in a position of the class. The appointing authority shall maintain accurate records of appointments and suspensions, and shall report such appointments and suspensions to the board in strict compliance with R.S. 33:2503. **An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time in any future computation.**

(ii) **For employees of the Lake Charles Police Department, “promotional seniority” shall also include time an employee spends serving in the armed forces of the United States on official training, active training exercises, or active duty deployment. In addition, in these instances, the employee’s seniority shall be construed to be continuous employment and unbroken by a resignation or discharge of the employee.**

* * *

§2491. Establishment and maintenance of employment lists

The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

* * *

D.

* * *

(2)(a) Names of persons attaining a passing score on the promotional test in the Lafayette Police Department, or in the Lake Charles Police Department, shall be placed upon 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.

(b) **An employee with the Lake Charles Police Department who is a member of the armed forces of the United States and is at an official training, active training exercise, or active duty deployment on the date of a promotional test for which he is qualified and eligible shall have his name placed upon the promotion employment list with promotional seniority credit back to the original testing date provided the employee takes and attains a passing score on the promotion test upon his return from training or active duty deployment. In addition, his name shall remain on the promotional employment list for forty-eight months following his attainment of a passing score on the promotion test.**

* * *

§2493. Admission to tests

A. Admission to tests provided by the civil service board through the state examiner shall be as follows:

(1)(a) Admission to a promotional test shall be limited to regular employees of the class next lower from that for which they are to be examined. However, the rules may provide for admission to be extended to applicants from any one or more of the next lower classes.

(b) **Any employee of the Lake Charles Police Department who served in the armed forces of the United States, upon his return from training or active duty deployment shall be allowed admission to a promotional test he would have otherwise been qualified and eligible for if the prior date of the promotional test was during his official training, active training exercise, or active duty deployment.**

* * *

§2498. Abolition of positions in the classified service

* * *

C. Notwithstanding the provisions of Subsection B of this Section, in the Lafayette Police Department, and in the Lake Charles Police Department, whenever an entire class 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 total promotional seniority earned in the class in the order of 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 ~~promotional reinstatement~~ list in the order of departmental seniority, from highest to lowest.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 179

SENATE BILL NO. 404
BY SENATOR PEACOCK
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To enact Part VI of Chapter 2 of Code Title VII of Code Book III Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2991.1 through 2991.11, relative to the sale of mineral rights by mail solicitation; to create the Sale of Mineral Rights by Mail Solicitation Act; to define sale of mineral rights by mail solicitation; to require sales of mineral rights by mail solicitation to be in proper form; to provide for required disclosures; to provide for rescission of sales of mineral rights by mail solicitation; to provide for the mechanics and effects of rescission; to provide for prohibited terms; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI of Chapter 2 of Code Title VII of Code Book III Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2991.1 through 2991.11, is hereby enacted to read as follows:

PART VI. SALE OF MINERAL RIGHTS BY MAIL SOLICITATION

§2991.1. Title

This Part shall be known and may be cited as the “Sale of Mineral Rights by Mail Solicitation Act”.

2016 Louisiana Comments

This Part, which is new, is designed to regulate certain transfers of mineral rights that place landowners and other persons with rights to minerals at risk of exploitation. As defined in R.S. 9:2991.2, a sale of mineral rights by mail solicitation is the creation or transfer of a mineral servitude or mineral royalty, or contract preparatory to such a transfer, that is initiated by an offer transmitted through the mail by the transferee and accompanied by a form of payment, such as a check or draft. An offer of this type may induce an owner to sell mineral rights without understanding the consequences of the transaction or at a price far below market value. Because the doctrine of lesion does not apply to transfers of mineral rights, owners have relatively little protection under existing law. This Part therefore permits a transferor of mineral rights in a sale of mineral rights by mail solicitation to rescind the transfer within sixty days after signing the instrument evidencing the agreement. This Part also requires that any instrument evidencing a sale of mineral rights contracted in this manner contain a disclosure statement describing this right of rescission. When the required disclosure is not included in the instrument, the transferor has the right to rescind the contract for three years after the date of signing the instrument. In such a case, the transferee is liable for attorney fees and court costs and may also be liable for additional damages at the discretion of the court.

§2991.2. Sale of mineral rights by mail solicitation defined

For purposes of this Part, a sale of mineral rights by mail solicitation is the creation or transfer of a mineral servitude or mineral royalty, or the granting of an option, right of first refusal, or contract to create or to transfer a mineral servitude or mineral royalty, that is contracted pursuant to an offer that is received by the transferor through the mail or by common carrier and is accompanied by any form of payment. As used in this Part, the term “mineral rights” does not include a mineral lease.

2016 Louisiana Comments

(a) This Section narrowly defines the term “sale of mineral rights by mail solicitation” so as to affect only those transactions that are likely to place a landowner or other person with rights to minerals at risk of selling without understanding the consequences of the transaction or for a price far below market value. The risk of bargaining inequality is most significant when a transfer of mineral rights is initiated by an offer that is transmitted through the mail by the transferee and accompanied by a form of payment, such as a check or draft. In other circumstances, such as when the transferee makes an offer in person, or when a form of payment does not accompany a written offer, the risk of a hasty or misinformed acceptance is less pronounced.

(b) This Section specifically excludes a contract creating or transferring a mineral lease from the term “sale of mineral rights by mail solicitation.” Unlike a sale or other transfer of mineral rights, a mineral lease does not completely divest the owner of an interest in the minerals. See, e.g., Wall v. Leger, 402 So. 2d 704, 709 (La. App. 1st Cir. 1981)(“The grantor of a mineral servitude ceases to be the owner of the mineral rights; the lessor of a mineral lease continues to be the owner of the mineral rights.”). Moreover,

the obligations imposed on mineral lessees by the Mineral Code provide significant protection against exploitation. See La. Rev. Stat. Ann. § 31:122. The importance of security of title to a mineral lessee who has expended or intends to expend significant amounts of capital in developing the leased premises also justifies the exemption of mineral leases from the ambit of this legislation.

§2991.3. Exclusion of contracts initiated through personal contact

This Part does not apply to a sale of mineral rights by mail solicitation contracted subsequent to a prior personal contact that included a meaningful exchange between the transferor and the transferee.

2016 Louisiana Comments

This Part does not apply to a transfer of mineral rights that is contracted following prior personal contact that included a meaningful exchange between the transferor and the transferee, even if the transfer otherwise meets the definition of a “sale of mineral rights by mail solicitation” set forth in R.S. 9:2991.2. Contracts that are preceded by negotiations-whether in person, by telephone, or by written or electronic communication-do not involve the same potential for abuse associated with transfers initiated by unsolicited mail communications. The term “prior personal contact” does not require in-person negotiations or even significant negotiations between the parties or their representatives. However, it does require that a meaningful exchange take place between the transferor and transferee. Therefore, mass-mailings, automated telephone calls, and other communications that do not involve a meaningful exchange are not excluded under this Section.

§2991.4. Form

A sale of mineral rights by mail solicitation shall be made by authentic act or by act under private signature signed by the transferor. The acceptance of any form of payment by the transferor or any action whereby the transferor otherwise manifests assent to the sale shall not satisfy the requirement of the transferor’s signature.

2016 Louisiana Comments

According to Louisiana jurisprudence, an act under private signature may be valid even when signed by one party alone, provided that the party who did not sign the act otherwise exhibited some outward manifestation of acceptance beyond oral assent. See, e.g., Milliman v. Peterman, 519 So. 2d 238 (La. App. 5 Cir. 1988); see also La. Civ. Code art. 1837 cmt. (b) (1984) and the citations contained therein. In contrast, this Section requires that in a sale of mineral rights by mail solicitation the transferor must sign the instrument evidencing the agreement. The transferor’s acceptance of any form of payment or performance of any action otherwise manifesting assent to the contract shall not suffice to satisfy the signature requirement.

§2991.5. Required disclosure; form notice of rescission

An instrument evidencing a sale of mineral rights by mail solicitation shall contain on the first page, under the caption “The Seller’s Right to Cancel”, the following disclosure, or one substantially similar, in conspicuous and legible type that is not smaller than fourteen-point font and is in contrast by typography, layout, or color with any other printing on the instrument, with all relevant information provided by the transferee:

“THIS IS A [SALE] [CONTRACT REQUIRING THE SALE] OF YOUR VALUABLE MINERAL RIGHTS. If you sign and return this agreement, you may cancel it by mailing a notice to the buyer. You may use any written statement that indicates your intention to cancel, or you may sign and return the notice provided below.

Your notice must be mailed, no later than 60 days after you signed the agreement, to the following: [insert name and mailing address of the transferee]. Within 60 days after mailing your notice, you must return any payment you have received from the buyer, and the buyer must return your mineral rights and any royalties and other payments received since the sale. You may lose important rights if you do not file your notice in the conveyance records of the parish where the property is located within 90 days after this agreement is filed in the conveyance records.

NOTICE OF CANCELLATION

I, [insert name of transferor], wish to cancel the sale or contract requiring the sale of my mineral rights to [insert name of transferee]. The affected mineral rights are all mineral rights that I transferred to the transferee in the following lands: [insert legal description of land].

Transferor’s Signature

Date”

2016 Louisiana Comments

(a) The disclosure statement required by this Section is intended primarily to notify the transferor in a sale of mineral rights by mail solicitation that the transaction is a sale rather than another type of contract, such as a mineral lease. The required disclosure is intended also to inform the transferor of the right to rescind the sale within sixty days after the date on which the transferor signed the agreement. To comply with this Section, the instrument evidencing a sale of mineral rights by mail solicitation must contain the disclosure statement provided by this Section or one substantially similar. De minimis variations from the required disclosure, such as typographical errors or slight deviations in wording, should not invalidate the disclosure, provided that the substance of the required disclosure is made. When a sale of mineral rights by mail solicitation is an option, right of first refusal, or contract to sell, the preparatory contract must contain the required disclosure.

(b) This Section requires that the transferee include in the disclosure statement a form notice of rescission that may be signed and returned by the transferor and also filed in the conveyance records of the parish in

which the property is located. The transferee must include in the notice of rescission the names of the transferor and the transferee and a legal property description of the land that is subject to the affected mineral rights.

§2991.6. Right to rescind; time for rescission

A. When an instrument evidencing a sale of mineral rights by mail solicitation contains the disclosure required by this Part, the transferor may rescind the agreement within a period of sixty days after the date on which the transferor signs it.

B. When an instrument evidencing a sale of mineral rights by mail solicitation does not contain the disclosure required by this Part, the transferor may rescind the agreement within a peremptive period of three years after the date on which the transferor signs it.

C. The timely rescission of a sale of mineral rights by mail solicitation that is an option, right of first refusal, or contract to sell also rescinds any act of transfer subsequently executed pursuant to such contract.

2016 Louisiana Comments

The transferor in a sale of mineral rights by mail solicitation may rescind the contract for any reason within sixty days after the date on which the contract is signed. By virtue of this rule, all sales of mineral rights by mail solicitation are subject to a minimum “cooling-off” period of sixty days. When an instrument evidencing a sale of mineral rights by mail solicitation does not contain the disclosure statement required by this Part, the period within which the transferor may rescind the sale is extended to three years. When the sale of mineral rights by mail solicitation is an option, right of first refusal, or contract to sell, the transferor’s timely exercise of the right to rescind the preparatory contract also rescinds any subsequent act of transfer that is executed pursuant to the preparatory contract.

§2991.7. Rescission; method of making; effects as to third persons

A. Rescission of a sale of mineral rights by mail solicitation must be made by written notice to the transferee and is effective between the parties when the notice of rescission is transmitted.

B. If the instrument evidencing a sale of mineral rights by mail solicitation contains the disclosure required by this Part, a third person acquiring an interest in mineral rights from the transferee is subject to the effect of a notice of rescission filed within ninety days after the date of the filing of the instrument. In all other cases, rescission may not impair the rights of any third person who acquired an interest in the mineral rights prior to the time that the notice of rescission was filed for registry.

C. A notice of rescission is without effect as to third persons unless it contains the name of the transferee and the transferor.

2016 Louisiana Comments

(a) Between the parties, rescission takes place of right immediately upon transmission of the notice of rescission. Rescission does not have to be judicially demanded or declared, nor is rescission delayed until the transferor has restored the price paid to him. See R.S. 9:2991.9.

(b) Under this Section, when the instrument evidencing a sale of mineral rights by mail solicitation contains the required disclosure, a third person acquiring an interest in the mineral rights from the transferee does so subject to the right of the original transferor to rescind the agreement, provided that the notice of rescission is filed within ninety days after the date of the filing of the instrument. For all other cases, this Section states an exception to Louisiana Civil Code Article 3339, under which a termination of rights that depends upon the occurrence of a condition is generally effective as to third persons although not evidenced of record. Thus, when the instrument evidencing a sale of mineral rights by mail solicitation contains the required disclosure but a notice of rescission is not filed within ninety days after the date of the filing of the instrument, or when the instrument evidencing a sale of mineral rights by mail solicitation does not contain the required disclosure, third persons who acquire an interest in the mineral rights prior to the recordation of the notice of rescission are protected from the effects of rescission.

(c) This Section does not address the situation in which the transferee sells or grants a right in the mineral rights to another person who, under the law of corporate veil-piercing and other similar theories, is a mere alter ego of the original transferee. See, e.g., Warriner v. Russo, 308 So. 2d 499, 501 n.2 (La. App. 4th Cir. 1975).

§2991.8. Rescission; parties obligated to make payments

Rescission shall not be effective against a party obligated to make or in fact making royalty or other payments until sixty days after that party is furnished with a certified copy of the notice of rescission.

2016 Louisiana Comments

This Section protects mineral lessees and other parties who are either obligated to make or are in fact making royalty or other payments to an owner. The mere recordation of a notice of rescission, in the absence of actual notice, to the party making such payments, does not obligate that party to begin making payments to a transferor who has rescinded a sale of mineral rights by mail solicitation.

§2991.9. Effects of rescission

A. A transferor who exercises the right to rescind under this Part shall return to the transferee within sixty days after rescission any payments made by the transferee. A transferor's failure to return such payments gives rise to a cause of action for return of the payments but does not prevent rescission.

B. A transferee against whom the right to rescind is exercised under this Part shall pay to the transferor within sixty days after rescission any royalties and

other payments received by the transferee plus interest on those royalties and other payments from the date received by the transferee.

C. When an instrument evidencing a sale of mineral rights by mail solicitation does not contain the disclosure required by this Part, a transferee against whom the right to rescind is exercised shall be liable for attorney fees and court costs. In such a case, in addition to restoring any royalties or other payments due to the transferor, a court may further award as damages an amount up to twice the sum of royalties and other payments received by the transferee.

2016 Louisiana Comments

(a) When the transferor exercises the right to rescind, the parties must be restored to the situation that existed before the contract was made. See La. Civ. Code art. 2033.

(b) Failure to include the required disclosure in the instrument evidencing a sale of mineral rights by mail solicitation subjects the transferee to liability for attorney fees and court costs. In addition to restoring any royalties or other payments due to the transferor plus interest on that sum, the court has discretion, based on the nature of the transferee’s conduct, to award damages in an amount up to double the amount of royalties or other payments received by the transferee. For example, if the amount of royalties due to the transferor is \$1,000, the court may award up to an additional \$2,000 as damages.

§2991.10. Prohibited terms

The following provisions, if included in or accompanying an instrument evidencing a sale of mineral rights by mail solicitation, are absolutely null:

(1) A provision requiring the agreement to be governed or interpreted by the laws of another jurisdiction or requiring a suit to be brought in a forum or jurisdiction outside of this state.

(2) A provision stipulating any venue to the extent inconsistent with the applicable provisions of the Code of Civil Procedure.

(3) A provision requiring the transferor to indemnify the transferee for any loss related to the transferor's right to rescind.

(4) A provision authorizing the transferee to act as a mandatary of the transferor.

(5) A provision that excludes, limits, waives, or otherwise modifies the obligations of the transferee described in this Part.

§2991.11. Reservation

Nothing in this Part shall be construed to limit any other remedies or grounds for rescission provided by law.

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

Approved by the Governor, May 19, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 180

SENATE BILL NO. 457
BY SENATOR LAFLEUR
AN ACT

To enact R.S. 47:338.198, relative to sales and use taxes; to authorize the levy of an additional sales and use tax by the Avoyelles Parish School Board; to require voter approval of the tax; 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. 47:338.198 is hereby enacted to read as follows:

§338.198. Avoyelles Parish School Board; authority to levy additional sales and use tax

A. The Avoyelles Parish School Board is hereby authorized to levy and collect an additional sales and use tax not to exceed one percent within the territorial jurisdiction of the parish.

B. In accordance with the provisions of Article VI, Section 29(B) of the Constitution of Louisiana, the additional sales and use tax shall be authorized to exceed the limitation found in Article VI, Section 29(A) of the Constitution of Louisiana and shall be in addition to the taxes authorized by R.S. 47:338.54 and other law.

C. The sales and use tax so levied shall be imposed by resolution of the Avoyelles Parish School Board and shall be levied upon the sale at retail, the use, lease, or rental, the consumption and the storage for consumption of corporeal movable property, and on sales of services in the parish, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950. However, the resolution imposing the tax shall be adopted by the Avoyelles Parish School Board only after the question of the imposition of the tax has been submitted to the qualified electors of the parish at an election conducted in accordance with the Louisiana Election Code and the majority of those voting in the election voted in favor of the adoption of the ordinance.

D. This tax shall be in addition to all other taxes and shall be collected at the same time and in the same manner as set forth in Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

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

subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 19, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 181

HOUSE BILL NO. 55

BY REPRESENTATIVES DWIGHT, CHAD BROWN, GARY CARTER, COUSSAN, COX, HAZEL, MIKE JOHNSON, MAGEE, JAY MORRIS, AND SHADOIN

AN ACT

To enact R.S. 13:5368, relative to courts and judicial procedure; to provide with respect to Veterans Court programs in district court; to provide for dismissal of certain criminal charges upon completion of a Veterans Court program; to provide with respect to revocation of probation in certain circumstances; to provide for the effect of a dismissal of criminal charges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5368 is hereby enacted to read as follows:

§5368. Dismissal of certain criminal charges upon completion of Veterans Court program; revocation of probation; effects of dismissal

A. Notwithstanding any other provision of law to the contrary, as to any person eligible for participation in a Veterans Court program as provided for under the provisions of this Chapter, when it appears that the best interests of the public and of the defendant will be served, with the prior approval of the district attorney, the court may, without entering a judgment of guilt and with the consent of such person, defer proceedings and place him on probation upon such reasonable terms and conditions as may be required by the court and under the provisions of this Chapter. If the defendant is accepted into the Veterans Court program, the defendant must waive the right to a trial.

B. Upon the defendant's violation of any of the terms or conditions of his probation, the court may revoke his probation, enter an adjudication of guilt, and impose sentence upon such person. The entering of the adjudication of guilt shall be retroactive to the date the defendant pled guilty or was convicted under Subsection A of this Section, but the imposition or execution of sentence shall not be retroactive.

C. Upon fulfillment of the terms and conditions of probation imposed in accordance with this Section, the court shall discharge such person and dismiss the proceedings against him.

D. The discharge and dismissal of charges pursuant to this Section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions pursuant to R.S. 40:982. The discharge and dismissal pursuant to this Section may occur only once with respect to any person.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 182

HOUSE BILL NO. 610

BY REPRESENTATIVES ABRAHAM AND BARRAS

AN ACT

To amend and reenact R.S. 47:2323(C)(3) and to enact R.S. 47:2323(E), relative to ad valorem property tax assessments; to provide with respect to the fair market valuation of property for purposes of assessment; to prohibit consideration of the value of certain federal tax and financial benefits for certain residential housing unit property in determining fair market value; to provide with respect to the income approach for property valuation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:2323(C)(3) is hereby amended and reenacted and R.S. 47:2323(E) is hereby enacted to read as follows:

§2323. Criteria for determining fair market value; real and personal property; unoccupied residential immovable property

* * *

C. Criteria.

The fair market value of real and personal property shall be determined by the following generally recognized appraisal procedures: the market approach, the cost approach, and/or the income approach.

* * *

(3) In utilizing the income approach, the assessor shall use an appraisal technique in which the anticipated net income is processed capitalized to indicate the capital amount of the investment which produces the net income.

* * *

E. When performing a valuation of any affordable rental housing property, the assessor shall not consider any of the following in determining fair market value:

(1) Income tax credits available to the property under Section 42 of the Internal Revenue Code.

(2) Below-market interest rate on financing obtained under the Home Investment Partnership Program under the Cranston-Gonzales National Affordable Housing Act, or the Federal Home Loan Bank Affordable Housing Program established pursuant to the Financial Institution Reform, Recovery, and Enforcement Act of 1989.

(3) Any other federal, state, or similar program intended to provide or finance affordable rental housing to persons of low or moderate income and requiring restricted occupancy and rental rates based on the income of the persons occupying such housing.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 183

HOUSE BILL NO. 951

BY REPRESENTATIVE GARY CARTER

AN ACT

To amend and reenact R.S. 18:101(D)(introductory paragraph) and 152(C)(2)(b) and to enact R.S. 18:135(A)(3), relative to requirements for voting; to provide relative to voter registration; to provide relative to voter registration requirements for presidential elections; to provide relative to the close of voter registration; to provide relative to election procedures; to provide relative to the precinct register; to provide relative to procedures for supplementing the precinct register after printing; to provide relative to the duties of certain election officials relative to voter registration and election procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:101(D)(introductory paragraph) and 152(C)(2)(b) are hereby amended and reenacted and R.S. 18:135(A)(3) is hereby enacted to read as follows:

§101. Registration to vote; qualifications; more than one residence; presidential elections

* * *

D. A person who is otherwise qualified to vote in this state, who has begun residence in another state or another political subdivision of this state after the ~~thirtieth day before~~ close of the registration records pursuant to R.S. 18:135 for an election for president and vice president of the United States or for electors for president and vice president and who for that reason does not satisfy the registration requirements set forth in this Chapter, may vote in such an election:

* * *

§135. Close of registration

A.

* * *

(3) Notwithstanding the provisions of Paragraph (1) of this Subsection, registrars shall close the registration records twenty days prior to an election for a person who makes application pursuant to R.S. 18:115.1 to register to vote or to make changes to an existing registration and who has been informed, pursuant to R.S. 18:115.1(C)(4)(b), that his application has been electronically forwarded to the appropriate registrar of voters.

* * *

§152. Required records

* * *

C.

* * *

(2)

* * *

(b) Prior to delivery of the precinct register to the contractor authorized by the secretary of state to deliver voting machines pursuant to R.S. 18:1371, the registrar shall add the names and collateral information on those mail registrants ~~that~~ and registrants who submitted an electronic application pursuant to R.S. 18:115.1 who were verified after the printing of the precinct register. Such listing of registrants shall be considered to be a supplement to the official list of voters and a part of the precinct register. Subsequent to the delivery of the precinct register, the registrar shall add the names and collateral information on those mail registrants ~~that~~ and registrants who submitted an electronic application pursuant to R.S. 18:115.1 who were verified after the delivery of the precinct register. Such listing of registrants shall be considered another supplement to the official list of voters and a part of the precinct register. Any supplemental list so produced shall be delivered to the precinct in the same manner as a list of absentee voters who voted absentee by mail and whose ballots were received after the precinct register was sealed.

* * *

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 184

HOUSE BILL NO. 953
BY REPRESENTATIVE LANCE HARRIS
AN ACT

To amend and reenact R.S. 14:107.2(A) and to enact R.S. 14:107.2(E), relative to hate crimes; to provide for the elements of the crime; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:107.2(A) is hereby amended and reenacted and R.S. 14:107.2(E) is hereby enacted to read as follows:

§107.2. Hate crimes

A. It shall be unlawful for any person to select the victim of the following offenses against person and property because of actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization, or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel: first or second degree murder; manslaughter; battery; aggravated battery; second degree battery; aggravated assault with a firearm; terrorizing; mingling harmful substances; simple or third degree rape, forcible or second degree rape, or aggravated or first degree rape; sexual battery, second degree sexual battery; oral sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles; molestation of a juvenile or a person with a physical or mental disability; simple, second degree, or aggravated kidnapping; simple or aggravated arson; communicating of false information of planned arson; simple or aggravated criminal damage to property; contamination of water supplies; simple or aggravated burglary; criminal trespass; simple, first degree, or armed robbery; purse snatching; extortion; theft; desecration of graves; institutional vandalism; or assault by drive-by shooting.

* * *

E. As used in this Section:

(1) “Emergency medical services personnel” shall have the same meaning ascribed to it by R.S. 40:1075.3.

(2) “Firefighter” means any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of Louisiana.

(3) “Law enforcement officer” means any active or retired city, parish, or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer, or commissioned agent of the Department of Public Safety and Corrections, as well as any federal law enforcement officer or employee, whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, any civil functions performed by sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control, or supervision of inmates.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 185

HOUSE BILL NO. 988
BY REPRESENTATIVE ARMES AND SENATOR JOHN SMITH
AN ACT

To amend and reenact R.S. 46:121(1), relative to Louisiana Military Family Assistance; to provide for the meaning of “activated military personnel”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:121(1) is hereby amended and reenacted to read as follows:

§121. Definitions

For purposes of this Part, the following terms shall be defined as follows:

(1) “Activated military personnel” means a person domiciled in Louisiana for civilian purposes, names Louisiana as Home of Residence Record (HOR) for military purposes, and who is a member of any of the following:

(a) A member of a reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, including the Louisiana National Guard, and called to active federal service in excess of thirty days; or,

(b) The A member of the Louisiana National Guard and called to active state service pursuant to R.S. 29:7.

(c) A veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, as defined in Paragraph (4) of this Section.

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 186

SENATE BILL NO. 21
BY SENATOR BOUDREAUX
AN ACT

To amend and reenact R.S. 40:2018.4(H), relative to the Louisiana Obesity Prevention and Management Commission; to provide for a termination date of the commission; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§2018.4. Louisiana Obesity Prevention and Management Commission

* * *

H. The legislative authority for the existence of the commission shall cease on March 31, ~~2016~~ **2018**.

Section 2. This Act shall become effective on August 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 187

SENATE BILL NO. 40
BY SENATOR PERRY
AN ACT

To amend and reenact R.S. 47:120.37(B) and to enact R.S. 47:120.131(D), relative to donations of refunds; to provide for such donations to the Friends of Palmetto Island State Park, Inc.; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:120.37(B) is hereby amended and reenacted and R.S. 47:120.131(D) is hereby enacted to read as follows:

§120.37. Refund designation on tax form

* * *

B. ~~When~~ **Except as provided in R.S. 47:120.131, when** the total amount of tax refunds donated to any donee is less than ten thousand dollars per year for two consecutive years, designation of such donee shall be removed from the income tax form.

* * *

§120.131. Income tax checkoff; donation for Friends of Palmetto Island State Park, Inc.

* * *

D. Notwithstanding the provisions of R.S. 47:120.37(B), the donation provided for in this Section shall not be removed from the individual income tax return; however, the exemption from the provisions of R.S. 47:120.37(B) shall be inapplicable, inoperable, and of no effect beginning January 1, 2020.

Section 2. The provisions of this Act shall be applicable to taxable years beginning on or after January 1, 2016.

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

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 188

SENATE BILL NO. 45
BY SENATOR MORRISH
AN ACT

To designate the interchange of Interstate 10 (Exit 54) with Louisiana Highway 99 in Welsh, Louisiana, in Jefferson Davis Parish, as the “SP4 Donald C. Gillett Memorial Interchange”; to designate a portion of Louisiana Highway 14 in the city of Abbeville, Louisiana, as a Blue Star Memorial Highway; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The interchange of Interstate 10 (Exit 54) with Louisiana Highway 99 in Welsh, Louisiana, in Jefferson Davis Parish, shall be hereinafter known and designated as the “SP4 Donald C. Gillett Memorial Interchange”.

Section 2. The Department of Transportation and Development and its contractors are hereby directed to erect and maintain appropriate signage reflecting the designation in Section 1 of this Act.

Section 3. The Department of Transportation and Development shall designate that portion of Louisiana Highway 14 beginning from the intersection of Veterans Memorial Drive and North State Street in the city of Abbeville, Louisiana, and continuing east to the end of the corporate city

limits of Abbeville, Louisiana, on Veterans Memorial Drive, all in Vermilion Parish, as a Blue Star Memorial Highway.

Section 4. The Department of Transportation and Development shall place a Blue Star Memorial Highway monument along the route designated in Section 3 of this Act to honor all veterans who have served, are serving, or will serve in the armed forces of the United States.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 189

SENATE BILL NO. 56
BY SENATOR JOHNS
AN ACT

To enact R.S. 40:1006(G), relative to the state prescription monitoring program; to provide for rulemaking regarding standards for prescription monitoring information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1006(G) is hereby enacted to read as follows:
§1006. Reporting of prescription monitoring information

* * *

G. The board shall establish by rulemaking standards for the retention, archiving, and destruction of prescription monitoring information.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 190

SENATE BILL NO. 72
BY SENATORS PEACOCK, BARROW, BISHOP, CARTER AND MORRELL
AND REPRESENTATIVES BAGLEY, COX, CROMER, HORTON,
JEFFERSON AND PIERRE

AN ACT

To enact Part VII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1001, relative to employment of veterans; to provide for legislative intent; to authorize certain private employers to provide preferences in employment for certain veterans; to provide for policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1001, is hereby enacted to read as follows:

PART VII. EMPLOYMENT OF VETERANS

§1001. Preference in hiring veterans for private employers

A.(1) The intent of the legislature is to authorize private employers to establish a preference in employment for certain veterans which shall be analogous to the system by which the state and city governments give preferences in employment to veterans pursuant to Article X, Section 10 of the Constitution of Louisiana.

(2) It is the intent of the legislature that the provisions of this Section are permissive and not mandatory as it relates to private employers.

B. A private employer may adopt an employment policy that gives preference in hiring to all of the following:

(1) An honorably discharged veteran.

(2) The spouse of a veteran with a service-connected disability.

(3) The unremarried widow or widower of a veteran who died of a service-connected disability.

(4) The unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions.

C. An employer may voluntarily establish a policy which grants preference in hiring to a veteran or a certain family member of a veteran pursuant to the provisions of this Part.

D. The preferences for the employment of veterans provided for in this Part shall not be considered a violation of any state or local equal employment opportunity law.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 191

SENATE BILL NO. 142
BY SENATOR GATTI
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Webster Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

34,848 Square feet of dried lake bed in Lake Bistineau, in front of Section 13, T-17N, R-10W, Webster Parish, Louisiana.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Andrew B. and Catherine C. Hunt, in exchange of consideration proportionate to at least the appraised value of the property. In the event that the agreement authorized by this Section is not entered into on or before December 31, 2018, the authorization to convey, transfer, assign, lease, or deliver any interest in that property pursuant to this Act shall terminate and be null and void on that date and thereafter.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 192

SENATE BILL NO. 189
BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 40:978(E)(3), relative to prescription drugs; to provide for an exception from pharmacist dispensing limits on certain drugs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(E)(3) is hereby amended and reenacted to read as follows:

§978. Prescriptions

* * *

E.

* * *

(3) The provisions of this Subsection shall not apply if **either of the following apply:**

(a) the The prescription monitoring information from the state of the prescriber may be viewed by the dispensing pharmacist.

(b) The prescriber includes on the prescription a diagnosis of cancer or terminal illness.

* * *

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 193

SENATE BILL NO. 375
BY SENATOR JOHN SMITH
AN ACT

To amend and reenact R.S. 22:1931.13 and R.S. 40:1429, relative to the insurance fraud investigation unit within the Department of Public Safety and Corrections; to extend the enforcement provisions of the unit to July 1, 2018; to extend the penalties for the violation of such enforcement provisions, including the extension of the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

This Subpart shall be null, void, and unenforceable on July 1, ~~2016~~ **2018**.

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

§1931.13. Termination of Part

This Part shall terminate on August 1, ~~2016~~ **2018**.

Section 3. The provisions of Section 1 of this Act become effective July 1, 2016.

Section 4. The provisions of Section 2 of this Act become effective August 1, 2016.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 194

SENATE BILL NO. 389
BY SENATORS ERDEY, BROWN, CORTEZ, FANNIN,
HEWITT, LONG AND GARY SMITH
AN ACT

To enact R.S. 47:490.30, relative to motor vehicles; to create a military honor license plate for a veteran who is one hundred percent disabled; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:490.30 is hereby enacted to read as follows:

§490.30. Military honor license plates for certain disabled veterans; one hundred percent disabled

A. For the purpose of this Section, a qualified disabled veteran shall be any veteran who has a service-connected disability of one hundred percent as determined by the United States Department of Veterans Affairs and who is a resident of this state.

B. Upon the application of a qualified disabled veteran, the secretary shall issue to such veteran a military honor license plate, restricted to passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans, to be used in lieu of the regular motor vehicle registration license plate. The military honor license plate shall contain the designation "100% DAV" and shall bear the international symbol of accessibility followed by such numbers as the secretary finds expedient. The applicant shall comply with all state laws relating to registration and licensing of motor vehicles and shall, at the time of application, present such proof of status as a qualified disabled veteran as shall be acceptable to the secretary.

C. No fee shall be charged for the license plates authorized by this Section and such plates shall not be subject to the renewal requirements applicable to standard plates.

D. The secretary shall establish such rules and regulations as are necessary to implement the provisions of this Section, including but not limited to rules and regulations governing the transfer and disposition of such license plates.

E. The secretary may issue a military honor license plate, as provided for in this Section, for each vehicle registered in the applicant's name, and the holder of such license plate shall be accorded the same privileges as holders of license plates for persons with mobility impairments. The secretary shall also issue a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international symbol of accessibility, to a one hundred percent disabled veteran who has or is issued such a plate and who requests the hang tag. No fee shall be charged for the hang tag, and it shall be exempt from renewal requirements applicable to hang tags issued pursuant to R.S. 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced according to the provisions of R.S. 47:463.4(C), including payment of the reissuance fee. A person using the hang tag in a vehicle with a one hundred percent disabled veteran license plate is not required to obtain or possess a mobility impairment driver's license or identification card.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 195

SENATE BILL NO. 414
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 39:571(A), relative to the sale of bonds; to provide with respect to the price at which bonds may be sold; to provide for the application of the premium, if any, derived in connection with the issuance of bonds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:571(A) is hereby amended and reenacted to read as follows:

~~§571. No sale below par~~ **Bond sale prices**; application of premium and accrued interest

A.(1) Except as expressly provided herein, no bonds issued shall be sold for less than their par value and accrued interest, but Bonds may be sold at the prices as provided in R.S. 39:1428 and the bidder for the bonds may stipulate in his bid that the proceeds of the bonds shall be deposited in a bank designated or to be designated by him to act as fiscal agent for the fund. Such stipulation shall be limited to the deposit of the bond proceeds and shall not extend to the taxes levied and collected to meet maturing bonds and coupons. The depository so designated must be a bank located in this state, which shall give security to the amount and in the manner required of fiscal agents and depositories of parishes, municipalities, and public boards

under the laws of Louisiana. If any premium is received, ~~the any premium; with all accrued interest heretofore or hereafter received; shall in connection with any bonds may be applied to either of the following:~~

(a) Any purpose for which the bonds are being issued and shall be deposited in the same account into which the bond proceeds are deposited.

(b) the The payment of the principal or to the interest on the bonds, and shall be deposited in the bank along with the taxes levied and collected for that purpose.

(2) If any accrued interest is received, any interest received in connection with any bonds shall be applied to the payment of the principal or to the interest on the bonds, and shall be deposited in the bank along with taxes levied and collected for that purpose.

* * *

Section 2. All laws or parts of law in conflict herewith 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, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 196

SENATE BILL NO. 33
BY SENATORS GATTI, ALARIO, BARROW, BISHOP, BROWN, CORTEZ, DONAHUE, ERDEY, FANNIN, HEWITT, LAFLEUR, LAMBERT, LONG, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PERRY, RISER, GARY SMITH, TARVER, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, ARMES, BACALA, BAGLEY, BAGNERIS, BARRAS, BISHOP, CHAD BROWN, TERRY BROWN, CARMODY, CHANEY, CONNICK, COX, CROMER, DAVIS, EDMONDS, EMERSON, FALCONER, GAROFALO, GUINN, HILL, HODGES, HOFFMANN, HORTON, HOWARD, IVEY, JACKSON, MIKE JOHNSON, ROBERT JOHNSON, LEBAS, MAGEE, JAY MORRIS, PEARSON, POPE, PYLANT, SCHRODER, SEABAUGH, THIBAUT, WHITE, WILLMOTT AND ZERINGUE

AN ACT

To enact R.S. 14:87.3, relative to the sale and transport of fetal organs and body parts; to prohibit the sale of fetal organs and body parts resulting from an induced abortion; to prohibit the transport of fetal organs and body parts with the intent to engage in a prohibited sale; to provide definitions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§87.3. Prohibited sale, receipt, or transport of fetal organs and body parts
A. No person may knowingly and for money, including but not limited to fees for storage or handling, any payments for reimbursement, repayments, or compensation, or any other consideration:

(1) Buy, sell, receive, or otherwise transfer or acquire a fetal organ or body part resulting from an induced abortion.

(2) Transport with the intent to sell or otherwise transfer a fetal organ or body part resulting from an induced abortion.

(3) Transport a fetal organ or body part resulting from an induced abortion that has been acquired by any person via any transaction prohibited by this Section.

B. For purposes of this Section:

(1) "Receive" includes acquiring any fetal organ or fetal body part, or the rights to any fetal organ or fetal body part, through an act of donation or sale via any transaction prohibited by this Section.

(2) "Fetal body part" means a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion.

(3) "Unborn child" means any individual of the human species from fertilization and implantation until birth.

(4) "Induced abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if undertaken with the intent to do any of the following:

(a) Save the life or preserve the health of the unborn child.

(b) Remove an unborn child who died of natural causes.

(c) Remove an ectopic pregnancy.

(5) "Miscarriage or stillbirth" means the spontaneous or accidental death of an unborn child, whether the death occurred in the womb or in the process of birth. Death of the unborn child is indicated by the lack of signs of breathing or any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

C.(1) Nothing in this Section shall be construed to prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in accordance with state law, or to prohibit any conduct permitted under state law that is undertaken with any of the following purposes:

(a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.

(b) The purpose of providing knowledge solely to law enforcement officers, such as the case of an autopsy following a feticide.

(2) Nothing in this Section shall be construed to prohibit the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.

(3) Nothing in this Section shall be construed to affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

D. Any person who violates this Section shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 197

SENATE BILL NO. 95
BY SENATOR WARD
AN ACT

To amend and reenact R.S. 32:863.1(A) and to enact R.S. 32:863.1.1, relative to evidence of compulsory motor vehicle liability security contained in a vehicle; to prohibit a citation resulting in a penalty, fine, or fee for failure to have a document that evidences proof of compulsory motor vehicle liability contained in a motor vehicle at the time of a traffic stop when there is electronic verification of coverage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:863.1(A) is hereby amended and reenacted and R.S. 32:863.1.1 is hereby enacted to read as follows:

§863.1. Evidence of compulsory motor vehicle liability security contained in vehicle; enforcement; penalty; fees

A. ~~No~~ **Except as provided in R.S. 863.1.1, no** owner or lessee of a self-propelled motor vehicle registered in this state, except a motor vehicle used primarily for exhibit or kept primarily for use in parades, exhibits, or shows, or agricultural or forest use vehicles during seasons when they are not used on the highways, shall operate or allow the operation of such vehicle upon any public road, street, or highway in this state unless there is contained within the vehicle one of the following documents evidencing that the motor vehicle is in compliance with R.S. 32:861 relative to compulsory motor vehicle liability security:

(1) A certificate of insurance. "Certificate" means the written evidence of motor vehicle liability insurance as defined in R.S. 32:900 that is in the form of one of the following:

(a) An insurance identification card, a photocopy of the card, or an image of the card displayed on a mobile electronic device, issued by an insurer to its insured which shall contain the following information:

(i) The name and address of the insurance company.

(ii) The insurance policy number.

(iii) A description of the motor vehicle insured under the policy.

(iv) The effective date and the expiration date of the policy.

(v) The name of any person who is excluded from coverage as authorized by R.S. 32:900(L).

(b) A motor vehicle liability insurance policy or a duplicate original thereof.

(c) A motor vehicle liability insurance policy binder or a duplicate original thereof.

(2) A duplicate original of a motor vehicle liability bond which complies with the requirements for a motor vehicle liability bond set forth in R.S. 32:861(B).

(3) A certificate of the state treasurer stating that cash or securities have been deposited with said treasurer as provided for under the provisions of R.S. 32:861(C).

(4) A certificate of self-insurance issued by the secretary under the provisions of R.S. 32:1042 qualifying the owner of the vehicle as a self-insurer.

* * *

§863.1.1. Evidence of compulsory motor vehicle liability security not contained in a motor vehicle; prohibition of citation resulting in a penalty or fee

Notwithstanding any other provision of law to the contrary, at the time any law enforcement officer stops a vehicle at an administrative violations checkpoint, or in connection with an alleged violation of the law, or for any other reason, or when a law enforcement officer investigates an accident and the owner or operator fails to have a document that evidences compulsory motor vehicle liability security contained in the motor vehicle, and the law enforcement officer is able to verify electronically that the owner or operator has current motor vehicle liability security covering the vehicle at the time of the traffic stop, the law enforcement officer shall be prohibited from issuing a citation resulting in a penalty, fine, or fee for failure to have a document that evidences proof of compulsory motor vehicle liability security contained in the motor vehicle.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 198

SENATE BILL NO. 99

BY SENATORS GARY SMITH, ALARIO, ALLAIN, APPEL, BOUDREAUX, BROWN, CARTER, CHABERT, ERDEY, GATTI, HEWITT, JOHNS, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

AN ACT

To enact R.S. 47:360(H), relative to sales by minors; to exempt minors from occupational license taxes; 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. 47:360(H) is hereby enacted to read as follows:

§360. Exemptions

* * *

H. Minors. There shall be no license tax imposed, assessed, or collected under the provisions of this Chapter on any minor engaging in business with sales of less than five hundred dollars per year.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 199

SENATE BILL NO. 104
BY SENATOR JOHN SMITH
AN ACT

To amend and reenact R.S. 22:651(A), 652, and 661, relative to credits for reinsurance; to provide for specific additional requirements relative to the valuation of assets or reserve credits, for the amount and forms of security supporting reinsurance arrangements, and the circumstances pursuant to which credit will be reduced or eliminated; to provide specific authority to promulgate regulations that conform to National Association of Insurance Commissioners model regulations relative to reinsurance for certain health, life, and annuity products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:651(A), 652, and 661 are hereby amended and reenacted to read as follows:

§651. Reinsurance credits

A. The commissioner shall allow credit for reinsurance to a domestic ceding insurer as either an asset or deduction from liability when the assuming insurer satisfies the requirements of Subsection B, C, D, E, or F of this Section. **Additionally, the commissioner may adopt by regulation pursuant to R.S. 22:661(B) specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in R.S. 22:661(B), or the circumstances pursuant to which credit will be reduced or eliminated.** The commissioner shall allow credit under Subsection B or C of this Section pertaining only to cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. The commissioner shall allow the credit for reinsurance pursuant to Subsection D of this Section only if the assuming insurer satisfies the requirements of Subsection G of this Section.

* * *

§652. Reduction from liability for ceded reinsurance

A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer that fails to satisfy the requirements of R.S. 22:651 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer, ~~and such a~~ **Additionally, the commissioner may adopt by regulation pursuant to R.S. 22:661(B) specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in R.S. 22:661(B), or the circumstances pursuant to which credit will be reduced or eliminated.** The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust in this state for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in this state subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution, as defined in R.S. 22:653(B). The security may be in the form of:

(1) Cash.

(2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners (NAIC), including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the NAIC Securities Valuation Office, and qualifying as admitted assets.

(3)(a) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in R.S. 22:653(A), effective no later than December thirty-first in respect of the year for which filing is being made, and in possession of or in trust for the ceding insurer on or before the filing date of its annual statement.

(b) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution’s subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever occurs first.

(4) Any other form of security acceptable to the commissioner.

§661. Authorization

A. The commissioner may adopt, pursuant to the provisions of **this Title and** the Administrative Procedure Act, R.S. 49:950 et seq., rules and regulations to implement any provision of this Subpart.

B. The commissioner may further adopt rules and regulations applicable to reinsurance arrangements described in Paragraph (1) of this Subsection.

(1) A regulation adopted pursuant to this Subsection may apply only to reinsurance relating to any or all of the following:

(a) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits.

(b) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.

(c) Variable annuities with guaranteed death or living benefits.

(d) Long-term care insurance policies.

(e) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners (NAIC) adopts model regulatory requirements with respect to credit for reinsurance.

(2) A regulation adopted pursuant to Subparagraph (1)(a) or (1)(b) of this Subsection may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(3) A regulation adopted pursuant to this Subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC pursuant to R.S. 22:753(C), including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable.

(4) A regulation adopted pursuant to this Subsection shall not apply to any cession to an assuming insurer if the assuming insurer meets any of the following criteria:

(a) Is certified in this state or certified in a minimum of five other states.

(b) Maintains at least two hundred fifty million dollars in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is either of the following:

(i) Licensed in at least twenty-six states.

(ii) Licensed in at least ten states and licensed or accredited in a total of at least thirty-five states.

C. The authority to adopt regulations pursuant to Subsection B of this Section shall not limit the general authority of the commissioner to adopt regulations pursuant to Subsection A of this Section or any other provision of this Title.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 200

SENATE BILL NO. 108
BY SENATOR THOMPSON
AN ACT

To amend and reenact R.S. 9:3578.4.1(G)(2)(a), relative to deferred presentment and small loans; to provide for the extended payment plan process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3578.4.1(G)(2)(a) is hereby amended and reenacted to read as follows:

§3578.4.1. Extended payment plan; terms; conditions

G.(1)

(2)(a) A licensee shall also notify a person of his right to enter into an extended payment plan by including the following statement, in at least sixteen-point bold type, on the first page of each deferred presentment or small loan agreement: “IF YOU CANNOT MAKE PAYMENT WHEN DUE, YOU CAN ASK TO ENTER INTO AN EXTENDED PAYMENT PLAN ONCE IN A TWELVE-MONTH PERIOD, BUT THE REQUEST MUST BE MADE BEFORE PAYMENT IS DUE. **REQUESTS MUST BE IN WRITING AND MAY BE MADE IN PERSON, BY EMAIL, OR FACSIMILE (LICENSEE/LENDER TO INSERT NAME, EMAIL ADDRESS, PHONE NUMBER, AND FACSIMILE NUMBER HERE). SHOULD YOUR LENDER (LICENSEE) REFUSE IF**

* As it appears in the enrolled bill

(LICENSEE/LENDER TO INSERT NAME HERE) REFUSES TO ENTER INTO AN EXTENDED PAYMENT PLAN UPON YOUR REQUEST BEFORE THE DUE DATE, CONTACT THE OFFICE OF FINANCIAL INSTITUTIONS AT 1-888-525-9414.”

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 201

SENATE BILL NO. 152
BY SENATOR CLAITOR
AN ACT

To repeal R.S. 14:95.4, relative to alcohol beverage outlets; to remove provisions providing that persons entering alcoholic beverage outlets consent to a search upon entering; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.4 is hereby repealed.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 202

SENATE BILL NO. 185
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 9:3550(B), relative to insurance premium finance companies; to provide with respect to premium finance agreements which may also include a loan agreement with the policyholder for wind mitigation retrofits to the insured property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3550(B) is hereby amended and reenacted to read as follows:

§3550. Insurance premium finance companies

* * *

B. For purposes of this Section:

(1) “Insurance premium finance company” means a person engaged in the business of entering into premium finance agreements.

(2) “License” means an insurance premium finance company holding a license issued under this Section.

(3) “Person” includes an individual, limited liability company, partnership, association, business corporation, nonprofit corporation, common law trust, joint-stock company, or any other group of individuals however organized.

(4) “Premium finance agreement” means an agreement by which an insured or prospective insured promises to pay to an insurance premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge as authorized and limited by this Section. **With respect to qualified homeowners’ insurance policies, a premium finance agreement may also include a separate loan agreement with the policyholder for wind mitigation retrofits to the insured property. In order to qualify, the homeowners’ insurance policy shall be issued to a homeowner who has financed the cost of wind mitigation retrofits with a consumer finance company licensed pursuant to this Chapter, in part, for the purpose of obtaining wind mitigation and other credits on his homeowners’ insurance policy. Upon cancellation, expiration, or nonrenewal of the qualifying homeowners’ insurance policy, the wind mitigation loan agreement shall continue to be administered pursuant to its terms until paid in full and any cancellation, expiration, or nonrenewal of the qualifying homeowners’ insurance policy shall not accelerate the due date of such wind mitigation loan.** A premium finance agreement shall not include an agreement on the part of an extender of credit to finance credit life, credit disability, and credit property insurance coverage as an incident to a consumer credit transaction subject to this Chapter or subject to any other applicable provision of Louisiana or federal law.

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 203

SENATE BILL NO. 186
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 56:799.2, 799.3(A)(4) and (D), the introductory paragraph of 799.5, and 799.6, and to repeal R.S. 36:610(K) and R.S. 56:799.4,

relative to the White Lake Property Advisory Board; to discontinue the board; to remove references to the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:799.2, 799.3(A)(4) and (D), the introductory paragraph of 799.5, and 799.6 are hereby amended and reenacted to read as follows:

§799.2. Definitions

As used in this Subpart, the following terms shall have the following meanings:

(1) “Act of donation” means the “Act of Donation by BP America Production Company to the State of Louisiana,” dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of Vermilion Parish, bearing entry number 20208337 in which the property in and around White Lake, located in Vermilion Parish, was donated to the state.

~~(2) “Board” means the White Lake Property Advisory Board.~~

~~(3)(2) “Commission” means the Louisiana Wildlife and Fisheries Commission.~~

~~(4)(3) “Department” means the Department of Wildlife and Fisheries.~~

~~(5)(4) “Fund” means the White Lake Property Fund.~~

~~(6)(5) “White Lake Property” means the properties owned by the state in and around White Lake, located in Vermilion Parish which were donated to the state in “Act of Donation by BP America Production Company to the State of Louisiana,” dated July 8, 2002, and recorded July 11, 2002, in the conveyance records of Vermilion Parish, bearing entry number 20208337.~~

§799.3. White Lake Property Fund

A. Effective January 1, 2005, there shall be established in the state treasury, as a special fund within the Louisiana Wildlife and Fisheries Conservation Fund, the White Lake Property Fund, hereinafter referred to as the “fund.” After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund all of the following:

* * *

(4) All donations of private funds or public contributions made to the state, commission, or department, ~~or board~~ for the conservation, administration, control, management, development, or operation of the White Lake Property or the activities conducted thereon.

* * *

D. The monies in the fund shall be appropriated only for the purposes set forth in Subsection C of this Section. ~~The legislature shall make no appropriation from the fund which is inconsistent with the recommendations of the White Lake Property Advisory Board.~~

* * *

§799.5. Commission duties and responsibilities

In addition to duties, responsibilities, and powers provided by the constitution and statutory law ~~and consistent with the recommendations of the board~~, the commission:

* * *

§799.6. Department duties and responsibilities; powers

A. In addition to duties, responsibilities, and powers otherwise provided by law ~~and consistent with the recommendations of the board~~, the department shall administer, control, and manage the White Lake Property.

~~B. Subject to recommendations by the board, the~~ **The** department may enter into cooperative endeavor agreements to fulfill its duties and responsibilities under this Subpart. Each such agreement shall be subject to review by the Joint Legislative Committee on the Budget.

Section 2. R.S. 36:610(K) is hereby repealed.

Section 3. R.S. 56:799.4 is hereby repealed.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 204

SENATE BILL NO. 203

BY SENATOR WARD

AN ACT

To enact R.S. 37:213.1, relative to the unauthorized practice of law; to provide certain terms, conditions, requirements, definitions and procedures; to provide for prescriptive periods; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:213.1 is hereby enacted to read as follows:

§213.1. Unauthorized practice of law; civil damages; prescription

A. In addition to any criminal proceedings and criminal penalties set forth in R.S. 37:213, the provisions of this Section shall apply to civil proceedings against persons engaged in, or who have engaged in, the unauthorized practice of law.

B. As used in this Section, the following terms shall be defined as follows:

(1) “Actor” means a natural or juridical person who is engaged in or has engaged in the unauthorized practice of law. The term “actor” shall not include a Louisiana attorney licensed to practice law or a Louisiana attorney who is suspended or disbarred from the practice of law. The term “actor” may include a Louisiana attorney who has been permanently disbarred or who has permanently resigned from the practice of law.

(2) “Aggrieved party” means a natural or juridical person who has sustained any damage or harm as a result of an actor engaged in the unauthorized practice of law. The term “aggrieved party” shall not include an attorney or a law firm.

(3) “Unauthorized practice of law” means any of the prohibited activities set forth in R.S. 37:213.

C. An aggrieved party, the attorney general of the state of Louisiana, the Louisiana State Bar Association, or any district attorney may file a petition to enjoin an actor from engaging in the unauthorized practice of law. If an actor is enjoined from engaging in the unauthorized practice of law as provided in this Section, the court may also award costs and attorney fees to the petitioner.

D. An aggrieved party may sue an actor who is engaging in, or who has engaged in, the unauthorized practice of law for general damages, special damages, and all other damages suffered by the aggrieved party. The court may award the prevailing party all reasonable costs and reasonable attorney fees in connection with the suit.

E. Venue for any action commenced under Subsections C or D of this Section shall be in any parish where any of the following pertain:

(1) The actor is engaging or has engaged in the unauthorized practice of law.

(2) The offense of the unauthorized practice of law has occurred.

(3) Any damages were sustained.

(4) The aggrieved party resides.

F. An action by an aggrieved party under the provisions of Subsection D of this Section shall be subject to the following prescriptive periods:

(1) Except as provided by Paragraph (2) of this Subsection, the action shall be brought within either one year from the date of the act constituting the alleged unauthorized practice of law, or one year from the date that the act constituting the alleged unauthorized practice of law is discovered or should have been discovered, but in all events such action shall be filed at the latest within three years from the date of the act constituting the alleged unauthorized practice of law.

(2) If the alleged unauthorized practice of law consists of continuous conduct causing continuous damage, the prescriptive periods provided by Paragraph (1) of this Subsection shall not begin to run until the conduct is abated, and recovery may be obtained for all such conduct.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 205

SENATE BILL NO. 233

BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 6:965(C)(introductory paragraph) and (2) and 966.1(A)(3), relative to the Additional Default Remedies Act; to provide for definitions; to provide for requirements of the appropriate official; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:965(C)(introductory paragraph) and (2) and 966.1(A)(3) are hereby amended and reenacted to read as follows:

§965. Scope and definitions

* * *

C. As used in this Chapter, the following terms shall have the following meanings:

* * *

(2) “Collateral” shall refer to “motor vehicles” and “motorcycles” and shall have has the meaning meanings set forth in R.S. 32:1252.

* * *

§966.1. Notice of repossession; contents; fees

A. Within three business days of taking possession of collateral, a secured party who utilizes the additional default remedies provided by this Chapter to obtain possession of collateral shall deliver in person or send by mail a “Notice of Repossession” to the recorder of mortgages in the parish where the collateral was located and to the appropriate official for filing purposes. The “Notice of Repossession” shall contain the debtor’s name, last known address, date of birth, and a description of the collateral repossessed. If the “Notice of Repossession” is sent by mail, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service or private delivery service. For purposes of this Section, the appropriate official shall be:

* * *

(3) The sheriff for the parish of the debtor’s last known address, if there is no other appropriate official as defined in this Subsection. Notwithstanding Paragraphs (A)(1) and (2) of this Subsection, if a secured party files a “Notice of Repossession” with the sheriff for the parish of the debtor’s last known address, then the sheriff is deemed to be the appropriate official and the secured party has satisfied the requirements of this Subsection.

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 206

SENATE BILL NO. 258
BY SENATOR LUNEAU
AN ACT

To enact R.S. 22:997.1, relative to the refilling of topical ophthalmic prescriptions; to require coverage for refills under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:997.1 is hereby enacted to read as follows:

§997.1. Topical ophthalmic prescriptions; coverage for refills

A. Any health, hospital, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan, and a self-insurance plan that provides medical and surgical benefits, which is delivered, issued for delivery, or renewed in this state on or after January 1, 2017, that provides coverage for topical ophthalmic prescriptions, shall not deny coverage for refills under the following circumstances:

(1) The refill is requested by the insured for a thirty-day supply, between twenty-three and thirty days from the later of either:

(a) The original date the prescription was distributed to the insured.

(b) The date the most recent refill was distributed to the insured.

(2) For a sixty-day supply, between forty-six and sixty days from the later of either:

(a) The original date the prescription was distributed to the insured.

(b) The date the most recent refill was distributed to the insured.

(3) For a ninety-day supply, between sixty-nine and ninety days from the later of either:

(a) The original date the prescription was distributed to the insured.

(b) The date the most recent refill was distributed to the insured.

B. The prescriber shall indicate on the original prescription that additional quantities are necessary. However, the original prescription shall not exceed the number of additional quantities necessary for treatment of the medical condition for which the original prescription was issued.

C. The provisions of this Section shall, to the extent practicable, be limited in quantity so as not to exceed the remaining dosage initially approved for coverage, provided that such limited refilling shall not limit or restrict coverage with regard to any previously or subsequently approved topical ophthalmic prescription and shall be subject to the terms and conditions of the insurance plan otherwise applicable to this coverage.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 207

SENATE BILL NO. 354
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 48:252(B)(7)(b) and 256.4, relative to contracts of the Department of Transportation and Development; to provide relative to plan changes and partial acceptance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:252(B)(7)(b) and 256.4 are hereby amended and reenacted to read as follows:

§252. Advertisement for bids; public presentment and reading of bids; fee for bid proposals

* * *

B. Contracts for projects with an aggregate estimated cost equal to or greater than the contract limit shall be let in accordance with the following provisions:

* * *

(7)(a)

* * *

(b) Plan changes pertaining to contracts not required by this Part to be put out for public bid shall be negotiated in the best interest of the department or let out for public bid as provided by this Part. Negotiated plan changes shall be fully documented and itemized as to costs, including material quantities, material costs, labor costs, taxes, insurance, employee benefits, other related costs, profit, and overhead. Where certain unit prices are contained in the initial contract, no deviations shall be allowed in computing negotiated plan change costs for work under those work items unless the actual quantities worked vary more than twenty-five percent from the estimated quantities in the contract as advertised. **Plan changes within the scope of the contract shall not be recorded in the office of the recorder of mortgages in the parish where the work is performed.**

* * *

§256.4. Acceptance by the department

A. Whenever the department enters into a contract for the construction, maintenance, alteration, or repair of any public works, in accordance with the provisions of this Subpart, the undersecretary or his duly appointed designee of the department shall have recorded in the office of the recorder of mortgages, in the parish where the work has been done, a final acceptance of said the work or a partial acceptance of any specified area thereof upon

completion of all of the work. The final acceptance shall be executed by the secretary or his duly appointed designee within thirty days of completion of all of the work on the project. The recordation of a final acceptance in accordance with the provisions of this Section shall be effective for all purposes under this Chapter.

B. "Partial acceptance" as used in this Section means the determination by the department made after final inspection of a portion of the project that the contractor has satisfactorily completed that portion of the project and that such portion may be used advantageously by traffic or for other use.

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

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 208

HOUSE BILL NO. 22
BY REPRESENTATIVES MONToucET AND REYNOLDS
AN ACT

To amend and reenact R.S. 11:107.1(B)(2) and (D)(4)(a) and 107.2(A) and (B) (introductory paragraph) and to enact R.S. 11:105(A)(7), 107(A)(6), 107.1(A)(6) and (D)(4)(c), relative to the Firefighters' Retirement System; to provide relative to the authority of the board of trustees of the system to modify employer contribution rates in certain circumstances; to establish a funding deposit account within the system; 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. 11:107.1(B)(2) and (D)(4)(a) and 107.2(A) and (B)(introductory paragraph) are hereby amended and reenacted and R.S. 11:105(A)(7), 107(A)(6), 107.1(A)(6) and (D)(4)(c) are hereby enacted to read as follows:

§105. Employer contributions; maintaining rates

A. The provisions of this Section shall apply to the following statewide public retirement systems or funds, hereinafter referred to in this Section as "systems":

* * *

(7) The Firefighters' Retirement System.

* * *

§107. Additional employer contributions; reducing rate decreases

A. The provisions of this Section shall apply to the following statewide public retirement systems or funds:

* * *

(6) The Firefighters' Retirement System.

* * *

§107.1. Funding deposit account

A. The provisions of this Section shall apply to the following statewide public retirement systems or funds, hereinafter referred to in this Section as "systems":

* * *

(6) The Firefighters' Retirement System.

B.

* * *

(2) The balance in the account shall be set equal to zero as of December 31, 2008 ~~thirty-first of the year immediately preceding the date the account is established.~~

* * *

D. Notwithstanding any provisions of law to the contrary, the board of trustees of each system may in any fiscal year direct that funds from the account be charged for the following purposes:

* * *

(4)(a) ~~To~~ **Except as provided in Subparagraph (c) of this Paragraph, to provide for cost-of-living increases, in accordance with applicable law.**

* * *

(c) Notwithstanding any provision of law to the contrary, the Firefighters' Retirement System shall not provide for cost-of-living increases with funds charged from the account.

* * *

§107.2. Employer contributions; maintaining rates; reducing rate decreases; ~~Firefighters' Retirement System; Municipal Police Employees' Retirement System~~

A. The provisions of this Section apply to ~~the following statewide public retirement systems or funds, hereinafter referred to in this Section as "systems":~~

~~(1) The Firefighters' Retirement System.~~

~~(2) The Municipal Police Employees' Retirement System, hereinafter referred to in this Section as "system".~~

B. Notwithstanding the provisions of R.S. 11:103 and 104, in any fiscal year during which the recommended net direct employer contribution rate

would otherwise be decreased for ~~any~~ the system, the board of trustees of ~~the system~~ is hereby authorized to either:

* * *

Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 209

**HOUSE BILL NO. 24
BY REPRESENTATIVE MONTUCET
AN ACT**

To amend and reenact R.S. 11:2258(A) and (B)(introductory paragraph) and to enact R.S. 11:2258.1, relative to eligibility for disability benefits from the Firefighters Retirement System; to provide relative to eligibility for disability benefits; to provide for appeals of board decisions regarding eligibility; 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(A) and (B)(introductory paragraph) are hereby amended and reenacted and R.S. 11:2258.1 is hereby enacted to read as follows:

§2258. Disability retirement

A.(1) Eligibility Except as provided in Paragraph (2) of this Subsection, eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of an employee who formerly had a disability are specifically described and provided for in R.S. 11:201 shall be governed by the provisions of R.S. 11:215 through 224.

(2)(a) No member is eligible for a disability benefit if his disability is a direct or indirect result of a condition that existed prior to membership in this system. For example but not as a limitation, if a member's disability develops because his service exacerbates an injury sustained prior to membership in this system, he is not eligible for benefits stemming from that disability.

(b) In determining whether a member's disability is a result of a condition that existed prior to membership in this system, the board of trustees shall consider medical and other factual information; however, the board shall not consider the fact that the member was determined by medical examination to be fit for employment as a firefighter as indicative of the absence of preexisting conditions.

B. The board of trustees shall award disability benefits to eligible members who have been officially certified as having a disability by the State Medical Disability Board unless the board of trustees determines that the disability is a direct or indirect result of a condition that existed prior to employment in this system. The disability benefit shall be determined as follows:

* * *

§2258.1. Disability benefits; appeal

An appeal of a decision regarding eligibility for disability benefits pursuant to R.S. 11:2258(A)(2) may be instituted by the member or his beneficiary by filing a petition in the appropriate district court within thirty days after receipt of written notice of the decision.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 210

**HOUSE BILL NO. 93
BY REPRESENTATIVE GREGORY MILLER
AND SENATOR THOMPSON
AN ACT**

To amend and reenact Civil Code Articles 256(A) and (C) and 261, relative to terminology; to provide for updated language; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 256(A) and (C) and 261 are hereby amended and reenacted to read as follows:

Art. 256. ~~Hlegitimate children~~ Children born outside of marriage

A. The mother is of right the tutrix of her ~~illegitimate~~ Child born outside of marriage not acknowledged by the father, or acknowledged by him ~~alone~~ without her concurrence.

* * *

C. If both parents have acknowledged their ~~illegitimate~~ Child born outside of marriage, the judge shall appoint as tutor the one by whose care the best interests of the child will be served. However, if the parents are awarded joint custody of such acknowledged ~~illegitimate~~ Child born outside of marriage, then the cotutorship of such child shall belong of right to both parents, with equal authority, privileges, and responsibilities, unless modified by order of the court or by an agreement of the parents, approved by the court awarding joint custody.

* * *

Art. 261. ~~Hlegitimate child~~ Child born outside of marriage

The father or mother who is entitled to the tutorship of the ~~illegitimate~~ Child born outside of marriage, according to the provisions of Article 256, can choose a tutor for him, whose appointment, to be valid, must be approved by the judge.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 211

**HOUSE BILL NO. 130
BY REPRESENTATIVE BROADWATER
AN ACT**

To amend and reenact R.S. 13:1904(D), relative to the destruction of certain misdemeanor records; to authorize certain clerks of court to destroy certain misdemeanor records; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1904(D) is hereby amended and reenacted to read as follows:

§1904. City courts; destruction of useless records; certain courts

* * *

D. The clerk of ~~the City Court of Hammond, the clerk of the City Court of Houma, the clerk of the City Court of Ruston, and the clerk of the City Court of Lake Charles~~ may, upon consent of the judge or of the majority of judges if there is more than one city judge and with authorization from the state archivist as provided in R.S. 44:411, destroy records of criminal proceedings involving misdemeanor convictions when such records have been deemed by the presiding judge or judges to have no further use or value. However, such proposed destruction shall be authorized only when ten years have elapsed from the date of the judgment of conviction when the conviction is not appealed or two years have elapsed after all appeals are exhausted. The provisions of this Subsection shall not apply to a conviction for operating a vehicle while intoxicated.

* * *

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 212

**HOUSE BILL NO. 142
BY REPRESENTATIVES MIGUEZ, ADAMS, AMEDEE, ARMES, BACALA, BAGLEY, BARRAS, BERTHELOT, BISHOP, CHAD BROWN, STEVE CARTER, CONNICK, COUSSAN, CROMER, DAVIS, DEVILLIER, EDMONDS, FALCONER, GAROFALO, GISCLAIR, GUINN, HAVARD, HILL, HORTON, HOWARD, HUNTER, IVEY, MIKE JOHNSON, LOPINTO, MAGEE, MCFARLAND, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, STOKES, WHITE, WILLMOTT, AND ZERINGUE**

AN ACT

To amend and reenact R.S. 40:1379.3(C)(6) and (10), relative to concealed handgun permits; to provide with respect to eligibility to obtain a concealed handgun permit; to provide that persons convicted of certain offenses are not ineligible to obtain a concealed handgun permit; to provide for applicability; to provide limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(C)(6) and (10) are hereby amended and reenacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

C. To qualify for a concealed handgun permit, a Louisiana resident shall:

* * *

(6) Not be ineligible to possess a firearm by virtue of having been convicted of a felony. A conviction for a felony offense which has been expunged prior to August 1, 2014, pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014, pursuant to Title XXXIV of the Code of Criminal Procedure shall not be considered a conviction for the purposes of this Paragraph if ten years have elapsed since the completion of the resident's probation, parole, or suspended sentence. However, the provisions of this Paragraph shall not apply to a conviction for a crime of violence as defined in R.S. 14:2(B) even if that conviction has been expunged. A conviction for which a person has been pardoned by the governor shall not be considered a conviction for purposes of this Paragraph, unless that pardon expressly provides that the person may not ship, transport, possess, or receive firearms.

* * *

(10) Not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater. ~~A conviction, plea of guilty, or plea of nolo contendere under this Paragraph shall include an expungement of such conviction or a dismissal and conviction set aside under the provisions of Code of Criminal Procedure Article 893.~~ However, a person who has been convicted of a violation of 18 U.S.C. 491(a) shall be permitted to qualify for a concealed handgun permit if fifteen or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole. A conviction for a felony offense which has been expunged prior to August 1, 2014, pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014, pursuant to Title XXXIV of the Code of Criminal Procedure shall not be considered a conviction for the purposes of this Paragraph if ten years have elapsed since the completion of the resident's probation, parole, or suspended sentence. However, the provisions of this Paragraph shall not apply to a conviction for a crime of violence as defined in R.S. 14:2(B) even if that conviction has been expunged. A conviction for which a person has been pardoned by the governor shall not be considered a conviction for purposes of this Paragraph, unless that pardon expressly provides that the person may not ship, transport, possess, or receive firearms.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 213

HOUSE BILL NO. 172
BY REPRESENTATIVE JEFFERSON
AN ACT

To amend and reenact Code of Criminal Procedure Article 900(A)(6)(b), relative to technical parole violations; to provide for earning of credit for time served prior to revocation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 900(A)(6)(b) is hereby amended and reenacted to read as follows:

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899 of this Code, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899 of this Code, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

* * *

(6)

* * *

(b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article, any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex offense as defined in R.S. 15:541(24), and who has had his probation revoked under the provisions of this Article for his first technical violation of his probation as determined by the court, shall be required to serve a sentence of not more than ninety days without diminution of sentence ~~or credit for time served prior to the revocation for a technical violation.~~ The defendant shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation in a local detention facility, state institution, or out-of-state institution pursuant to Code of Criminal Procedure Article 880. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active and supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court. The provisions of this Paragraph shall apply only to the defendant's first revocation for a technical violation.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 214

HOUSE BILL NO. 180
BY REPRESENTATIVE JEFFERSON
AN ACT

To amend and reenact Code of Criminal Procedure Article 901(C), relative to probation; to provide relative to the revocation of probation for the commission of another offense; to provide for credit for time served prior to the revocation hearing; to provide that certain sentences may be served consecutively or concurrently; to provide exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 901(C) is hereby amended and reenacted to read as follows:

Art. 901. Revocation for commission of another offense

* * *

C. In cases of revocation provided for in this Article:

(1) No credit shall be allowed for time spent on probation or for the time elapsed during suspension of the sentence; ~~and,~~

(2) When the new conviction is a Louisiana conviction, the court shall specify in the minutes whether the sentence shall run consecutively or concurrently with the sentence for the new conviction, unless the court originally imposing the suspension or probation specifically orders that said sentences are to be served concurrently, in which case the court minutes shall reflect the date from which the sentences are to run concurrently.

(3) The defendant may be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a probation violation in a local detention facility, state institution, or out-of-state institution pursuant to Article 880 of this Code.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 215

HOUSE BILL NO. 227
BY REPRESENTATIVE PYLANT
AN ACT

To amend and reenact R.S. 14:130.1(A)(introductory paragraph) and to enact R.S. 14:130.1(A)(4), relative to obstruction of justice; to provide for additional elements of the crime of obstruction of justice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:130.1(A)(introductory paragraph) is hereby amended and reenacted and R.S. 14:130.1(A)(4) is hereby enacted to read as follows:

§130.1. Obstruction of justice

A. The crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as hereinafter described in this Section:

* * *

(4) Inducing or persuading or attempting to induce or persuade any person to do any of the following:

(a) Testify falsely or, without right or privilege to do so, to withhold any testimony.

(b) Without the right or privilege to do so, absent himself from such proceedings despite having received service of a subpoena.

* * *

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 216

HOUSE BILL NO. 259
BY REPRESENTATIVE NANCY LANDRY
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To enact R.S. 13:3494 and 3495, relative to child support actions; to provide for required notice; to provide for contents of the notice; to provide relative to the failure to provide notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3494 and 3495 are hereby enacted to read as follows:

§3494. Child support; notice required in child support actions

A. A notice in a child support action shall be signed by the clerk of the court or his deputy issuing it with an expression of his official capacity and under the seal of his office, shall be accompanied by a certified copy of the pleading, and shall contain all of the following:

- (1) The date of issuance.
- (2) The title of the cause.
- (3) The name of the person to whom it is addressed.
- (4) The title and location of the court issuing it.
- (5) Statements to the following effect:
 - (a) That the person served is being sued for child support.
 - (b) That the person served may be entitled to raise issues relating to child custody or visitation, or both.

B. The notice shall provide substantially as follows:

ATTENTION:

YOU ARE BEING SUED FOR CHILD SUPPORT.

YOU MAY HAVE THE RIGHT TO RAISE ISSUES IN THIS PROCEEDING RELATING TO CUSTODY OF THE CHILD(REN) OR VISITATION WITH THE CHILD(REN). ACCORDING TO LOUISIANA LAW (R.S. 9:315.25), THE COURT MAY HEAR AND DECIDE CHILD CUSTODY OR VISITATION ISSUES IN A CHILD SUPPORT PROCEEDING, PROVIDED THAT THE JUDGE AND ALL PARTIES AGREE TO HAVE THE ISSUE(S) HEARD. IF ALL DO NOT AGREE, YOU WILL HAVE TO FILE LEGAL PLEADINGS TO HAVE THE COURT DECIDE THE ISSUE(S) RELATING TO CHILD CUSTODY OR VISITATION. NOTE THAT YOUR DECISION TO RAISE THESE ISSUES MAY NOT BE USED TO DELAY THE CHILD SUPPORT PROCEEDINGS.

IF YOU DO NOT UNDERSTAND THIS NOTICE OR ARE UNSURE WHAT TO DO, YOU SHOULD SEEK LEGAL ADVICE FROM AN ATTORNEY OR AN ORGANIZATION THAT PROVIDES LEGAL SERVICES IN YOUR COMMUNITY.

Comment - 2016

This provision is new. It is intended to facilitate use of R.S. 9:315.25 by litigants in child support proceedings by increasing general knowledge of its existence. It is anticipated that increased use of R.S. 9:315.25 by litigants in child support proceedings will provide both custodial and non-custodial parents the option to obtain a child custody judgment in a child support proceeding without filing any additional proceedings and without the investment of further court or litigant resources. Clerks of court are encouraged, when issuing the above notice, to append to it any information regarding statewide and local pro bono or self-help providers, including local legal service providers, legal service hotlines, self-help centers and community legal clinics.

§3495. Failure to give notice; validity of judgment not affected
A failure to give the notice required pursuant to R.S. 13:3494 shall not invalidate a judgment of child support.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 217

HOUSE BILL NO. 325
BY REPRESENTATIVE ROBERT JOHNSON
AN ACT

To repeal R.S. 40:34(E), relative to paternity; to repeal provisions in the Vital Records Law regarding allegations of paternity for child support purposes.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:34(E) is hereby repealed in its entirety.
Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 218

HOUSE BILL NO. 330
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 9:315.11(A), relative to child support; to provide for imputing income; to provide relative to actual income or income earning potential; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:315.11(A) is hereby amended and reenacted to read as follows:

§315.11. Voluntarily unemployed or underemployed party
A. If a party is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of income earning potential, unless the party is physically or mentally incapacitated, or is caring for a child of the parties under the age of five years. In determining the party's income earning potential, the court may consider the most recently published Louisiana Occupational Employment Wage Survey. Absent evidence of a party's actual income or income earning potential, there is a rebuttable presumption that the party can earn a weekly gross amount equal to thirty-

* As it appears in the enrolled bill

two hours at a minimum wage, according to the laws of his state of domicile or federal law, whichever is higher.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 219

HOUSE BILL NO. 332
BY REPRESENTATIVE MONTUCET
AN ACT

To amend and reenact R.S. 3:556.3(B)(introductory paragraph), (3), and (4) and to repeal R.S. 3:556.3(B)(10), relative to the Louisiana Crawfish Promotion and Research Board; to provide for the modification of the composition of the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:556.3(B)(introductory paragraph), (3), and (4) are hereby amended and reenacted to read as follows:
§556.3. Louisiana Crawfish Promotion and Research Board

* * *

B. The board shall consist of ~~thirteen~~ eleven members appointed by the commissioner of agriculture and forestry in accordance with the following provisions:

* * *

(3) One member who is engaged in crawfish farming north of U.S. Highway 190 appointed from a list of three persons nominated by the Louisiana Crawfish Farmers Association. However, if no member north of U.S. Highway 190 is available, the commissioner shall appoint the member from the state-at-large.

(4) ~~Four~~ Three members engaged in harvesting wild crawfish.

* * *

Section 2. R.S. 3:556.3(B)(10) is hereby repealed in its entirety.
Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 220

HOUSE BILL NO. 336
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 3:4617(C), relative to fraud by vendors or by purchasers in the area of the Louisiana Weights and Measures Law; to prohibit the misrepresentation of the origin of fruit, vegetable, grain, meat, and fish, including shellfish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:4617(C) is hereby amended and reenacted to read as follows:
§4617. Fraud by vendors or by purchaser

* * *

C. No one shall misrepresent the name, origin, or type of any fruit, vegetable, grain, meat, shellfish, or fish, including catfish, sold, or offered or exposed for sale, to any actual or prospective consumer. "Catfish" shall mean only those species within the family of Ictaluridae, Ariidae or Loricariidae.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 221

HOUSE BILL NO. 347
BY REPRESENTATIVES DANAHAHAY, BAGNERIS, GARY CARTER, ROBBY CARTER, GAINES, JIMMY HARRIS, HAZEL, HODGES, AND JACKSON AND SENATOR BISHOP
AN ACT

To enact R.S. 13:5401(C)(10), (11), and (12), relative to reentry courts; to authorize the creation of a reentry division of the Fourteenth, Twenty-First, and Thirty-Second Judicial District Courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5401(C)(10), (11), and (12) are hereby enacted to read as follows:
§5401. District courts; reentry courts; subject matter

* * *

C. The following district courts may assign certain divisions of the court as a reentry division of court in accordance with the provisions of this Section:

* * *

- (10) The Fourteenth Judicial District Court.
- (11) The Thirty-Second Judicial District Court.

(12) The Twenty-First Judicial District Court.
Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 222

HOUSE BILL NO. 395
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 9:315(C)(1), relative to child support; to provide for computing adjusted gross income; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:315(C)(1) is hereby amended and reenacted to read as follows:
§315. Economic data and principles; definitions

* * *

C. Definitions. As used in this Part:
(1) “Adjusted gross income” means gross income, minus:
(a) Amounts ~~amounts~~ for preexisting child support or spousal support obligations paid owed under an order of support to another who is not a party to the proceedings, ~~or and~~
(b) At the court’s discretion, amounts paid on behalf of a party’s minor child who is not the subject of the action of the court.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 223

HOUSE BILL NO. 396
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 9:315.16(B)(1), relative to the child support review committee; to provide with respect to its membership; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:315.16(B)(1) is hereby amended and reenacted to read as follows:
§315.16. Review of guidelines

* * *

B. The child support review committee shall serve without compensation, except for the members of the legislature who shall receive a per diem as provided by law, and shall consist of the following members:
(1) The reporter or designee of the Louisiana State Law Institute Marriage and Persons Advisory Committee.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 224

HOUSE BILL NO. 547
BY REPRESENTATIVE JACKSON
AN ACT

To enact R.S. 15:175(D), relative to public defender services; to provide with respect to determinations of indigency; to authorize the adoption of a uniform form to be used in determining indigency; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:175(D) is hereby enacted to read as follows:
§175. Proceedings to determine indigency

* * *

D. The judicial administrator for the Louisiana Supreme Court shall develop a form to be used by the court in determining indigency. The form, at a minimum, shall include the following determinations by the court:
(1) Whether the defendant receives any form of public assistance.
(2) The occupational status of the defendant and income, if any.
(3) Whether the payment of legal fees would deprive the defendant or his dependents of necessities of life including clothing, shelter, or food.
(4) Whether the defendant is eligible for indigent defender services based upon the defendant’s income and assets.

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 225

HOUSE BILL NO. 582
BY REPRESENTATIVES JACKSON AND HOFFMANN
AND SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 14:2(B)(32) and 37.2 and R.S. 15:642(2)(b), relative to aggravated assault upon a peace officer; to amend the crime of aggravated assault upon a peace officer with a firearm; to remove the element that the offense be committed with a firearm; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:2(B)(32) and 37.2 are hereby amended and reenacted 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”:

* * *

(32) Aggravated assault upon a peace officer ~~with a firearm~~.

* * *

§37.2. Aggravated assault upon a peace officer ~~with a firearm~~

A. Aggravated assault upon a peace officer ~~with a firearm~~ is an assault committed upon a peace officer who is acting in the course and scope of his duties ~~with a firearm~~.

B. ~~For purposes of this Section, “firearm” is defined as an instrument used in the propulsion of shot, shell, or bullets by the action of gunpowder exploded within it.~~

~~C. Whoever commits an aggravated assault upon a peace officer with a firearm shall be fined not more than five thousand dollars, or imprisoned for not less than one year nor more than ten years, with or without hard labor, or both.~~

Section 2. R.S. 15:642(2)(b) is hereby amended and reenacted to read as follows:

§642. Definitions

For the purposes of this Chapter, the following words have the following meanings ascribed to them:

* * *

(2) “Offense against a peace officer” means any of the following:

* * *

(b) Aggravated assault upon a peace officer ~~with a firearm~~.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 226

HOUSE BILL NO. 862
BY REPRESENTATIVE FALCONER
AN ACT

To enact R.S. 9:2800.23, relative to liability for damages caused by persons with developmental disabilities; to provide a limitation of liability for parents, tutors, and curators; to provide conditions upon which the limitation of liability is contingent; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:2800.23 is hereby enacted to read as follows:
§2800.23. Limitation of liability for damages caused by persons with developmental disabilities

A. Notwithstanding the provisions of Civil Code Articles 225, 2317, or 2318, a parent, tutor, or curator of a student with developmental disabilities shall not be liable for any damage, injury, or loss caused by that student when all of the following conditions exist at the time the injury or loss occurred:

(1) The school developed and implemented a behavioral intervention plan as part of an Individualized Education Program pursuant to the Individuals with Disabilities Education Improvement Act of 2004.

(2) The parent, tutor, or curator of the student signed the Individualized Education Program.

(3) The parent, tutor, or curator relinquished physical care, custody, and control of the student to the school.

(4) The parent, tutor, or curator was not present or exercising any physical care, custody, or control over the student at the school or school-sanctioned event.

B. The limitation of liability provided by this Section shall not be applicable if the damage, injury, or loss was caused by the negligence of the parent, tutor or curator.

C. The provisions of this Section shall apply only to actions for the recovery of damages, injury, or loss sustained by an employee of the school which

developed and implemented the behavioral intervention plan as provided by Paragraph (A)(1) of this Section and where the damages, injury, or loss sustained was caused by a violation of the behavioral intervention plan by an employee of the school.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 227

HOUSE BILL NO. 956
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 9:2721 and to repeal Civil Code Article 3275, relative to mortgage and conveyance records; to provide for the recordation of certain documents; to provide relative to information contained in certain documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:2721 is hereby amended and reenacted to read as follows:
§2721. Filing in office of parish recorder

~~B-A. An act of sale conveyance of immovable property or attachment thereto filed for registry in the office of the parish recorder pursuant to Subsection A of this Section shall designate the name of the person responsible for all property taxes and assessments and include the address where property tax and assessment notices are to be mailed. The person responsible for the taxes and assessments of the immovable being transferred shall provide the above information to the tax assessor for the parish in which the immovable property is located for the purpose of issuing tax and assessment notices.~~

~~E-B. Anyone who acquires immovable property in this state, whether by sale, sheriff's sale, giving in payment, or in any other manner, which property is subject to a recorded lease agreement that is not divested by the acquisition, shall take the property subject to all of the provisions of the lease, including any provision for the payment of a commission to a leasing agent or other third party, provided that the lease was recorded prior to the recordation of the document which establishes the rights of the person who acquires the property. Such document shall include but is not limited to a mortgage, option to purchase, or other writing.~~

Section 2. Civil Code Article 3275 is hereby repealed in its entirety.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 228

HOUSE BILL NO. 970
BY REPRESENTATIVE ANDERS
AN ACT

To enact R.S. 13:5554(G)(5), relative to payment for certain benefits for retirees from Concordia Parish Sheriff's Office; to provide for the qualifications for payment for certain insurance premiums; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 13:5554(G)(5) is hereby enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

G.
* * *

(5)(a) The provisions of Paragraph (1) of this Subsection, as applicable to the sheriff's office of Concordia Parish, shall apply to sheriffs and deputy sheriffs who retire or are eligible to retire prior to September 1, 2017, who meet the eligibility requirements pursuant to Paragraph (1) of this Subsection.

(b) In the parish of Concordia, the premium costs of group hospital, surgical, medical expense, and dental insurance contracted under the provisions of this Section 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's general fund to all sheriffs and deputy sheriffs who retire or are eligible to retire on or after September 1, 2017, and who have either of the following:

(i) Fifteen years of continuous and creditable service with the sheriff's office of Concordia Parish on or before September 1, 2017, and subsequently retired or are eligible for retirement from the sheriff's office of Concordia Parish after having reached the age of fifty-five.

(ii) Thirty or more years of continuous and creditable service with the sheriff's office of Concordia Parish who are eligible to retire after September 1, 2017, regardless of age.

* * *

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 229

HOUSE BILL NO. 1014
BY REPRESENTATIVE BERTHELOT
AN ACT

To amend and reenact R.S. 40:1664.8(E), relative to licensing law of persons as provided in the Life Safety and Property Protection Licensing Act; to amend a certain provision with respect to the statutory reference of the "sex offense" definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1664.8(E) is hereby amended and reenacted to read as follows:

§1664.8. Criminal background checks

* * *

E. Subsection D of this Section shall not apply to any person convicted of a felony crime of violence specifically enumerated in R.S. 14:2(B), a sex offense as defined in ~~R.S. 15:541 (14.1)~~ R.S. 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense against property as enumerated in R.S. 14:51 through ~~62.6~~ 62.9.

* * *

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 230

HOUSE BILL NO. 1141
(Substitute for House Bill No. 408 by Representative Hazel)
BY REPRESENTATIVES HAZEL, ARMES, BAGLEY, BERTHELOT, BILLIOT, CHAD BROWN, GARY CARTER, ROBBY CARTER, CHANEY, COUSSAN, COX, CROMER, DAVIS, DWIGHT, EDMONDS, FOIL, GAROFALO, GISCLAIR, HAVARD, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, MIKE JOHNSON, JONES, MACK, MAGEE, MORENO, JAY MORRIS, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SHADOIN, SIMON, THIBAUT, AND WILLMOTT AND SENATORS CARTER, MILLS, MORRELL, PETERSON, GARY SMITH, AND TARVER
AN ACT

To amend and reenact R.S. 13:5366(B)(9) and (10), relative to the Veterans Court program; to provide relative to eligibility for the program; to provide for additional requirements and restrictions for certain eligible participants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5366(B)(9) and (10) are hereby amended and reenacted to read as follows:

§5366. The Veterans Court program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(9) In order to be eligible for the Veterans Court program, the defendant must satisfy each of the following criteria:

(a) The defendant cannot have any a prior felony convictions conviction for any offenses an offense defined as crimes of violence in R.S. 14:2(B) a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541(24), or any pending criminal proceeding alleging commission of an offense defined as a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541(24).

(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B).

(c) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(B) cannot be pending against the defendant.

(d) The crime before the court cannot be a charge of driving under the influence of alcohol or any other drug or drugs that resulted in the death of a person.

(e) If the crime before the court is domestic abuse battery as defined in R.S. 14:35.3 or domestic abuse aggravated assault as defined in R.S. 14:37.7, the defendant shall comply with the following additional requirements as conditions of eligibility in the Veterans Court program:

(i) Completion of a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

(ii) No ownership or possession of a firearm while under the supervision of the Veterans Court program or court-ordered probation.

(10) A defendant previously convicted or adjudicated a delinquent for the offense of simple battery shall not be deemed ineligible for the Veterans Court program on the sole basis of such status. Notwithstanding any provision of law to the contrary, the defendant may be considered for participation in the Veterans Court program even if the defendant is not otherwise eligible for probation due to the defendant's criminal history.

* * *

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 231

HOUSE BILL NO. 27
BY REPRESENTATIVE MONToucET
AN ACT

To amend and reenact R.S. 11:2260.1, relative to the Firefighters' Retirement System, to provide relative to the correction of administrative errors; to provide with respect to the payment of interest in certain circumstances with respect to such errors; 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. 11:2260.1 is hereby amended and reenacted to read as follows:

§2260.1. Correction of administrative error

A. Except where otherwise prohibited in this Chapter, the director may correct any administrative error and make all adjustments relative to such correction. The director shall correct such error based solely on sufficient documentation, which shall be submitted to the board of trustees at the next board meeting, whether such administrative error was committed by the system or otherwise.

B. If an underpayment of benefits is due to an administrative error committed by system staff, the correction of such error pursuant to Subsection A of this Section may include the payment of interest at a rate not to exceed the system's valuation interest rate or the judicial interest rate, whichever is lower.

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

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 232

HOUSE BILL NO. 76
BY REPRESENTATIVE HAVARD
AN ACT

To enact Code of Criminal Procedure Article 404(F), relative to jury commissions; to provide for the functions of the jury commission in the parishes of East Feliciana and West Feliciana; to transfer the functions of the jury commission to the clerks of court of East Feliciana Parish and West Feliciana Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 404(F) is 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

F. 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.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 233

HOUSE BILL NO. 79
BY REPRESENTATIVE TERRY BROWN
AN ACT

To amend and reenact R.S. 15:571.11(A)(1)(a) and to enact R.S. 13:3049(B)(1)(e) (vi), relative to the use of funds in the Thirty-Ninth Judicial District Court; to provide for the use of surplus monies in the juror compensation fund; to provide for certain prohibitions relative to the required minimum balance in the juror compensation fund; to provide for the use of certain funds in the Thirty-Ninth Judicial District Court's "Criminal Court Fund"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3049(B)(1)(e)(vi) is hereby enacted to read as follows:

§3049. Cash deposit; bond; duty to attend; compensation; procedure; filing fees

B.(1)

(e)(i)

(vi)(aa) In the Thirty-Ninth Judicial District, the parish governing authority may adopt an ordinance which provides that surplus monies in the juror compensation fund that exceed fifty thousand dollars at the end of each calendar year may be used to defray the expenses of the criminal court system. Notwithstanding any provision of law to the contrary, all surplus monies in the special fund at the end of each calendar year shall be transmitted by the governing authority to the Thirty-Ninth Judicial District Court for deposit into the court's criminal court fund no later than January thirty-first of each calendar year.

(bb) As used in this Item, "special fund" means the special fund provided for in this Subparagraph, and "surplus monies" means the amount of money that is in each special fund at the end of each calendar year and that is in excess of the total amount paid from costs of court collected as provided in Item (i) of this Subparagraph in that calendar year. No money obligated to be paid to any juror shall be considered surplus money pursuant to this Item.

(cc) For the purposes of this Item, the balance of fifty thousand dollars required to be maintained in the juror compensation fund shall mean fifty thousand dollars in unexpended and unencumbered funds, and under no circumstances shall the balance in the fund be reduced below fifty thousand dollars as a result of an expenditure made under the provisions of this Item.

Section 2. R.S. 15:571.11(A)(1)(a) is hereby amended and reenacted to read as follows:

§571.11. Dispositions of fines and forfeitures

A.(1)(a) All fines and forfeitures, except for forfeitures of criminal bail bonds posted by a commercial security imposed by district courts and district attorneys, conviction fees in criminal cases, and prosecutions for violations of state law or parish ordinances, upon collection by the sheriff or executive officer of the court, shall be paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which, on motion by the district attorney and approval order of the district judge, may be used or paid out in defraying the expenses of the criminal courts of the parish as provided in ~~Ch.C. Children's Code~~ Articles 419 and 421 and R.S. 16:6, in defraying the expenses of those courts in recording and transcribing of testimony, statements, charges, and other proceedings in the trial of indigent persons charged with the commission of felonies, in defraying their expenses in the preparation of records in appeals in such cases, for all expenses and fees of the petit jury and grand jury, for witness fees, for attendance fees of the sheriff and clerk of court, for costs and expenses of a parish law library, and for other expenses related to the judges of the criminal courts and the office of the district attorney. In the Second Judicial District, the criminal court fund shall be used to defray the expenses of the criminal court system. In the Thirty-Ninth Judicial District, the criminal court fund shall be used to defray the expenses of the criminal court system.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 234

HOUSE BILL NO. 97
BY REPRESENTATIVES SMITH, AMEDEE, BACALA, BAGLEY, BAGNERIS, BOUIE, TERRY BROWN, GARY CARTER, ROBBY CARTER, COX, DEVILLIER, EDMONDS, EMERSON, HALL, HILFERTY, HILL, HORTON, JEFFERSON, JENKINS, NANCY LANDRY, TERRY LANDRY, LEBAS, LYONS, MAGEE, MARCELLE, MORENO, JAY MORRIS, PIERRE, PRICE, PUGH, PYLANT, AND STOKES

AN ACT

To amend and reenact R.S. 17:81(Y) and 3996(B)(35), relative to requirements for posting the state child protection toll-free hotline number in public schools; to provide that public school governing authorities adopt rules and regulations to require each public school under its jurisdiction to post on its website the state child protection toll-free hotline number; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(Y) and 3996(B)(35) are hereby amended and reenacted to read as follows:

§81. General powers of local public school boards

Y.(1) The governing authority of each public elementary and secondary school shall provide age- and grade-appropriate classroom instruction to all students relative to child assault awareness and prevention. Such instruction shall be limited to education on what constitutes abuse or an

assault, and how students may safely and confidentially report to a school official the circumstances surrounding any such abuse or assaults.

(2) Such instruction shall be integrated into the curriculum of an existing required course, such as health education, physical education, or another required course deemed appropriate by the school governing authority.

(3) The governing authority of each public school shall adopt rules and regulations necessary for the implementation of this Subsection. Such rules and regulations shall include a requirement that each public school under its jurisdiction post on its website the number for the child protection toll-free hotline operated by the Department of Children and Family Services to receive reports of child abuse and neglect.

* * *

§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:

* * *

(35) Instruction and hotline number posting requirements relative to child assault awareness and prevention, R.S. 17:81(Y).

* * *

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 235

HOUSE BILL NO. 118
BY REPRESENTATIVE MONToucET
AN ACT

To amend and reenact R.S. 33:1993(B), relative to the salaries of firemen in the city of Crowley; to provide relative to pay periods for such firemen; 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. 33:1993(B) is hereby amended and reenacted to read as follows:

§1993. Payment of salaries; city of Lafayette and the Fire Protection District Number One of the parish of Ouachita; city of Crowley and city of Baton Rouge and fire protection districts within the parish of East Baton Rouge

* * *

B. Notwithstanding the provisions of R.S. 33:1992, the governing authority of the city of Crowley and the city of Baton Rouge and of any fire protection district located wholly within the parish of East Baton Rouge may pay the salaries of firemen employed by such governing authority on a biweekly basis.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 236

HOUSE BILL NO. 119
BY REPRESENTATIVE MONToucET
AN ACT

To enact R.S. 33:423.26, relative to the Rayne police department; to 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. 33:423.26 is hereby enacted to read as follows:

§423.26. City of Rayne; 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 Rayne, the chief of police shall appoint, discipline, and discharge police personnel subject to the budgetary limitations established by the mayor and board of alderman pertaining to the number of allotted positions for the police department.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 237

HOUSE BILL NO. 127
BY REPRESENTATIVE STOKES
AN ACT

To enact R.S. 47:463.188, relative to motor vehicle special prestige license plates; to provide for the "United States Merchant Marine Academy" specialty license plate; to provide for the creation, issuance, and design of such license plates; to authorize the promulgation of rules and regulations relative to the creation and implementation of a special prestige plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.188 is hereby enacted to read as follows:

§463.188. Special prestige license plate; United States Merchant Marine Academy, Kings Point

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the United States Merchant Marine Academy. The plate shall be restricted to use on passenger cars, pickup trucks, vans, and recreational vehicles.

B. The secretary shall work in conjunction with the United States Merchant Marine Academy KP New Orleans Alumni Chapter 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).

C. The special prestige license plate shall be issued, upon application, to any graduate of the United States Merchant Marine Academy who resides in Louisiana in the same manner as any other motor vehicle license plate.

D. The first special prestige license plate shall be reserved for purchase at the direction of the United States Merchant Marine Academy KP New Orleans Alumni Chapter.

E. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection F 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.

F. The annual royalty fee collected by the department shall be forwarded to the United States Merchant Marine Academy KP New Orleans Alumni Chapter or its successor organization.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 238

HOUSE BILL NO. 129
BY REPRESENTATIVE MCFARLAND
AN ACT

To enact R.S. 33:2541.5, relative to the municipal fire and police civil service; to provide relative to the positions of fire chief and assistant fire chief for Winn Parish Fire Protection District No. 3; to provide that such positions are in the unclassified service; to provide relative to the appointment, supervision, and discharge of any person in any such position; 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. 33:2541.5 is hereby enacted to read as follows:

§2541.5. Winn Parish Fire Protection District No. 3; fire chief and assistant fire chief; unclassified service

Notwithstanding any provision of law to the contrary, the positions of fire chief and assistant fire chief for Winn Parish Fire Protection District No. 3 are in the unclassified service, and the right of selection, appointment, supervision, and discharge for such positions is vested in the governing board of the district.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 239

HOUSE BILL NO. 136
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 15:168(B)(1), relative to the judicial district indigent defender fund; to extend the period of time in which the special cost assessed in criminal cases in each judicial district court shall be collected for the district indigent defender fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:168(B)(1) is hereby amended and reenacted to read as follows:

§168. Judicial district indigent defender fund

* * *

B.(1) Every court of original criminal jurisdiction, except in the town of Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having a population of less than five thousand, shall remit the following special costs to the district indigent defender fund for the following violations, under state statute as well as under parish or municipal ordinance, except a parking violation. The sum of forty-five dollars shall be assessed in cases in which a defendant is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition to all other fines, costs, or forfeitures imposed. The court cost of forty-five dollars authorized by the provisions of this Subsection shall expire on August 1, ~~2016~~ 2017, and thereafter the court cost authorized by the provisions of this Subsection shall be thirty-five dollars. The Louisiana Public Defender Board shall provide a detailed report to the Louisiana Legislature prior to the ~~2016~~ 2017 Regular Session detailing how the funds provided for by this Subsection were utilized in each judicial district. Mayors' courts which are required to assess the court cost of thirty-five dollars on June 7, 2012, shall continue to assess such amount as cost of court.

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 240

HOUSE BILL NO. 178
BY REPRESENTATIVE BISHOP
AN ACT

To enact R.S. 49:191(9)(b) and to repeal R.S. 49:191(6)(e), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law shall be re-created effective June 30, 2016, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Wildlife and Fisheries and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2021, pursuant to R.S. 49:191. However, the Department of Wildlife and Fisheries may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

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

Section 4. R.S. 49:191(9)(b) is hereby enacted to read as follows:

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

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

* * *

(9) July 1, 2020:

* * *

(b) The Department of Wildlife and Fisheries and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(6)(e) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2016; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2016, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 241

HOUSE BILL NO. 188
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 56:317(A) and (B), relative to the Louisiana Catch and Cook Program; to allow retail food establishments to prepare certain alligator meat; to provide for the promulgation of rules; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:317(A) and (B) are hereby amended and reenacted to read as follows:

§317. Louisiana Catch and Cook Program; preparation of recreational fish or alligator in retail food establishments

A. Notwithstanding any provision of the state Sanitary Code or any other law or regulation to the contrary, it shall be lawful for retail food establishments to receive and prepare any freshwater or saltwater recreational fish as defined in R.S. 56:8 or alligator as provided in this Section.

B.(1) The secretary of the Department of Wildlife and Fisheries is hereby authorized to establish the Louisiana Catch and Cook Program, whereby a retail food establishment is authorized to prepare any fish legally taken by a licensed recreational fisherman or any alligator legally taken by a licensed alligator hunter for consumption by that recreational fisherman or alligator hunter or any person in ~~his~~ the fisherman's or hunter's party.

(2) The program shall be established through the promulgation and adoption of rules and regulations in conjunction with the Department of Health and Hospitals and in accordance with the Administrative Procedure Act. Such rules and regulations shall include but are not limited to the following which shall be enforced by Department of Health and Hospitals, office of public health:

(a) The retail food establishment shall complete, date, and have the recreational fisherman or alligator hunter who brings the fish or alligator in for preparation sign an assumption of risk form. The completed, dated, and signed form shall be maintained at the establishment for a period of no less than ninety days. The establishment shall provide the completed forms to the state health officer upon request.

(b) The retail food establishment shall receive only fish or alligator meat that ~~have~~ has been cleaned, filleted, placed in clean, food-grade, single-service packaging, and properly refrigerated.

(c) The retail food establishment shall inspect the fish or alligator for freshness and proper receiving temperature.

(d) The fish or alligator shall be properly labeled with the date, time, and name of the recreational fisherman or alligator hunter.

(e) The retail food establishment shall store, prepare, and otherwise handle the fish or alligator separately from products being prepared for and served to the general public.

(f) The retail food establishment shall store, prepare, and otherwise handle the fish or alligator in compliance with provisions of the state Sanitary Code.

(g) The retail food establishment shall prepare and serve the fish to the recreational fisherman or alligator to the alligator hunter or any person in ~~his~~ the fisherman's or hunter's party within four hours of receipt of the fish or alligator.

(h) Containers, preparation tables, cutting boards, utensils, and other food preparation equipment used to prepare and serve the fish or alligator shall be properly cleaned and sanitized in accordance with provisions of the state Sanitary Code prior to use preparing foods to serve to the general public.

(i) The fish or alligator shall be served directly to the recreational fisherman or alligator hunter or any person in ~~his~~ the fisherman's or hunter's party immediately upon the completion of cooking and shall not be served to the general public.

* * *

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler

Secretary of State

ACT No. 242

HOUSE BILL NO. 200
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 33:4545.4 and 4545.4.2, relative to the board of directors of the Louisiana Energy and Power Authority; to provide relative to the domicile of the members of the board of directors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4545.4 and 4545.4.2 are hereby amended and reenacted to read as follows:

§4545.4. Board of directors as governing authority of the Authority

A. The Authority hereby created shall be governed by a board of directors of the Authority composed of members who shall be appointed as follows:

(1) The governing authority of each municipality that desires to become a member of the Authority ~~must~~ shall adopt a resolution indicating its intention to so join.

(2) The mayor of each municipality that becomes a member shall appoint one director to the board of directors of the Authority, which appointment ~~must~~ shall be approved by the governing authority of said municipality.

B.(1) The members of the board of directors of the Authority shall serve initial terms expiring on the following dates:

- a.(a) July 1, 1980
- b.(b) July 1, 1981
- c.(c) July 1, 1982
- d.(d) July 1, 1983
- e.(e) July 1, 1984

(2) The initial term of each member of the board of directors of the Authority shall be determined by the drawing of lots.

(3) Upon the expiration of a director's term, a successor director shall be appointed for a period of five years in the same manner as the original appointment. If a vacancy occurs for any other reason, a successor director shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. Directors shall hold office until their successors have been appointed and may succeed themselves. A director shall be a citizen of the United States and domiciled in the State of Louisiana and ~~the municipality represented shall be either domiciled in or an employee of the municipality represented.~~ Any director shall serve at the pleasure of the appointing authority, and he may be removed from office and his successor appointed in the same manner as the original appointment.

C. The board of directors of the Authority shall elect one of their number as chairman and another as vice-chairman. The board of directors shall appoint a secretary, treasurer, and such other officers, employees and agents as are deemed necessary who need not be directors of the Authority. The offices of the secretary and treasurer may be combined. A majority of the directors of the Authority shall constitute a quorum, and a majority vote of the directors shall be necessary for any action taken by the Authority. No vacancy on the board of directors shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Authority. An elected official or employee of a participating governmental unit may be a director of the Authority. Directors shall receive such compensation as shall be fixed from time to time by resolution or resolutions of the board of directors of the Authority and shall be reimbursed their actual expenses necessarily incurred in the performance of their duties.

D. The board of directors shall adopt by-laws and prescribe rules to govern its meetings and shall fix the place or places at which meetings shall be held.

E. By an ordinance unanimously adopted and approved by all members of the board of directors, provisions may be made for the appointment of additional directors to increase the membership of the board of directors to include other appointments by any municipality which, on the effective date of this Act, is engaged in the generation, transmission, or distribution of electricity. The initial term of the new director shall be set forth in said ordinance but shall not exceed five years. Any such municipality desiring representation on the board of directors shall request ~~the same~~ it by furnishing to the board of directors a resolution duly adopted by its governing authority requesting such representation and furnishing such other contracts, agreements, or information as may be reasonably required by the board of directors. The board of directors shall act upon such request within sixty days and if the request is not granted within said period of sixty days, it shall be considered as denied, and thereafter other requests may be subsequently furnished and considered.

F. By an ordinance adopted and approved by not less than two-thirds of all members of the board of directors, the number of members or directors serving on the board of directors may also be reduced by eliminating the member or director ~~which who~~ who has been appointed by a municipality that has ceased to be a participant in the ~~authority~~ Authority. The membership of the board of directors may be reduced by an ordinance adopted in the same manner provided that the governing authority of the political subdivision; responsible for appointing the excluded member or director; has adopted a resolution requesting such action by the board of directors. Notwithstanding the above, there shall never be ~~less~~ fewer than three members or directors serving on the board of directors.

* * *

§4545.4.2. Domicile of directors, parish-council form of government
Notwithstanding anything to the contrary contained in this Chapter, a director representing a municipality which, together with the parish in which it is located is governed by a parish-council consolidated form of government, need not be domiciled in the said municipality, but shall be either domiciled anywhere within the parish in which the municipality is located or be an employee of the municipality represented.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 243

HOUSE BILL NO. 208
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 51:3143(B), (C), and (E), relative to home service contract providers; to remove certain registration statuses; to provide a term for issued surety bonds; to provide for technical changes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3143(B), (C), and (E) are hereby amended and reenacted to read as follows:

§3143. Requirements for doing business

* * *

B. Each provider of a home service contract sold in this state shall file an application for an initial registration with the secretary of state consisting of his name, address, telephone number, and contact person, designating a person in this state for service of process, and providing a listing of all officers, all directors, and all owners of ten percent or more of the business. Additionally, the provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. Each application for registration shall be accompanied by a fee ~~not to exceed~~ of six hundred dollars. All fees shall be paid ~~into to~~ the secretary of state.

C. A registration shall be effective for two years, unless the registration is denied, ~~renewed, suspended,~~ or revoked. Ninety days prior to the expiration of a registration, a provider shall submit a renewal application on a form prescribed by the secretary of state and a renewal fee ~~not to exceed~~ of two hundred fifty dollars. All fees shall be paid to the secretary of state. The deadline for complying with all requirements for initial registration as described in this Subsection, and for posting a two-year bond in the amount as described in Subsection E of this Section is January fifteenth.

* * *

E. In order to assure the faithful performance of a provider's obligations to its contract holders and to insure its outstanding obligations, each provider shall obtain and file with the secretary of state a surety bond issued by a company licensed to do business in Louisiana in the amount of fifty thousand dollars. The term of the surety bond shall coincide with the years the registration is effective as provided in Subsection C of this Section.

* * *

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 244

HOUSE BILL NO. 213
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 9:1123.115(B) and to enact R.S. 9:1123.115(A)(4), relative to condominiums; to provide for privilege period for liens against condominium parcels; to provide relative to incorrect lien filings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1123.115(B) is hereby amended and reenacted and R.S. 9:1123.115(A)(4) is hereby enacted to read as follows:

§1123.115. Privilege on immovables

A.

* * *

(4) If the condominium association files a lien pursuant to this Section and the lien is for an amount of the assessment or dues secured by the privilege allowed pursuant hereto that is not owed, in whole or in part, and any owner or interest holder of the condominium unit affected by the privilege files suit to obtain a complete or partial release of such lien or privilege, then in such event the condominium association filing the lien shall be liable to the owner or interest holder in the condominium for the expenses of obtaining the release, in whole or in part, including reasonable attorney fees and all costs associated therewith.

B. A claim of privilege recorded, as set forth in Subsection A of this Section, shall preserve the privilege against the condominium parcel for a period of ~~one year~~ five years from the date of recordation. The effect of recordation shall cease and the privilege preserved by this recordation shall perempt unless a notice of filing of suit, giving the name of the court, the title and number of the proceedings and date of filing, a description of the condominium parcel and the name of the unit owner, on ~~said~~ the claim is recorded within ~~one year~~ five years from the date of the recordation of the inscription of the ~~said~~ claim. Such notice of filing suit shall preserve the privilege until the court in which the suit is filed shall order the cancellation

of the inscription of the ~~said~~ claim and the notice of filing of suit on ~~said~~ the claim or until the claimant authorizes the clerk of court or recorder of mortgages to cancel the ~~said~~ inscriptions.

* * *
Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 245

HOUSE BILL NO. 250
BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1) and (4), relative to the administration and regulation of underground utilities and facilities; to amend definitions; to enumerate certain holidays; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1749.12(introductory paragraph) and (6) and 1749.13(B)(1) and (4) are hereby amended and reenacted to read as follows:

§1749.12. Definitions
As used in this Part, the following terms ~~shall~~ have the meanings ascribed to them in this Section:

* * *
(6) “Excavation” or “excavate” means any operation ~~for the purpose of causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged utilities or facilities~~ by the use of powered or mechanical or manual means, including ~~but not limited to~~ pile driving, digging, blasting, ~~auguring~~ augering, boring, back filling, dredging, ~~compressing compaction~~, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. “Excavation” or “excavate” shall not include manual probing or any force majeure, act of God, or act of nature.

* * *
§1749.13. Excavation and demolition; prohibitions
* * *

B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place. Such notice shall be given to the notification center at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. Holidays shall consist of the following: New Year’s Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day, or the days on which those holidays are observed by the state.

* * *
(4) Notice shall be given and shall include a specific location request for excavation or demolition work to be performed at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of actual work commencement. Holidays shall consist of the following: New Year’s Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day, or the days on which those holidays are observed by the state. The marking of an operator’s facility or utility shall be provided for excavation or demolition purposes only.

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

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 246

HOUSE BILL NO. 267
BY REPRESENTATIVES GREGORY MILLER AND BOUIE
AN ACT

To amend and reenact R.S. 40:1025(A), (B), and (C), relative to penalties for transactions involving drug paraphernalia; to amend the penalty provisions for such offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1025(A), (B), and (C) are hereby amended and reenacted to read as follows:
§1025. Penalties

A.(1) The first violation of or failure to comply with any provision of this Part shall subject the offender to a fine not in excess of ~~five three~~ hundred dollars, or imprisonment of not more than ~~six months~~ fifteen days, or both.

(2) A conviction for a violation of the provisions of this Part may not be used as a predicate conviction for enhancement purposes under Subsections B and C of this Section if the offender has not been convicted of any violation of the controlled dangerous substances law for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence for that conviction. The provisions of this Paragraph shall apply only once with respect to any person.

B. On a second conviction, the offender shall be fined not more than one thousand dollars, or imprisoned for not more than ~~one year~~ six months, or both.

C. On a ~~third or subsequent~~ conviction, the offender shall be fined not more than ~~five thousand two thousand five hundred~~ dollars, or imprisoned, with or without hard labor, for not more than ~~five two~~ years, or both.

* * *
Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 247

HOUSE BILL NO. 418
BY REPRESENTATIVE MORENO
AN ACT

To enact R.S. 32:5(C), relative to the regulation of traffic control in the city of New Orleans; to authorize the superintendent of police in the city of New Orleans to contract with or employ traffic control employees; to provide relative to the establishment of a training program; 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. 32:5(C) is hereby enacted to read as follows:
§5. Authority of other law enforcement officers; parade marshals in Calcasieu Parish and Lake Charles; traffic control officers in the city of New Orleans

* * *
C. The superintendent of police in the city of New Orleans may contract with or employ traffic control officers who shall have the authority to direct, control, and regulate traffic within the city of New Orleans. However, no such officer shall have the authority to issue traffic citations. The New Orleans Police Department shall establish a training program for any such traffic control officers.

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 248

HOUSE BILL NO. 424
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 30:961(E), relative to cooperative endeavor agreements for the withdrawal of surface water; to extend the time for entering cooperative endeavor agreements for withdrawal of surface water; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:961(E) is hereby amended and reenacted to read as follows:
§961. Cooperative endeavor agreements; withdrawal of surface water; intent

* * *
E.(1) A cooperative endeavor agreement to withdraw running surface water, or an assignment of such, entered into pursuant to the provisions of this Chapter shall have an initial term not to exceed two years. No new cooperative endeavor agreement shall be entered into for which an application was received by the department after December 31, ~~2016~~ 2018; however, except as otherwise provided in this Subsection, existing agreements may be renewed in two-year increments but shall terminate no later than December 31, 2020.

(2) A person or entity who has entered into a cooperative endeavor agreement to withdraw running surface waters or has obtained an assignment of such, may terminate such agreement after December 31, ~~2016~~ 2018. In order to be effective, the person or entity seeking to terminate shall provide written notice by certified mail to the secretary at least thirty days prior to termination.

* * *

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 249

HOUSE BILL NO. 427
BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 13:1910(C), relative to the judicial building fund of city courts; to provide for approved purposes for which the monies of the fund may be expended; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1910(C) is hereby amended and reenacted to read as follows:

§1910. Judicial building fund

* * *

C. All monies collected in accordance with this Section shall be forwarded to the court and placed in an account dedicated exclusively to the acquisition, leasing, construction, equipping, and maintenance of new and existing city courts and for the maintenance and payment of any bond indebtedness on any such existing facilities. “Equipping”, as used in this Subsection, shall include all costs associated with new and existing software and electronic case management systems for court use including, without limitation, the acquisition, installation, training, maintenance, professional technology services, enhancement and updating of software, systems, and reasonably related services and equipment.

* * *

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 250

HOUSE BILL NO. 441
BY REPRESENTATIVE JACKSON
AN ACT

To enact R.S. 46:460.63, relative to the Medicaid managed care program; to provide relative to physician participation with Medicaid managed care organizations; to provide conditions for terminating participation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:460.63 is hereby enacted to read as follows:

§460.63. Physician participation; conditions for termination

A. With respect to credentialing of a physician whose license is in probationary status pursuant to action by the Louisiana State Board of Medical Examiners, no managed care organization shall terminate participation by that physician in the organization's provider network based solely upon the probationary status of his license or disqualify the physician from initial credentialing based solely upon the probationary status of his license.

B. No managed care organization shall terminate participation by a physician in the organization's provider network unless such action is taken pursuant to an established credentialing committee procedure.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 251

HOUSE BILL NO. 472
BY REPRESENTATIVE FALCONER
AN ACT

To enact R.S. 37:144(G), relative to powers and authority of the Louisiana State Board of Architectural Examiners; to establish the Louisiana Architecture Education and Research Fund; to restrict use of the fund; to regulate awards; to require annual reports; to provide for severability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:144(G) is hereby enacted to read as follows:

§144. Powers, authority, and domicile of board

* * *

G.(1) The board may allocate up to ten percent of all license renewal and delinquent fees each fiscal year to a fund to be named the Louisiana Architecture Education and Research Fund. The purpose of the fund is to better prepare students for internships and future careers as architects by authorizing the board to make awards to universities in this state accredited by and in good standing with the National Architectural Accrediting Board (NAAB).

(2) The fund shall be used exclusively for one or more of the following in order to improve architectural education and the licensure of student interns in this state:

(a) Integration of practice and education in the professional NAAB degree curriculum.

(b) Implementation of a path to licensure resulting in an architectural license at the time of graduation from a NAAB-accredited professional degree program.

(c) Facilitation of enrollment and completion of training requirements for the Intern Development Program (IDP) as administered by the National Council of Architectural Registration Boards (NCARB).

(d) Assistance of students and interns in preparation for the taking of the Architectural Registration Exam (ARE).

(e) Methods for raising awareness of the responsibilities of architects and of the ways that public health, safety, and welfare are impacted by architects.

(3) An accredited university architectural program shall submit an annual proposal and budget, including any information deemed necessary by the board, to be considered for any award from the board.

(4) The board shall submit an annual report to the appropriate legislative oversight committee regarding its allocation of monies from the fund for the preceding fiscal year.

Section 2. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, or applications of this Act which can be given effect without the invalid provisions, or applications, and to this end the provisions of this Act are hereby declared severable.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 252

HOUSE BILL NO. 480
BY REPRESENTATIVE JACKSON
AN ACT

To amend and reenact R.S. 37:1271(B)(2)(introductory paragraph) and (3) and to enact R.S. 37:1271.1, relative to physicians practicing telemedicine; to provide conditions and authorizations relative to the practice of telemedicine in licensed healthcare facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1271(B)(2)(introductory paragraph) and (3) are hereby amended and reenacted and R.S. 37:1271.1 is hereby enacted to read as follows:

§1271. License to practice medicine or telemedicine required

* * *

B.

* * *

(2) Except as provided in ~~R.S. 37:1276.1~~ R.S. 37:1271.1 and 1276.1, all of the following shall apply to any physician practicing telemedicine as defined in this Part:

* * *

(3) Except as authorized by R.S. 37:1271.1 or otherwise by rule promulgated by the board, no physician practicing telemedicine pursuant to this Subsection shall prescribe any controlled dangerous substance prior to conducting an appropriate in-person patient history or physical examination of the patient as determined by the board.

* * *

§1271.1. Practice of telemedicine in licensed healthcare facilities

A. All of the following restrictions and authorizations apply to a physician who holds an unrestricted license to practice medicine from the board and who practices telemedicine upon any patient who is being treated at a healthcare facility that is required to be licensed pursuant to the laws of this state and which holds a current registration with the U.S. Drug Enforcement Administration:

(1) The physician shall use the same standard of care as if the healthcare services were provided in person.

(2) The physician shall be authorized to prescribe any controlled dangerous substance without necessity of conducting an appropriate in-person patient history or physical examination of the patient as otherwise would be required by R.S. 37:1271(B)(2).

(3) The physician shall not be subject to any regulatory prohibition or restriction on the practice of telemedicine, including prohibitions or

restrictions related to prescribing controlled dangerous substances, which are in any manner more restrictive than the prohibitions and restrictions that are otherwise applicable to the entire practice of medicine.

B. Nothing in this Section shall prohibit or otherwise restrict the board from taking any action allowed by law or regulation in the administration of any disciplinary matter.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 253

HOUSE BILL NO. 484
BY REPRESENTATIVE ROBERT JOHNSON
AN ACT

To amend and reenact R.S. 9:315.4(B) and R.S. 46:236.1.1(2), and 236.1.2(L), relative to child support; to provide with respect to obligations to provide health insurance; to provide for cash medical support payments in certain cases; to provide for the collection of payments to the Department of Children and Family Services under certain circumstances; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:315.4(B) is hereby amended and reenacted to read as follows:
§315.4. Health insurance premiums; addition to basic obligation

* * *

B. In any case in which the department is providing support enforcement services, the child support order shall require one or both of the parties to provide medical support for the child in accordance with R.S. 46:236.1.2(L).

Section 2. R.S. 46:236.1.1(2), and 236.1.2(L) are hereby amended and reenacted to read as follows:

§236.1.1. Family and child support programs; definitions
For the purposes of this Subpart, the following items shall mean:

* * *

(2) “Cash medical support” means an amount ordered to be paid in a child support order toward the cost of health insurance provided by a public entity, another parent, or person with whom the child resides, through employment or otherwise, or for other medical costs not covered by insurance.

* * *

§236.1.2. Family and child support programs; responsibilities

* * *

L.(1) The department, when providing support enforcement services, shall pursue an order to require one or both parties to provide medical support for the child or children pursuant to R.S. 9:315.4. If private or public health insurance is not available to either parent at a reasonable cost at the time the order is rendered, the court shall order the party responsible for providing medical support to provide private health insurance as soon as it becomes available at a reasonable rate cost. If health insurance is not available to either parent at a reasonable cost, the court shall order the noncustodial parent to provide cash medical support to the domiciliary party.

(2) The court may order the noncustodial parent to provide cash medical support until such time as health insurance is provided by the noncustodial parent. Cash medical support may shall be set at an amount not to exceed five percent of the noncustodial parent’s gross income. An award for cash medical support shall be separate from the child support order and shall not be included in the child support calculations. When a child support order has been established, the court may order each party to pay a percentage of the extraordinary medical expenses as provided in R.S. 9:315.5 as cash medical support. If no child support order has been established, the court may order each party to pay a percentage of the total medical expenses not covered by insurance as cash medical support.

(3) Cash medical support payments shall be collected by the department and distributed in accordance with the Code of Federal Regulations and the Louisiana Administrative Code.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 254

HOUSE BILL NO. 498
BY REPRESENTATIVE POPE
AN ACT

To enact R.S. 40:2193.5, relative to pediatric day health care facilities; to provide for a moratorium on additional licenses for such facilities; to provide for exceptions to the moratorium; to provide for the duration of the moratorium; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2193.5 is hereby enacted to read as follows:

§2193.5. Additional licenses; moratorium; exceptions

A. Except as provided in Subsection C of this Section, and subject to approval by the Centers for Medicare and Medicaid Services, the Department of Health and Hospitals shall implement a moratorium on additional licenses for pediatric day health care facilities, and shall not approve any additional pediatric day health care facilities.

B.(1) The prohibition established by the provisions of this Section shall apply only to applications for new facilities not approved prior to July 1, 2016. The prohibition shall become enforceable on July 1, 2016, and shall remain in effect until July 1, 2017.

(2) The prohibition established by the provisions of this Section shall not apply to the replacement of existing facilities.

C. The moratorium provided in this Section shall not apply in cases in which a prospective pediatric day health care facility certifies to the department that it will accept no payment for services that is funded wholly or in part by state funds, including but not limited to reimbursement from the state Medicaid program. No pediatric day health care facility that the department licenses pursuant to the exception authorized in this Subsection may enroll as a provider in the Medicaid program of this state.

Section 2. This Act shall become effective on July 1, 2016.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 255

HOUSE BILL NO. 532
BY REPRESENTATIVE FALCONER
AN ACT

To amend and reenact R.S. 37:149 and 150(C) through (E) and to enact R.S. 37:150(F) and (G), relative to the Louisiana State Board of Architectural Examiners; to regulate the assessment and collection of fees; to provide for certificates of authority; to regulate renewals of licenses and certificates of authority; to provide for severability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:149 and 150(C) through (E) are hereby amended and reenacted and R.S. 37:150(F) and (G) are hereby enacted to read as follows:

§149. Fees

The applicant shall pay the actual cost of the examination. Upon passing all divisions of the examination, a fee to be determined by the board, not to exceed two hundred dollars, shall be charged for issuing a license. A registration fee to be determined by the board, not to exceed five hundred dollars, shall be charged to an individual domiciled outside Louisiana seeking to be registered in Louisiana. A fee to be determined by the board, not to exceed three hundred dollars, shall be charged to any corporation, professional architectural corporation as defined in R.S. 12:1086, architectural-engineering corporation as defined in R.S. 12:1171, or partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity seeking to obtain a certificate of authority to practice architecture in Louisiana, unless such entity is exempted from the fee by the board. The board may not increase the fee for issuing a license or a certificate of authority by more than thirty dollars during any three-year period, and the board may not increase the registration fee charged to an individual domiciled outside of Louisiana seeking to be registered in Louisiana by more than fifty dollars during any three-year period.

§150. Renewal of license; renewal fees

* * *

C. The failure to renew his license in proper time shall not deprive the architect of the right of renewal thereafter. The delinquent fee to be paid upon the renewal of a license by an architect domiciled in Louisiana at any time after the month of December in the year when such renewal fee first became due shall be determined by the board, not to exceed two hundred dollars. This delinquent fee shall be in addition to the renewal registration fee set forth in Subsection A of this Section.

D. The delinquent fee to be paid upon the renewal of a license by an architect domiciled outside Louisiana at any time after the month of December in the year when such renewal fee first became due shall be determined by the board, not to exceed five hundred dollars. This delinquent fee shall be in addition to the renewal registration fee set forth in Subsection B of this Section.

E. Every corporation, professional architectural corporation as defined in R.S. 12:1086, architectural-engineering corporation as defined in R.S. 12:1171, or any partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity seeking to renew its certificate of authority in Louisiana shall, unless exempted by the board, annually pay a renewal fee to be determined by the board, not to exceed three hundred dollars, during the month of June. The board shall issue a renewal certificate of authority for the year upon receipt of the renewal fee payment.

F.(1) The delinquency fee to be paid by any corporation, professional architectural corporation as defined in R.S. 12:1086, any architectural-engineering corporation as defined in R.S. 12:1171, or any partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity, when the renewal fee set forth in Subsection E of this Section is paid at any time after June in the year the fee first became due, shall be determined by the board, not to exceed three hundred dollars.

(2) The payment of any delinquency fee shall be paid in addition to the annual renewal fee.

G. The board may not increase the renewal fees or the delinquency fees set forth in this Section by more than thirty dollars during any three-year period.

Section 2. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

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

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 256

HOUSE BILL NO. 569
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 3:4222(A) and (B) and to repeal R.S. 3:4222(D), relative to designated authorities for federal and state cooperation; to clarify certain provisions of the Federal Meat Inspection Act and Federal Poultry Products Inspection Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4222(A) and (B) are hereby amended and reenacted to read as follows:

§4222. Federal and state cooperation; designated authority

A. The commissioner is hereby designated as the state agency which shall be responsible for cooperating with the secretary of agriculture of the United States under the provisions of ~~Sections 114 and 114a~~ of the Federal Meat Inspection Act and ~~Section 467~~ of the Federal Poultry Products Inspection Act and such agency is directed to cooperate with the secretary of agriculture of the United States in developing and administering the meat inspection program of this state under this Chapter to assure that ~~not later than November 15, 1970~~ its requirements ~~will be~~ are at least equal to those imposed pursuant to the Federal Meat Inspection Act and in developing and administering the program of this state under the provisions of this Chapter in such a manner as will effectuate the purposes of this Chapter and ~~said~~ the federal acts. However, no provision of this Chapter shall be understood or construed as changing or repealing any present constitutional provision or statutory law of the state with respect to the powers, duties and responsibilities of the Louisiana State Department of Health or with respect to the Sanitary Code or the State Food, Drugs and Cosmetic Act except to the extent and only to the extent of direct conflict with the provisions herein contained and rules and regulations adopted pursuant thereto. Where practical the Louisiana Department of Agriculture shall enter into a contractual agreement with the Louisiana Department of Health for services presently being rendered by the Louisiana State Department of Health and all related services under the provisions of various applicable laws, to the extent necessary to assure compliance with the provisions and purposes of this Chapter.

B. In such cooperative efforts, the ~~commission~~ commissioner is authorized to accept from ~~said~~ the secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such a program. The commissioner is further authorized to spend public funds of this state appropriated for administration of this Chapter to pay fifty per centum of the estimated total cost of the cooperative program.

* * *

Section 2. R.S. 3:4222(D) is hereby repealed in its entirety.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 257

HOUSE BILL NO. 681
BY REPRESENTATIVE PRICE
AN ACT

To enact R.S. 6:644(B)(17), relative to the powers of credit unions with respect to members' savings accounts; to authorize credit unions to offer savings promotion raffles to members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:644(B)(17) is hereby enacted to read as follows:

§644. Powers

* * *

B. Among others, and except as otherwise limited by the provisions of this Chapter, every credit union shall have the following powers:

* * *

(17) To offer its members savings promotion raffles. The term "savings promotion raffle" means a contest in which the sole consideration required for a chance of winning designated prizes is obtained by the deposit of a specified amount of money in an interest-bearing share account, where each ticket or entry has an equal chance of being drawn.

Approved by the Governor, May 26, 2016.

A true copy:

Tom Schedler
Secretary of State

ACT No. 258

HOUSE BILL NO. 798
BY REPRESENTATIVE TALBOT
AN ACT

To enact R.S. 22:1550.1, relative to specialty limited lines licensing to sell property insurance coverage for property that is self-stored in self-storage facilities; to provide for definitions; to provide procedures for issuing a limited license; to provide procedures for revocation of the license; to provide training requirements for licensees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1550.1 is hereby enacted to read as follows:

§1550.1. Speciality limited lines self-service storage property insurance producer licenses

A. As used in this Section:

(1) "Limited licensee" means a person authorized to sell certain coverages relating to the rental of self-service storage units pursuant to the provisions of this Section.

(2) "Rental agreement" means any written agreement setting forth the terms and conditions governing the use of a storage unit provided by the owner of a self-service storage facility company.

(3) "Renter" or "occupant" means any person obtaining the use of a storage unit from a self-service storage company under the terms of a rental agreement.

(4) "Self-service storage company" means any person in the business of renting storage units to the public.

(5) "Storage unit" means a semi-enclosed or fully enclosed area, room, or space that is primarily intended for the storage of personal property and which shall be accessible by the renter of the unit pursuant to the terms of the rental agreement.

B.(1) The commissioner of insurance may issue to a self-service storage company, or to a franchisee of a self-service storage company, that has complied with the requirements of this Section a limited license authorizing the licensee, known as a limited licensee for the purposes of this Section, to act as an agent, with reference to the kinds of insurance specified in this Section of any insurer authorized to write such kinds of insurance in this state.

(2) A license issued pursuant to this Section shall be subject to the same license and fee requirements as limited line producers.

C. The prerequisites for issuance of a limited license pursuant to this Section are the filing with the commissioner of insurance both of the following:

(1) A written application, signed by an officer of the applicant, for the limited license on such form or forms, and supplements thereto, and containing such information as the commissioner of insurance may prescribe.

(2) A certificate by the insurer that is to be named in such limited license, stating that it has satisfied itself that the named applicant is trustworthy and competent to act as its insurance agent for this limited purpose and that the insurer will appoint such applicant to act as the agent in reference to the doing of such kind or kinds of insurance as are permitted by this Section if the limited license applied for is issued by the commissioner of insurance. The certificate shall be subscribed by an officer or managing agent of such insurer and affirmed as true under the penalties of perjury.

D. In the event that any provision of this Section is violated by a limited licensee, the commissioner of insurance may:

(1) Revoke or suspend a limited license issued pursuant to this Section in accordance with the provisions of R.S. 22:1554.

(2) After notice and hearing, impose such other penalties, including suspending the transaction of insurance at specific rental locations where

violations of this Section have occurred, as the commissioner deems to be necessary or convenient to carry out the purposes of this Section.

E. The self-service storage company or franchisee licensed pursuant to Subsection B of this Section may act as agent for an authorized insurer only in connection with the rental of storage units and only with respect to the following kinds of insurance:

(1) Personal effects insurance that provides coverage to renters of storage units at the same facility for the loss of, or damage to, personal effects that occurs at the same facility during the rental period.

(2) Any other coverage that the commissioner may approve as meaningful and appropriate in connection with the rental of storage units.

F. No insurance may be issued pursuant to this Section unless all of the following apply:

(1) The rental period of the rental agreement does not exceed two years.

(2) At every self-service storage location where self-service storage agreements are executed, brochures or other written materials are readily available to the prospective renter that:

(a) Summarize, clearly and correctly, the material terms of insurance coverage, including the identity of the insurer, offered to renters.

(b) Disclose that these policies offered by the self-service storage company may provide a duplication of coverage already provided by a renter's homeowners' insurance policy, personal liability insurance policy, or other source of coverage.

(c) State that the purchase by the renter of the kinds of insurance specified in this Section is not required in order to rent a storage unit.

(d) Describe the process for filing a claim in the event the renter elects to purchase coverage and in the event of a claim.

(e) Contain any additional information on the price, benefits, exclusions, conditions, or other limitations of such policies as the commissioner of insurance may by regulation prescribe.

(3) Evidence of coverage is provided to every renter who elects to purchase such coverage.

G. Any limited license issued pursuant to this Section shall also authorize any employee of the licensee who is trained, pursuant to Subsection H of this Section, to act individually on behalf, and under the supervision, of the licensee with respect to the kinds of insurance specified in this Section.

H. Each self-service storage company or franchisee licensed pursuant to this Section shall conduct a training program which shall be submitted to the commissioner for approval prior to use and which shall meet all of the following minimum standards:

(1) Each trainee shall receive basic instruction about the kinds of insurance specified in this Section offered for purchase by prospective renters of storage units.

(2) Each trainee shall be instructed to acknowledge to a prospective renter of a storage unit that purchase of any such insurance specified in this Section is not required in order for the renter to rent a storage unit.

(3) Each trainee shall be instructed to acknowledge to a prospective renter of a storage unit that the renter may have insurance policies that already provide the coverage being offered by the self-service storage company pursuant to this Section.

I. Limited licensees acting pursuant to and under the authority of this Section shall comply with all applicable provisions of this Section, except that notwithstanding any other provision of this Section, or any rule adopted by the commissioner, a limited licensee pursuant to this Section shall not be required to treat premiums collected from renters purchasing such insurance when renting storage units as funds received in a fiduciary capacity, provided that both of the following apply:

(1) The insurer represented by the limited licensee has consented in writing, signed by the insurer's officer, that premiums need not be segregated from funds received by the self-service storage company on account of storage unit rental.

(2) The charges for insurance coverage are itemized but not billed to the renter separately from the charges for storage units.

J. No limited licensee licensed pursuant to this Section shall advertise, represent, or otherwise hold itself or any of its employees out as licensed insurance agents or brokers. No renter or occupant shall be required to obtain insurance pursuant to this Section as a condition of obtaining a rental agreement for a storage unit. The renter shall be informed that the insurance offered pursuant to this Section is not required as a condition for obtaining a rental agreement for a storage unit.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 259

HOUSE BILL NO. 804
BY REPRESENTATIVE PUGH
AN ACT

To amend and reenact R.S. 37:3397(B)(1) and (3), 3411, 3415.10, 3415.15(A) and to enact R.S. 37:3415.22, relative to the regulation of real estate appraisers and appraisal management companies; provides for licensing classifications and requirements; to regulate record keeping requirements; to change a

sunset provision; to regulate real estate appraiser compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3397(B)(1) and (3), 3411, 3415.10, 3415.15(A) are hereby amended and reenacted and R.S. 37:3415.22 is hereby enacted to read as follows:

§3397. License classifications; criteria
* * *

B.(1)(a) Applicants for a real estate appraiser trainee license shall be subject to training and direct supervision by a certified appraiser who meets all of the following qualifications:

(i) Has been licensed as a certified real estate appraiser in Louisiana for at least three years prior to becoming a supervising appraiser.

(ii) Is in good standing as a certified residential or certified general real estate appraiser in Louisiana.

(b) Both the trainee applicant and the supervising appraiser shall complete a course that complies, at minimum, with the specifications for course content established by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. The course shall be oriented toward the requirements and responsibilities of supervising appraisers and expectations for trainee appraisers. The course shall be completed by the trainee appraiser prior to obtaining a trainee appraiser license and by the supervising appraiser prior to supervising a trainee appraiser. The supervising appraiser shall not have been subject to any disciplinary action in any jurisdiction within the last three years that affects the supervisor's legal eligibility to engage in appraiser practice. The appraiser trainee is permitted to have more than one supervising appraiser. The scope of work for the appraiser trainee is limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.
* * *

~~(3) The appraiser trainee shall maintain a separate appraisal log for each supervising licensed appraiser that includes, at a minimum, the following information for each appraisal. An appraisal experience log shall be maintained jointly by the supervising appraiser and the trainee appraiser. It is the responsibility of both the supervisory appraiser and the trainee appraiser to ensure the appraisal experience log is accurate, current, and complies with the requirements of the trainee appraiser's credentialing jurisdiction. At a minimum, the appraisal log shall include the following:~~

~~(a) Type of property.~~

~~(b) Client name and address. Date of report.~~

~~(c) Address of appraised property.~~

~~(d) Description of work performed by the appraiser trainee and supervising appraiser trainee appraiser and scope of the review and supervision of the supervisory appraiser.~~

~~(e) Number of actual work hours by the trainee appraiser on the assignment.~~

~~(f) Name; The signature; and state license certification number of the supervising supervisory appraiser. Separate appraisal logs shall be maintained for each supervisory appraiser if applicable.~~
* * *

§3411. Documents to be retained

A licensed real estate appraiser shall retain for five years originals or true copies of contracts engaging the appraiser's services for real property appraisal work, appraisal reports, and supporting data assembled and formulated by the appraiser in preparing reports. The period for retention of the records applicable to each engagement of the services of the appraiser shall run from the date of the submission of the appraisal report to the client. These records shall be made available by the appraiser for inspection and copying by the board on reasonable notice to the appraiser. When litigation is contemplated at any time, reports and records shall be retained for two years ~~after the trial date~~ from final disposition.
* * *

§3415.10. License application assessment; delinquent renewal

A. When accepting an application for an initial or renewal license, the board is authorized to collect an assessment not in excess of one thousand five hundred dollars.

B. If the license renewal is delinquent, the board is further authorized to collect a delinquent renewal assessment as follows:

(1) If the renewal application is submitted during the period of January first to February fifteenth, an amount not in excess of one hundred fifty dollars.

(2) If the renewal application is submitted during the period of February sixteenth to June thirtieth, an amount not in excess of three hundred dollars.

C. If an initial license is issued after January first of any year, the assessment shall be prorated to the remaining portion of the year ending December thirty-first.

D. The provisions of this Section shall expire on December 31, ~~2015~~ 2017.
* * *

§3415.15. Fees; customary and reasonable; disclosure

A. An appraisal management company shall compensate appraisers at a rate that is customary and reasonable for appraisals being performed in the market area of the property being appraised, consistent with the ~~presumptions of compliance under requirements of 15 U.S.C. 1639(e) and the final federal law rules as provided for in the applicable provisions of 12 CFR Parts 34, 225, 226, 323, 1026, and 1222.~~
* * *

§3415.22. Federal registry requirements

A. The board shall collect from each appraisal management company that is registered or seeking to be registered in this state the information that the appraisal subcommittee, as described in R.S. 37:3395, requires to be submitted to it by the state pursuant to regulations promulgated by the appraisal subcommittee, including the collection of administrative fees consistent with the final federal rules as provided for in the applicable provisions of 12 CFR Parts 34, 208, 225, 323, 390, 1026, and 1222.

B.(1) A federally regulated appraisal management company operating in this state shall report to the board any information required to be submitted by the state to the appraisal subcommittee pursuant to the policies of the appraisal subcommittee regarding the determination of the appraisal management company national registry fee.

(2) Reports submitted pursuant to this Subsection shall include the following:

(a) A statement, in a form prescribed by the board, detailing the intent of the federally regulated appraisal management company to operate in this state.

(b)(i) Any information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certification refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state.

(ii) Any information related to the revocation of a license of any person described in Item (i) of this Subparagraph and whether the revoked license has been reinstated by the state or states in which the appraiser was licensed.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 260

HOUSE BILL NO. 855
BY REPRESENTATIVE HUVAL
AN ACT

To enact R.S. 32:127.3, relative to golf carts; to authorize operation of golf carts on roadways within Lake Fausse Pointe State Park; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:127.3 is hereby enacted to read as follows:

§127.3. Golf carts; Lake Fausse Pointe State Park

A. Notwithstanding any law, rule, or regulation to the contrary, a golf cart may be operated between sunrise and sunset on the roadways within the boundaries of Lake Fausse Pointe State Park by any operator who is in possession of a valid driver's license and liability insurance.

B. For the purposes of this Section, the provisions of R.S. 32:53(D), 261, and Chapter 5 of this Title shall not apply, and golf carts shall not be considered a vehicle for purposes of defining "equipment" as referenced in Part V of Chapter 1 of this Title.

C. For the purposes of this Section, "golf cart" means a vehicle that was originally intended for use off-road on golf courses and other green spaces and that has a maximum speed of twenty-five miles per hour.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 261

HOUSE BILL NO. 924
BY REPRESENTATIVES COUSSAN, ABRAHAM, AMEDEE, BAGNERIS, BARRAS, BERTHELOT, BISHOP, TERRY BROWN, CARMODY, ROBBY CARTER, COX, DAVIS, DWIGHT, FALCONER, FOIL, GAROFALO, GUINN, JIMMY HARRIS, LANCE HARRIS, HAZEL, HENRY, HENSGENS, HILFERTY, HORTON, HOWARD, HUNTER, HUVAL, JAMES, MIKE JOHNSON, LEGER, LYONS, MAGEE, MIGUEZ, JIM MORRIS, PIERRE, PYLANT, REYNOLDS, SCHEXNAYDER, SEABAUGH, SMITH, STOKES, THIBAUT, WHITE, AND ZERINGUE AND SENATORS BROWN, HEWITT, AND LONG

AN ACT

To enact R.S. 47:463.188 and 463.189, relative to motor vehicle special prestige license plates; to provide for the establishment of the Louisiana The Energy State special prestige license plate; to provide for the establishment of a special prestige license plate for a member of congress; to provide for 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; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.188 and 463.189 are hereby enacted to read as follows:
§463.188. Special prestige license plates; "Louisiana The Energy State"

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

* As it appears in the enrolled bill

"Louisiana The Energy State" plate, provided there is a minimum of one thousand applicants for such plates. The license plates shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Louisiana Oil and Gas Association to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3).

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 treasurer for deposit into the Oilfield Site Restoration Fund created by the provisions of R.S. 30:86.

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

§463.189. Special prestige license plate; member of congress

A. Notwithstanding the provisions of R.S. 47:463(A)(3)(b), the secretary of the Department of Public Safety and Corrections shall establish a special prestige license plate for motor vehicles, restricted to passenger cars, pickup trucks, motorcycles, recreational vehicles, and vans, which may be issued upon application of any Louisiana member of congress.

B. The charge for this special prestige license plate shall be a one-time fee of twenty-five dollars for each plate, which 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.

C. The secretary shall promulgate rules and regulations necessary to implement the provisions of this Section, including rules and regulations governing the transfer and disposition of the license plates upon the death of the recipient and governing the design of the plate.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 262

HOUSE BILL NO. 960
BY REPRESENTATIVE ADAMS
AN ACT

To enact R.S. 40:1730.56(D), relative to restrictions imposed on temporary housing; to require certain standards for temporary housing; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.56(D) is hereby enacted to read as follows:

§1730.56. Standards

* * *

D.(1) Any temporary housing, typically used for daily living purposes, that is provided for temporary workers shall comply with the provisions of this Part.

(2) The provisions of this Subsection shall not apply to one- or two-family dwellings, manufactured homes, or other commercial structures being lawfully used to house temporary workers.

Approved by the Governor, May 26, 2016.

A true copy:
Tom Schedler
Secretary of State

ACT No. 263

HOUSE BILL NO. 967
BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 33:1236(5), relative to the powers of parish governing authorities; to authorize parish governing authorities to take actions to regulate livestock; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(5) is hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

* * *

(5) To pass all ordinances and regulations in relation to the marking, the sale, destruction of cattle in general and especially of wild cattle which are not marked and also of horses and mules; and to take any measure concerning the policing of cattle livestock in general in all the cases not

provided for by law; to fix the time in which ~~cattle~~ livestock may be suffered to rove in the parishes of this state, where that custom prevails, so that such roving may not be detrimental to the crops; to determine what animals shall not be suffered to rove, and in what cases they may lawfully be killed.

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State

ACT No. 264

HOUSE BILL NO. 1081
BY REPRESENTATIVES MIKE JOHNSON, ABRAHAM, AMEDEE, ARMES, BAGLEY, BARRAS, BERTHELOT, BILLIOT, BISHOP, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, FOIL, FRANKLIN, GAROFALO, GUINN, HALL, LANCE HARRIS, HAVARD, HAZEL, HENRY, HENSGENS, HILFERTY, HILL, HODGES, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JAMES, JEFFERSON, JENKINS, ROBERT JOHNSON, JONES, NANCY LANDRY, LEBAS, LEOPOLD, LOPINTO, LYONS, MACK, MAGEE, MCFARLAND, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MONTTOUCET, JAY MORRIS, JIM MORRIS, NORTON, PEARSON, PIERRE, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SHADOIN, STOKES, TALBOT, THIBAUT, WHITE, WILLMOTT, AND ZERINGUE AND SENATORS ALARIO, APPEL, BARROW, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, LAMBERT, LONG, MILKOVICH, MILLS, MIZELL, PEACOCK, PERRY, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT
To enact R.S. 40:1061.1.1, relative to regulation of abortion; to provide for defined terms including “dismemberment abortion”; to prohibit performance of dismemberment abortions; to provide penalties for violations of the prohibition; to provide relative to legal proceedings pursuant to violations of the prohibition; to provide for construction of certain provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1061.1.1 is hereby enacted to read as follows:
§1061.1.1. Louisiana Unborn Child Protection from Dismemberment Abortion Act

A. This Section shall be known and may be cited as the “Louisiana Unborn Child Protection from Dismemberment Abortion Act”.

B. As used in this Section, the following terms have the meaning ascribed in this Subsection:

(1) “Abortion” shall have the meaning ascribed in R.S. 40:1061.9.

(2) “Attempt to perform an abortion” means to do or omit to do anything that, under the circumstances as the actor believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in oneself’s performing an abortion. Such substantial steps include, but are not limited to:

(a) Agreeing with an individual to perform an abortion on that individual or on some other person, whether or not the term “abortion” is used in the agreement, and whether or not the agreement is contingent on another factor such as receipt of payment or a determination of pregnancy.

(b) Scheduling or planning a time to perform an abortion on an individual, whether or not the term “abortion” is used, and whether or not the performance is contingent on another factor such as receipt of payment or a determination of pregnancy.

(c) The definition provided in this Paragraph shall not be construed to require that an abortion procedure must actually be initiated for an attempt to occur.

(3)(a) “Dismemberment abortion” means, with the purpose of causing the death of an unborn child, to purposely dismember a living unborn child and extract him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors, or a similar instrument that, through the convergence of two rigid levers, slices, crushes, or grasps a portion of the unborn child’s body to cut or rip it off or apart.

(b) The term “dismemberment abortion” does not include an abortion which uses suction to dismember the body of an unborn child by vacuuming fetal parts into a collection container, although it does include an abortion in which a dismemberment abortion, as defined in this Paragraph, is used to cause the death of an unborn child and suction is subsequently used to extract fetal parts after the death of the unborn child.

(4) “Intentionally” means the person who acts either consciously desires the physical result of his act, whatever the likelihood of that result happening from his conduct; or knows that the result is substantially certain to follow from his conduct, whatever his desire may be as to that result.

(5) “Physician” means a person licensed to practice medicine in the state of Louisiana who meets the requirements of R.S. 40:1061.10.

(6) “Serious health risk to the unborn child’s mother” means that in reasonable medical judgment the mother has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy

to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition may be determined to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(7) “Woman” means a female human being whether or not she has reached the age of majority.

C.(1) Notwithstanding any other provision of law, it shall be unlawful for any person to intentionally perform or attempt to perform a dismemberment abortion and thereby kill an unborn child unless necessary to prevent serious health risk to the unborn child’s mother.

(2) No woman upon whom an abortion is performed or attempted to be performed shall be thereby liable for performing or attempting to perform a dismemberment abortion. No nurse, technician, secretary, receptionist, or other employee or agent who is not a physician but who acts at the direction of a physician, and no pharmacist or other individual who is not a physician but who fills a prescription or provides instruments or materials used in an abortion at the direction of or to a physician shall be thereby liable for performing or attempting to perform a dismemberment abortion.

D. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars per incidence or occurrence, or imprisoned for not more than two years, or both. In addition to whatever remedies are otherwise available under the laws of this state, failure to comply with the provisions of this Section shall provide all of the following:

(1) A basis for a cause of action for civil damages for injuries and wrongful death as more fully set forth in Civil Code Articles 2315.1 and 2315.2, whether or not the unborn child was viable at the time the abortion was performed, or was born alive, except that such causes of action shall be maintained only by the following persons:

(a) The natural or biological father of the aborted infant or fetus, unless such father’s criminal conduct caused the pregnancy.

(b) The mother of the aborted infant or fetus, subject to the provisions of Subsection F of this Section.

(c) The parents or guardian on behalf of the mother of the aborted infant or fetus if the mother was a minor at the time of the abortion, unless the parents or guardian consented to the dismemberment abortion.

(2) A basis for professional disciplinary action under R.S. 37:1261 et seq.

E.(1) A physician charged with an offense pursuant to this Section may seek a hearing before the Louisiana State Board of Medical Examiners on whether the physician’s conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) The findings concerning the issue provided for in Paragraph (1) of this Subsection are admissible on that issue at the trial of the physician. Upon motion of the physician, the court shall delay the beginning of the trial for not more than thirty days to permit such hearing to take place; however, this delay may be extended for good cause.

F. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

G. Any person who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a dismemberment abortion, shall be subject to the provisions of this Section.

H. Nothing in this Section shall be construed as creating or recognizing a right to abortion, or a right to a particular method of abortion.

Section 2. If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable in accordance with R.S. 24:175 and the balance of this Act shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional.

Approved by the Governor, May 26, 2016.
A true copy:
Tom Schedler
Secretary of State